Independent International Fact-Finding Mission
on the Conflict in Georgia

Report

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Volume III

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Volume III

Volume III contains material that the authorities of Georgia, the Russian Federation, South Ossetia and Abkhazia made available to the Independent International Fact-Finding Mission in either written or electronic form. It includes their views on the conflict, chronologies and responses to military, legal and humanitarian questionnaires, together with additional material related to the conflict. Where necessary, the Fact-Finding Mission has provided an English translation of the original texts (unofficial translations). Translations aside, in all other ways the texts are unaltered, and they are reproduced just as they were submitted to the Fact-Finding Mission. The purpose of reproducing them is to provide transparency and easy access to the official sources used in the drafting of the Report. This Volume is simply a compilation of the material received from the sides, and is not intended to be comprehensive.

Georgia

- View on the conflict
- Chronology
- Military aspects – questions and answers
- Military aspects – additional questions and answers
- International Law – questions and answers
- Humanitarian Law and Human Rights – questions and answers

View on the conflict

THE AGGRESSION BY THE RUSSIAN FEDERATION AGAINST GEORGIA

Introduction

On August 7, 2008, Russian armed forces already pre-positioned on Georgia's northern border with the Russian Federation launched a massive, coordinated, and – given the scale of the enterprise – premeditated assault on Georgia. Russian forces crossed the border into South Ossetia, Tskhinvali region and, from there, into Abkhazia. The nightly editorial-style attack took place on land, at sea, by air and via cyberspace. The reason Moscow gave for its invasion of Georgia – to stop a genocide – was later debunked as a lie.

By August 26, 2008, the Russian Federation, in blatant violation of the ceasefire agreement its President had signed just two weeks earlier, had formally recognized these two territories as independent. This was clearly the culmination of a long-term plan to subvert the Georgian state and control Georgian territories. For nearly two decades of this interstate conflict between Russia and Georgia, Moscow had succeeded in using the separatists as their proxies; now, Russia effectively had occupied and was attempting to unify and annex these Georgian territories.

As evidence mounted of the scale of the Russian incursion, the Georgian Government concluded that it had been left with no choice but to order military action to counter what was openly becoming an invasion – with aims that went far beyond a dispute over two Georgian territories. The stated intent of Georgian military action was to retard the Russian advance so that international diplomatic efforts could prevent Russia from fully occupying Georgia. This was Georgia's decision to act, not its end.

The decision by the Government to defend Georgian territory was informed by a variety of factors enumerated in this note. Due to the space limitations of this summary, however, justice cannot be done to the vast quantity of evidence that elsewhere has been made available to the Commission. Similarly, it is critical for readers to note that every point made in this summary is backed by abundant evidence contained in over 700 separate documents and other material submitted to the Commission.

Among the key points documented in the submissions provided to the Commission by the Georgian are:

1. An analysis of the Russian Federation's actions over many years offers ample evidence that Moscow was intent on subverting the Georgian state – whether by peaceful or violent means – in order to divide and rule its southern neighbor. The persistent refusal of successive governments of Georgia to accede to Moscow's de facto control of Georgian territories greatly increased the likelihood that Russia would resort to using military force. In March 2008 – perhaps prompted by the West's recognition of Kosovo's independence the previous month – Moscow activated a premeditated series of legal, military, paramilitary, and diplomatic maneuvers in order to create

a pretext for invasion.

The events of August 7, therefore, followed many months of state-led legal, political and military provocations against Georgia preceded by years of Russian consolidation of control within these territories. During these years and decades, Russia demonstrated a calculated disregard for the international agreements to which it was party. It abused its role as a peacekeeper. It systematically obstructed all efforts – many of them initiated by the Government of Georgia – to establish a real peace process that would have brought the government in Tbilisi into an understanding and agreement with the de facto authorities of the territories of Abkhazia and South Ossetia (Tskhinvali Region – ed.). Moscow treated the de facto authorities as its proxies for Russian control – in many cases even filling the most senior political and military positions with appointees directly from Russia.

A few significant milestones in Russia's policy include:

- The forcible ethnic cleansing or removal of thousands of Georgians from the conflict zones in order to homogenize the populations and consolidate political control;

- An illegal campaign of passportization in the conflict zones beginning in May 2002 to manufacture "Russian citizens" to protect; it was the spurious claim of "protecting" these citizens that Moscow subsequently invoked when it invaded Georgia in August;

- The abrogation of international agreements regarding economic and arms sanctions in the proxy territories; closure of border transport communications; arrests with Georgian deportation of Georgian nationals; and the Russian-wide Georgian economic embargo imposed on Georgian products;

- Suspension of the CFE treaty on December 12, 2007. Simultaneously, an extensive military build-up in close proximity to Russian-Georgian borders, as well as in conflict regions;

- The extension of legal links by Russia to South Ossetia (Tskhinvali Region) and Abkhazia in April 2008;

- An intense anti-Georgia propaganda campaign;

- A rapidly escalating railroad military build-up in the conflict zones (from spring 2008 onwards including rehabilitation by Russian Railways Troops of railway and transportation infrastructure in the areas of early demonstrating Russia's main aim of preparing the necessary logistical infrastructure for the rapid transit of heavy military equipment.

- Targeted assassinations and other armed provocations in the territories during the days and weeks immediately before the invasion.

The granting of the 2014 Winter Olympics to Sochi lent weight to the view that Russia intended to consolidate its control of Abkhazia and even to "settle" the issue well before it might become a political liability in the context of the Games. In addition, there was evidence of much greater

Russian businessmen activity and related acquisition of property in Abkhazia once the Sochi decision was announced.

2. Georgia began to intensify its engagement with the international community in order to stop Russia's political interference in its territories, to prevent any potential military invasion, and to seek a negotiated settlement of the conflicts. It also made numerous proposals for negotiated solutions. These warnings and proposals were met initially with relative indifference. Only minor confidence-building measures were ever implemented, in part because the international community perceived this as an internal conflict, rather than the more complex interstate conflict that it actually was. Since Moscow effectively controlled the peacekeeping and negotiating structures – which it abused and perverted over the years – no meaningful reconsideration of these structures was ever achieved. Finally, when Western mediators sought to intercede diplomatically in early summer 2008, their late efforts proved unsuccessful.

3. Years of statelessness had left Abkhaz and Ossetian populations in both conflict zones impoverished and with virtually no effective protection of their rights. Georgians in particular were targeted and persecuted on ethnic grounds.

   Most specifically, immediately following the election of a legitimate democratic government in Georgia in 2004, the Georgian Government made the most serious efforts to facilitate a peaceful peace process for South Ossetia (Tskhinvali region) and Abkhazia.

   The Georgian Government made significant efforts to achieve peaceful resolution through soft power initiatives. One prominent example of the success of these efforts was establishment of a Temporary Administrative Unit in the South Ossetia (Tskhinvali) region, headed by ex-separatist leader M. Dmitry Sanakoev, who was elected by the local population.

   The Russian Federation and its proxy leaders rejected Georgia's peace initiatives – which included broad autonomy, power-sharing in the central government, guaranteed language and cultural rights, economic rehabilitation projects, and extraordinary constitutional rights – each time they were proposed, even when the international community backed the initiatives.

   In the spring of 2008, the Government of Georgia began to repeatedly alert the international community that the Russian Federation was escalating pressure on Georgia. Senior Georgian officials sought meetings with their foreign counterparts to generate a consensus on how to respond to Russian provocations; the Government of Georgia also sought direct discussions with the President of the Russian Federation, which the latter rejected; the Government also sought repeatedly to engage the de facto authorities in direct negotiation. None of these efforts succeeded in slowing Russia's political and military escalation in the territories.

   In June 2008, as Russian provocations escalated further, Moscow and its proxies repeatedly subverted a peace initiative circulated by the German Foreign Ministry. Then on the eve of the invasion the OSCE Chairman in Office proposed talks in Helsinki between South Ossetia (Tskhinvali region) proxies and the Georgian Government; that proposal also was rejected.

This relentless rejection of peaceful overtures for separatist compelled Georgia to conclude that Moscow intended to use force. Tbilisi assessed that Russia would choose a moment that offered the best military and political opportunity to act with impunity. The start of August, when the world's attention was turned to the opening of the Beijing Olympics, seemed to offer Moscow this opportunity.

4 Beginning in 1999, Georgia was subjected to a relationship with the Russian Federation that ranged from cool to hostile, with the recent President of Russia making explicit threats to his Georgian counterpart about the fate of Georgian territories.

The events of November 2003 – the Rose Revolution – and the subsequent election of a new democratic government were not welcome in Moscow, a fact that was quickly made apparent to Georgian authorities. Despite dramatic efforts of the new Georgian Government, aimed at establishing friendly relationships with Russian federation – starting with the visit of the newly elected president to Moscow as his first international post-electoral visit and the closure of the border with Northern Caucasus – Russia's increasingly hostile intentions towards the new government were made crystal clear. A series of the news and statements by senior Russian officials. On 5 December 2005, President Putin felt confident enough to warn his Georgian counterpart that he would create "a northern Cyprus" in Georgia. President Putin has given the same warning to the Secretary General of NATO. History has taught Georgian governments to take Russian threats at their word.

5. Russia's pursuit of Georgia's strategic isolation operated in tandem with Moscow's policy of subverting the independence and sovereignty of Georgia. On this, there was no doubt in the Government of Georgia.

The Georgian Government's, since 2004, has pursued a strategic course that aims to integrate Georgia more fully into Euro-Atlantic institutions and to make it an independent asset for the supply of energy and access to regions beyond the Caspian Sea. While Georgia's strategy was in no way intended as a threat to the Russian Federation, Moscow chose to react with increasing venom.

"In 2006, Russia imposed a full trade, financial, postal and transport blockade of Georgia (an act of great impact, given that 70% of Georgian exports at the time went to Russia). Moscow also began to discriminate against and to expel ethnic Georgians from the Russian Federation.

Furthermore, Russian diplomatic efforts to depict Georgia unfavourably in Europe were supported by a sustained and very well resourced anti-Georgian propaganda campaign.

Georgian authorities also noted with alarm the degree to which the process leading to the unilateral declaration of independence (UDI) of Kosovo and its subsequent recognition by some key NATO states had angered Russia and placed the territories of Abkhazia and South Ossetia in a heightened region of risk. Georgia expressed its concerns about this at the highest levels. For his part, President Putin informed the Georgian President that Georgia would pay a price for this decision.

Until July 2008, international attention had focused on the military escalation and other provocations in Abkhazia. Then, the Russian Federation shifted its provocations to South Ossetia/Tskhinvali Region. On July 16 there was an attempt to assassinate Dmitriy Sanakoev, the anti-Georgian South Ossetian leader. Subsequently, there was an escalation of incidents that are fully recorded in the submissions of evidence to the Commission. However, the strategic relevance of the South Ossetian theatre was first to confirm the worst fears of the Georgian Government: it was a brief and direct route towards the heart of Georgia and the quickest way to split the country, control the highways, debilitate the economy, and to take Tbilisi.

In the days before the full-scale Russian invasion, the provocations in South Ossetia proliferated, with armed attacks and killings, including the killing of two Georgian peacekeepers on August 7 before the outbreak of full-scale hostilities. The propaganda campaign against Georgia in Russia also grew to a fever pitch. Russia and its proxies announced the evacuation of women and children from the territory. It is to be noted that during this period Georgia, in an attempt to prevent the further escalation of the situation and to try to deal with the situation through diplomacy, did not recall from Iraq the most combat capable contingent of the Georgian armed forces.

6. In the early morning of August 7, 2008, the Ministry of Internal Affairs of Georgia obtained the first communication intercept indicating that a Russian military unit that included tanks and military trucks towed with soldiers had entered the Roki Tunnel. In the evening of August 7, the Government of Georgia faced a qualitatively changed situation. Despite numerous attempts to decrease tension and a unilateral ceasefire implemented by the Government of Georgia, Georgian-controlled villages, police and peacekeeping posts were under continuous fire. In this context, civilians in the already non-offensive zone were defenceless and, for the first time, two Georgian peacekeepers were killed as a result of targeted military attacks that afternoon. In addition to publicized reports on the inflow of mercenaries into the region and tactical human intelligence reports of a Russian military invasion, the Government of Georgia obtained solid evidence that a large-scale Russian invasion was in progress. In response to these escalations, and consistent with its constitutional duty (Article 7, of the Georgian Constitution) to protect the sovereignty and territorial integrity of Georgia as well as the security of Georgia's citizens, at 23:35 on August 7 the President of Georgia issued an order to start a defensive operation.

7. The focal point of this campaign was the charge of genocide against Georgia. The purported genocide of 2,000 South Ossetians was the ultimate casus belli invoked by Russia for its invasion: this lie of course was later demonked by the international community and the Russians themselves. But the falsehood had served its purpose and the grave damage to Georgia and to the international community had been done.

Given the factors outlined in this note and the relevance of the geographical choice of intervention by Russia, the Government of Georgia could only conclude that it had to react immediately in self-defense to slow down the Russian invasion.

Georgia's use of defensive military force succeeded in retarding the Russian onslaught, thus buying time for the international community to mobilize – leading to the August 12 signing of the August 12 ceasefire agreement negotiated by President Sarkozy of France and signed by

Presidents Medvedev and Saakashvili

Unfortunately, Russia immediately violated that agreement by recognizing the occupied territories as independent on August 26. In the year since, Russia has remained in continual violation of every one of the six points of the August 12 ceasefire agreement, especially by not withdrawing its forces to the positions they held by 7th of August. Furthermore, Russia recently has sown greater instability in the region by killing the OSCE and UNOMIG missions in Georgia. Moscow's veto of these two missions defied the unanimous view of the rest of the international community and has created additional obstacles to the return of IDPs, the protection of basic human rights, and the negotiation of a lasting settlement to the conflict.

Chronology

Major Hostile Actions by the Russian Federation against Georgia in 2004-2007

GRU Sponsored Terrorist Act in Gori and Sabotage Acts in Shida Kartli Region

- In 2004-2005, under the cover of the Joint Peacekeeping Forces deployed in the Georgian-Ossetian conflict zone, the Russian special services enforced intelligence and organized subversive-terrorist acts against Georgia.

- On February 1, 2005, a white VAZ-2109 type vehicle exploded in front of the building of Shida Kartli Regional Division of the Georgian Ministry of Internal Affairs in Gori. The accident left three police officers dead, more than forty people wounded, 9 buildings and cars in the vicinity damaged.

- The investigation conducted by the Counter-Intelligence Department of the Ministry of Internal Affairs of Georgia has found that this terrorist act was prepared and carried out by employees of Russian special services (mainly GRU and FSB) acting under the cover of the Russian peacekeeping battalion of the JPKF and military advisers to the South Ossetian pro-Russian regime:

  - Anatoly Sisoev, GRU Colonel, Military adviser to the South Ossetian de facto president Eduard Kokoity;
  - Mikhail Abramov, Deputy Commander of the Joint Peacekeeping Forces;
  - Roman Boyko, Lieutenant Colonel of the Russian peacekeeping battalion of the JPKF.

- On October 28 2005, the MIA of Georgia arrested Roman Boyko and later as a gesture of good will, handed him over to the Russian embassy in Georgia.

- In 2001, GRU Colonel Anatoly Ivanovich Sisoev was sent to Tskhinvali as an adviser to the de facto president of South Ossetia Eduard Kokoity, where he established a subversive-intelligence unit. On the proxy regime's Ministry of Defense, the so-called "Ossetian GRU" consisting of up to 120 men, which were sent to North Ossetia and trained by Russian military instructors in subversive activities on the ground of the 58th Russian Army.

- The Ossetian GRU carried out the following subversive acts in central Georgia.

  - The explosion at 500 kilovolt electricity mast "Kaspi-3" at 305 and "Tsikhisi" no. 57 near village Skra-shevi in Gori district on October 9 2004;
  - The explosion of "Gaziani-Metekhi" railroad section in Kaspi district on October 9 2004;
  - The explosion of a radio-transmission station serving the oil pipeline near village Chochuna in Kaspi district on November 17 2004.

Russian Military Intelligence Network in Georgia

- On September 28 2006 the Counter-Intelligence Department of the Ministry of Internal Affairs of Georgia uncovered the spy network of Russian Military Intelligence (GRU) which acted on the Georgian territory under the cover of the Group of Russian Troops in the Trans-Caucasus.

- The spy network was managed from Armenia by Colonel Anatoly Sinitsin, chief of station in Yerevan serving at military division no. 6184 of the Russian armed forces stationed in Vanadzor. Sinitsin, together with Sisoev plan and the above-mentioned terrorist act in Gori.

- On 28 September 2006, the MIA detained 4 Russian GRU officers in Tbilisi and Batumi:

  - GRU Vice-Colonel Alexander Savva, the chief of the spy network operating in Georgia
  - GRU Vice-Colonel Dmitry Kuzmitsev
  - GRU Vice-Colonel Aleksey Zavgorodniy
  - GRU Major Alexander Baranov.

- GRU Vice-Colonel Konstantin Pichugin was acting in the building of the Russian Military Headquarters in Tbilisi.

- Later, as a gesture of good will, the MIA of Georgia handed over the Russian officers to the chairman-in-office of the Organization on Security and Co-operation in Europe Karel De Gucht.

Subversion Plot by Russian Sponsored Political Organizations

- On September 7 2006, the MIA arrested 13 leading members of Moscow's satellite political organizations in Georgia, namely Political Party "Justice", Conservative-Monarchist Party, Caucasian Democratic Institute and Anti-Soros Movement, which had illegally purchased fire arms and were planning to stage the shooting of a protest rally in Tbilisi in order to instigate civil unrest throughout Georgia.

- The plot was masterminded and entirely financed from Russia by Georgian Ex-Minister of State Security Ivanishvili Igor Giorgadze, wanted by Georgian police and Interpol for organizing a terrorist act against Georgia's former president Eduard Shevardnadze in 1995.

Air and Artillery Attack on Upper Abkhazia

- On 11 March 2007, from 22:30 until 23:00, the Kodori Gorge suffered from simultaneous artillery and air attacks. At least 17 "SAM 21 Grad" type missiles were fired from the ground, and at least one "AT 9 Attika" type guided missile from the air. The target of the air attack was the administration building in the village of Chkhorotsku. The targets of the artillery attack were the administration building in the village of Chkhalta, the storehouse of oil and fuel materials and the police station in the village of Azma. The highly precise air attack by modern missiles, the night flight of helicopters in a mountainous area and the massive artillery bombing indicate that this was a well-organized and planned military operation, which could have been conducted in this region only by Russia's forces.

Tsitelubani Incident

- On August 6, 2006, at approximately 19:30, two Russian frontline SU-24 type aircraft violated Georgian airspace and fired a non-precision-guided anti-radar missile "X-58" that fell near a Georgian village Tsitelubani, located more than 80 kilometers from the Russian-Georgian border, near the town of Gori.

- According to Georgian civilian and military radar reports and multiple eye witness accounts, the planes entered Georgian airspace at 19:31 flying at low altitude in a southerly direction over Tskhinvali Region/South Ossetia before launching the missile at the village of Tsitelubani. Georgian radars indicate that the planes took off from the Russian military airbase located in Mozdok, in the Autonomous Republic of North Ossetia, Russia. It must be mentioned that Georgian armed forces possess neither "SU-24" type planes, nor "X-58" type missiles.

- No casualties took place as the missile failed to explode on impact. The Georgian Government in cooperation with the OSCE and other members of the international community are currently investigating the incident.

Subversive Group in Upper Abkhazia

- On 20 September 2007, a special task unit of the Ministry of Internal Affairs of Georgia neutralized an armed grouping of 10 people in the Kodori Gorge which was planned an attack on the new road connecting Upper Abkhazia with the rest of Georgia.

- The commander of the grouping and his deputy were killed in the exchange of fire. They were identified as:

  - **Igor Muzavatkin** (Major of Russian armed forces, a former member of the Collective Peacekeeping Forces, who served on the contract basis in the border troops division of the Abkhazian separatist security services); and
  - **Artur Zurin** (Major of Russian armed forces, also a former member of the Collective Peacekeeping Forces).

- Seven members of the subversive group that identified themselves as members of the border troops division of the Abkhazian separatist security service, were arrested and later, as a gesture of good will, released and handed over to the Abkhazian separatist government.

The Chronology of Russian Aggression against Georgia in 2008

Chronology of Events: March-June 2008

- On March 6, Russia withdrew from the 1996 CIS agreement, which prohibited CIS member states from political, military and economic relations with Abkhazia (see annex 1).

- On March 21, Russia's State Duma passed a declaration, calling upon the Russian government to actively observe the rights of Russian citizens living in Abkhazia and South Ossetia and to discuss the recognition and independence of these breakaway territories (see annex 2).

- On April 3, Russian President Vladimir Putin sent a letter to the de facto leaders of Abkhazia and South Ossetia, in which he mentioned that Georgia's integration into NATO would have negative implications and henceforth Russia's support to Abkhazia and South Ossetia would receive a substantive and not a declarative character (see annex 3).

- On April 16, Russian President Vladimir Putin issued a decree instructing the Russian government to establish direct relations with the de facto authorities of Abkhazia and South Ossetia (see annex 4).

- On April 17, several "Ural" type trucks carrying 300 Russian contract soldiers entered the military base in Gudauta (the seaport of Georgian intelligence data: IL-76 MD).

- On April 20, at 14:04 h, Russian fighter plane, attacked and shot down a Georgian Unmanned Aerial Vehicle "Hermes-450" above Village Otobaia, Gali district. This fact was confirmed by the UN special investigation (see annex 5).

- On April 29, the Russians started to increase their peacekeeping contingent deployed in the Georgian Abkhazian conflict zone, as stated by the Russian Ministry of Defense and the Russian Ministry of Foreign Affairs (see annexes 6 and 7).

- On April 29, an echelon of 40 train cars crossed the Georgian-Russian border near the river Psou by railway carrying 26 units of various types of vehicles, among them BMDs, D-30 type howitzers, etc. The echelon had 4 additional passenger cars carrying soldiers from the Novorossiysk military base. The cargo was unloaded in Sokhumi railway station and from there the soldiers and armament were distributed to Maiskii military base in Sukhumi, to Tsebelda military site in the direction of Kodori Gorge, to Ochamchire seaport as well as to Ekaterinda and Gali districts (see annex 8 for photos).

- On May 1, additional checkpoints were opened on almost every strategically important road in Ochamchire and Tkvarcheli districts, among them at villages Nasarpsaf, Anasadzikhi and Akantara in Abkhazia, Georgia.

- On May 5, 3 units of 120mm artillery systems and several anti-aircraft defense systems BUK-M1 were located at the military base in Ochamchire seaport (Georgian intelligence data: IL-76 MD).

- On May 6, the Russian deployment of additional personnel units for (at least 400 soldiers) of the Novorossiysk and Pskov Airborne Divisions into Abkhazia, that had started on April 29 was

completed. This fact was further confirmed by numerous media reports, including the Russian Defense Ministry's official newspaper 'Krasnaya Zvezda' (see annexes 9, 10, 11).

- On May 16, on a road near village Ditsi in Ertso-Tsnori valley, Tskhinvali Region/South Ossetia, a Georgian police car exploded on a mine placed by the de facto regime irregular forces. As a result of the explosion Georgian police officer David Kvesitadze was injured.

- On May 31, the Russian Ministry of Defence deployed 400 soldiers of Volgograd's 96th Unit of Railway Forces to Abkhazia. These forces began reconstruction of the railway from Sokhumi to Ochamchire, as well as were reforming platforms, thus preparing railway for the transportation and unloading of the heavy military equipment (see annexes 12 and 13).

- In April-June, Russia reinforced the military forces in Sokhumi (Abkhazia), Bombora (Gudauta), Ochamchire and Oktemberi with:

  - 5 "S-300" air defense systems;
  - 40 D-30 type howitzers;
  - 10 BM-21 "Grad" systems;
  - 20 Shilka ZSU-23-2/ZU-23-4 AA guns;
  - 120 anti-tank missiles;
  - 2 MI-24 helicopters;
  - 50 aviation specialists;
  - 30 military experts;
  - 100 communication and anti-aircraft defense experts.

- On June 6, several SU-25 and SU-27 type fighter planes in armed conditions were detected at the Bombora military base in Gudauta (Georgian intelligence data, HUMINT).

- On June 14, a 14 year old resident of village Ergneti, Karlo Lazeli, exploded on a mine placed by South Ossetian de facto regime irregular forces near the administrative border with Tskhinvali Region/South Ossetia. The boy died of severe injuries.

- On June 16, 8 "Ural" type trucks loaded with anti-tank rockets and landmines entered the town of Tskhinvali (Georgian intelligence data, HUMINT).

- On June 23, Georgia's Deputy Minister of Foreign Affairs delivered a letter to Russian President Dmitry Medvedev containing additional details in line with the peace initiatives launched earlier by Georgian President Mikheil Saakashvili. Unfortunately, all were ignored in the response letter from President Medvedev on July 1.

- On June 25, the Commander of Russian Land Forces, General Aleksei Maslov visited Tskhinvali. Maslov held meetings with the leadership of the Russian peacekeeping forces and the officials of South Ossetian proxy authorities (Georgian intelligence data, HUMINT).

Chronology of Events: July-August 2008

- On July 3, at 10:00, South Ossetian de facto regime irregulars attempted to assassinate Dmitry Sanakoev, the Head of the Temporary Administration of South Ossetia. An explosive device, placed on the Prisi-Kurta bypass road near the Tsveralebo Mountain, was set off when Sanakoev's motorcade passed by it. As a result of the explosion, five police officers accompanying Sanakoev were wounded (see annexes 14 and 15). In order to provide protection

to the bypass road used exclusively by civilians in the area. A Georgian peacekeeping checkpoint was immediately opened on Sarabuki heights.

- On July 3, at 23:30 South Ossetian de facto regime irregular forces opened fire from automatic rifles and grenade launchers in the direction of the central government controlled villages Nikozi, Ergneti, Kvemo Prisi, Vemati, Tamarasheni and Avnevi. At 23:50, Georgian police responded with fire.

- On July 4, 6 artillery guns were transported from Java district to village Dvanisi and handed over to the armed unit of South Ossetian de facto regime irregular forces (Georgian intelligence data: SIGINT).

- On July 4-6, 30 armored vehicles entered Tskhinvali Region/South Ossetia from the Russian Federation via the Roki Tunnel (Georgian intelligence data, HUMINT).

- On July 8, additional Russian soldiers, 4 BTR 70 and 3 BRDM type military vehicles and several anti-aircraft systems were deployed at the Dzhuarchili military base in Dzvarcheli district (Georgian intelligence data, HUMINT).

- On July 9, four Russian military aircraft violated Georgian airspace on the eve of the U.S Secretary of State Condoleezza Rice's visit to Georgia. This fact was confirmed by the Russian Ministry of Foreign Affairs (see annex 10).

- On July 11, a squadron of Su-27 fighters was moved from the Leningrad Military District to the North Caucasus Military District (Georgian intelligence data, HUMINT).

- On July 13-14, 13 Ural-375 type trucks were reported moving from the town of Alagir, North Ossetia towards the Roki Tunnel, as well as 6 "Ural" type truck loaded with soldiers were driving from village Zaramag, North Ossetia towards the Roki Tunnel (Georgian intelligence data, HUMINT).

- On July 15, several hundred Russian soldiers and 61 military vehicles were observed at the Bombora military base (Georgian intelligence data, HUMINT).

- On July 15 - August 2, Russia launched large-scale military exercises "Caucasus 2008" in the immediate vicinity of Georgia's northern border. 8000 soldiers and 700 armored vehicles mainly from the North Caucasian Military District participated in these trainings, including airborne units, air force units, air defense units, Black Sea and Caspian Sea Fleets, federal security service and border troops. Airborne units from Pskov and Novorossiysk that later took part in the invasion of Georgia, were practicing at the Roki and Mamison passes connecting Russia with Georgia. A leaflet entitled "Know Your Enemy" was distributed to the soldiers participating in the training, listing the composition and armaments of the Georgian Army as their main target. Most of the troops participating in the exercises did not re-deploy from the region after the exercises finished (see annexes 7, 18 and 19). Deputy Commander of Russian Airborne troops, General Vladislav Berlizev who was put in charge of the Russian armed forces carrying operating on the South Ossetian and central Georgian directions in August 2008 also confirmed that just one week earlier the units under his command had undergone military trainings in those areas, where the actual hostilities took place and he saw Russian airborne troops carried out a march on Tskhinvali much better than other units of the Russian army (see annex 19).

- On July 28, Abkhazian de facto and Russian authorities rejected a German-mediated peace plan and refused to attend peace talks scheduled in Berlin at the end of July.

- On July 30 the website of Georgian President Mikheil Saakashvili (www.president.gov.ge) was rendered unavailable due to a multi-targeted distributed denial of service (DDoS) attack.

- On July 29-30, the EU tried to hold talks in Brussels between representatives of the Georgian government and the South Ossetian de facto regime with the participation of the Russian Federation. The de facto authorities refused to participate, initially objecting to the title of Minister Yakobashvili – "Minister of Reintegration". In response, the Georgian government appointed Mr. Yakobashvili as a Special Envoy to Conflict Resolution. The de facto authorities once again refused to attend the talks on unspecified grounds.

- At the end of July, OSCE Chairman-in-Office, Finish Foreign Minister Alexander Stubb, proposed talks in Helsinki in early August between South Ossetian de facto authorities and Georgian government. The de facto regime rejected the proposal.

- On July 23, a group of 150 Russian doctors and cooks were reported to have arrived in Tskhinvali and started working at the Tskhinvali hospital (Georgian intelligence data, IFVMN-1).

- By the end of July (exact date and time unknown), large tents have been set up on the territory of the new Russian military base in the northwestern part of Tskhinvali (for about 1500-2000 persons). According to the information circulating among the Russian peacekeepers, soldiers from the 42nd Motor Rifle Mountain Brigade (centered in Buynaksk, Dagestan) were soon to be deployed there (Georgian intelligence data, IFVMN-1).

July 29

- At 05.00, two tank platoons of South Ossetian de facto regime irregular forces were located close to village Andisi in the conflict zone (Georgian intelligence data, MOIA-1).

- At 11:10, South Ossetian de facto regime irregular forces opened fire at members of the Joint Peacekeeping Forces and an OSCE observer group moving near village Andisi, Tskhinvali district (see annex 20 for the report).

- At 16.00, South Ossetian de facto regime irregular forces shelled the central government controlled villages in Big Liakhvi valley for 40 minutes using mortars and grenade launchers.

- At 22:10, South Ossetian de facto regime irregular forces shelled the Georgian peacekeeping checkpoint on Sarabuki heights with 100mm gun 120mm artillery. Such large calibre artillery was used for the first time since the hostilities in the 1990s.

August 1

- At 08.05 and again at 08.12, a Toyota pickup truck carrying six police officers of the MIA of Georgia was hit by two remote-control explosive devices on the Gori-Khashuri bypass road. Five police officers were severely wounded (see annexes 21 and 22). After this incident the Gori-Khashuri bypass road was closed for civilians and the central government controlled villages in Tskhinvali Region/South Ossetia were cut off from the rest of Georgia.

- From 21:30 onwards, South Ossetian de facto regime irregular forces shelled Georgian villages Zemo Nikozi, Sveneti Nikozi, Avnevi, Nuli, Ergneti, Gresi and Zemo Prisi with mortars and

cannons. The shelling continued overnight and stopped only in the morning on August 2. This fact, as well as the earlier shelling of Georgian peacekeeping checkpoint on Sarabuki heights, was later confirmed by the Joint Peacekeeping Forces in their 7 August report (see annex 23). Six civilians and one police officer were wounded as a result of the shelling (see annexes 24 and 25).

August 2

- At 12:23, South Ossetian de facto regime announced the evacuation of civilian populations from the town of Tskhinvali and from the de facto regime controlled villages of the region. The evacuation continued through August 6 (see annexes 26 and 27).

- During the day, Russian newspaper reporters and TV crews began to arrive massively to Tskhinvali. The mobilization of Russian journalists on the territory of South Ossetia continued for the next several days (see annex 28 for the list of journalists and links to their testimonies, as well as an interesting article from RFE/RL).

August 3

- At 06:30, South Ossetian de facto regime irregular forces deployed in village Velehi, Znauri district opened fire towards the Georgian police checkpoint located near village Ovnari in Kaspi district (see annex 29).

- In a morning interview with Georgian news agency "Mediarnews," South Ossetian de facto Minister of Internal Affairs Mikhail Mindzaev threatened to bomb "the towns of Gori, Kaspi and some of the health-resort zones" in Georgia (see annex 30).

- Units of the separate reconnaissance battalion of the 19th Motor Rifle Division of the 58th Russian Army was reported to be deployed in Java district through the Roki Tunnel (Georgian intelligence data, HUMINT).

August 4

- During the night, 30 units of armor (BTR/BMP vehicles) were brought into Tskhinvali Region/South Ossetia from the Russian Federation and distributed among the de facto regime irregular forces. Two vehicles were handed over to the de facto regime irregular forces unit located in village Dmenisi, Tskhinvali district (Georgian intelligence data, HUMINT).

- At 07:30, South Ossetian de facto regime irregular forces deployed in village Dmenisi, Tskhinvali district opened fire towards Georgian peacekeeping checkpoint on Sarabuki heights. The exchange of fire continued for 30 minutes. No one was injured.

- In a morning interview with Russian media outlet "Gazeta.ru Kavkaz," head of South Ossetian proxy authorities Eduard Kokoity announced that 200 "volunteers" (ex-servicemen) from North Ossetia had already arrived in South Ossetia and that their number would eventually increase up to two thousand (see annex 31).

- At 18:30, head of South Ossetian proxy authorities Eduard Kokoity received a telegram from the Commander of Don Cossack forces and member of Russian State Duma Victor Vodolatsky promising him military support, while the Commander of the second Don Cossacks Forces Nikolai Kovtsun announced that he could send from 10 to 15 thousand "volunteers" (i.e., mercenaries) to South Ossetia (see annex 32).

August 5

- At 00:15, South Ossetian de facto regime irregular forces shot 3 grenades from village Ksuisi, Znauri district towards the Georgian police station in village Nuli, Ergneti valley. Two of them hit the building.

- At 01:45, South Ossetian de facto regime irregular forces fired at Georgian peacekeepers located on Sarabuki heights. The armed fusillade lasted until 06:30 in the morning. Five members of the Georgian battalion of the Joint Peacekeeping Forces were wounded (see annex 33 for the list of casualties among Georgian peacekeepers).

- At 09:01, the MIA of Georgia intercepted a telephone call, according to which the de facto Minister of Internal Affairs of South Ossetia Mikheil Mindzaev ordered a massive attack and the eradication of Georgian village Disevi in Kareli district (see annexes 34 and 35 for the telephone interception and its transcript).

- From 11:00 to 17:00, the MIA of Georgia monitored a tour around the central government controlled villages Ergneti, Nikozi, Avnevi and Nuli, that experienced excessive damage during the recent attacks by the de facto regime irregular forces. Representatives of international media and foreign diplomatic missions in Georgia, including the Russian Ambassador Vyacheslav Kovalenko had an opportunity to visit all Georgian peacekeeping and police checkpoints, where no build up was observed, contrary to Russian officials statements (see annex 36 for media stories).

- At 15:00, approximately 50 additional volunteers (i.e. mercenaries) from the North Caucasus arrived in Tskhinvali, as reported by the Russian media (see annex 37). The flow of mercenaries from the North Caucasus into Tskhinvali Region/South Ossetia continued through at least August 10. The MIA of Georgia has intercepted official documents of the Prosecutor's Office of Russia (North Ossetia) related to the death of nine such "volunteers" on the territory of Tskhinvali Region/South Ossetia in August 2008, including testimonies of Russian citizens that entered Tskhinvali Region/South Ossetia, Georgia, from North Ossetia, Russia in order to take part in the hostilities as "volunteers" (i.e. mercenaries). In addition to that, a photo taken at the reconstruction shop of mercenaries in Vladikavkaz, North Ossetia is also available (see annexes 37 A and B).

- At 18:00, in an interview with Russian radio station "Ekho Moskvi" Deputy Commander of Don Cossack Forces Vladimir Vostrotin confirmed that "volunteer" (i.e. mercenary) battalions had been formed in Southern Russia and were ready to be deployed in South Ossetia, while the representatives of South Ossetian de facto authorities in Moscow, Dmitry Medoev, stated that the first squads of "volunteers" (i.e. mercenaries) from Russia had already reached South Ossetia (see annex 38).

- During the day, 40 units of self-propelled artillery and a reconnaissance battalion of the 33rd Motor Rifle Mountain Brigade from Buynaksk, Dagestan were deployed in South Ossetia through the Roki Tunnel. In addition to that, 50 artillery guns were brought into Java district. Some units of the 58th Army were reported to be mobilized near the Roki Tunnel in North Ossetia, Russia, including the 135th Separate Motor Rifle Regiment from Prokhladniy, Kabardino-Balkaria and the 693rd Motor Rifle Regiment from Zaramag, North Ossetia (Geocell.ru, Interfax.ru, EU MMN1).

- In the evening hours, several tanks and military trucks with armed soldiers were seen moving towards the central government controlled village Avnevi, Liakhvi valley (Georgian intelligence data, EU MIN I).

- August 5-6, Georgian President Mikheil Saakashvili sought phone conversation with President Medvedev. All attempts were declined by the Russian side.

August 6

- During the night, several units of armor (including BTR and BMP vehicles, as well as self-propelled artillery systems) were brought into South Ossetia from the Russian Federation and deployed near the southern entrance of the Roki Tunnel (Georgian intelligence data, EU MIN I).

- In the morning Russian and local employees working on the Russian military base in Tskhinvali were temporarily dismissed. Shops and other facilities were closed, as reported by the de facto regime's local television.

- At 7:00, South Ossetian de facto regime irregular forces opened mortar fire from villages Prisi, Ubisi, and Khetagurovo (the latter was the main artillery base of the de facto regime irregular forces) at the central government controlled villages Frisi, Zemo Prisi, Avnevi, Dvani and Nuli. Georgian police and peacekeeping checkpoints in village Nuli were additionally targeted by armored vehicles and machine-gun fire. This attack continued until 19:00.

- At 18:00, South Ossetian de facto regime irregular forces attacked Nuruski heights, where Georgian peacekeepers were stationed wounding three members of the Georgian battalion of the Joint Peacekeeping Forces (see again annex 33).

- At 20:00, artillery attacks from Khetagurovo on the central government controlled villages Frisi, Zemo Prisi, Avnevi, Dvani and Nuli resumed and lasted until 06:00.

- From August 6 onwards no ceasefire agreement was concluded by the Joint Peacekeeping Forces in the conflict zone, despite of the request by the Georgian battalion of the Joint Peacekeeping Forces.

August 7

- At 08:15, South Ossetian de facto regime irregular forces began attacking villages Frisi, Zemo Prisi and Avnevi with artillery, including mortars and grenade launchers. The fighting in this area continued until approximately 19:00 in the evening.

- At 08:25, the MIA of Georgia obtained the first communication intercept according to which a Russian military unit that included tanks and military trucks loaded with soldiers entered the Roki Tunnel (see annexes 59 and 60 for the telephone intercept and its transcript).

- At 09:00, a large number of armored vehicles, tanks and military trucks of the Russian regular army stationed into the Roki Tunnel and deployed in Java district as confirmed by two more telephone conversations intercepted by the MIA of Georgia (see annexes 61-62 for the telephone intercepts and their transcripts). Numerous articles in the Russian press also confirm that Russian army units, namely parts of the 693rd and 135th motor rifle regiments of the 58th army, had entered South Ossetia prior to August 8 (see annexes 63-67 for media stories). As reported by South Ossetian de facto regime's organ newspaper "Sovetskaya Ossetia", on that night

head of South Ossetian proxy authorities Eduard Kokoity travelled from Tskhinvali to Java district "in order to meet with representatives of the Russian Ministry of Defense" (see annex 68).

- At 09:30, the MIA of Georgia intercepted a telephone conversation in which a member of South Ossetian de facto regime irregular forces revealed their plans to attack Georgian villages Avnevi in Ergneti valley and Dvani in Kareli district (see annexes 69 and 69 fn. the telephone intercept and its transcript).

- The Ministry of Foreign Affairs of Georgia released an alarmed statement that Russian military hardware and armament, which had been used to raid peaceful villages in Tskhinvali Region/South Ossetia kept penetrating Georgia through the Roki Tunnel. The MFA assessed this as a step of aggression by the Russian Federation. The statement was also distributed by the Georgian Embassy in the European Union (see annex 71).

- In a 10:45 interview with Russian TV and news agencies, head of South Ossetian proxy authorities Eduard Kokoity declared that if the Georgian government did not withdraw its forces from the region, he would start "to wipe them out" (see annexes 72 and 73 re Kokoity's statements referring to Georgian peacekeepers and police).

- At 11:00, South Ossetian de facto regime irregular forces resumed the shelling of the central government controlled villages Nuli and Avnevi from village Khetagurovo, Znauri district. Georgian police officers returned fire towards Khetagurovo, where the shelling came from.

- At around 12:00, head of Abkhazian proxy authorities Sergey Bagapsh announced that he had put Abkhaz armed forces on alert in order to provide military assistance to South Ossetia and that a battalion from the North Caucasus military district of Russia had already entered Tskhinvali Region (this statement was broadcasted by Russian TV at 17:00, see annex 74).

- At 12:30, Georgian President Mikheil Saakashvili, speaking with journalists at the military hospital in Gori (where he visited the three Georgian peacekeepers wounded on July 08), reaffirmed that, despite the deadly attacks on the central government controlled villages, the Georgian government was showing maximum restraint. Saakashvili also called on Russia to "to recall its officials" serving in the proxy regime (see annex 74).

- At 14:00, the Georgian peacekeeping checkpoint in Avnevi was heavily shelled with 100mm and 120mm artillery again by a South Ossetian proxy regime irregular forces unit located in village Khetagurovo, destroying the Georgian peacekeeping unit's armored vehicle, killing two Georgian peacekeepers Shalva Tsqvitaidze and Vitali Takaishvili and wounding five others (see again annex 58). The shelling continued until 16:00. Georgian peacekeepers and police returned fire in self defense. Later the MIA of Georgia intercepted a phone call, during which a member of the de facto regime irregular forces confirmed the fact of blowing up an armored vehicle of Georgian peacekeepers in Avnevi with a comment (see annexes 75 and 76 for the telephone intercept and its transcript).

- At the same time, Georgian authorities received military intelligence that Russian troops (which had never re-deployed from July's North Caucasus military exercises) were put on high alert and have received orders to prepare to move towards the Georgian border.

- After the attack on Avnevi peacekeeping checkpoint and, according to the increasing invasion risk, at 17:30, the Ministry of Defense of Georgia declared the mobilization of its forces.

including armored vehicles, tanks and artillery in the direction of the administrative border of Tskhinvali Region/South Ossetia.

- From about 15:00 to 17:00, Georgian Special Envoy and State Minister for Reintegration Temur Yakobashvili visited the conflict zone to meet with representatives of the proxy authorities. After the refusal, meeting was arranged with the Commander of the Joint Peacekeeping Forces General Marat Kulakhmetov in Tskhinvali, who stated that he could not control Eduard Kokoity and that Russian peacekeepers could not stop the attacks by the de facto regime irregular forces. Meanwhile, the Special Envoy of the Russian Foreign Ministry Yuri Popov, failed to arrive in Tskhinvali and mediate preliminary agreed ceasefire talks, citing "bad traffic" and refusal by the de facto authorities (in a phone conversation with Yakobashvili).

- At around 17:00, after the Commander of the Joint Peacekeeping Forces Marat Kulakhmetov refused to give additional security guarantees to Georgian peacekeepers stationed in the town of Tskhinvali, the Commander of Georgian peacekeepers Mamuka Kurashvili ordered officers of the Georgian peacekeeping battalion to leave the headquarters of the Joint Peacekeeping Forces in Tskhinvali.

- At 17:10, in spite of casualties among Georgian Peacekeepers and the shelling of the Georgian government controlled villages, Georgian law enforcers and peacekeepers unilaterally ceased fire to defuse tensions. This decision was communicated by Georgian State Minister for Reintegration Temur Yakobashvili to the Commander of the Joint Peacekeeping Forces General Marat Kulakhmetov at 17:30.

- At 18:00, Georgian State Minister for Reintegration Temur Yakobashvili said at a press conference in Tbilisi that he still sought to contact South Ossetian de facto authorities, but without success.

- At 19:30, in a nation-wide televised address, President Saakashvili announced unilateral ceasefire and called the Russian authorities and de facto regimes for negotiations (see annex 78 for Saakashvili's statement).

- At 19:55, the MIA of Georgia intercepted a phone call according to which members of South Ossetian de facto regime irregular forces planned an artillery attack on Georgian villages (see annexes 79 and 80 for the telephone intercept and its transcript).

- At 20:30, South Ossetian de facto regime irregular forces resumed the shelling of Georgian peacekeepers and police officers located in village Avnevi, Ksani valley. The fire again came from Kvaisubani. The OSCE Mission confirmed the ceasefire violation at 22:00.

- At 22:50, South Ossetian de facto regime irregular forces fired at the central government controlled villages Zemo Prisi and Tamarasheni in Big Liakhvi valley from Tskhinvali and the mountain of Eliaseuli.

- At 23:30, South Ossetian de facto regime irregular forces intensified artillery fire on all positions of Georgian police and peacekeepers in Big Liakhvi, Little Liakhvi and Ksani valleys, especially villages Avnevi, Nuli, Tamarasheni and Kurta. The police station in Kurta was destroyed.

- At the same time, Georgian government received multiple human intelligence reports that about 150 armored vehicles and trucks with Russian soldiers were approaching the Roki Tunnel from Russia and moving towards Tskhinvali/Region South Ossetia. Later multiple intercepts of

phone conversations among the de facto security and military officials that took place in between 02:20 and 04:30 on August 8 confirm that Russian military columns were stretched from the Roki Tunnel to village Java (see annexes 81-86 for relevant intercepts and their transcripts).

- Early in the evening, a cyber attack was launched against Georgia's governmental and civilian Internet facilities. A large number of Georgia's internet servers were seized and placed under external control (see annex 87 for a detailed study of the Russian sponsored cyber attack against Georgia).

- At 23:35, in response to the intrusion of Russian regular army into Georgia and the continued shelling of the central government controlled villages in the conflict zone, the President of Georgia Mikheil Saakashvili issued three orders to the Joint Staff of the Ministry of Defense: 1) to protect civilians in Tskhinvali Region / South Ossetia; 2) to neutralize the firing positions from which the fire against civilians, Georgian peacekeeping units and police originated; and 3) to halt the movement of regular units of the Russian Federation through the Roki Tunnel inside Tskhinvali Region/South Ossetia. Georgian government forces started military action in order to fulfill the orders of the President.

- At 23:35, Georgian Armed Forces artillery units started firing smoke bombs and, subsequently, at 23:39 opened fire at both fixed and moving targets of enemy forces on the left side of Tskhinvali Region/South Ossetia.

August 8

- At 00:15, Georgian armed forces launched ground operation on the left and right flanks, supported by the artillery.

- At 00:35, the Commander of the Joint Peacekeeping Forces Maj. Gen. Kulakhmetov had a phone conversation with the Commander of Georgian peacekeepers Mamuka Kurashvili admitted that Russian peacekeepers were providing coordinates of the positions Georgian armed forces to the South Ossetian proxy regime militants' artillery (see annexes 87 A and B for the telephone conversation and its transcript).

- At 02:37, Deputy Minister of Foreign Affairs of Russia Grigory Karasin telephoned Georgian Minister of Foreign Affairs Gigol Voshadze and informed him that Russian armed forces were starting military operation in Tskhinvali Region/South Ossetia citing casualties among Russian peacekeepers as a reason for this decision. Although the first encounter between Georgian forces and Russian peacekeepers took place at 00:30, at least three hours later than Karasin's phone call.

- At 04:10, Russian ambassador to Georgia Vyacheslav Kovalenko, in the course of a visit to the Georgian Ministry of Foreign Affairs, told Minister Grigol Vashadze that the Russian Ministry of Foreign Affairs was removed from the decision-making process and hence all decisions were made by the General Staff of the Russian Ministry of Defense.

- By 05:00, Georgian armed forces seized control of a significant number of villages around Tskhinvali including Nikozi, Ochiosani, Didmukha, Muguti, Groni, Okona, Artsevi and part of Dzneisi.

- At 05:20, incoming Russian troops passed village Java crossing the Gupta bridge and advancing on the Dzari bypass road, which is confirmed by a telephone conversation intercepted by the

MIA of Georgia (see annexes 88 and 89 for the telephone intercept and its transcript). At 06:35 Georgian artillery and military aircraft conducted targeted attacks on the Gupta bridge and the moving Russian columns. Georgian aviation has made no operational flights since then. Soon after that two more columns of Russian troops entered the Roki Tunnel and advanced south by the Gori-Dzaurisi road.

- By 06:40, Georgian armed forces seized control of village Khetagurovo, by 07:00 of village Zemo Nikozi and by 08:00 of villages Nokhalauri.

- At around 09:00, special forces of the MIA of Georgia equipped with "Cobra" type armoured vehicles and accompanied by several tanks from the MOD of Georgia, moved from village Zemo Nikozi towards the outskirts of Tskhinvali in order to suppress the fire at that village coming from the proxy regime militants located in the south-western part of the town, the so called "Stalinguli" suburb. The MIA special forces encountered sniper and massive armored vehicle cannon fire from the Russian peacekeeping headquarters "Verkhniy Gorodok" located on the south-eastern edge of the town and were compelled to return fire and ask for tank support as well. In fact, the roof of the main building of "Verkhniy Gorodok" was used by artillery for correcting artillery fire against Georgian armed forces, which is confirmed by an article in the South Ossetian press (see annex 90).

- From 09:30 until 11:45, Russian aviation bombed villages in Gori and Kareli districts and the town of Gori.

- At 11:00 special forces of Georgian MIA and MOD with "Cobra" type armored vehicles, reinforced by a tank battalion, entered Tskhinvali from village Zemo Nikozi. They came under fire from different buildings in the town which were used by South Ossetian de facto regime irregular forces for combat purposes (see annexes 91-94 for press articles confirming the usage of peacekeeping, administrative and civilian objects as shields by Russian troops and South Ossetian irregular forces; see also annex 37, p. 34 and Human Rights Watch, Up in Flames - Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia, Vol. 20, No. 7(D), August 2008, p. 11).

- Simultaneously, at around 11:00 Russian military aircraft and artillery started to bomb Tskhinvali, as well as other locations in the territory of the Republic of South Ossetia (see annexes 95 and 96 for articles containing evidence that Russian artillery and aviation bombed Tskhinvali). South Ossetian de facto regime irregular forces even shot down a Russian SU-25 plane, which was bombing Tskhinvali, assuming it was Georgian (see annexes 97 and 98). It is a proved fact that Georgian aviation had only undertaken flights at 06:35 and none of its aircraft has been lost.

- By 14:30 Georgian forces took control of most of Tskhinvali – its southern and central parts, while fighting continued in the northern part of the town.

- At 15:00, Georgian armed forces declared a 3-hour unilateral ceasefire to establish a humanitarian corridor. The Russians used the ceasefire to advance towards Tskhinvali by the Dzari road and towards Dmenisi by the Gori-Dmenisi road.

- In between 15:00 to 19:05, Russian aviation bombed the city of Gori (Gazia) and the towns of Variani, Ikoliti and Gori.

- At 18:15, one column of Russian tanks, armored vehicles and trucks approached Tskhinvali by the Dzari road. Two more columns were stopped near village Dmenisi. Russian forces opened

intensive fire on Georgian armed forces located in Dvenisi, in Tskhinvali and on the neighboring heights.

- At 20:30, Georgian forces withdrew from the center of Tskhinvali and regrouped, holding their positions in the southern parts of the town.

- By 22:00, Russian troops approached the Leningori valley from the north, but failed to enter it, suffering heavy losses caused by Georgian artillery fire and also stopped moving on the Dzari road towards Tskhinvali.

- At 23:45, Russian aviation again bombed Tbilisi's Vaziani.

- At 23:50, Russian forces bombed the town of Poti in western Georgia with Tochka-U SS-21 missiles.

August 9

- At 00:30, Russian forces again bombed Poti.

- During the night, Georgian forces maintained control of the southern part of Tskhinvali. Georgian armed forces units stationed in western Georgia, including the brigade at the Senaki military base, were relocated to Tskhinvali Region/ South Ossetia in order to support the military operation on the ground.

- Early in the morning, Russian Defence Minister Vladimir Putin arrived at Vladikavkaz, North Ossetia to oversee the military operation (see annex 9) for the record of this meeting).

- In the morning, Abkhazian de facto authorities demanded a NOMIG to leave Upper Abkhazia as they, together with the Russian army units, were going to start a military operation in order to oust Georgian police from the Kodori. UNOMIG complied and instantaneously left the area.

- At 09:25, Russian aviation bombed Kopitnari airport near the city of Kutaisi (in western Georgia).

- In between 09:50 and 11:05, Russian aviation bombed the town of Gori and the nearby village Nikozi.

- At 11:40, Russian forces, including units of troops started to enter Tskhinvali from the north-west and from village Tkviavi.

- At 12:00-14:00, additional troops of Georgian MOD entered Tskhinvali and encountered massive resistance from Russian troops (massive using armed vehicles with powerful engines, artillery and rocks).

- From 13:00 to 15:00, Georgian and Russian troops engaged in intensive fighting in the center of Tskhinvali. Georgian forces mostly controlled the southern part of the town, while Russian forces amassed in its northern part.

- In between 13:30 and 14:30, Russian military aircrafts bombed the central government controlled villages in Upper Abkhazia Kvemo Kodori Georgia, including the district's administrative center Chkhalta.

- At 15:50, Abkhazian de facto government announced that it had decided to send its armed forces towards the administrative border and to start a military operation in order to oust Georgian police from Upper Abkhazia Kodori Gorge (see annex 109).

- At 16:40, Russian Black Sea Fleet entered Georgian territorial waters and started to patrol the coast of Abkhazia (see annex 163).

- In between 16:05 and 18:35, Russian aviation bombed the territory of Gori district (western Georgia).

- At 16:40, Russian navy blocked Moldovan ship "Leogas-1" carrying wheat from entering the Poti port.

- At 17:00, additional Russian troops entered Tskhinvali. Confronting the Russian artillery and ground offensive, Georgian forces maintained control of the southern part of Tskhinvali and the surrounding villages until late in the evening.

- By 21:00, Russian troops advanced on the Gori-Dzevri road towards Dmanisi.

- By 22:00, Georgian armed forces seized control of villages Tkviti and Ditsmari to the west of Tskhinvali.

- Late in the evening, a Russian motorcade consisting of 30 armored vehicles led by the Commander of the 58th Army General Anatoly Khrulev was destroyed by Georgian armed forces at the northwestern entrance of Tskhinvali.

- At 22:20, Russian aviation again bombed Upper Abkhazia Kodori Gorge.

- At 22:30, Georgian armed forces began a planned retreat from Tskhinvali and during the night troops formed themselves south of the town.

- At 23:30, Russian aviation bombed the town of Senaki in Western Georgia.

August 10

- During the night and early in the morning, more than 500 Russian tanks and armored vehicles, together with more than 10 000 troops passed through the Roki Tunnel.

- At 04:00, Russian troops occupied Big Liakhvi valley.

- At 05:30, Russian aviation bombed Dzhvari-Vaziani and Baku-Supsa oil pipeline near Dzhvari.

- In between 09:00 and 11:30, Russian aircraft bombed Upper Abkhazia Kodori Gorge.

- At 10:00, Georgian armed forces left Ossetian valley, which was immediately captured by Russian troops.

- By 11:00, Russian Black Sea Fleet ships approached Georgian seaport. More than 4000 military troops landed on the coast.

- At around 11:00, Georgian police started to evacuate civilian population from Upper Abkhazia Kodori Gorge.
- In between 12:20 and 15:15, Russian aviation heavily bombed Upper Abkhazia Kodori Gorge.
- At 14:00, Turkish TV crew, heading towards Tskhinvali, was attacked on the road. Two journalists Levent Ozturk and Cemal Ervin were wounded.
- In the afternoon exact time unknown three Georgian servicemen Alexander Kornichuk and Giga Otkhozoria were taken hostages and murdered by South Ossetian militia in Tskhinvali.
- At 15:00, Russian troops started to advance south from Tskhinvali in the direction of village Nogaevkhi, Gori district.
- At 15:10, Russian aviation bombed village Kvemo Nikozi in Kareli district.
- At 15:30 Russian aviation bombed Gori.
- At 15:30 Russian aviation bombed village Avtovka in Zugdidi district.
- At 16:10, Russian aviation bombed Upper Abkhazia Kodori Gorge.
- At 16:20, Russian aviation bombed village Avtovka in Zugdidi district.
- By 17:10 Russian troops captured village Nogaevkhi in Gori district.
- At 17:20 Russian aviation again bombed Upper Abkhazia Kodori Gorge.
- At 17:40, head of Abkhazian de facto authorities Sergey Bagapsh declared mobilization and martial law on the territory of Abkhazia (see also 2021).
- By 18:30, Russian troops and Abkhazian de facto regular military forces deployed along the administrative border at river Enguri (see also 2018).
- At 18:40, Russian aviation bombed Mosti (radar near airport).
- At 19:30, the MFA of Georgia handed a diplomatic note to the Russian Embassy offering an immediate Georgian ceasefire.
- At 19:40, Russian aviation bombed Senaki and Upper Abkhazia Kodori Gorge.
- In between 20:20 and 22:10, Russian aviation bombed Upper Abkhazia Kodori Gorge.
- At 22:30, Russian troops crossed the administrative border at river Enguri and entered Samegrelo region, which was empty of Georgian armed forces servicemen, as noted above. Georgian regular troops stationed in western Georgia had been relocated to Tskhinvali Region/South Ossetia early in the morning of August 9.
- At 23:55, Russian aviation bombed village Shromisubani in Gori district.

- By late evening, civilian population began to leave the town of Gori and the villages in Gori district.

August 11

- By 01:00, Russian troops occupied village Khidi in Small Liakhvi valley and villages Nikozi and Ergneti south of Tskhinvali as well as advanced towards villages Kheiti and Berbuki in Gori district.

- In between 00:20 and 03:30, Russian aviation bombed Upper Abkhazia Kodori Gorge.

- In between 02:45 and 03:20, Russian aviation crossed the territory of Khelvachauri district in Adjara (southwestern Georgia).

- At 04:10, Russian aviation bombed Tskhinvali radar, radar airport and Sanaki airfield in Kakheti (eastern Georgia).

- At 05:35, Russian aviation bombed Gori.

- At 07:10, Russian aviation bombed Senaki and villages Garmeshuri and Anaklia in Zugdidi district.

- At 10:00, Russian artillery bombed village Ikoti. Georgian armed forces started to withdraw to the south in Gori district.

- By 11:00, Russian forces occupied the Small Liakhvi valley, including village Tsitsa.

- At 11:50, Russian troops started to advance south towards villages Variani and Tkviavi in Gori district, occupying a number of villages on the way, including Khviti, Kekhvebi, Berbuki and Imedashvili.

- By 12:00, Georgian police finished the evacuation of civilian population from Upper Abkhazia Kodori Gorge.

- By 16:45, Russian troops and Abkhazian de facto regime irregular forces occupied village Khurcha, Zugdidi district.

- By 17:00, Russian troops entered the town of Zugdidi, occupied most administrative buildings and presented an ultimatum to the local police to surrender weapons (see annexes 10- and 1051).

- At 17:00, Georgian armed forces in Gori district started to withdraw south to the town of Gori.

- At 18:10, Russian forces occupied village Shavshvi, Gori district.

- At 18:20, South Ossetian de facto regime irregular forces entered village Beloti in Small Liakhvi valley and took the remaining local population as hostages.

- At 19:00, a convoy for IDPs was set up in Tbilisi.

- At 19:05, Russian aviation bombed Upper Abkhazia Kodori Gorge.

- By 19:30, Russian troops entered the town of Senaki in western Georgia and severely damaged the infrastructure of the military base near the town.

- At 20:00, a Russian military column consisting of 70 units of heavy armor and around 600 soldiers moved from Zugdidi district in the direction of the Ingiri pass and the town of Khobi (from where they could eventually access Upper Abkhazia) across Georgia, in order to avoid encirclement by enemy forces. Georgian police started to withdraw from Upper Abkhazia Kodori Gorge.

- By 20:00, Russian troops continued to move south in Gali district towards the town of Gali and stopped near villages Nabakevi and Dikhazvi.

- At 20:25, the Ministry of Economic Development of Georgia was notified that Russian Black Sea fleet reserve landing ships "Caesar" and "Nikolai Filchenkov" entering the Poti port.

- By 22:00, Georgian armed forces withdrew to the town of Khobi in order to defend the capital Tbilisi.

August 12

- At 0:30, Russian aviation bombed village Ritsi in Kareli district and the town of Kaspi.

- At 0:40:00, Georgian police finished withdrawing from Upper Abkhazia Kodori Gorge.

- At 0:30, Russian aviation bombed Gori.

- At 11:00, Russian separatist troops and Abkhaz and de facto regime irregular forces launched a ground attack in Upper Abkhazia Kodori Gorge.

- At 11:30 and at 17:00, Russian forces bombed Baku-Supsa oil pipeline and the town of Gori with Iskander-M SS-26 missiles. The missiles were dropped on and near the central square of the town, killing 8 civilians and injuring 15. A cameraman of Dutch TV Stan Storimans was killed. Greek TV reporter/journalist Dilla Stangou and Israeli journalist Zadok Yehezkeli were wounded. (later Human Rights Watch found out that this was a RBK-250 cluster bomb, containing 30 PTAB-2.5M submunitions, see annex 106 for HRW statement).

- At 12:40, Russian President Dmitry Medvedev announced that he had ordered to end the military operation in Georgia.

- At 14:00, Russian aviation bombed villages in Kaspi and Kharagauli districts.

- At 15:00, Russian Black Sea Fleet ships attacked and damaged Georgian Coast Guard vessels.

- By 15:40, Russian troops seized control of nearby villages in Gori and Kareli districts. South Ossetian de facto regime irregular forces started to ravage the occupied Georgian villages, brutally massacring the local population.

- In the afternoon (exact time unknown), a Russian helicopter opened fire at a minibus "Ford-Transit" (reg. HBS-837) on the main highway near Gori, which was transporting passengers from western Georgia to Tbilisi, killing 9 civilians (see annex 107 for photos).

- By 16:00, Russian troops reached the main highway and cut the road connection between eastern and western Georgia.

- At 16:00, Russian troops entered the town of Gori.

- At 16:30, Russian troops captured TV and Radio transmitter station in village Akhalubani, Gori district, destroying its equipment, killing one employee, Moris Paghavichvili and injuring two: Valeriane Shavdatuashvili and Merab Kiknadzeshvili.

- At 17:00, Abkhazian de facto regime irregular forces occupied villages Zemo Nikozi and Kvemo Nikozi in Upper Abkhazia, Kodori Gorge.

- At 17:30, Abkhazian de facto regime irregular forces occupied village Orsantiakhi in Zugdidi district and organized a checkpoint there.

- At 18:00, Russian Black Sea Fleet ships attacked and sank Georgian ships harbored in the Poti port (see annex 108).

- By 18:30, South Ossetian de facto regime irregular forces ravaged villages Disevi and Karaleti in Gori district, murdering the local civilian population.

- By 19:00, a Russian military column consisting of 58 units of heavy armor and around 600 soldiers moved through the Jvari pass and reached the town of Kaspi (in northwestern Georgia), attacking the road to Upper Abkhazia from the east.

- By 21:30, south Ossetian de facto regime irregular forces brutally assaulted and abused the population of villages Kvemo Khviti, Mereti and Ditsi in Gori district.

- At 20:40, Abkhazian de facto regime irregular forces fully occupied Upper Abkhazia Kodori Gorge.

- At 21:50, Russian troops looted the Senaki military base, taking away arms and equipment.

- At 22:52, three Turkish journalists were seized and deprived of their car near village Karaleti, Gori district.

- By 23:00, many villages in Gori district, including Berbuki, Redisi, Sveneti, Kitsnisi, Kvemo and Zemo Nikozi, were reported to be ravaged by South Ossetian de facto regime irregular forces.

- By late evening, the six-point ceasefire plan was successfully brokered by President Nicolas Sarkozy between Presidents of Georgia and Russia.

Chronology of Russian Air Bombings of Georgia in August 2008

Date and time of air bombing	Area
8 Aug – 09:30-09:45	Village Skra, Gori District
8 Aug – 10:25-10:45	Village Variani, Kaspi District
8 Aug – 10:50-11:04	Village Tkviavi, Gori District

8 Aug	Town of Gori
8 Aug	City of Tbilisi, Vaziani military and airplane factory
8 Aug	Town of Khashuri
8 Aug	Town of Borjomi
8 Aug	Town of Mtskheta
8 Aug	Town of Gori
8/9 Aug	City of Tbilisi, Vaziani military and airplane factory
8 Aug	Town of Poti
8/9 Aug	Kopitari Airport and City of Kutaisi
9 Aug	Town of Gori
9 Aug	Village Nikozi, Gori District
9 Aug	Large part of Kodori Gorge, Upper Abkhazia
9 Aug	Village Dvani, Upper Abkhazia
9 Aug	Village Adzara, Upper Abkhazia
9 Aug	Village Chkhalta, Lower Abkhazia
9 Aug	Village Kvemo Khviti, Gori District
9 Aug	Town of Gori, Gori District
9 Aug	Village Kvemo Khviti, Gori District
9 Aug	Village Ikoti, Upper Abkhazia
9/10 Aug	Town of Senaki
10 Aug	City of Tbilisi, Vaziani military and airplane factory
10 Aug	Baku-Supsa Oil Pipeline, Shiraki District
10 Aug	Village Adzara, Upper Abkhazia
10 Aug	Village Chkhalta, Upper Abkhazia
10 Aug	Village Ikoti, Zugdidi District
10 Aug	Village Ikoti, Zugdidi District
10 Aug	Village Dvani, Upper Abkhazia
10 Aug	Large part of Kodori Gorge, Upper Abkhazia
10 Aug	Village Khorshi, Kaspi District
10 Aug	Town of Gori
10 Aug	Village Anaklia, Zugdidi District
10 Aug	Large part of Kodori Gorge, Upper Abkhazia
10 Aug	Village Anaklia, Zugdidi District
10 Aug	Large part of Kodori Gorge, Upper Abkhazia
10 Aug	City of Tbilisi, Lisi and Kodori Stadium and Tbilisi International Airport
10 Aug	Town of Senaki
10 Aug	Part of Kodori Gorge, Upper Abkhazia
10 Aug	Part of Kodori Gorge, Upper Abkhazia
10 Aug	Village Gumista, Upper Abkhazia
10 Aug	Village Shamgona, Gori District
10 Aug	Part of Kodori Gorge, Upper Abkhazia
11 Aug	Village Chkhalta, Upper Abkhazia
11 Aug	Village Shamgona, Kaspi District
11 Aug	Village Kvemo Khviti, Khashuri District
11 Aug	Village Mukhiani, Gori District
11 Aug	Part of Kodori Gorge, Upper Abkhazia

[illegible] Aug	City of Gori, Territorial Radar Station [illegible] International Airport
11 Aug	Village Ditsi, Dedoplis-Tskaro District
11 Aug	Town of Gori Village Ergneti, Znauri District Village Avnevi, Znauri District Town of Senaki
11 Aug	Port of Kodori Gorge, Upper Abkhazia
11 Aug	Village Ruisi, Kareli District Town of Kaspi, Railway Station Town of Kaspi, Defa Sheep Cement Factory
12 Aug	Town of Gori
12 Aug	Baku-Supsa [illegible] Pipeline, [illegible] with "Tsentr-M" SS-26
12 Aug	Town of Gori, with "Tsentr-M" SS-26
12 Aug	Village Ayrum, Kareli District Village Sakorintso, Kareli District
13 Aug	Village Nakerebi, Gori District Village Ortevi, Kaspi District
Date and Time Unknown	Village Karbi, Gori District
Date and Time Unknown	One [illegible] with "Tochka-U" SS-21 fired unexploded
Date and Time Unknown	Village Shavsadi, Java District, with "Tochka-U" SS-21, fired unexploded

- Russian armed forces used SU-24, SU-25, SU-27 and MiG-29 type military aircraft as well as strategic bombers TU-22M to attack Georgia.

- Georgian armed forces shot down 4 Russian military aircraft and destroyed two Russian pilots' parachutes (a pilot of SU-24M and Vladislav Maliavin (a pilot of TU-22M), which were properly treated at Georgian hospitals and later handed over to the Russian side.

Civilian, Military, Police and Journalist Casualties of the War

Citizens of Georgia killed

Total:	**412**
Military:	170*
Civilians:	228
Police:	14**

*among them 10 are missing in action (see annex 109)
**among them 3 are missing in action (see annex 110)

Citizens of Georgia wounded

Total:	**1747**
Military:	974
Civilians:	517
Police:	227

Journalists

Killed:	5	(1 International, 2 Georgians)
Wounded:	1	(4 International)

Chronology of Events: August 2008 (continued)

August 13

- At 07:05, residents of villages Nikozi, Ergneti and Kurbneti in Gori district were reported taken hostages by South Ossetian de facto regime irregular forces.
- By 07:00, Russian aviation bombed villages in Gori and Kaspi districts.
- At 08:00, residents of village Kurbneti in Gori district were reported to be attacked and abused.
- At 09:20, elements of Russian troops with armor entered Gori.
- By 12:00, Russian soldiers looted and destroyed a Georgian military base and artillery brigade near Gori.
- At 13:00, Russian troops entered village Akhalsopeli, Kareli district. South Ossetian de facto regime irregular forces looted, burnt and robbed the village.
- At 13:05, Russian soldiers entered village Pakhulani, Terjola district.
- At 13:30, Russian troops blew up three Georgian Coast Guard vessels in the Poti port.
- By 15:00, numerous cases of looting reported in Gori.
- At 16:10, Russian troops started to move from Gori on the main highway and turned to the left towards village Ochkhosani, Akhalgori district.
- At 17:15, atrocities by South Ossetian de facto regime irregular forces were reported in villages Tsitsagiskhevi, Knolevi, Kareli district.
- By 20:00, population fled from the town of Kareli and villages Bikari and Atotsi in Kareli district. The abandoned villages were looted by South Ossetian de facto regime irregular forces.

August 14

- By 11:00, Russian troops continued destroying Georgian military installations in Senaki.
- At 12:00, additional Russian troops entered Zugdidi and Poti.
- At 12:05, South Ossetian de facto regime irregular forces robbed three journalists of Canadian TV channel CTV near the town of Gori, took away their cars, equipment and passports. The accident happened in the presence of Russian soldiers who did not react.
- At 15:00, additional Russian troops entered Gori.

- At 13:40, additional Russian troops entered village Mejvriskevi in Gori district and villages Ruisi and Tsveri in Kareli district.

- At 15:30, Russian soldiers robbed several Georgian police officers and took away their car near village Dvani in Kareli district.

- At 16:00, four Israeli journalists, including "Haaretz" correspondent Avshe Pfeffer and photographer Nir Kafri, were robbed by Russian soldiers in Gori.

- At 16:30, moving by South Ossetian irregulars reported in villages Atotskevi, Mejvriskevi, Ortevani in Gori district and Tseti in Kareli district.

- At 17:05, a journalist of the Georgian Public Broadcaster company Tamar Chkhaidze was warned by a Russian officer not to start conducting a live broadcast near Gori.

- At 18:30, looting reported from villages Agara and Dzevera in Kareli district.

- By 19:10, Russian troops strengthened their checkpoints in Zugdidi.

- In the evening hours three unknown South Ossetian de facto regime irregular forces robbed three Czech journalists, including Marek Ginzbar, near Gori. They took away their car and equipment.

- At 22:10, about 200 armored vehicles and trucks of Russian army moved from Zugdidi to Senaki.

- At 24:00, looting and abuses of civilians reported from villages Ruisi in Gori district and Mosabruni in Kareli district.

August 15

- In a 15 August interview with Russian newspaper "Kommersant," head of South Ossetian de facto authorities Eduard Kokoity declared publicly that it was their goal to purge the Georgian enclaves in South Ossetia so as not to allow ethnic Georgians to ever return to their homes (see annex 1.1 for Kokoity's statement, as well as annex 11.2 for a similar statement by the de facto parliament speaker Znaur Gassiev).

- At 08:00, Russian troops with 14 armored vehicles and 4 trucks moved from Senaki and stopped at River Abashistskali, in the Kutaisi west of the city of Kutaisi.

- At 09:30 about 20 Russian military trucks with soldiers moved from Senaki to Poti.

- At 10:30, South Ossetian de facto regime irregular forces robbed Georgian freelance journalist Margarita Akhvlediani near village Nogreskaani, Kareli district, taking away her car, wallet and other belongings.

- At 13:00, Russian soldiers detained two journalists in Poti: Lasha Bendeliani, reporter of radio "Imedi" and Murad Dzhavakhia, cameraman of TV company "Obiektiv". They were later released.

- At 15:30, several Russian helicopters flew over the Borjomi district and dropped fire setting bombs near village Tsagveri. Due the quickly spread fire the Borjomi-Kharagauli National Park

and despite the huge efforts taken ultimately spread over 950 hectares of forest land, totally destroying 250 hectares)

- At 16:10 four members of Nanuashvili family were kidnapped from village Ghulgheti, Kareli district and taken towards village Zemari.

- By 17:00, Russian troops entered the buildings of Georgian Coast Guard in Poti and drove away several hours towards the Abkhazian coast.

- At 18:30, Russian troops – 9 armored vehicles accompanied by 3 Mi-8 helicopters – started to move across the main highway towards Tbilisi. They stopped and opened a checkpoint near village Igoeti, Kaspi district – 60 km from Tbilisi.

- At 21:00, Russian troops entered the town of Khashuri via central Georgian and opened a checkpoint there. About 10 tanks were observed in the town.

- At 21:50, Russian troops continued their movement from Khashuri and entered the nearby town of Surami on the main highway.

- At 23:40, Russian troops continued to move west from Khashuri and Surami. As reported by the local population, they entered into the houses and deprived the population of food. Soon they turned back and stopped in Khashuri.

August 16

- At 00:30, looting and abuses of civilians by South Ossetian de facto regime irregular forces reported from villages Abisi, Kodi, Pkhuri, Kvemo Nikozi.

- At 08:05, an additional convoy of Russian troops on tanks, armored vehicles and trucks entered village Kvaleti, Gori district.

- At 09:15, 10 tanks of the Russian army passed from Igoeti towards Khashuri and seven towards Zemo, 6 of the armored vehicles, one crane and 10 army trucks (8 Urals, 2 Kamazs) entered the Poti Port.

- At 10:30, Russian aviation dropped fire setting homes near village Khidistavi in Kaspi district, setting the nearby forest on fire.

- At 12:30, Russian troops blew up the key railway bridge near village Orchosani, Kaspi district, cutting the railway connection between eastern and western Georgia.

- At 14:00, two Russian tanks with soldiers arrived from Surami through the Rikoti Tunnel (in central Georgia) and passed village Kitsi, Kharagauli district (in western Georgia). They were stopped by the patrol police of the MIA of Georgia near the town of Zestaponi.

- By 15:40, 8 Russian armored vehicles with troops moved from Khashuri towards the town of Sachkhere (in western Georgia), but were stopped near village Gomi by the patrol police of the MIA of Georgia.

- At 16:00, Russians denied to provide permission to the Turkish and Ukrainian planes to enter Georgian airspace (which is like usual parking lower the hours). Fires in Borjomi district.

- By 18:00, Russian troops with tanks and armoured vehicles entered the town of Akhalgori, the centre of Akhalgori district, 70 kms northwest of Tbilisi.

- At 18:30, Russian aviation dropped fire-setting bombs in the forests of the Nuzadzeti, Akhaldari district.

- At 20:00, Russian troops were reported to have started proposing Russian passports to the local population in Akhalgori district.

- At 21:15, additional Russian armored vehicles were deployed at the entrance of the town of Akhalgori.

August 17

- At 10:35, 21 Russian military trucks and 3 armored vehicles accompanied by 1 helicopter entered the Senaki military base.

- At 11:25, about 100 members of South Ossetian de facto regime troops or forces entered the town of Akhalgori.

- At 11:30, some Russian troops moved towards villages Reka and Venji near Senaki.

- At 13:20, Russian MOD announced that it has seized control over the property of Enguri hydropower plant.

- At 13:25, 8 Russian military helicopters landed at the Senaki military base.

- At 14:05, Russian troops entered Poti in Abkhazia district in northwestern Georgia.

- At 16:40, a Russian armored vehicle approached the Supsa oil terminal.

- At 19:30, Russian troops crossed two bridges near the town of Kaspi.

August 18

- At 11:00, Russian troops stationed at village Igoeti blocked the road leading to the town of Kaspi.

- At 13:00, Russian troops started to move towards the towns of Sachkhere (in western Georgia) and Borjomi (in southern Georgia). They were stopped near Bekhvri by the Patrol Police of the MIA of Georgia, but they managed to pass village Ghori and reach the Jvari pass in Mtskheta district and got stationed there.

- By 16:00, Russian soldiers exploded barracks and other installations at the Senaki military base.

- At 17:30, Russian armored vehicles began movement from village Igoeti towards the town of Akhalgori. Georgian police officers tried to stop them near village Tanadgoma, but the Russians crushed Georgian patrol police cars at the roadblock and continued their way towards Akhalgori (see annex 1-3 for videos).

- At 17:30, a Russian military aircraft entered Georgian airspace near Stepantsminda, Kazbegi district in northeastern Georgia, flew towards the Zhinvali dam, flew over it and returned to Russia.

August 19

- At 01:00, 20 servicemen of the VMF of Georgia entered the Poti port in order to protect its infrastructure from looting. At 08:30, Russian troops entered the port, disarmed Georgian soldiers and captured them.

- At 12:30 Russian troops sealed checkpoints Khidisi on mils near village Ghori, blocking the possible mechanism of rail transport.

- At 13:20 Russian troops took 6 Mandjaked Georgian soldiers and six US owned Hummer vehicles from the Poti port to the military base in Senaki.

- At 14:50, seven Russian troops moved from village Ghori towards the town of Sachkhere and stopped at the Jvari pass.

August 20

- At 09:40 South Ossetian de facto authorities announced the creation of their administration in Akhalgori district (which they call Leningori), naming Valeri Kanaev as the head of the de facto administration.

- At 11:00, Russian troops occupied village Perevi in Sachkhere district (in western Georgia) close to the administrative border with South Ossetia. They deployed over 50 soldiers and 5 tanks there.

- By 11:00, Russian troops did not allow the trucks with humanitarian aid to enter village Karaleti in Gori district.

- At 12:00, Russian troops arrested the governor of Shida Kartli (or Tskhinvali) region Dmitri Sanakoevi at one of the illegal Russian checkpoints near the town of Gori, as he was trying to release the convoy with humanitarian aid to the local population. He was released from detention after two hours.

- At 14:00, houses were reported partially looted by South Ossetian de facto regime irregular forces in village Dzveli Gori, Gori district.

- At 15:30, Russian troops organized a checkpoint at the entrance of the town of Poti.

- At 16:00, Russian troops entered village Ulargus in Chokhotauri district (in western Georgia) with armored vehicles and started digging trenches.

- At 18:30 Russian military aircraft dropped 3 missiling bombs in the forest near village Kiketi, in 10 kms from Poti.

August 21

- At 10:30, Russian troops started digging entrenchments in the town of Poti. Russian armored vehicles and "Ural" type trucks were reported deployed at Nabada, at the entrance of the town.

- At 10:35, French ambassador to Georgia Pierre Cournier was blocked near Gori by Russian troops on his way from Sachkhere to Tbilisi. He was allowed to continue his drive only at 13:00.

- At 14:00, Russian embassy in Georgia issued a note to the MFA of Georgia, according to which the Russian Ministry of Defense must be notified in advance of any planned travel of all delegations to the occupied town of Gori.

- At 15:40, the deputy chief of the general staff of the Russian armed forces Anatoly Nogovitsin declared that Russian armed forces would establish two lines of checkpoints in "a security zone" near South Ossetia. The first line would include eight checkpoints across the zone of responsibility of the Russian peacekeepers, while the second line – involving 10 checkpoints – would be set across the administrative border of South Ossetia. 220 soldiers would be deployed at these eight checkpoints. The town of Gori would not be included in the zone."

- At 16:30, Russian foreign minister Sergey Lavrov declared that Russia would create 8 "peacekeeping" checkpoints in Georgia manned by 500 "peacekeepers."

- At 19:30, Russian troops released 10 soldiers out of 20 captured on August 19 in the Poti port.

- At 21:40, the commander of Russian ground forces, Colonel Vladimir Boldarev declared that the process of withdrawal of Russian troops from the territory of Georgia would take 10 days and that the remaining "peacekeeping" checkpoints would start operating from August 22.

- At 23:20, Russian Defense Minister Anatoly Serdyukov announced that Russian troops would start to withdraw towards South Ossetia and Abkhazia at 00:00 next morning.

August 22

- At 12:00, the deputy chief of the general staff of the Russian armed forces Anatoly Nogovitsin announced the establishment of Russian military checkpoints around South Ossetia and Abkhazia, labelling these territories as "security buffer zones". According to him, the borderline of the zone near Abkhazia would go across the settlements Nabada, Chaladidi, Senaki, Bavra, Khobori, Ilori, Ochamchire and Anaklia, while the borderline of the zone near would go across the settlements Perevi, Gibrdzia, Akhi, Varkhani, Ikoti, Ustrna and Pasi.

- At 12:30, Russian troops started withdrawing from Igoeti towards Tbilisi. Russian forces also began to leave the base, administration and police buildings in Zugdidi.

- At 14:00, about 100 Russian armored vehicles started moving from Senaki towards Zugdidi.

- At 19:30, Russian troops uprooted the remaining installations at the military base near Gori.

- At 20:00, Russian troops started leaving Gori and Kharbuli in eastern Georgia.

- By late night, Russian forces fully withdrew from the town of Gori.

Chronology of Occupation: August 23 – October 8

On August 23, Russian forces withdrew from the town of Zugdidi, but remained close to it. Russian forces remained in and around the Poti port. They established reinforced checkpoints and conducted routine and illegal patrols of the town and the surrounding villages.

On August 23, Russian occupational forces organized 28 illegal checkpoints deep inside Georgian territory:

- In eastern Georgia (Sviri, Kareli and Mskheta-Mtianeti regions): Russian troops got stationed in near the following villages:

  1. Perevi (Sviri district)
  2. Chodiani (Sagarejo district)
  3. Ali (Kareli district)
  4. Pisa (Kareli district)
  5. Variani (Gori district)
  6. Kurdgeli (Gori district)
  7. Shindisi (Gori district)
  8. Ergneti (Gori district)
  9. Ikoti (Akhalgori district)
  10. Between Megvrekisi and Ruisi (Gori district)
  11. Odzisi (Akhalgori district)
  12. Mosabruni (Akhalgori district)

- In western Georgia (in Samegrelo-Zemo Svaneti and Upper Abkhazia regions): Russian troops got stationed in near the following villages:

  13. Teklati (near Senaki on the main east-west highway)
  14. Pavle (Martvili district)
  15. Between Chaladidi and Shua Khevga (Khobi district, near Anaklia)
  16. Nabada (at the entrance of Poti)
  17. Maji (Senaki district)
  18. Nabadabi (on the road between Tsalenjikha and Chkhorotsku)
  19. Chuba and Mazhava crossroads (Tsalenjikha district)
  20. Mount Kvitiri (Tsalenjikha district)
  21. Chkhorotsku (Chkhorotsku district)
  22. Anaklia (Zugdidi district)
  23. Ki udeti (Mestia district)
  24. Gentsvish (Upper Abkhazia Kodori Gorge)
  25. Omar Skara (Upper Abkhazia Kodori Gorge)
  26. Saken i (Upper Abkhazia Kodori Gorge)
  27. Chkhalta (Upper Abkhazia Kodori Gorge)
  28. Kvabchara (Upper Abkhazia Kodori Gorge)

(See annex 114 for the map of checkpoints)

- On August 24, at 16:30, a train carrying 54 tanks of crude oil from Azerbaijan to Georgia exploded on a Russian-planted land mine near village Skra, 5 km west of Gori. Grenade launchers and unused artillery shells were subsequently found at oil spots along the tracks.

- On August 24, at 21:00, 3 SST Mobau 11 vessels with humanitarian aid entered the Batumi port.

- On August 24, at 11:00, one civilian was killed and one was wounded as a result of land mine explosions: Nodar Matsvelidze died at the northern entrance of the town of Gori and Mikheil Kakubava was wounded in village Tirdzeisi.

- On August 25, Russian troops dug trenches in village Ghuboti, near the Enguri power plant. Military presence of Russian troops was also reported at the dam and substation of power plant.

- On August 25, at 20:00 Russian soldiers with two armored vehicles entered the territory of Coast Guard infrastructure in the Poti port. They stole office equipment and air conditioners.

- On August 25, both houses of the Russian Parliament passed unanimous resolutions calling on the President of Russia to recognize the independence of Abkhazia and South Ossetia.

- On August 26, Russian President Dmitry Medvedev signed two presidential decrees, recognizing South Ossetia and Abkhazia as independent states, sanctioning the drafting of "treaties of friendship, cooperation and mutual assistance" with the "new states" (see annex 115).

- On August 26, Russian warships docked in Sokhumi, including the flagship of Russia's Black Sea fleet, guided missile cruiser "Moskva."

- On August 28, Georgian Parliament passed a unanimous resolution, declaring the Russian armed forces deployed on the territory of Georgia as occupational forces and South Ossetia and Abkhazia as Russian occupied territories.

On September 13, Russian troops pulled out of five locations in western Georgia, including Poti. Six remained at 23 illegal checkpoints:

- In eastern Georgia (Shida Kartli and Mtskheta-Mtianeti regions) Russian troops were left in or near the following villages:

  1. Perevi (Sachkhere district)
  2. Obsiori (Sachkhere district)
  3. Akhi (Khashuri district)
  4. Pasa (Kareli district)
  5. Variani (Gori district)
  6. Karaleti (Gori district)
  7. Shavshvebi (Gori district)
  8. Ergneti (Gori district)
  9. Ikoti (Akhalgori district)
  10. Between Megvrekisi and Brotsleti (Gori district)
  11. Odzisi (Akhalgori district)
  12. Mosabruni (Akhalgori district)

- In western Georgia (in Samegrelo-Zemo Svaneti and Upper Abkhazia regions) Russian troops were left in or near the following villages:

  13. Kontuisubani (on the road between Tsalenjikha and Chkhorotsku)
  14. Chaladidi and Muzhava (crossroads Tsalenjikha district)
  15. Mount Kvesa (Tsalenjikha district)
  16. Chkhorotsku (Chkhorotsku district)

17. Anaklia (Zugdidi district)
18. Kintsvisi (Mestia district)
19. Gentsvishi (Upper Abkhazia Kodori Gorge)
20. OrtaSoora (Upper Abkhazia Kodori Gorge)
21. Sakani (Upper Abkhazia Kodori Gorge)
22. Chkhalta (Upper Abkhazia Kodori Gorge)
23. Kvabchara (Upper Abkhazia Kodori Gorge)

(See annex 1.6 for the map of the disputed)

Thus Georgian government lost control over 89 villages, which it used to administer before the August war.

Big Lukhvi valley

1. Tetrantskari
2. Zemo Acharveti
3. Kvemo Achabeti
4. Kara
5. Kelvachauri
6. Kheiti
7. Kumurdo
8. Sveri
9. Dzurtsveri

Little Lukhvi valley

10. Ptsedvi
11. Nabakevi
12. Hebda
13. Zemo Patsi
14. Satskhenisi
15. Atsirkhvedi
16. Argvitsi
17. Beneli
18. Disevi
19. Kvemo
20. Chaneti

Perone valley

21. Avtovo
22. Nuli

Akhalgori district

23. Akhalsheni
24. Akhalgori
25. Akhmaji
26. Bakvani
27. Bazaleti

28. Bezhtanaarskar
29. Bidkhiani
30. Chigoiani
31. Chirkani
32. Chorchar
33. Tskhavati
34. Dunukiani
35. Dadianeti
36. Dzoetkari
37. Ebrami
38. Erisi
39. Garuleani
40. Gavazi
41. Gdu
42. Gezovreti
43. Gudushauri
44. Ikoti
45. Jvarisubani
46. Kvirikeli
47. Largvisi
48. Martiani
49. Maklaureti
50. Mikeladzeti
51. Mosvedaani
52. Mosqlvaani
53. Mshvidobeli
54. Mskhaladze
55. Nakaidzi
56. Ogaishi
57. Pavliauli
58. Pkhovi (Mtiuleti)
59. Kartlebeli
60. Kartlanni
61. Kartli
62. Kvemo Alevi
63. Shida Alevi
64. Zemo Alevi
65. Zemo Bali
66. Kvemo Bori
67. Zemo Bori
68. Kvemo Gori
69. Tsilkna
70. Ukanarkhazi
71. Ukanoiskari
72. Vashlovani
73. Tsiptauri
74. Tsinkori
75. Tsikhisopeli

76. Chorokhi
77. Khrami
78. Iormagan
79. Khrami
80. Kamchavi
81. Aragvi
82. Kvirila
83. Dzegvi
84. Zadeni
85. Bzoba
86. Kodjori
87. Ganeti
88. Sulori
89. Dedoplis
90. Nagvazevi
91. Iaghluja
92. Iaghluja
93. Petriani
94. Orozmani
95. Dzama (Bugeuli)
96. Abudi (Bugeuli)
97. Mikeltubo
98. Mashavi
99. Dzilkani
100. Martvili
101. Rioni
102. Shaoiani
103. Khani
104. Kintrishi
105. Pkhovani

Iori division

106. Mtkvari
107. Saguramo
108. Dzevejvani
109. Kakitsubani
110. Pkhovani
111. Zemo Alvani
112. Kvemo Kvemi
113. Zemo Nakezi
114. Kvemo Nakezi
115. Ilto
116. Udzo
117. Anaseuli
118. Kondi
119. Mtsketi
120. Karbi
121. Kura
122. Ptavi
123. Ptavistsqali
124. Mtsqvrikisi

125. Tirtzalisi
126. Brotsleti
127. Tergvisi
128. Tkviavi
129. Kacheti
130. Kvesheti
131 Matsvnta
132. Shiraki
133 Dzevera
134. Sheraki
135. Kitsniss
136. Saremo
137 Gachiani
138. Adzvi
139. Kvemo Artsevi
140 Arbo

Kvemo ekvtari

141. Ozani
142. Lokitidziri
143. Dirbi
144. Tsvao
145 Bneli
146. Pkia
147. Gbaneti
148. Tatarasheni
149 Tsereteli
150. Avlevi
151 Kvavevi
152 Vashi
153 Kveda
154 Bredza
155. Vnisi
156. Natsikhuri
157 Vanta

Kharkhani ekvtari

158. Chrebalo
159. Kvivi
160. Tvishishvilo
161 Tsagvali
162. Sachkhere
163. Tkemsa
164. Khashmi
165 Shavshvaketi

Zemo ekvtari

166 Gumaklaki
167. Khoneli

Upper Abkhazia to Kodori Gorge

168. Seke.a
169. Omarshara
170. Ovandzha
171. Lesh Gentsvishi
172. Rica Gentsvishi
173. Khuta.
174. Zemo Ajara
175. Kvemo Ajara
176. Nishar'
177. Mtsirdva
178. Khatskvara
179. Left Pish
180. Right Pish
181. Chkhalta
182. Bzalgur'
183. Shara Kvara
184. Zemo Zirra
185. Kvemo Zirra
186. Kvabchara
187. Bachinkuri
188. Adzgara
189. Lybrashkara

On September 12, Russian president Dmitry Medvedev signed the treaties on "friendship, cooperation and mutual assistance" with the de facto authorities of Abkhazia and South Ossetia.

On October 8 Russian forces withdrew from the so-called "security buffer zones," but are still occupying South Ossetia and Abkhazia, including the Kodori valley, Little Liakhvi valley, Inner valley, Akhalgori district and Upper Abkhazia Kodori Gorge, thus violating the August 12 cease-fire agreement.

At present, Georgian government controls over 138 villages which used to be under its administration prior to the August war.

Big Liakhvi valley

1. Tsnauri
2. Zemo Achabeti
3. Kvemo Achabeti
4. Kurta
5. Kekhvi
6. Kheiti
7. Kemerti
8. Sveri
9. Dzaneti

Little Liakhvi valley

10. Tsodeti

11. Vianti
12. Beloti
13. Zemo Pisa
14. Sotsk'enebi
15. Atskvesheva
16. Ogvatsi
17. Aeri'a
18. Diseva
19. Kvatsi
20. Ch'orchi

Ivane's valley

21. Avnevi
22. Nali

Akhalgori district

23. Akvalakha
24. Akvalpevi
25. Akvanchi
26. Balaani
27. Bazaani
28. Bezhanaan Gori
29. Bidkhvari
30. Chaisubani
31. Chidiza
32. Chvrchiani
33. Dsavsavi
34. Dzbeleti
35. Dzelia-ubani
36. Dzveleri
37. Edzveri
38. Ertsia
39. Gerebeti
40. Gevazi
41. Gola
42. Gvezvreti
43. Gudiasveri
44. Ikoti
45. Ivertsubani
46. Kvemo Gora
47. Lagvisi
48. Mertskali
49. Mokviaeri
50. Mudeanti

51. Meghegiani
52. Mestiauri
53. Mokvelieti
54. Mskhaladi
55. Nakhutsrishvili
56. Okriani
57. Pavlovani
58 Pirveli Sadzegauri
59 Kandelaki
60. Kenkadze
61 Kuria
62. Kvante Alevi
63. Shavi Aleva
64 Zemo Alevi
65 Zemo Bodi
66. Kvante Bodi
67. Zemo Ozni
68. Kvanta Ozni
69 Gakhria
70. Kamarauli
71. Kasumberi
72 Vasilevani
73. Lipetiani
74. Lomtadidi
75. Lekhisopeli
76 Okrokhokli
77. Kenchreli
78 Kiankedani
79. Kvavadi
80 Kanchaveli
81 Kvedriani
82 Kvedreliba
83 Dzegleuli
84 Zedekli.
85 Bosseba
86. Kodjevari.
87 Guriani
88 Sulukvedi
89. Delkani
90. Nagomevi
91 Lekhisdzlevani
92 Tsigriankari
93. Petriani
94. Gverdskhevi
95 Ozveri Bergebi
96. Vshe" Bogebadi
97 Mukedani
98. Mukuji
99 Lipikauri
100 Mamukaani
101. Revaziani kari
102 Sakvantsevi

103. Shuaibani
104. Karkashaar
105. Tikrivani

Sachkhere District

106. Perevi

Upper Likhauri Kodori Gorge

107. Nakeni
108. Otsanisguro
109. Gvandra
110. Left Gentsvish
111. Right Gentsvish
112. Khaiti
113. Zemo Ajara
114. Kvemo Ajara
115. Nakraani
116. Murashy
117. Khershevana
118. Left Pichi
119. Righ. Pichi
120. Okhtadin
121. Bagbagani
122. Shubatsvara
123. Zemo Zirna
124. Kvemo Zirna
125. Kvashvreti
126. Rechaisari
127. Adzyara
128. Dzibrashkeri

Military aspects – questions and answers

First set of questions to the Governments of the Russian Federation and Georgia, relating to military issues

1. There have been various accounts of the chronology of the conflict in August 2008. What is your understanding of the order in which events took place?

2. What was the rationale for Georgian operations in the Tskhinvali region on the 7th and 8th of August 2008? When did operations start towards the City of Tskhinvali? When were the Russian troops deployed from the Russian Federation into the RoP zone? When did they move into the Tskhinvali region? Where and, in detail, were they deployed in the Tskhinvali region prior to 8th August 2008?

3. What were roles and activities of the members of the Joint Peacekeeping Forces (which had a mandate in the Tskhinvali region) and those of the CIS Peacekeeping Forces (which had a mandate in the Georgian Abkhazia region) in August 2008?

4. What was the range of deployment capabilities in the Upper Kodori Valley? And up to which level?

5. What types of ordnance – aerial and land-based – were deployed in general and for particular operations? What percentage were cluster bombs and missiles?

6. What were the organization and the control of command structures?

7. What were the rules of engagement for the various troops involved in the operations on the ground?

8. What training had existed for the troops involved in the operations prior to the outbreak of conflict? What plans were made for the deployment of civilians before military actions began? What did the relevant forces do in order to prevent human rights violations, including looting, burning of houses and damaging the homes of August 2008 and afterwards?

9. What military operations were made in the August 2008?

10. What plans were made for the withdrawal and redeployment of Russian troops in the zone of conflict? What was the sequence and the origin of any such withdrawal or redeployment?

For the answer to question 1 related to military issues
see the chronology in this annex under Georgia, chronology

2. What was the rationale for Georgian operations in the Tskhinvali region on the 7th and 8th August 2008? When did operations start towards the City of Tskhinvali from the "First Set Questions to the Governments of the Russian Federation and Georgia Related to Military Issues? When were the Russian troops deployed from the Russian Federation into Roki Tunnel? When did they move into Tskhinvali region? Where any Russian units deployed in the Tskhinvali region prior to 7th August 2008?

2.1. What was the rationale for Georgian operations in the Tskhinvali region on the 7th and 8th August 2008? When did operations start towards the City of Tskhinvali from the "First Set Questions to the Governments of the Russian Federation and Georgia Related to Military Issues?

Russia's aggressive actions with regard to Abkhazia, Georgia and the Tskhinvali Region/South Ossetia took a qualitatively more aggressive turn in the beginning of 2008, following the recognition of Kosovo. Immediately prior to declaration of Kosovo's independence, then Russian President Vladimir Putin declared that Russia had "practically given" us a mandate to recognition of Kosovo.[1] Russian actions became more focused and intense, and consisted of a series of predatory but interlinked interventions. These included: hostile political steps (inter alia the establishment of official links with proxy regimes) accompanied by direct military actions and provocations (i.e. the shooting down of an unmanned, unarmed Georgian drone by a Russian fighter jet, illegal deployment of new Russian troops in Abkhazia, i.e. peacekeepers and railway troops as well as construction of fortifications in eastern part of the province). Until June 2008, Russian actions were mainly focused on Abkhazia, Georgia.

The situation in the Tskhinvali Region/South Ossetia escalated significantly in the beginning of July 2008, in parallel to completion of offensive military infrastructure projects in Abkhazia, when a terrorist attack took place, aimed at the elimination of the Head of the Provisional Administration of South Ossetia, Mr. Dmitriy Sanakoev. This act was accompanied by a sharp increase in the scale and intensity of attacks by proxy on Tbilisi-controlled Georgian police and peacekeepers. These acts resulted in casualties and fatalities (armies of 3 Georgian soldiers, prohibited cluster munitions were used in the shelling for the first time since early 1990s). In parallel, the flow of mercenaries into the Tskhinvali Region/South Ossetia increased, as did violations of Georgian airspace by Russian military aircraft. In a symptomatic move, on July 9, four Russian military aircraft violated Georgian airspace on the eve of the visit of US Secretary of State Condoleezza Rice to Georgia. This fact was confirmed by the Russian Ministry of Foreign Affairs.

Finally, there was a marked increase in the deployment of military hardware and units of the regular Russian army. Specifically, a large number of Russian military personnel were mobilized close to the Russia-Georgia border for military exercises titled "Kavkaz-2008". During those exercises over 8,000 troops (including 58th Army, North Caucasus Military District, units of Airborne

[1] See transcript of Putin's speech at: www.kremlin.ru/appears/2008/04/03/1217_type63374type82634_159171.shtml. However, it must be noted that there was many discussions with regard to the mandate provided. Many experts and media discussed the issue. For example, Secretary of the Security Council of Russia Ivanov stated that the mandate was limited to the case of Kosovo. This was also the position of the Russian Ministry of Foreign Affairs. Please see Annex 56 of the answer to question 1 on the use of force for more details.

troops of the Russian Air Army and air defence, and at least 700 heavy equipment and 30 aircraft simulated an invasion of "a neighboring state". Although the exercises were completed on August 2, some forces remained deployed.

On August 7, 2008 an explosion took place at the Tskhinvali-Kurta bypass road, which was accompanied by sustained shelling of the Separatist Georgian Peacekeepers' Post whose role was to guard the road. As a result of this aggression the Georgian enclave part of Tskhinvali, with a population of more than 10 000 people was cut off from the rest of Georgia. This situation rendered it was impossible to provide security to the population of the enclave in the face of intensified shelling and subsequent flow of Russian regular army units advancing in the direction of those settlements.

In the evening of August 7, the Government of Georgia faced a qualitatively new situation, despite numerous attempts to decrease tension and a unilateral cease-fire implemented by the Government of Georgia, Georgian-controlled villages, police and peacekeeping posts were under continuous fire. In this context, civilians in the already cut-off enclave were defenceless and for the first time two Georgian peacekeepers were killed as a result of targeted military attacks. The aforementioned. Commenting on the alarming and unprecedented rise in violence Deputy Interior Minister Eduard Kokoity threatened to "wipe out" the Georgian enclaves unless Georgian law enforcement personnel left the region. In addition to publicized reports on the following provocations into the region and actual human intelligence reports of a Russian army intervention, the Government of Georgia obtained solid evidence that a large-scale Russian invasion was in progress- *(for more detail and evidence, please see response and comments from the Georgian side of 7 October 2008)*.

Based on the above series of the threatening escalations, and consistent with his constitutional duty (Article 71 of the Georgian Constitution) to protect the sovereignty and territorial integrity of Georgia as well as the security of Georgia's citizens, at 23:35 on August 7, the President of Georgia issued an order to start a defensive operation with the following objectives:

> Protection of civilians in the "Shida" Region-South Ossetia;
>
> Neutralization of the fire positions from which fire against civilians, Georgian peacekeeping units and police originated;
>
> Halting of the movement of regular units of the Russian Federation through the Roki tunnel inside the Tskhinvali Region-South Ossetia.

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[1] Georgia's response to the Russian Federation's Note Verbale dated 8 August 2008 (S/2008/545, annex) and to the statement made by the Permanent Representative of the Russian Federation to the United Nations at the 5964th meeting of the Security Council, on 8 August 2008 (S/PV.5964). See also the letter dated 11 August 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2008/545). See also the statement by the Georgian peacekeepers at a regular meeting of the Joint Control Commission held on 7 August 2008 in Tskhinvali. Address of UN Secretary-General to the Georgian Ministry of Foreign Affairs on 7 August 2008. See also the letter dated 11 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/545).

[2] All the measures taken by the Georgian Government in the aftermath of the Russian aggression could have been avoided if the Georgian Government had complied with the UN Security Council resolutions 1808, 1781, 1752, 1716, 1699, 1666, 1655, 1582, 1554, 1524, 1494, 1462, 1427, 1393, 1363, 1339, 1311, 1287, 1255, 1225, 1187, 1150, 1124, 1096, 1065, 1036, 1001, 971, 937, 934, 909, 896, 892, 881, 876, 859, 854, 839, 858, 858, 858

An operative group was formed to carry out the strikes and subsequent operations. The commander of the Land Forces was appointed as the commander of the operative group. The command headquarters was created to carry out the operation.

Upon discussion of the Operations Plan, zones to actions were identified according to which, after receiving orders, the operational group was set to immediately start movements with artillery and air support.

- The 4th Infantry Brigade was to operate on the left flank with the following objectives: 1st phase - advance towards Kvetagurovo, Ditsi and Zemo Didi Gupta passage of the Dzama by pass road. Afterwards 2nd phase continue advancement to take dominant heights at the edge of the Kvishe-Gupta Bridge and not allow regular units of the Russian Federation to enter Tskhinvali, Znauri and the Didi Liakhvi Gorge villages.

- The 2nd Infantry Brigade was to operate on the right flank with the objectives: 1st phase - advance towards Didmukha, Kvemo Khviti, and Sinaguli directions, take defensive positions on the natural boundary of Tsiri-Zemo Khviti, with the aim to protect civilians and the Tskhinvali Kurta bypass road. Subsequently 2nd phase continue to advance towards the proxy militia controlled Ukanta dominant height, take the height and establish defensive positions on the edge of Tkhikuna-Tskhinvali in order not to allow the enemy to enter the region through the Gori bypass road, protect civilians, ordered by pass roads on the Didi Liakhvi Gorge and ensure access to the evacuation of civilians from the theater of military operations.

After these objectives were fulfilled by the 4th and 2nd Infantry Brigades (3rd phase), the plan was to order Tskhinvali from the central Russian militia Ministry of Interior's naval units supported by a Separate Light Infantry Battalion of the Armed Forces and a selected naval single unit battalion to neutralize firing positions within the city and to the Georgian enclave north of the town.

Air Force objectives were outlined as:

Destruction by SU-25 ground attack aircraft of the Gupta Bridge, enabling personnel and armor on the move in its vicinity.

- Possible counter fire with the enemy was defined to MiG-29 attack helicopters between the village of Kvetagurovo and South Western limits of Tskhinvali with possible engagement upon necessity.

Artillery units were grouped into Land Artillery groupings with the following objectives:

Fire support to the 2nd and 4th Infantry Brigades,
Destruction of already identified and newly detected firing positions, and
- Neutralization of convoys of Russian regular forces moving on the bypass roads.

On August 7, after receiving the order from the Commander-in-Chief of Georgia, the Georgian Armed Forces artillery units started firing strike bombs and, subsequently at 23:30 began firing.

On August 8, at 00:15, the units concerned started movement from their deployment places towards the directions identified:

- On the left flank the 4th Infantry Brigade moved without particular resistance and in the morning, by 08:00 completed the first phase of the operation and started carrying the second phase. Meanwhile Russian regular forces started intensive movement on the Dzara-Java-Tskhinvali axis. Simultaneously, massive artillery and aviation attacks were launched against the positions of the 4th Infantry Brigade. These attacks were carried out from the north (in particular from the village of Kekhvi) resulting in significant combat losses of the 4th Brigade.

- On the right flank the 3rd Infantry Brigade moved in the pre-determined direction, but heavy artillery fire hampered their advance. Due to this, the 3rd Infantry Brigade finished the first phase of the operation an hour (at 09:00) later and did not succeed in occupying the dominant heights during the designated period. This fact directly jeopardized the safe evacuation of civilians from the Dzara-Tskhinvali gorge.

During their movement on the right and left flanks, Georgian units came under intensive fire, originating from Tskhinvali. In parallel, fire from Tskhinvali was targeting the villages of Tamarasheni, Prisi and Zemo (Upper) Nikozi.

At around 06:00, special forces of the MIA of Georgia equipped with Cobra type armored vehicles and reinforced by several tanks from the VSOD of Georgia, moved from village Zemo Nikozi towards the outskirts of Tskhinvali in order to suppress the fire at that village coming from the pro-Russian militants located in the southwestern part of the town, the so-called "Shanghai" suburb. The MIA Special Forces encountered sniper and massive tank and vehicle cannon fire from the Russian peacekeeping headquarters "Verkhniy Gorodok" located on the southwestern edge of the town and were compelled to retreat and ask for tank support as well. In fact, the post-Cold war building of "Verkhniy Gorodok" was used by enemy for conducting artillery fire against Georgian armed forces, which is confirmed by an article in the South Ossetian press.[1] It should be noted that around at 08:22, commander of the JPKF Major Kulakhmetov in phone conversation with the Head of the Georgian peacekeeping contingent Col. Givi Kurashvili admitted that the Russian peacekeepers had been providing coordinates for artillery shelling to the pro-Russian militants.[2]

The Separate 19th Infantry Battalion and a single Tank Company of the Separate Armored Battalion were made available for their reinforcement. As soon as forward units entered the city of Tskhinvali at 11 a.m. they came under intensive air and artillery bombardment in the southern part of the city. The bombardment widened along with movement of the units to the city and gradually covered the entire city. Due to the character of the terrain and presence of multiple fortified firing positions of the enemy inside the city, Ministry of Interior units were reinforced by additional forces (the 4th Brigade). Prior to that, the decision was made to introduce the 2nd Infantry Brigade, stationed

[1] See footnote 92 of the Report's section "Use of Force by Parties to the Conflict"

[2] See footnote 84 of the Report's section "Use of Force by Parties to the Conflict"

in Senaki, Western Georgia, to replace the 4th brigade on the left flank, upon its transfer to Abkhazia [*for a detailed chronology as well as evidence, please see responses and annexes to question 1 of the military set of questions*].

2.2. When were the Russian troops deployed from the Russian Federation into Roki Tunnel? When did they move into Tskhinvali region? Where any Russian units deployed in the Tskhinvali region prior to 7th August 2008?

Prior to August 7 – in addition to the Russian Peacekeepers that were in place since 1992 and mercenaries from the Russian Federation – Russian military deployments in the region took place in several forms. First, Russia continuously used rotation of the peacekeepers as a pretext and mechanism to deploy units in the region that were subsequently used during the invasion (such as the 58th subordinated "Vostok" battalion). During such rotations, specific units were tasked with the aim to study the terrain and reconnaissance for possible future combat. Second, two military bases were constructed in Java (Dzgardzhat) and Oni/Eredvi in 2007 and 2008 without the consent of the Government of Georgia. Of particular interest is the Java base. Despite the reach of any monitoring mechanism, Russia deployed both artillery and tanks in the base months in advance of the war.

Gen Vyacheslav Borisov, Deputy Commander of the Russian Airborne Troops, in a recent interview to Echo Moskvy radio station pointed out that the success of airborne troops was due to their direct presence "in the same area … a week before August 7th" that "we were in charge of South Ossetia and Georgian sectors" and the fact that they were already on the move prior to the beginning of the active phase of hostilities.

From June 16, 10 armoured vehicles entered the Tskhinvali Region/South Ossetia from the Russian Federation via the Roki Tunnel (Georgian intelligence data, HUMINT). Then from July 14-24, 15 T-72 type tanks were reported moving from the town of Alagir, North Ossetia, towards the Roki Tunnel, as well as 6 "Ural" type trucks loaded with soldiers were moving from the village of Zaramag, North Ossetia towards the Roki Tunnel (Georgian intelligence data, HUMINT).

By the end of July, according to the same sources, large forces were set up on the territory of the new Russian military base in the north-western part of Tskhinvali (for about 1,500-2,000 persons). According to information from Russian peacekeepers, soldiers from the 33rd Motor Rifle Mountain Brigade (centered in Beslan, Dagestan) were soon to be deployed there (Georgian intelligence data, HUMINT).

Following these steps, on August 3, units of the separate reconnaissance battalion of the 19th Motor Rifle Division of the 58th Russian Army were reported to be deployed in the Java district through the Roki Tunnel (Georgian intelligence data, HUMINT).

On August 4, during the night, 20 units of armour (BTR/BMP vehicles) were brought into the Tskhinvali Region/South Ossetia from the Russian Federation and distributed among the already

Radio Free Europe/Radio Liberty, "Russian Advisor on War", 16 August 2008, http://www.rferl.org/content/Russian_Advisor_On_War/1192744.html

regime irregular forces. Two vehicles were handed over to the de facto regime irregular forces unit located in the village of Dmenis'. Tskhinvali district (Georgian intelligence data: HUMINT).

On August 5 during the day, 30 units of self-propelled artillery and a reconnaissance battalion of the 33rd Motor Rifle Mountain Brigade from Dzhilikh, Dzeresta were deployed in South Ossetia through the Roki Tunnel, and 30 artillery guns were brought into the Java district. Some units of the 58th Army were reported to be mobilized near the Roki Tunnel in North Ossetia: Russia, including the 136th Separate Motor Rifle Regiment from Prokhladnyi, Kabardino-Balkaria and the 693rd Motor Rifle Regiment from Zamankul, North Ossetia (Georgian intelligence data: HUMINT).

On August 6, during the night, several units of tanks (including BTR and BMP vehicles as well as self-propelled artillery systems) were brought into South Ossetia from the Russian Federation and deployed near the southern entrance to the Roki Tunnel (Georgian intelligence data: HUMINT).

On August 7, at 03:25, the MIA of Georgia announced the first information that, according to which a Russian military convoy, including armoured military trucks loaded with soldiers, emerged the Roki Tunnel. At 03:45, a large number of armored vehicles, tanks and military trucks of the Russian regular army streamed into the Roki Tunnel and were deployed in the Java district. This is confirmed by geolocated video footage intercepted by the MIA of Georgia.[1] Numerous articles in the Russian press also confirm that Russian army units, namely parts of the 693rd and 135th motor rifle regiments of the 58th army, had entered South Ossetia prior to August 8.[2] As reported by the South Ossetian de facto regime's main newspaper "Sovetskaya Ossetia", on that night the head of South Ossetian proxy authorities, Eduard Kokoity travelled from Tskhinvali to the Java district (in order to meet with representatives of the Russian Ministry of Defence.[3] Significantly, Russia has not disputed the authenticity of the intercepts. Russia initially denied existence of any such convoys. After facing the evidence however, the Russian military claimed this movement of troops was part of "second rotation".[4] The Russian explanation that Russia's refer to a routine rotation of their peacekeeping troops is false. According to the peace agreement, in Russian Georgian army rotation should have happened during daylight, no peacekeeping units were allowed to possess tanks and all relevant parties also to have been notified (i.e. the Georgian Government and OSCE) a month in advance. None of this happened. The previous rotation of Russian forces was in May 2018.

On August 7, at around 12:00, head of Abkhazian provisional authorities Sergey Bagapsh approved that he had put Abkhazian armed forces on alert in order to provide military assistance to South Ossetia after that a battalion from the North Caucasus military district of Russia had already entered Tskhinvali Region. This statement was broadcasted by Russian TV at 17:00.[5]

[1] See evidence from a BBC Georgian journalist on the Roki Tunnel military convoy movements
[2] See evidence from a Russian newspaper on the deployment of Russian troops
[3] See evidence from the Russian newspaper on the meeting of Kokoity with Russian officials
[4] See evidence from the Russian Ministry of Defence on the military convoy movements
[5] Georgian Articles Report Evidence of Russian Troops Entering South Ossetia Through the Roki Tunnel on August 7, 2008, Georgian Ministry of Internal Affairs, August 7, 2008, http://www.mia.gov.ge/News.aspx?sec_id=69&lang_id=ENG&news_id=4000
[6] See evidence attached

On August 7, during the day, Georgian authorities received military intelligence that Russian troops (which had never re-deployed from July's North Caucasus military exercises) were put on high alert and had received orders to prepare to move towards the Georgian border.

On August 7, late in the evening, the Georgian government received multiple current intelligence reports that about 150 armoured vehicles and trucks with Russian soldiers were approaching the Roki Tunnel from Russia and moving towards the Tskhinvali Region/South Ossetia. Later, multiple signal intercepts of phone conversations among the de facto security and military officials that took place between 02:20 and 04:30 on August 8 confirm that Russian military columns were stretched from the Roki Tunnel to the village of Java.[2]

On August 8 at 05:30, incoming Russian troops passed the village of Java crossing the Gizeli Bridge and advanced on the Dzari bypass road, which is confirmed by a telephonic conversation intercepted by the Ministry of Interior of Georgia.[3] Soon after that, two more columns of Russian troops entered the Roki Tunnel and advanced south by the Gori-Dzinvisi road.

On August 8, at 18:15, one column of Russian tanks, armored vehicles and trucks approached Tskhinvali by the Dzara road. Two artillery companies were deployed near the village of Dmenisi. Russian forces opened intensive fire on Georgian armed forces located in Didi Gupta, in Tskhinvali and on the neighbouring heights.

On August 8, by 22:40, Russian troops approached the Didi Liakhvi valley from the north, but failed to enter it, suffering heavy losses caused by Georgian artillery fire and also stopped moving on the Dzara road towards Tskhinvali.

On August 9, at 11:10, Russian forces, including airborne troops started to enter Tskhinvali from the north-west and from Didi Gupta.

On August 9, at 17:00, additional Russian troops entered Tskhinvali.

On August 10, early in the morning, more than 200 Russian tanks and armored vehicles, together with more than 10,000 Russian troops passed through the Roki Tunnel.

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[2] See, for example, Telephone conversation No. 1 of the Ministry of Defence of Georgia.

[3] See, for example, Telephone conversation No. 1 of the Ministry of Defence of Georgia.

3. What were the roles and activites of the components of the Joint Peacekeeping Forces (which had a mandate in the Tskhinvali Region) as well as those of the CIS Peacekeeping Forces (which had a mandate in the Georgian-Abkhaz conflict zone) in August 2008?

The Joint Peacekeeping Forces, which were deployed in the Georgian-Ossetian conflict zone on the basis of the 1992 Sochi Agreement between Russia and Georgia, consisted of three peacekeeping battalions: the Russian battalion, the Georgian battalion and the battalion of North Ossetia-Russia. Each battalion was initially staffed by South Ossetian militia fighters. Each battalion was manned by 500 soldiers on an emergency situation the personnel of each battalion could be increased up to 600 soldiers.[1]

The Joint Peacekeeping Forces had two headquarters in the Tskhinvali Region/South Ossetia, in what is commonly called "Nazarin Gloveyshia" in the central part of the town of Tskhinvali where the Commander of the JPKF and his office and at "Verkhniy Gorodok" in the southwestern part of the town.

By August 2008, the peacekeepers were stationed at 13 checkpoints in the following villages of Tskhinvali Region/South Ossetia:

Georgian Checkpoints

1. Keshet (1 Russian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian)
2. Prisi (1 Russian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian)
3. Tsnelisdzhvari (1 Russian platoon, 1 Georgian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian).
4. Megvrekisi (1 Russian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian)
5. Variani (1 Russian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian).
6. Kvemoti (1 Russian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian)
7. Tamarasheni (1 Russian platoon, observers: 1 Russian, 1 Georgian, 1 Ossetian)
8. Avnevi (1 Russian platoon, observers: 1 Russian, 1 Georgian)
9. Avnevi (1 Russian platoon, observers: 1 Russian, 1 Georgian)

Russian Checkpoints

10. Ergneti (1 Russian platoon)

Georgian Checkpoints

11. Avnevi (1 Georgian platoon)
12. Sarabuki (1 Georgian platoon)
13. Kekhvi (6 Georgian peacekeepers)
14. Tamarasheni (6 Georgian peacekeepers).

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[1] See: Agreement between Russia and Georgia on Principles for Settlement of Georgian-Ossetian Conflict, Moscow, June 24, 1992.

When tensions in the conflict zone started to mount in July 2008, the Joint Peacekeeping Forces, as on many occasions before (see *answer to question 5 of the legal set of questions and answer 1 to question VII.1 report on the JPKF activities in August 2008*) failed to abide by their mandate in terms of reporting on and curbing the illegal activities of South Ossetian de facto regime irregular forces which were engaged in an illegal military build-up in the conflict zone. In addition, these forces were reportedly firing in the direction of Georgian government controlled villages in Big Liakhvi, Small Liakhvi and the Ptsare valleys as well as towards the villages south of the administrative border of the Tskhinvali Region/South Ossetia.

On July 29, at 16:00, South Ossetian de facto regime irregular forces shelled the central government controlled villages in Big Liakhvi valley for 40 minutes using mortars and grenade launchers and at 22:00 shelled the Georgian peacekeeping checkpoint on the Sarabuki heights with 120 mm and 152mm artillery. On August 1, from 21:30 onwards, South Ossetian de facto regime irregular forces shelled the Georgian villages of Zemo Nikozi, Kvemo Nikozi, Avnevi, Nuli, Eredvi and Zemo Prisi with large calibre artillery. The shelling continued overnight and stopped only in the morning, on August 2.

On August 2 and 3, the JPKF conducted monitoring of some of the villages targeted by the shelling and on August 4 issued a report confirming the fact of the shelling of Zemo Nikozi, Kvemo Nikozi, Nuli, Eredvi and Zemo Prisi with 82mm artillery, as well as the earlier shelling of Georgian peacekeepers on the Sarabuki heights with 100 mm and higher calibre artillery. However, the JPKF report did not specify who had shelled these villages although the leadership of the North Ossetian peacekeeping battalion must, presumably, be commander of the JPKF knows perfectly well that only South Ossetian proxy regular irregular forces could have been responsible for this shelling on Georgian controlled villages.

Numerous telephone conversations intercepted by the Ministry of Internal Affairs of Georgia revealed that Russian and Ossetian peacekeepers were aware of these violations but did not report them and on several occasions even collaborated to hide the evidence of these violations. Moreover, at times South Ossetian de facto regime irregular forces and "North Ossetian" peacekeepers constituted hybrid structures of Georgian peacekeepers and police. The most vivid examples of such violations are listed below:

- On July 29, at 22:45, a duty officer of the North Ossetian peacekeeping battalion, Mr. Ruslan Mussaev informed the Senior Commander of North Ossetian peacekeepers, Mr. Kazbek Dzutsev that a unit of the North Ossetian peacekeeping battalion had opened fire towards the Georgian peacekeeping battalion.
- On July 30, at 10:12, Mr. Alik Dzgoev, the chief military observer in the North Ossetian peacekeeping battalion telephoned a duty officer at the South Ossetian de facto Ministry of Defense and warned them that monitoring was going to be conducted by the JPKF in the area close to the Sarabuki heights.
- On August 1, at 22:37, Mr. Arsen Kvezerov, Deputy Commander of the 4th battalion of the South Ossetian de facto Ministry of Defense called Mr. Philip Khachirov, the head of North Ossetian peacekeeping battalion to pass a request to artillerists to support his fire and offered to give the coordinates of either Georgian police or Georgian peacekeepers

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[1] See answer 3 of the answers to the first list of Tagliavini questions

- On August 2, at 21:01, Mr. Assen Kvezerov, Deputy Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense and Mr. Philip Khachirov, Head of the North Ossetian peacekeeping battalion discussed a strategy for the future shelling of positions of Georgian peacekeepers and police
- On August 4, at 23:46, the Senior Commander of Georgian peacekeepers, General Mamuka Kurashvili contacted the Commander of the JPKF General Marat Kulakhmetov on the phone and asked him to conduct additional monitoring of the places from where the Sarabuki heights might have been shelled since he was sure that the mortar fell by a 120mm shell on the Sarabuki heights could show the direction from where it originated. At 23:51, the de facto Defense Minister of South Ossetia, Russian Colonel Vasily Tarkov, who was already informed that the shells were traceable, telephoned Mr. Victor Kokoev, the Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense, that was responsible for the shelling and instructed him to change something on the firing position in order to conceal the trace.
- On August 6, at 1:58 a person named Alan reported to Mr. Alik Tagiyev, the chief military observer in the North Ossetian peacekeeping battalion that "their people" shelled the positions of other Georgian police or Georgian peacekeepers. Mr. Tagiyev has never come to tell this fact.
- On August 6 at 9:06 Mr. Alik Tagiyev, the chief military observer in the North Ossetian peacekeeping battalion asked Mr. Ibragim Gassiev, the de facto Deputy Defense Minister of South Ossetia to report about the results of shelling of an armored vehicle of the Georgian peacekeeping battalion
- On August 6, at 21:18, Mr. Victor Kokoev, the Commander of the 7th battalion of South Ossetian de facto Ministry of Defense informed the Senior Commander of North Ossetian peacekeepers Mr. Kazbek Dzitsev that during the night "something" was going to be brought into the area. Mr. Dzitsev interrupted and warned him not to talk about this via Georgian mobile communications.
- On August 7, at 00:22, Mr. Alik Tagiyev, the chief military observer in the North Ossetian peacekeeping battalion asked Mr. Ibragim Gassiev, the de facto Deputy Defense Minister of South Ossetia to correct their artillery fire at Georgian peacekeepers because some of the shells constantly fell near the location of Russian peacekeepers
- On August 7, at 05:31, Mr. Philip Kanukhov, Head of the North Ossetian peacekeeping battalion gave advice to Mr. Arsen Kvezerov, Deputy Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense in choosing targets for their artillery attack

[See annexes 2.25 for those telephone intercepts and their transcripts]

From August 6 onwards no monitoring was conducted by the JPKF in the conflict zone, despite requests by the Georgian Battalion of the Joint Peacekeeping Forces. On August 7 at 7:00, the Georgian peacekeeping checkpoint in Avnevi was heavily shelled with 120mm and 152mm artillery, by South Ossetian proxy regular irregular forces located in the village of Kvemo Nikozi, destroying the Georgian peacekeeping unit's armored vehicle, killing two Georgian peacekeepers, Mr. Shalva Tatpoidze and Mr. Vitali Tskhadze and wounding five others. Georgian peacekeepers returned fire in self-defence. Later the Ministry of Internal Affairs of Georgia intercepted a phone call during which a member of the de facto regime irregular forces confirmed the fact of shooting up an armored

[1] See annex 3.5 of the answer for the exact number of casualties as well as the identities of the Georgian peacekeepers

vehicle of Georgian peacekeepers in Avnevi with a caution.[1] At around 11:00, after the Commander of the JPKF Marat Kulakhmetov refused to give additional security guarantees to Georgian peacekeepers in Tskhinvali, the Commander of Georgian peacekeepers Mamuka Kurashvili ordered officers of the Georgian peacekeeping battalion to leave the headquarters of the JPKF in Tskhinvali. At 17:10, despite casualties among Georgian peacekeepers and the shelling of central government controlled villages, Georgian peacekeepers unilaterally ceased fire to defuse tensions. This decision was communicated by the Georgian State Minister for Reintegration, Mr. Temur Yakobashvili to the Commander of the JPKF General Marat Kulakhmetov at 17:30.

In the evening of August 7, at 20:50, South Ossetian de facto regime irregular forces resumed their shelling of Georgian peacekeepers and police officers located in the village of Avnevi and the Prone valley and at 23:30 intensified their artillery fire on all positions of Georgian peacekeepers and police in Big Liakhvi, Little Liakhvi and the Prone valleys.

From August 8 to 9, the Georgian peacekeeping battalion continued to serve at its checkpoints until the evacuation of the civilian population from Big Liakhvi, Little Liakhvi and the Prone valleys was completed in the afternoon of August 9. It is important to note that none of the checkpoints of the Russian and North Ossetian peacekeeping battalions located outside the town of Tskhinvali were attacked by the Georgian armed forces. The situation at such locations of the JPKF units such as Dzevrokhovo mountain, the villages of Mamisonis and Avnevi remained calm despite the ongoing hostilities. However, the situation was different in Tskhinvali.

Units of Russian and North Ossetian battalions of the JPKF located at their headquarters in "Novyiy Gorodok" in the central part of Tskhinvali and "Verkhniy Gorodok" in the southwestern part of Tskhinvali were actively involved in the hostilities. On multiple occasions, they contributed to the war efforts of the Russian Army and South Ossetian militants by providing peacekeepers' barracks and infrastructure to high ranking officials of the proxy regime and representatives of the de facto regime irregular forces. Moreover, these headquarters were used for directing artillery interventions and military actions of the Russian Army and South Ossetian militants against Georgia's governmental forces.

It should be noted that earlier, at 00:25, the Commander of the JPKF, General Marat Kulakhmetov, in telephone conversations with the Head of the Georgian peacekeeping contingent Gen Kvashvili admitted that the Russian peacekeepers had been providing coordinates for artillery shelling to the proxy militants.[2] Importantly, the above took place well before any Russian claims of alleged Georgian attacks on peacekeepers.

On August 8, at around 06:00, Georgian Ministry of Internal Affairs special forces equipped with "Cobra" type armoured vehicles and reinforced by several tanks from the Ministry of Defence of Georgia, moved from the village of Zemo Nakvi towards the outskirts of Tskhinvali in order to suppress the fire opened at that village by the de facto regime irregular forces located in the southwestern part of the town, the so-called "Shanghai" district. The Ministry of Internal Affairs Special Forces encountered sniper and massive armoured vehicle cannon fire from the Russian peacekeeping headquarters "Verkhniy Gorodok" located on the southwestern edge of the town and

[1] See annexes 75 and 76 and the answers to the questions of the military expert over the telephone conference [redacted].

[2] See annex 87, Video footage and answer to the question [redacted] of the military expert over the telephone conference [redacted].

were compelled to return fire and use for tank support. In fact, the roof of the main building of "Verkhniy Gorodok" was used by South Ossetian de facto regime irregular forces for correcting their artillery fire against Georgian armed forces, which is confirmed by an article in the South Ossetian press.[1] In the result of fire returned by Georgian forces towards the headquarters, a lieutenant colonel Russian Artillery Intelligence Director Oleg Gogaev was severely wounded and later died. According to the article, "[h]is artillery battery post was located on the roof of the Russian Peacekeeping Battalion building in the southern outskirt of the town" from where "Oleg corrected artillery fire."[2]

According to an interview of Colonel Kazbek Fidev, the Commander of North Ossetian peacekeepers to the South Ossetian de facto regime's radio, parts of the battalion under his command "were taken preplanned positions and acted jointly with the subunits of the Ministry of Defense [of Russia]" and "were halting the advancement of Georgian troops."[3] Colonel Fidev also states that the mission of the peacekeepers was "not to allow Georgians to pass through the town." He characterized positions of his soldiers and armored vehicles (BMPs and BTRs) in Tskhinvali namely in Nizhniy, Tsentralniy and Moskovskiy districts in the south of the town. As mentioned, moreover, they acted jointly with Russian Ministry of Defense troops.[4]

Since the afternoon on August 8, 2008, part of the leadership of the de facto regime, particularly "all the power ministers" started to gather at the peacekeepers' headquarters at "Nizhniy Gorodok."[5] Parts of the motorized regular forces also gathered at this place, which was used as one of the centers for "organizing the town's defense efforts."[6]

The JPKF headquarters "Nizhniy Gorodok" was the place where Anatoly Barankevich, the Security Council Chairman in the South Ossetian proxy regime, appeared to request help.[7] According to Barankevich, he "proposed to K. Tskhaitov [the Commander of the JPKF] to lead the circle of defense together and to stand against Russian troops entered."[8] Simultaneously, on the territory of the peacekeepers' base he was provided with a mobile phone by which he contacted the Russian leadership and demanded "the promised reinforcements." Mr. Barankevich, aided by a number of South Ossetian militants, also decided to secure the roads to the JPKF headquarters. For that purpose, they occupied the surrounding houses from where they ambushed and attacked Georgian police and military moving around the town.[9]

Despite the above mentioned evidence which was apparent on the ground during the military action, Georgian armed forces were reported towards "Nizhniy Gorodok." The aforementioned, the town of Tskhinvali in general, came under heavy Russian artillery fire upon the entry of the Georgian forces into the town. The analysis of the footage provided by the Russian NPK (see annex 26) shows that the GRAD missile that exploded next to the peacekeepers' headquarters came

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[1] See article "[illegible]" [illegible] [illegible] [illegible]

[2] [illegible]

[3] See article "[illegible]" [illegible] [illegible] [illegible]

[4] [illegible]

[5] See interview "[illegible]" [illegible] [illegible] [illegible]

from the north. In another open source interview, a Russian soldier admits firing GRADs at the town of Tskhinvali.[1]

"In spite of the overwhelming evidence of the direct involvement of the peacekeepers in the hostilities, Georgian armed forces treated them with due precautions and never launched an offensive unless the hostile activities were initiated by peacekeepers or mixed or vehicles wearing peacekeepers identifications. For instance, on the morning of August 9, at 7:00 (2:00), the 31st Battalion of the 4th Infantry Brigade of the Georgian armed forces was moving into the town of Tskhinvali in order to reinforce the MIA special forces. Immediately before they entered the town a chain of armored vehicles and tanks (20 or armed persons appeared. The Chief of the Battalion ordered the troops to allow the chain of vehicles and tanks to enter undisturbed into the town reserving visible distance in order to confirm their identification. Soon it became known that the tanks and armored vehicles had easily identifiable signs of Russian Peacekeeping Forces (yellow "MIC" on the blue background). The Commander of the Battalion ordered to avoid fire and to allow the peacekeepers to pass. The column penetrated deep into the 31st Battalion and suddenly attacked the Georgian units with automatic rifle fire and hand grenades. The Commander of the Battalion, Major Shalva Dolidze, as well as several other members of the Battalion died and dozens of Georgian soldiers were wounded.

In the course of the hostilities it became fatally evident that Russian armed forces were using the Russian peacekeeping battalion of the JPKF to conduct reconnaissance of the area long before the invasion. For example, units of the Special Battalion "Vostok" (operated in Gudermes, Chechnya, under the GRU command) were first deployed to the Tskhinvali Region/South Ossetia as part of the JPKF in the summer of 2007 and underwent at least two rotations since then. The Group Commander of the "Vostok" battalion, Mr. Ruslan Baimuradov, who was in charge of these units in 2007, led this group from the Caucasus as part of Russian regular troops in August 2008 (see annex 25 for a video of Baimuradov as a peacekeeper in Tskhinvali Region in 2007, annexes 26–28 for photos and a video of Baimuradov in Tskhinvali in 2008 and annex 29 for a video of his testimony).

On August 10 Russian armed forces, mostly with peacekeeper identification marks, started the occupation of west Georgia.

By August 2008, the Collective Peacekeeping Forces, which were deployed in the Georgian-Abkhazian conflict zone on the basis of the 1994 Moscow Agreement between Russia and Georgia, were stationed on the following checkpoints: no. 301 R.K.P.; no. 302 K/p Ajiara; no. 304 Ergneti; no. 305 Eredvi; no. 306 Shanguti; no. 307a Skra-avto; no. 308 Gori-Eredvi; no. 309 (base) Avaleti; no. 310 Kvemo-Ba; no. 311 (base) R/Sta; no. 312 (base) Perevi-Tserovani; no. 201 Gudauta; no. 202 (base) Tagiloni; no. 203 Ekaterinofi; Sinop no. 2; no. 204 (base) Upper power plant; no. 205 Sinop; Sanitary-zone settlement; no. 206 Ingiri power plant, settlement Najikeuri, no. 207 (base) Kvitchavia; no. 208 Mount Otchamchiri; no. 209 Nabakevi; no. 210 Pichori; no. 211 Samaf-vanlei; no. 212 Sukhumi-Gal'i road; no. 102 (base) Reshikhi; no. 103 Repho River; no. 104 Pramiski; no. 105 Zemo Bargebi; no. 106 (base) Kvemo Larsi; no. 107 Zemo Larsi; no. 108 Kvemo Gomarskhi; no. 109 Sida.

On August 10 2008, at about 22:30 Russian troops, including Russian Peacekeepers and Abkhazian, de facto regime troops at Ochamchire crossed the administrative border of the Inguri River and entered

[1] See annex 24 for a video of the interview with the soldier. For a full transcript of the interview

...e Zugdidi district. Russian "peacekeepers" occupied most administrative buildings in the town of Zugdidi and presented an ultimatum to the local police to surrender their weapons.[1] The occupation of the towns of Z gdidi, Senaki and Poti, villages in Khobi and Tsalenjikha districts by the "peacekeepers" was finalized by August 12.

On August 12, at 11:00, Russian airborne troops and Abkhazian de facto regime irregular forces launched a ground attack in the Upper Abkhazia Kodori Gorge. The operation to occupy the Kodori Gorge was planned by Mr. Aleksandr Ankvab, de facto Deputy Minister of Defense of Abkhazia since April 30, 2008, who was tasked to serve as the Head of Russian peacekeepers' staff in the Collective Peacekeeping Forces. From his experience as a peacekeeper (he formerly served in UNOMIG observers in Kodori Gorge in 2006-2008) he knew every location of Georgian police in the area (see annexes 90 and 91 for photo and video).

Thus, Russian Peacekeeping forces have actively participated in the military invasion and occupation of Georgia. Russian peacekeepers were present at many checkpoints of the Russian occupying forces throughout August 2008, which was a clear violation of their peacekeeping mandate and the basic principles of international law.

A large amount of evidence showing different kinds of violations by Russian peacekeepers of their mandate, including how Russian peacekeepers were leaving a Georgian military base in Senaki and the Coast Guard's facilities in Poti, can be found in the footage of Georgian TV (see annexes 32 - 33 for the TV footage and its description).

The Russian Federation had repeatedly asserted that the attack on Russian peacekeepers was one of the principal reasons for their invasion. At 02:15 in the morning of the August 8 Russian Deputy Foreign Minister, Grigory Karasin telephoned his Georgian Minister of Foreign Affairs Grigory Vashadze and informed him that Russia will respond militarily to the death of its peacekeepers in Tskhinvali. About hour and half later, the Russian ambassador to Georgia Vyacheslav Kovalenko visited Georgian's Ministry of Foreign Affairs to officially convey the same message. Although the first encounter between Georgian forces and Russian peacekeepers took place at 06:00, at least three hours later than Saakashvili's phone call.

The evidence herein shows that Russian peacekeepers both in Abkhazia and Tskhinvali Region/South Ossetia not only fell short of fulfilling their mandate but guided and assisted enemy militaries before the war and directly participated in the hostilities during the active phase of the Russian invasion.

[1] See annex 16 for the text of the ultimatum in the Russian and English versions.

4. What was the timing of deployments/operations in Upper Kodori Valley? And which Forces were involved?

Georgian Police Presence in Upper Abkhazia

July 2006 - August 2008

Restoring Law and Order in the Kodori Gorge

1. By July 2006, the Kodori Gorge was controlled by an illegal armed group led by the former governor of the Gorge, Emzar Kvitsiani (dismissed in December 2003) and his nephew Ruchi Argvlani. This group, which included members of the former militia formation "Monadire" (established in April 2006), was involved in illegal arms trade, hostage taking and human trafficking. Mr. Kvitsiani and his relatives also oppressed humanitarian aid, which the Georgian government used to send to the population of the region. UNOMIG suspended monitoring of the Kodori Gorge since the hostage-taking in July in June 2003.

2. In July 2006, the Georgian government proposed to Emzar Kvitsiani lay down his arms and allow the newly appointed local administration and police to enter the Gorge. Mr. Kvitsiani developed and organized an anti-government armed rebellion. In response to that, on 25-27 July 2006, the special forces of the Ministry of Internal Affairs of Georgia, led personally by Minister Vano Merabishvili, conducted an anti-criminal operation in order to restore law and order in the region. After an exchange of fire between the police and the criminals near the village of Sakeni on July 25, Mr. Kvitsiani, Mr. Argvlani and their closest accomplices escaped from the Gorge to the territory controlled by Abkhazian separatists, while most members of the former militia formation "Monadire" laid down their arms. The Ministry of Internal Affairs of Georgia seized large deposits of modern Russian armaments worth of several million U.S. Dollars, freed a number of human trafficking victims and arrested numerous criminals that had been hiding in the Gorge for several years. Emzar Kvitsiani ended up in Russia and since then hosted several anti-Georgian forces against the Georgian government via Russian state TV channels.

3. After this successful operation, the Georgian government officially restored the Kodori Gorge into Upper Abkhazia and relocated the legitimate Government of the Autonomous Republic of Abkhazia (in exile) to the region's administrative center village Chkhalta. The Ministry of Internal Affairs of Georgia was tasked with rebuilding the infrastructure of the Gorge and by November 2006 it completed the reconstruction of the police station, houses for police officers, the hospital, the bank, the school, the administration building in the village of Chkhalta and communications in Upper Abkhazia. The Georgian government also started to build a new road connecting the Kodori Gorge with the rest of Georgia.

Georgian Police Forces in Upper Abkhazia

4. Since the end of July 2006 through early August 2008, the Ministry of Internal Affairs maintained from 380 to 480 police officers in Upper Abkhazia (the number varied at times according to security needs). A large part of these police officers, those from the Criminal Police Department and the Special Tasks Main Division of the Ministry of Internal Affairs were serving on a monthly basis and a small part of them (up to 100) were recruited locally by the Border Police Department of the Ministry of Internal Affairs to guard the Upper Abkhazia sector of the Georgian-Russian border.

5. Georgian police units (on average groups of 30-40 police men) were permanently present in the villages of Kvabchara, Mravalts'q'aro, Chkhalta, Ajara, Lat' Gentsvishi, Kodor Gentsvishi Gamsakhurdia and Saken'i. They were armed with light weapons only and conducted routine patrols in Gentsvishi and other villages of the Gorge (22 villages in total).

6. On 2 October 2006, UNOMIG and the CIS CPKF resumed regular joint patrolling of Upper Abkhazia. During the next joint patrolling on 13-16 December 2006, UNOMIG and CPKF witnessed the demolition of a large stock of ammunitions that had been seized by the Ministry of Internal Affairs in July 2006. The next UNOMIG-CPKF patrols were on 5-7 March 2007, 13-15 May 2007 and 1-6 June 2007.

7. In July 2007, UNOMIG reestablished its team presence in the Village of Ajara and since then began monitoring the whole Gorge on a daily basis until 9 August 2008. During this time, UNOMIG observers did not witnessed any violations of the 1994 Moscow Agreement by the Georgian side in Upper Abkhazia, while Abkhazian separatists, aided by the Russians, staged several serious armed provocations (see annex I for UN reports on Kodor Gorge).

Russian-Abkhazian Attacks on Upper Abkhazia Before the August War

8. On 29 October 2006, three "MiG-21 Gnat" missiles fell on the Village of Ajara, one near the location of Kakhi Metreveli, Minister of Internal Affairs of Georgia, who was visiting the Kodor Gorge at the time. The fire came from the Abkhazian controlled Gumushi district.

9. On 11 March 2007 from 22:10 until 2:30, the Kodor Gorge suffered from simultaneous artillery and air attacks. At least 17 "BM-21 Grad" type missiles were fired from the ground and at least one "AA-9 Ataka" type guided missile from the air. The target of the air attack was the administration building in the village of Chkhalta. The targets of the artillery attack were the administration building in the village of Chkhalta, the storehouse of oil and fuel materials and the police station at the village of Ajara. The highly precise air attack by modern missiles, the night flight of helicopters in a mountainous area and the massive artillery bombing indicate that this was a well-organized and planned military operation which could have been conducted in this region only by Russian forces.

10. On 20 September 2007, a special task unit of the Ministry of Internal Affairs of Georgia neutralized an armed group of 10 people in the Kodor Gorge which had planned an attack on

the new road connecting Upper Abkhazia with the rest of Georgia. The commander of the grouping and his deputy were killed in the exchange of fire. They were identified as Igor Mazanatsky (Vice Colonel of Russian armed forces, a former member of the GPKI, who served on the contract basis in the border troops division of the Abkhazian separatist security service) and Artur Zverin (Major of Russian armed forces, also a former member of the GPKI). Seven members of the sabotage group that identified themselves as members of the border troops division of the Abkhazian separatist security service were arrested and later, as a gesture of good will, released and handed over to the Abkhazian separatist government.

11. On 9 July 2008, Abkhazian separatist forces attacked a group of Georgian police officers near the Achabkhara heights above the Kodori Gorge. Georgian police fired back. As a result of the exchange of fire, three Georgian police officers and two Abkhazian militia fighters were wounded. On 26 July 2008, Abkhazian separatist forces shelled the valley of the Kvabzi an River in the Kodori Gorge. No casualties, fortunately, were reported.

Russian-Abkhazian Invasion and Occupation of Upper Abkhazia during the August War

12. The Russian government asserts that the operations carried out by Russian armed forces in Upper Abkhazia and Zugdidi district were aimed at preventing possible offensive of Georgian armed forces on Abkhazia. However, the 2nd brigade of the Georgian armed forces based in Senaki (western Georgia) had been completely relocated to Tskhinvali Region/South Ossetia early in the morning of August 8, prior to the first air strike by Russian military aircraft on Upper Abkhazia at 5:00 on August 9 and the last series of ground operations by Russian troops in Zugdidi district and Upper Abkhazia on August 10 and August 12 respectively. The absence of any sizable Georgian military contingent in western Georgia by the time Russian armed forces started their advancement in Upper Abkhazia and Zugdidi district refutes the Russian argument.

8 August

13. At around 23:35, two Russian military jets flew over the Kodori Gorge for reconnaissance purposes.

9 August

14. In the morning, the Abkhazian separatist authorities demanded UNOMIG to leave Upper Abkhazia as they, together with Russian army units, were going to start a military operation in order to oust Georgian militia from the Gorge. UNOMIG complied and immediately left the area.

15. At between 13:40 and 14:30, Russian military aircraft bombed several villages in Upper Abkhazia, including the region's administrative center in the village of Chkhalta, as well as the villages of Omarishara and Ajara.

16. On 9 August, at 15:50 the Abkhazian separatist government openly declared that it had decided to start a military operation in order to drive out Georgian police from Upper Abkhazia. (See annex 2 for this statement.)

17. From 21:20 to 22:30, Russian aviation again bombed the villages of Ortevi and Ghatsvisi.

10 August

18. In between 06:00 and 11:30, Russian aircraft bombed the villages of Orkhevi and Akhta.

19. At around 11:00, Georgian police started to evacuate the civilian population from the Gorge.

20. In between 12:20 and 15:15, Russian aviation heavily bombed a large part of the Gorge, including the village of Tskhinvali.

21. From 16:10 to 16:15 and from 17:20 to 17:55, Russian aviation again bombed parts of Upper Abkhazia. Four civilians and three police officers were wounded as a result of this bombing. Later they were evacuated from the Gorge.

22. At 17:00, Abkhazian de facto leader Sergey Bagapsh declared mobilization and martial law on the territory of Abkhazia (see annex 4).

23. From 19:30 to 21:05 and from 20:20 to 20:30 Russian aircraft bombed parts of Upper Abkhazia.

24. From 22:00 to 22:10, Russian aviation bombed the village of Gentsvisi.

25. At 22:30, Russian troops crossed the administrative border of river Enguri and entered Zugdidi district, which is controlled by Georgian armed forces since its return under Georgian regular forces stationed in western Georgia had been relocated to Tskhinvali Region/South Ossetia early in the morning of August 9.

11 August

26. In between 00:20 and 05:00, Russian aviation bombed parts of Upper Abkhazia, including the village of Tsebelda.

27. By 12:00, Georgian police finished the evacuation of the civilian population from the Gorge (around 2,000 people in total).

28. At 16:45, the Abkhazian de facto Defense Minister Mirab Kishmaria threatened to use "all means to establish Abkhazian jurisdiction over the Kodori Gorge." (see annex 5 for its statement)

29. From 19:00 to 19:10, Russian aviation bombed parts of Upper Abkhazia.

30. At 20:30, the Ministry of Internal Affairs of Georgia learned that some of the Russian army units that had entered Zugdidi district the day before, started to move in the direction of the Zugdidi-Jvari and the town of Khobi in Samegrelo (north-western Georgian province adjacent to Upper Abkhazia) from where they would easily enter the Kodori Gorge and encircle Georgian police units there. This Russian column consisted of 10 units of heavy armor and around 500 Russian soldiers. Thus, in order to avoid the siege, the Ministry of Internal Affairs immediately decided to withdraw its

forces from Upper Abkhazia. (see annex 3 for the direction of Russian movement towards Kodori Gorge)

11 During the night Georgian police left the Gorge (up to 150 police officers), passing on the road above Khaishi towards Mestia.

12 August

12 At 03:00, the last group of Georgian police officers left Kodori Gorge. At 08:00, all Georgian police units that had come out of the Gorge passed above Khaishi and by 12:00 they arrived in Mestia.

13 At 11:00, Russian airborne troops and Abkhazian paramilitary forces launched a ground attack on Upper Abkhazia.

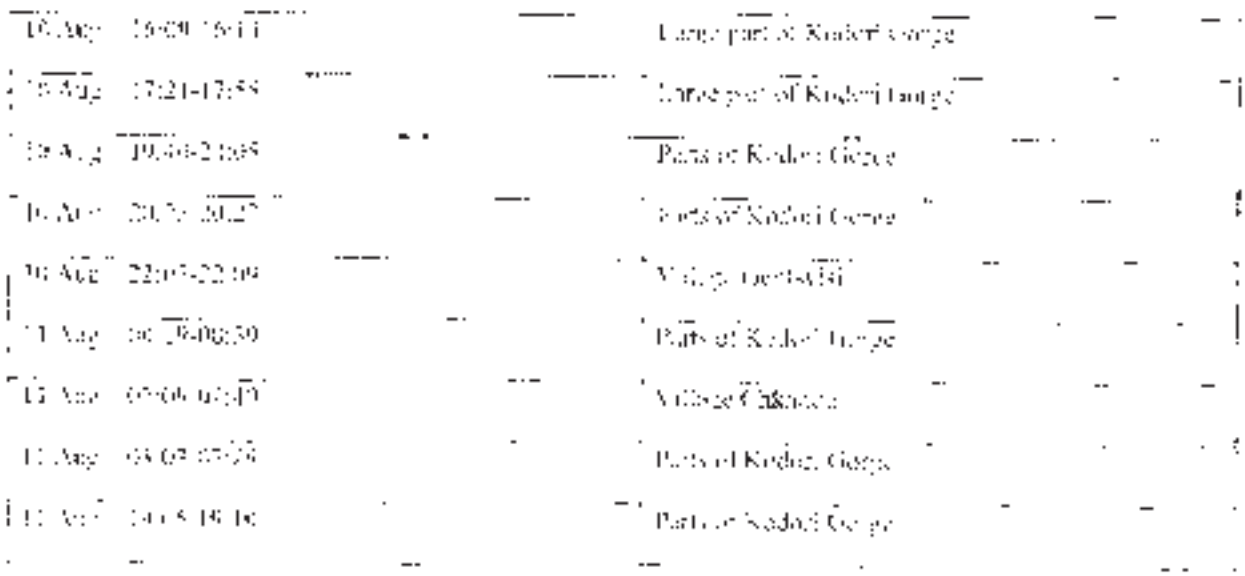
14 At 17:00, Abkhazian paramilitary forces occupied the villages of Zemo Azvo and Kvemo Azvo.

15 By 19:00, a Russian military column consisting of 30 units of heavy armor and 600 soldiers moved through the Nakra pass and reached the town of Khaishi, blocking the road to the Kodori Gorge from the east.

16 By 20:00, Abkhazian paramilitary forces fully occupied Upper Abkhazia.

Detailed Timeline of Russian Air Attacks on Upper Abkhazia

Date and time of air bombing	Area
9 Aug – 03:12–3:50	Lower part of Kodori Gorge
9 Aug – 04:04–4:12	Village Chkhalta
9 Aug – 04:24–4:36	Village Azvara
9 Aug – 11:26–11:39	Village Chkhalta
9 Aug – 12:01–12:40	Village Chkhalta
	Village Lata
10 Aug – 09:07–09:15	Village Azvara
	Village Chkhalta
11 Aug – 12:22–12:29	Village Chkhalta
11 Aug – 13:51–14:55	
12 Aug – 15:05–15:15	Upper part of Kodori Gorge



Occupied Villages in Upper Abkhazia

Georgian government has lost control over 22 villages in Upper Abkhazia which used to be under its administration prior to the August war.

1. Sakeni
2. Otsarishora
3. Gvandra
4. Left Gechrishi
5. Right Gechrishi
6. Khurcha
7. Zemo Ajara
8. Kvemo Ajara
9. Nakhani
10. Mtsvane
11. Khurtskvara
12. Left Pichi
13. Right Pichi
14. Chikvatia
15. Bzogvri
16. Shubabkvara
17. Zemo Zuza
18. Kvemo Zuza
19. Kvabchara
20. Buchumuri
21. Adzyara
22. Dabrashe

5. What types of units were used and how many troops were deployed in general and for particular operations? What percentage were conscripts and reservists?

a) What types of units were used and how many troops were deployed in general and for particular operations?

From the Georgian side the following units were engaged in military operations during the conflict (total strength approximately 10,000):

- Land Forces Command – II, III, IV Infantry Brigades, I Artillery Brigade, 53rd Infantry Battalion (Battalion), Artillery and Mechanized Battalions (1st Brigade), Separate Tank Battalion, Separate Infantry Battalion, Air Defense Battalion, Medical Battalion.

- Air Forces Command – Su-25 fixed wing, Mi-24 rotary wing, Mi-8 17, Mi-2 rotary wing, Air Defense radar and SHORAD (Short Range Air Defense) units.

  Special Forces Command – Six Battalion.

- Education Department – mountain training schools (a company size unit), Kasauli Training Center (a Company size unit).

- National Guard Department – reserve units.

- Military Police Department – battle group reinforcements.

- Armed Forces Logistic Department – Log Support Battalion.

- Anti-riot and counter-terrorism Battalion size units of the Ministry of Internal Affairs.

  Brigade was in Iraq and after return was not employed in battle.

As from the Russian side, here is an incomplete list of the Russian army units which participated in the invasion of Georgia (this information was gathered from different Russian media sources):

1. The Subdivision of the Russian Ground Forces, including:

- The 19th Motor Rifle Division – Vladikavkaz, North Ossetia represented by:
  - 135th Separate Motor Rifle Regiment – Prokhladnii, Kabardino-Balkaria (the one that entered on August 7th);
  - 693rd Motor Rifle Regiment – Zaramag, North Ossetia (the one that entered on August 7th);
  - 429th Motor Rifle Regiment named after Kuban Cossacks – Mozdok, North Ossetia;
  - 58/6rd Motor Rifle Regiment – Troitskoe, Ingushetia;
  - 292nd Self-propelled Artillery Regiment – Vladikavkaz, North Ossetia;
  - 1439th Separate Jet-Propelled Artillery Battalion – Prokhladnii, Kabardino-Balkaria;
  - 136st Separate Tank Battalion – Vladikavkaz, North Ossetia;
  - 239th Separate Reconnaissance Battalion – Vladikavkaz, North Ossetia;
  - 136th Separate Motor Rifle Brigade – Buinaksk, Dagestan;
  - 481st Air-Defence Missile Regiment – Vladikavkaz, North Ossetia.

- The 42nd Motor Rifle Division – Khabarovsk, Siberia, represented by:

- Special Battalion "Vostok" – Gudermes, Chechnya (currently under the GRU command)
- 70th Motor Rifle Regiment – Shali, Chechnya;
- 71st Motor Rifle Regiment – Khankala, Chechnya;
- 291st Motor Rifle Regiment – Benoi, Chechnya.

- The 33rd Motor Rifle Mountain Brigade – Buinaksk, Dagestan (formed by Vladimir Putin's 30 June 2006 secret decree – fully manned by 1 December 2007);

- The 34th Motor Rifle Mountain Brigade – Zelenchuk, Karachai-Cherkessia (formed by Vladimir Putin's 30 June 2006 secret decree – was deployed to Abkhazia, but did not participate in hostilities);

- The 119th Rocket Brigade – Znamensk, Astrakhan district (Tochka U and Iskander missiles) training center in Kapustin Yar, Astrakhan District;

- 97th Separate Anti-Aircraft Rocket Brigade – Volgograd, Volgograd district;

- 92nd Motor Rifle Division – Volgograd, Volgograd district (was deployed to Abkhazia, but did not participate in hostilities)

3. *The Russian Airborne Forces, including:*

- The 76th Airborne Division – Pskov, Pskov district, represented by:
  - 104th Airborne Regiment;
  - 234th Airborne Regiment;

- The 98th Airborne Division – Ivanovo, Ivanovo district, represented by:
  - 217th Parachute Regiment;

- The 45th Separate Intelligence Regiment – Kubinka, Moscow district, namely its 2186th special forces battalion;

- The 7th Airborne (Mountain) Division – Novorossiysk, Krasnodar krai, represented by:
  - 247th Airborne Assault Caucasus Cossack Regiment – Stavropol, Stavropol krai (entered Abkhazia);

- The 21st Airborne Brigade – Ulyanovsk, Ulyanovsk district (was deployed to Abkhazia, but did not participate in hostilities);

3. *The Russian Military Intelligence (GRU) Special Forces, including:*

- The 22nd Special Forces Brigade – Aksai, Rostov district;
- The 10th Special Forces Brigade – Molkino, Krasnodar district.

4. *The Russian Air Forces, including:*

- The 4th Army of the Russian Air Forces – Rostov-on-Don, Rostov district, represented by:
  - 1st Air Division's (Dyagilevo, Krasnodar krai) 368th Assault Aviation Regiment – Budyonnovsk, Stavropol krai (Su-25);

- 1st Air Division's (Yeysk, Krasnodar krai) 461st Assault Aviation Regiment Krasnodar, Krasnodar krai (SU-25);

- The 47th Air Army of the High Supreme Command (Strategic Purpose) – Moscow, represented by:
  - 22nd Heavy Bomber Air Division's (Engels, Saratov district) 52nd Heavy Bomber Air Regiment – Shaykovka, Kaluga district (Tu-22M3);
  - 22nd Heavy Bomber Air Division's (Engels, Saratov district) 840th Heavy Bomber Air Regiment – Soltsy, Novgorod district (Tu-22M3);

- The 929th State Flight and Test Center of the Ministry of Defense of the Russian Federation named after V.P. Chkalov – Akhtubinsk, Astrakhan district (SU-24M);

- The 4th Center of Combat Application and Training of Pilots named after V.P. Chkalov Lipetsk, Lipetsk district (SU-24M);

- Some of the SU-34, SU-35, SU-27, MiG-29 fighter aircraft based on the unknown. A large number of these planes flew to cover the Mozdok airbase in North Ossetia;

- *The Black Sea Fleet of the Russian Naval Forces, including:*
  - 30th Surface Warship Division's (Novorossiysk) 11th Anti-submarine Ship Brigade, represented by:
    - Guided Missile Cruiser "Moskva" (1983);
    - ASW Destroyer "Smetlivyy," (1969),

  - 50th Surface Warship Division's (Feodosiya) 197th Amphibious Ship Brigade, represented by:
    - Landing Ship "Cesar Kunikov," (1984),
    - Landing Ship "Saratov," (1966),
    - Landing Ship "Nikolay Vilkov," (1987);

  - 41st Missile Boat Brigade's (Novorossiysk) Separate II Missile Boat Battalion, represented by:
    - Guided Missile Corvette "Mirazh" (1983),
    - Guided Missile Corvette "Samum" (1991)

  - 184th Novorossiysk Coastal Defence Brigade, represented by:
    - ASW Corvette "Povorotnyy," (1989),
    - ASW Corvette "Kasatonov," (1986),

  - 12th Patrol Ship Brigade, represented by:
    - Small Patrol Ship "Ladnyy" (1968);

  - 68th Coastal Defence Warship Brigade's (Kerch) Anti-submarine Ship Battalion, represented by:
    - ASW Corvette "Suzdalets," (1983);

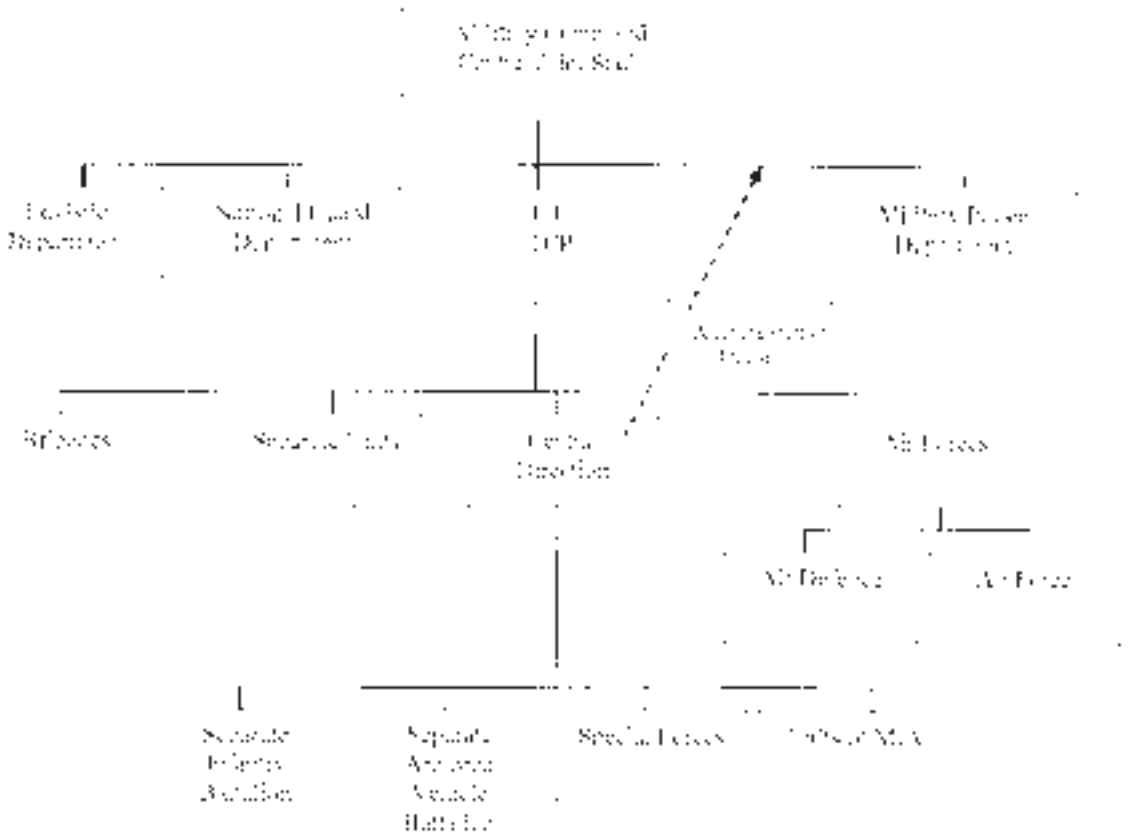
  - 68th Coastal Defence Warship Brigade's (Kerch) Minesweeper Battalion, represented by:
    - Seagoing Minesweeper "Lt. Mishin", (1972);
    - Seagoing Minesweeper "Zhukov" (1977),

b) What percentage were conscripts and reservists?

All units involved from the Georgian side were comprised of professional servicemen and no conscripts participated in the hostilities. Due to the scale of the Russian invasion, the Ministry of Defense of Georgia issued an order to mobilize reservists (approximately 5,000 were mobilized). However, they did not engage in hostilities.

6. What were the organization and the chain of command and control?

The chain of command and control of the Georgian military operation:



7. What were the levels of decisions for the choice of targets and assets engaged?

In line with the objectives of the operation and based on intelligence data, the Joint Task Force (JTF) of Georgian armed forces identified military targets that were communicated to the tactical level.

Fire was directed at two types of targets: at pre-determined targets based on intelligence information; at targets identified during the operation, from where the fire against Georgian-controlled villages, peacekeepers as well as against the GAF originated.

The predetermined target matrix with enemy positions was elaborated by the J2 department for Artillery and the Air Force. In addition to predetermined targets, fire was directed at targets that due to their use by the enemy for combat purposes became legitimate targets.

According to the Rules of Engagement in force, the commanders (at Brigade, Battalion, Company, Platoon level) identified individual targets of such nature during combat and were authorized to make decisions on returning fire.

Categories of Artillery Objectives and Assets Engaged

1. Military objectives inside the city of Tskhinvali and its outskirts as well as the support for the GAF ground elements on the flanks (Howitzers and guns of 120, 152 and 203mm calibers);

2. Moving enemy convoys on the Dzara and Gori by-pass roads as well as in the vicinity of the Gupta bridge (122 and 152mm MRLS); and

3. The Gupta bridge (203mm gun and air bombing).

Predetermined Military Targets, Including Russian Military Convoy Moving South

1. The Gupta bridge;
2. Armored convoys in the by-pass roads of Dzara and Gori;
3. The so-called "redistribution center" in Tskhinvali (Barracks of 2-503 servicemen);
4. The so-called Ministry of Defense in Tskhinvali;
5. The headquarters of pro-Russian militants in the so-called "Shanghai" settlement in Tskhinvali;
6. A platoon fortified position reinforced with Grad tanks in the vicinity of the asphalt factory in Tskhinvali;
7. A company fortified position reinforced with armor units (Russian origin);
8. A platoon fortified position reinforced with 3-5 tanks in the vicinity of the so-called tractor factory in Tskhinvali;
9. A platoon fortified position reinforced with 3-5 tanks in the vicinity of the cement factory in Tskhinvali;
10. One battalion of enemy artillery located in the vicinity of the villages of Dzhrgalati and Meresheti;
11. One armored unit in the vicinity of the village of Kurbnisi;
12. Artillery positions in the vicinity of the village of Ghetagurovo;
13. A platoon fortified position reinforced with tanks and 120mm mortars in the vicinity of the village of Ergneti;
14. The military base in Eredvi, Akhalgori.

8. What training had been given to troops involved in the operations on the International Law of Conflict? What plans were made for the protection of civilians before military operations began? What did the regular forces do in order to prevent human rights violations, including looting, burning of houses etc., during the hostilities of August 2008 and afterwards?

a) **What training had been given to troops involved in the operations on the International Law of Conflict?**

A thorough course on International Humanitarian Law is part of the academic program of the Georgian Armed Forces' Military Academy. Lectures are delivered by instructors trained in San-Remo during a series of courses of International Humanitarian Law, organized by the International Committee of the Red Cross.

In addition, an agreement "On Cooperation in the Area of Integration of International Humanitarian Law" was signed between the Ministry of Defense of Georgia and the International Committee of the Red Cross on October 25, 2002. On March 26, 2007, a Memorandum of

Understanding between the Ministry of Defence of Georgia and the International Committee of the Red Cross in the field of Dissemination of the Rules of International Humanitarian Law" was signed. On the basis of these agreements, representatives of the Georgian Armed Forces attended workshops on International Humanitarian Law.

It is noteworthy and relevant to mention that a significant number of Georgian Armed Forces personnel participated in military peacekeeping and international peace support operations, including in Iraq and Kosovo. All of those servicemen received extensive training in International Humanitarian Law.

b) What plans were made for the protection of civilians before military operations began?

Due to the fact that Georgian government had no planning conducted for military operations, no specific plan for the protection of civilian population existed.

Order of the President of Georgia issued on August 7, 2008 on launching defensive operation in response to ongoing Russian invasion specifically denied protection of civilians in the Tskhinvali Region/South Ossetia as one of four primary objectives. Georgian military were not only bound to respect principle of distinction but also requested to ensure protection of civilians, including those residing in villages under the control of central government, most of Tskhinvali suffered heavy artillery shelling.

Detailed information about the actual performance of Georgian Armed forces is provided in the answers to the Humanitarian and Military sections of the questionnaire. Within the context of this question information about the context and aims of the humanitarian corridor established by the Georgian government on 8 August 2008 is of importance. Despite risky from military point of view for the purpose of allowing remaining civilians to leave areas affected by military operations Georgian government declared "humanitarian corridor from 12:00 to 18:00 from Tskhinvali to Ergneti.

c) What did the regular forces do in order to prevent human rights violations, including looting, burning of houses etc, during the hostilities of August 2008 and afterwards?

During the hostilities earlier briefings on human rights, military police presence and clear instruction coming from the superior authority was to ensure that all civilians in the area affected by the war were protected. It is noteworthy, that Georgian militaries have not been accused of looting nor mistreatment of civilians. However, if any credible information becomes available to Georgian government, it will be thoroughly investigated.

It is noted by the Human Rights Watch, that Georgian military strictly followed the order of the President to "Protect Civilians":

> *The majority of witnesses interviewed by Human Rights Watch did not complain about other types of violations against them by the Georgian forces. Judging by its statements, in most cases the troops entering the villages did not deliberately cause physical harm to civilians. Several Ossetian interviewees said that Georgian soldiers told them they were under orders to look for and pursue Ossetian militias, but to spare women, children and elderly during the ground offensive.*[1]

[1] Human Rights Watch, *[illegible]*, p. 15.

Zuleka Z., from the village of Sarabuki, said that when Georgian soldiers entered the basement where she was hiding with her husband they told them, "Now you'll live with us with Georgians, and we'll live in peace. Misha [Saakashvili] told us not to touch women and children. We're instructed to kill the young ones [fighters] only. And that's what we'll do. You are not to worry." Another woman from the same village, Gvantsa S.,[1] also said that the Georgian soldiers were telling the residents, "We have not killed any residents and we are not going to! Everyone is safe!"[2]

It is also to be noted, that even after Russian occupation Georgian Government tried its best to maintain at least minimal police presence to provide some protection to the civilians. Police was indeed the last to leave the villages and towns after Russian forces arrived. For the sole purpose of providing moral support to civilian population and at least second, if not to prevent the mistreatment and looting, police in Zugdidi (west Georgia) even agreed to be disarmed by occupational forces in exchange of the permission to stay.

However, it must be admitted that no effective result was achieved from these efforts, as human rights violations by Russian militaries as well as their proxy authorities and irregular forces, mistreatment, looting, burning, killing and discrimination on ethnic grounds was a heavy burden on civil population of affected areas during the hostilities as well as aftermath.[3]

III What plans were made for a withdrawal and redeployment of forces from the zone of conflict? What was the sequence and timing of any such withdrawal or redeployment?

a) What plans were made for a withdrawal and redeployment of forces from the zone of conflict?

A plan for withdrawal of Georgian Armed Forces from the conflict zone was elaborated during the war. No such plan existed prior to the war.

b) What was the sequence and timing of any such withdrawal or redeployment?

On August 10, 2008, the Georgian Armed Forces were ordered to pull back and to take defensive positions at the South Ossetia administrative border.

On August 11, 2008, the Georgian Armed Forces were ordered to withdraw from the theatre of war to move to secure areas, and to conduct appropriate activities for defending the capital Tbilisi.

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[1] [illegible]

[2] See annex to OSCE "The Crisis in the South Caucasus: An Analysis and Directions for the OSCE" Occasional Paper Series No. 40, 2009, p. 67.

[3] See annex to OSCE "The Crisis in the South Caucasus: An Analysis and Directions for the OSCE" Occasional Paper Series No. 40, 2009, p. 67.

9. What military preparations were made prior to August 2008?

Russian Military Preparations in and near Tskhinvali Region/South Ossetia

Russian Military Bases and Other Military Infrastructure in Tskhinvali Region/South Ossetia

- In 2007-2008, the Russian government built two military bases in South Ossetia – one in Ugardanta, in the Java district and the other in the north-western part of the town of Tskhinvali (here are relevant satellite pictures of these bases, also see annexes 1 and 2 for video footage).

1. The military base in the so-called Bam settlement of Tskhinvali was built in the shortest period. It started at the end of 2007 and the main construction works were finished before August 2008.

Date picture taken: July 26, 2007

Date picture taken: August 10, 2008

2. The construction of Ugardanta military base in the Java district began in 2006, but intensified since the end of 2007. The base was finished by July 2008. Russian troops which entered the Roki tunnel on the morning of August 7, gathered at this base.

Date picture taken: July 26, 2007

Date picture taken: August 28, 2008

- The construction works of the Ugardanta and Tskhinvali military bases were carried out by "Praktika.LTD," a Russian construction company registered in the town of Essentuki, Stavropol Krai, headed by **Leonid Mikhailovich Vaganov,** a former GRU officer.

- In addition to these two Russian military bases, the Russian government helped South Ossetian de facto authorities in building military infrastructure, including the tank battalion of the South Ossetian proxy regime's Ministry of Defense, located in the village of Buzala, Java district, as well as new offices for the proxy regime's Ministry of Interior and State Security Committee (KGB) in Tskhinvali.

Tank base in Buzala, 2008

Ministry of Interior in Tskhinvali, 2007

Militia special forces base, 2007

KGB in Tskhinvali, 2007

- During 2004-2008, the Russian government equipped South Ossetian proxy regime irregular forces with tanks, armored vehicles, military trucks, as well as different kinds of armament and ammunition. Russian military and police specialists helped to train and equip South Ossetian militants.

South Ossetian militia special forces training in 2008

Training in Tskhinvali in 2008

Battle Tanks in Tskhinvali in September 2005

- At the end of 2005, Russian Federal Security Service (FSB) helped to establish the so-called Border Guard Service of South Ossetia as a subordinate agency to the de facto regime's State Security Committee (KGB).

Russian Army and Special Services Officials in Tskhinvali Region/South Ossetia

- Since 2004, the key positions in South Ossetian proxy regime's power ministries have been held by Russian citizens, high-ranking officers of Russian Armed Forces and Special Services:

De facto Ministry of Interior

1. **Mikhail Mairamovich Mindzaev** – De facto Minister of Internal Affairs of South Ossetia from April 2005 until October 2008. Colonel of Russian Police (Militia).

De facto Security Council

2. **Anatoly Konstantinovich Barankevich** – De facto Secretary of Security Council of South Ossetia from December 2006 until October 2008. De facto Minister of Defense of South Ossetia from July 2004 until December 2006. Colonel of Russian Army.

De facto Ministry of Defense

1. **Iury Anvarovich Tanaev** – De facto Minister of Defense of South Ossetia since October 2008.

5.

4. **Vasily Vasilevich Lunev** – De facto Minister of Defense of South Ossetia from March 2008 until October 2008. Major General of Russian Army.

6. **Andrey Ivanovich Laptev** – De facto Minister of Defense of South Ossetia from December 2006 until March 2008. Colonel of Russian Army.

7. **Sergey Sarmatov** – Chief of General Staff at the de facto Ministry of Defense of South Ossetia from 2007 until 2008.

8. **Vladimir Grigorievich Kravchenko** – Chief of General Staff at the de facto Ministry of Defense of South Ossetia in 2004-2005.

De facto KGB

1. **Boris Mazhitovich Atoev** – De facto Chairman of State Security Committee (KGB) of South Ossetia since November 2006.

2. **Nikolay Vasilevich Dolgopolov** – De facto Chairman of State Security Committee (KGB) of South Ossetia from March 2006 until November 2006.

3. **Anatoly Vasilevich Iarovoi** – De facto Chairman of State Security Committee (KGB) of South Ossetia from January 2005 until March 2006.

4. **Mairbeg Vladimerovich Bichegkaev** – De facto Chairman of State Security Committee (KGB) of South Ossetia from 2004 until 2005.

5. **Sergey Aleksandrovich Guznov** – Assistant to de facto Chairman of State Security Committee (KGB) of South Ossetia from 2005 until 2008.

De facto Border Guard Service of KGB

1. **Valeri Alekseevich Chugunov** – Head of South Ossetian Border Guard Service from 2005 until 2007.

2. **Oleg Genadievich Chebotariov** – Head of South Ossetian Border Guard Service since 2007. Deputy Head Border Guard Service from 2005 until 2007.

3. **Genadi Nikolaevich Emelianenko** – Deputy Head of South Ossetian Border Guard Service since 2005.

4. **Konstantin Genadievich Iatsenko** – Chief of Staff of South Ossetian Border Guard Service since 2005.

(See annex 3 for the intercepted documents belonging to the South Ossetian de facto KGB)

De facto Government Protection Service

- **Vladimir Kuzmich Kotoev** (*pseudonym*, probably **Umarov**) – Head of Government Protection Service of South Ossetia from July 2007 until October 2008.

Advisers to Proxy Authorities of South Ossetia

1. **Piotr Nikolaevich Kamaev** – Military Adviser to the de facto president since March 2007. GRU Colonel.

2. **Viktor Petrovich Kniazev** – Adviser on Law Enforcement issues to the de facto president from January 2008. General of Russian army. Deputy Commander of the JPKF.

3. **Sergey Fiodorovich Shadrin** – Adviser on Law Enforcement and Security issues to the de facto president since April 2007. General-Colonel of Russian Police (Militia). Former Deputy Minister of Interior of the Russian Federation - dismissed in 2005.

4. **Aleksandr Andreevich Shaposhnikov** – Adviser on Law Enforcement issues to the de facto president from January 2007 until January 2008. General of Russian army. Deputy Commander of the JPKF.

5. **Aleksandr Aleksandrovich Klimenko** – Adviser on Law Enforcement issues to the de facto president from January 2006 until January 2007. Colonel of Russian Police (Militia). Deputy Commander of the JPKF.

6. **Igor Sergeevich Grudnov** – Adviser on Law Enforcement issues to the de facto president from January 2005 until January 2006. Major-General Russian Police (Militia). Deputy Commander of the JPKF.

7. **Anatoly Ivanovich Sisoev** – Military Adviser to the de facto president from June 2004 until October 2004. GRU Colonel.

8. **Vasily Alekseevich Platov** – Adviser on Military and Law Enforcement issues to the de facto president from 2004 until January 2005. Major-General of Russian Army.

Russian Military Bases close to the Russian-Georgian border

- In 2005-2006, the Russian government built a new military base in Zaka valley, North Ossetia, just 7 kilometers from the northern entrance of the Roki Tunnel. In August 2008, Russian troops used this base as a bridgehead for entering South Ossetia.

Year picture taken: 2004

Year picture taken: 2006

- By the end of 2007, the Russian government created special mountain brigades in the Northern Caucasus – the 33th brigade in Botlikh, Dagestan (for conducting operations against Georgia in South Ossetia) and 34th brigade in Zelenchuk, Karachai-Cherkessya (for conducting operations against Georgia in Abkhazia).[1] During the August war, both units were deployed respectively in South Ossetia and Abkhazia (see annex 4 for Russian military units that took part in the invasion of Georgia).

Russian Military Trainings in July-August 2008 close to the Russian-Georgian border

- From July 15 until August 2 2008, Russia launched large-scale military exercises "Caucasus 2008" in the immediate vicinity of Georgia's northern border. 8000 soldiers and 700 armored vehicles mainly from the North Caucasian Military District participated in these trainings, including airborne units, air force units, air defense units, Black Sea and Caspian Sea fleets, federal security service and interior troops. Airborne units from Pskov and Novorossiysk (that later took part in the invasion of Georgia, see again annex 4) were practicing at the Roki and Mamisoni passes connecting Russia with Georgia. A leaflet entitled "Know Your Enemy" was distributed to the soldiers participating in the training, listing the composition and armaments of the Georgian Army as their main target. Most of the troops participating in the exercises did not re-deploy from the region after the exercises finished.[2] Deputy Commander of Russian Airborne Troops, General **Viacheslav Borisov** who was put in charge of the Russian armed forces grouping operating on the South Ossetian and central Georgian directions in August 2008 also confirmed that just one week earlier the units under his command had undergone military trainings in those areas, where the actual hostilities took place and hence Russian airborne troops carried out a march on Tskhinvali much better than other units of the Russian army.[3]
- On 24 December 2008, in an interview with Russian TV channels, Russian President **Dimitry Medvedev** confirmed that Russia had been preparing a military operation against Georgia (see annex 5).

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[1] http://www.arms-expo.ru/site.xp/049051124049051050055.html
[2] See annexes 17, 18 and 19 of the answer on question 1 of the military set of questions
[3] See annex 19 A of the answer on question 1 of the military set of questions

Deployment of Russian Armed Forces in Tskhinvali Region/South Ossetia in July-August 2008 - prior to the hostilities

- From July 15, 70 armored vehicles entered the Tskhinvali Region/South Ossetia from the Russian Federation via the Roki Tunnel (Georgian intelligence data, EUMM I). Then from July 31 to August 3, 150 type trucks were reported moving from the town of Alagir, North Ossetia towards the Roki Tunnel, as well as "Ural" type trucks loaded with soldiers were driving from the village of Zaramag, North Ossetia towards the Roki Tunnel (Georgian intelligence data, EUMM I).

- On July 24, a group of 120 Russian doctors and nurses was reported to have arrived in Tskhinvali and started working at the Tskhinvali hospital (Georgian intelligence data, EUMM I).

- By the end of July (exact date unknown), large tents were set up on the territory of the new Russian military base in the northeastern part of Tskhinvali (for about 1,500-2,000 persons). According to information from Russian peacekeepers, soldiers from the 33rd Motor Rifle Mountain Brigade (stationed in Beslan, Ingushetia) were seen to be deployed there (Georgian intelligence data, EUMM I).

- Following these steps, on August 1, units of the separate reconnaissance battalion of the 19th Motor Rifle Division of the 58th Russian Army were reported to be deployed in the Java district towards the Roki Tunnel (Georgian intelligence data, EUMM I).

- On August 4, during the night, 10 units of BTR/BMP vehicles were brought into the Tskhinvali Region/South Ossetia from the Russian Federation and distributed among the de facto regular/irregular forces. Two vehicles were handed over to the de facto separate irregular forces unit located in the village of Dmenisi, Tskhinvali District (Georgian intelligence data, EUMM I).

- On August 5, during the day, 30 units of self-propelled artillery and a reconnaissance battalion of the 33rd Motor Rifle Mountain Brigade from Beslan, Ingushetia were deployed in South Ossetia through the Roki Tunnel and 50 artillery units were brought into the Java district. Some units of the 58th Army were reported to be mobilized near the Roki Tunnel in North Ossetia, Russia, including the 135th Separate Motor Rifle Regiment from Prokhladnyy, Kabardino-Balkaria and the 693rd Motor Rifle Regiment from Zaramag, North Ossetia (Georgian intelligence data, EUMM I).

- On August 6, during the night, several units of armor (including BTR and BMP vehicles, as well as self-propelled artillery systems) were brought into South Ossetia from the Russian Federation and deployed near the southern entrance to the Roki Tunnel (Georgian intelligence data, EUMM I).

- On August 7 at 0125, the MIA of Georgia detected the first communication of a message according to which a Russian military unit that included tanks and military trucks loaded with soldiers entered the Roki Tunnel.[1] At 0300, a large number of armored vehicles, tanks and military trucks of the Russian regular army streamed into the Roki Tunnel and were deployed in the Java district. This is confirmed by two mobile telephone conversations intercepted by the MIA of Georgia. Numerous articles in the Russian press also confirm that Russian army units, namely parts of the 693rd and 135th motor rifle units of the 58th army, had entered South Ossetia prior to August 8.[2] As reported by the South

[1] See answers to Q1 of the answers to the questionnaire of Georgia – Law of armed conflicts.
[2] See answers to Q1 of the answers to the questionnaire of the Russian Federation to questions.
[3] See answers to Q1 of the answers to the questionnaire of the Russian Federation to questions.

Ossetian de facto regime's main newspaper "Rossiya Ossetia", on that night the head of South Ossetian proxy authorities, Eduard Kokoity travelled from Tskhinvali to the Java district in order to meet with representatives of the Russian Ministry of Defense.[1] Significantly, Russia has not disputed the authenticity of the intercepts. Russia initially denied existence of any such convoys. After facing the evidence, however, the Russian military claimed this movement of troops was part of "normal rotation".[2] The Russian explanation that these calls refer to a routine rotation of their peacekeeping troops is false. Accordingly, to the general agreement in force at the time, any rotation should have happened during day light, no accompanying arms were allowed to possess arms and all relevant parties should have been notified to the Georgian Government and OSCE Secretariat in advance. None of this happened. The previous rotation of Russian forces was in May 2008.

- On August 7, during the day, Georgian authorities received military intelligence according to which Russian troops (which had never re-deployed from July's North Caucasus military exercises) were on high alert and had received orders to prepare to move towards the Georgian border.

- At around 17:00 head of Abkhazian press authorities Sergey Bagapsh announced that he had put Abkhazian armed forces on alert in order to provide military assistance to South Ossetia and that a battalion from the North Caucasus military district of Russia had already entered Tskhinvali Region (this statement was broadcasted by Russian TV at 17:00).[3]

- On August 7, late in the evening, the Georgian government received multiple human intelligence reports that about 150 armored vehicles and trucks with Russian soldiers were approaching the Roki Tunnel from Russia and moving towards the Tskhinvali Region/South Ossetia. Later, multiple signal intercepts of phone conversations among the de facto security and military officials that took place between 02:20 and 04:30 on August 8 confirmed that Russian military columns were stretched from the Roki Tunnel to the village of Java.

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[1] See, e.g., [illegible]

[2] See, e.g., Charles Clover, Russia Says Georgia Attacked Its Troops, Fin. Times (London), Aug. 12, 2008, at A1; Clifford J. Levy & Ellen Barry, Georgia Claims Russia Fired on Its Territory, N.Y. Times, Aug. 12, 2008, at A10; Ivan Sidorov, Russia Says Georgia Attacked Its Troops, Reuters, Aug. 12, 2008, 9:56 a.m. [illegible]

[3] See Section [illegible] of the answer to the question [illegible]

[4] See Section [illegible] of the answer to the question [illegible]

Russian Military preparations in Abkhazia

- Russian Government has supported Abkhazian proxy authorities in army build up, especially for the last several years, providing military equipment, organizing trainings of Abkhazian officers in Russian military training centers, sending military instructors to Abkhazia and appointing officials in the Abkhazian proxy authorities.

Military Trainings in Abkhazia in 2005-2008

- On April 18-21 2005, large-scale military trainings were conducted in Abkhazia. More than 2000 soldiers of artillery, naval, tank and motor rifle units (most of them reservists) participated in these trainings. Tactical trainings were conducted at the level of battalions, as well as special trainings for preventing deployment of airborne troops.

- In the beginning of February 2006, Commander of Russian Airborne Troops, General Aleksandr Kolmakov visited Abkhazia for two days.[1]

- Large scale military trainings were organized from February 20 until April 21, 2008 in Abkhazian de facto regime armed forces, in which more than 5000 soldiers and reservists participated.

- On November 19-21 2008, tactical trainings were conducted at Abkhazian de facto regime armed forces, in which the third battalion of mountain rifle units participated.

- On March 23-28 2008, command and mobilization trainings of Abkhazian de facto regime armed forces were conducted. Military units of the so-called eastern group of Abkhazian armed forces and reserve brigades, or total 1000 soldiers participated in these exercises.[2]

- On June 20-22 2008, Abkhazian de facto regime armed forces were conducting mobilization and operation-tactical trainings. High level representatives of Abkhazian proxy regime (MOD, commanders and officers of the so-called eastern group of armed forces, representatives of air defense and artillery together with officers of Russian General Staff participated in the trainings.[3]

- In its July 1 2008 interview with Russian information agency "Rosbalt" de facto Minister of Defense of Abkhazia Merab Kishmaria declared that Russian instructors prepared Abkhazian soldiers and that he paid them according to contract. He added that "they were just doing this without publicity."[4]

Russian Army and Special Services Officials in Abkhazia

- During the last few years, some of the key positions in Abkhazian proxy regime's power institutions have been held by Russian citizens, high-ranking officers of Russian Armed Forces and Special Services.

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[1] http://www.rubaltic.ru/news/02-02-2006-20-kbr/
[2] http://rusabkhaz.ru/news/18_03_08.htm
[3] Кавказский Узел, June 26, 2008.
[4] http://www.rosbalt.ru/2008/07/01/510048.html

1. **Aleksandr Pavliushko** - De facto Deputy Minister of Defense of Abkhazia since April 2008.

In April 30 2008, former head of the Russian peacekeepers' staff in the Collective Peacekeeping Forces Aleksandr Pavliushko was appointed as Deputy Minister Defense in Abkhazian proxy authorities. From his experience as a peacekeeper, who used to accompany UNOMIG officers on monitoring in Upper Abkhazia/Kodori Gorge *(the photo on the left was taken during the monitoring of the Kodori Gorge on October 12 2006)*, Pavliushko knew every location of Georgian police in that area. Later, in August 2008, he was responsible for planning and conducting military operation in the Kodori Gorge (on the screenshot to the right Pavliushko explains his plans to occupy Upper Abkhazia to the head of Abkhazian proxy authorities Sergey Bagapsh).

2. **Anatoly Zaitsev** – De facto Chief of General Staff of Abkhazia since March 2005, high-ranking official of Russian Ministry of Defense.

3. **Sultan Sosnaliev** – Former de facto Minister of Defense of Abkhazia.

Sosnaliev served in air defense forces of the USSR for 29 years, up to regiment commander and the commander of aviation center. Since August 1992, he participated in hostilities on the territory of Abkhazia as the chief of Defense Staff and the Chief of General Staff of the proxy regime's Ministry of Defense. He served as the de facto Chief of General Staff until 2005 and as the de facto Minister of Defense and vice-premier of Abkhazia since 2005 (he died in 2007).

4. **Alexander Voinsky** – De facto Deputy Secretary of the National Security Council of Abkhazia, former Russian KGB officer, former Russian Naval Commander, Capitan.

5. **D. Markov** – De facto Chief of Air Defense of Abkhazia.

6. **Vladimir Gaidukov** – De facto Deputy Minister of Interior Abkhazia.

7. **Denis Ermichev** – Deputy Head of International Military Cooperation Division of the de facto Ministry of Defense of Abkhazia

8. **Vasily Solovyov** – Chief of Staff of the Service of Armament and Equipment of the de facto Ministry of Defense of Abkhazia

9. On 20 September 2007, a special task unit of the Ministry of Internal Affairs of Georgia neutralized an armed group[ie] of 7 people in the Kodori Gorge, which had planned an attack on the new road connecting Upper Abkhazia with the rest of Georgia. The commander of the grouping and his deputy were killed in the exchange of fire. They were identified as Igor Muzyanykin (Vice-Colonel of Russian armed forces, a former member of the Collective Peacekeeping Forces, former officer of Maykop division, member of the CPKF for 7 years, served on the contract basis in the Border troops division of the Abkhazian security service) and Artur Zverin (Major of Russian armed forces, also a former member of the CPKF).

Build-up of Military Infrastructure in Abkhazia by Russian Armed Forces in the Spring of 2008

1. On March 6, 2008, Russia withdrew from the 1996 CIS agreement, which prohibited CIS member states from military relations with Abkhazia and on April 16, 2008, Russian President **Vladimir Putin** issued a decree urging the Russian government to establish direct relations with the de facto authorities of Abkhazia and South Ossetia. Henceforth Russian government quickly embarked on strengthening military infrastructure in Abkhazia including the Bzyb'skaya military base at Gudauta which must have been closed according to the Istanbul agreement of 1999.

   1. On April 17, several "Ural" type trucks carrying 300 Russian contract soldiers entered the military base in Ochamchire seaport (Georgian territory, UNOMIG).

   2. On April 20 at 14:30 a Russian fighter plane attacked and shot down a Georgian Unmanned Aerial Vehicle "Hermes-450" above village Otobaia, Gali District. This fact was confirmed by the UN special investigation.[9]

   3. On April 25, 2008, on a meeting with Moscow Mayor Yury Luzhkov, head of Abkhazian proxy authorities Sergei Bagapsh stated that Abkhazia was ready to sign a military agreement with Russia.

   4. On April 29, the Russians started to increase their peacekeeping contingent deployed in the Georgian-Abkhaz conflict zone, as stated by the Russian Ministry of Defense and the Russian Ministry of Foreign Affairs.[10]

   5. On April 29, at echelon of 30 railway cars crossed the Georgian-Russian Border near the river Psou by railway carrying 26 units of camouflaged armor vehicles, among them BMDs, D-30 type howitzers etc. The echelon had additional passenger cars, carrying soldiers from the Novosibirsk military base. The cargo was unloaded in Sochi train railway station and from there the soldiers and armament were distributed to Gudauta military base in Sokhumi, in Tskhinvali military site and the

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[9] See annex 5 of the report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 1808 (2008) of 15 April 2008 on the situation in Abkhazia, Georgia, S/2008/631, 10 October 2008.

[10] See statement by the Russian Ministry of Foreign Affairs of 29 April 2008.

direction of Kodori Gorge), to Ochamchire seaport, as well as to Tkvarcheli and Gali districts (see photos).

6. On May 1, additional checkpoints were opened on almost every strategically important road in Ochamchire and Tkvarcheli districts, among them at villages Nakarghali, Arasadzikhi and Akamara.

7. On May 3, 5 units of 120mm artillery systems and several antiaircraft defense systems BUK-M1 were located at the military base in Ochamchire seaport (Georgian intelligence data, HUMINT).

8. On May 6, the Russian deployment of additional airborne battalion (at least 400 soldiers) of the Novorossiysk and Pskov Airborne Divisions into Abkhazia that had started on April 29 was completed. This fact was further confirmed by numerous media reports, including the Russian Defense Ministry's official newspaper "Krasnaya Zvezda."[17]

9. On May 6, de facto Minister of Foreign Affairs of Abkhazian proxy authorities **Sergey Shamba** stated that Abkhazia was ready to give its territory under Russia's military control in exchange for security guarantees.

10. By that time, approximately 250 Chechen fighters of the "Vostok" battalion of the Main Intelligence Division of the Russian Ministry of Defense (GRU) were also deployed in Abkhazia. They were patrolling the villages of Gali district: Gudava, Primorsk, Meore Otobaia and Sida.

11. In the beginning of May 2008, a delegation of Don Cossacks visited Abkhazia and met with Sergei Bagapsh. According to the head of Don Cossacks, in case of a Georgian attack, he would sent about 10-15 thousand volunteers to Abkhazia.[18]

1. In May, Russian peacekeeping forces strengthened the following checkpoints in eastern part of Abkhazia:

    - Akamara
    - Rechkhi
    - Muzhava
    - Lekukhona
    - Saberio

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[17] see annexes 9, 10, 11 of the answer to the question 1 of the military set of questions

[18] Nezavisimaya Gazeta, May 12, 2008 (http://www.ng.ru/regions/2008-05-12/8_rostov.html).

- Dikhazurga
- Chuburkhinji
- Pichori
- Nabakevi
- Otobaia
- Nakarghali

2. On May 31, explaining its actions as "humanitarian assistance" to the Abkhazian population, the Russian Ministry of Defense deployed 400 soldiers of Volgograd's 76th Unit of Railway Forces in Abkhazia. These forces began reconstruction of the railway from Sokhumi to Ochamchire, as well as reinforcing platforms, thus preparing the railway for the transportation and unloading of the heavy military equipment.[19] In order to provide logistics support to Military operations, Russian railway troops repaired 54 kilometers of railway from Sokhumi to Ochamchire. They also repaired the strategically important railway bridges on river Mitka leading to the Kodori Gorge. The reconstruction works were forced to be finished by August 2 2008. Those railway routs were not functioning during the last 10 years and their economic importance was close to zero. During a short period of time, Russian railway forces repaired 55 buildings, 2 large and 44 small bridges, one tunnel and other infrastructure. Later, these bridges were exclusively used by Russian troops for transporting armored vehicles and other military equipment and cargo. All the above listed evidence leads to the conclusion that reconstruction works done by Russians in haste were aimed at providing logistics support to Russian armed forces prior to their intervention.

12. In April-June, Russia reinforced the military bases in Sokhumi (Maiak), Bombora (Gudauta), Ochamchire and Okhurei with:

    - 3 BUK air defense systems;
    - 40 D-30 type howitzers;
    - 10 BM-21 "Grad" systems;
    - 20 Shilka, ZU-23-2, ZU-23-4 AA guns;
    - 120 anti-tank missiles.
    - 2 MI-24 helicopters;
    - 50 aviation specialists;
    - 30 military experts;
    - 100 communication and antiaircraft defense experts.

13. On June 6, several SU-25 and SU-27 type fighter planes in armed condition were detected at the Bombora military base in Gudauta (Georgian intelligence data, HUMINT).

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[19] See annexes 12 and 13 of the answer to the question 1 of the military set of questions

11 By July 2008, with the help of Russian specialists, the construction of Okhuza military base in Ukvarvichi district was finished. On July 8, 2008 additional Russian soldiers, 9K38-TO and 1 BRDM type military vehicles and several artillery systems were deployed at the base.

3 By mid-July 2008 several hundred soldiers and military vehicles were observed at the Borjomi military base. With Russian assistance, three large barracks were rebuilt at the Borjomi military base, waiting for deployment of fresh forces.

1 On July 30, 2008 the commander of Russia's railway troops, lieutenant General St. Klimets visited Akhalzikhe and together with Akhalzikhe's de facto regime's vice-premier Alexander Sivyachkin, oversaw the reconstructed railway.

Military aspects – additional questions and answers

Additional questions to the Governments of the Russian Federation and Georgia, related to military issues

A. On Russian Peacekeeping Forces (PKF)

1. When were the PKF forces at for the first time in Verkhniy Gorodok, Lower and Upper Carburment, Joint Headquarters posts outside Tskhinvali and by which weapons?

2. When did the Russian PKF suffer their first casualties and material losses? (Please specify.)

3. When did the Commander of the Joint Peacekeeping Forces (JPKF), General Murat Kulakhmetov, inform the OSCE about these firings and casualties?

4. Did Russian PKF post on the roof of the main building in Verkhniy Gorodok provide coordinates to the South Ossetian militia or the North (South) Ossetian PKF Battalion?
   a. If yes, from which time onwards?
   b. Was there a telephone conversation between General Murat Kulakhmetov and the Georgian Commander of the Georgian PKF, General Mamuka Kurashvili, on this issue?
   c. If yes, did Kurashvili warn Kulakhmetov that a resumption of shooting with South Ossetian militias before Georgian forces opened targeted fire against Russian or Ossetian PKF?

5. Which other coordination between Russian PKF and North (South) Ossetian PKF and South Ossetian militia took place during the defence of Tskhinvali?

6. JPKF reserve units
   a. When was the JPKF reserve force (300 personnel to which every PKF battalion was entitled) called towards Tskhinvali?
   b. From which onwards was General Kulakhmetov tactical control over these units? Which units precisely?
   c. When did these units arrive in Tskhinvali at the Russian PKF positions?
   d. Did these units send reconnaissance parties or liaison teams ahead to Tskhinvali or to Java? If yes, when?

7. Did the Russian air force give close air support to the Russian PKF battalion deployed in Tskhinvali on 8/9 August 2008? If yes, when and how many sorties?

B. On the Peacekeeping Battalion of North Ossetia – Alania

1. Was the North Ossetian PKF Battalion de facto a South Ossetian Battalion (personnel)?

2. Was this PKF Battalion considered a unit of the Russian Federation or of South Ossetia?

3. What was the strength and armament of this battalion?

4. To what extent has the Ossetian PKF Battalion coordinated action with the South Ossetian militia during the escalation and after the launch of a full scale hostilities?

5. When and where did the Ossetian PKF Battalion see action during escalation and armed conflict?

C. On the Georgian PKF Battalion

1. What was the strength and armament of the Georgian Battalion during escalation and at the launch of a full scale hostilities?

2. What was the role of the Georgian PKF Battalion during the escalation and the deployment of regular Georgian forces?

a. In the belt South of Tskhinvali?

b. In the string of Georgian villages North of Tskhinvali?

c. Along the Georgian by-pass road (Ge... Dmenisi – Sarabuki heights etc.)

(please specify action, time and location)

3. To what extent did the Georgian PKF battalion coordinate with the Special Forces of the Georgian Ministry of Interior and with the Georgian militia under Sanakoyev administration?

4. From which direction did the Georgian PKF Battalion participate in the attack on Tskhinvali? (South, Avnevi, Nikozi, North, Tamarasheni, East, Georgian by-pass road Ge... Dmenisi?), Further?

D. On the Special Forces of the Georgian Ministry of Interior (MIA)

1. Which strength and the Special Forces of the MIA have and which arms and armor did they have during the escalation and after the outbreak of full scale hostilities?

2. What was their role during the escalation, the deployment of regular Georgian forces and after the outbreak of full-scale hostilities?

a. In the belt South of Tskhinvali?

b. In the string of Georgian villages North of Tskhinvali?

c. Along the Georgian by-pass road (Ge... – Dmenisi – Sarabuki Heights etc.)?

(please specify action, time and location)

E. On the South Ossetian Militia

1. Which strength and armament had the South Ossetian Militia at the outbreak of the August hostilities?

2. Which weapons did they use during fighting in Kolthagurovo, Mugut, Ergneti, Dmenisi and other villages as well as the town of Tskhinvali?

4. How did they coordinate with Russian and Ossetian Peacekeepers?

A. <u>On Russian Peacekeeping Forces (PKF)</u>

1 When were the PKF fired at for the first time in Verkhniy Gorodok, Tower and Upper Cantonment, Joint Headquarters, posts of Is de Tskhinvali and by which weapons?

As already reported in the answers to question 1-3 of the military set of questions, on August 8, at around 06:00, the Special Forces unit of the Ministry of Internal Affairs of Georgia with "Cobra" Light Armored Vehicles and reinforced by several tanks from the Ministry of Defense of Georgia moved from village Zemo Nikozi towards the outskirts of Tskhinvali in order to suppress the fire of that village coming from the proxy regime militants located in the southwestern part of the town, the so called "Shanghai" suburb. The MIA Special Forces encountered sniper and massive armored vehicle cannon fire from the Russian peacekeeping headquarters "Verkhniy Gorodok" located on the southwestern edge of the town. In addition to that, the roof of the main building of "Verkhniy Gorodok" was used by enemy for correcting artillery fire against Georgian armed forces *(see again annex 09 to the answer to the question 1 of the military set of questions)*. Under these circumstances, the MIA Special Forces were compelled to return fire towards "Verkhniye Gorodos" from automatic rifles and 12.7 mm heavy machine guns ("Utyos") attached to "Cobra" vehicles and later had to ask for tank support as well.

A video taken at around 06:00 a.m. on August 8 2008 by a servicemen of the Russian Peacekeeping Battalion on the territory of "Verkhniy Gorodok", which was uploaded close to the anniversary of the August War on various video-sharing websites, including YouTube, and was also included in a Russian propaganda movie shown on Russian TV Channel NTV on August 8 2009, clearly shows that:

1. By 06:00 a.m. on August 8, the main building and other premises of the Russian Peacekeeping Battalion base in "Verkhniy Gorodok" were untouched and there were no casualties on the spot contrary to claims by the Russian authorities. As already reported in the answer to question 1 of the military set of questions on August 8 at 07:37 Deputy Minister of Foreign Affairs of Russia Grigory Karasin telephoned Georgian Minister of Foreign Affairs Grigol Vashadze and informed him that Russian armed forces were starting military operations in Tskhinvali Region/South Ossetia citing casualties among Russian peacekeepers as a reason for the decision. Although, the first encounter between Georgian forces and Russian peacekeepers took place at least three hours later than Karasin's phone call.
2. Georgian police and army units were targeted and shot from "Verkhniy Gorodok" and this is confirmed by the voice heard over the video ordering to stop shooting from time to time, while the shooting continues;
3. Reciprocal fire was deliberately provoked from "Verkhniy Gorodok" when Georgian government forces responded to the continuous fire from that area – the first bullets fired by Georgian Special Forces are seen hitting the top floor of the main building of "Verkhniy Gorodok" from where the fire was conducted and artillery fire corrected – the voice is heard over the video was covering such a development.

See annex 7 for the video and annex 8 for the initial source of the video (blog screenshot), where it is written that the video was taken at around 06:00 a.m. on August 8.

A Russian military doctor named Aleksandr (last name unknown), who was sent to the Russian peacekeeping battalion in Tskhinvali Region South Ossetia at the beginning of July 2008 and stayed on the territory of "Verkhniy Gorodok" during the escalation and the hostilities, also confirms in his recent interview to a Russian journalist that Georgian forces opened fire at the Russian PKF base "Verkhniy Gorodok" only after 06:00 a.m. on August 8, while the Commander of the Russian PKF had received an order to open fire against Georgian forces at 01:00 a.m. and that a South Ossetian militia fighter was present at the observation post on the roof of the main building of the base, correcting artillery fire against Georgian forces (see annex 9 for the interview).

As reported in the answer to question 3 of the military set of questions, despite the evidence that South Ossetian de facto regime irregular forces were using the Russian PKF base "Nizhniy Gorodok" for combat purposes, which was apparent on the ground during the military operations, Georgian armed forces never opened fire towards "Nizhniy Gorodok". The latter, as well as the town of Tskhinvali in general, came under heavy Russian artillery fire upon the entry of the Georgian forces into the town. The analysis of the footage broadcasted by the Russian TV Channel NTV shows that the GRAD missile that exploded next to the peacekeepers' headquarters came from the north. In another open source interview, a Russian soldier admits firing GRADs at the town of Tskhinvali.[1]

It is important to note that none of the checkpoints of the Russian peacekeeping battalion located outside the town of Tskhinvali were targeted by Georgian armed forces. The situation on all joint checkpoints of the JPKF in the earlier zone, such as Ossetian/Ossetian Mountain villages Muguvetisi, Atsveti and others, remained calm despite the ongoing hostilities. Georgian and Russian peacekeepers were standing side by side on all joint peacekeeping checkpoints until late in the evening of August 9. Georgian peacekeepers abandoned their checkpoints only after Georgian forces retreated from the town of Tskhinvali and Russian regular troops started to occupy Tskhinvali Region South Ossetia.

2. When did the Russian PKF suffer their first casualties and material losses? (Please specify)

In the light of the facts described above, the Russian Peacekeeping Forces could not have suffered casualties and material losses before 06:00 a.m. on August 8. Moreover, Commander of the JPKF General Marat Kulakhmetov could not confirm any information on casualties even at around 17:00 on August 8. See annexes 10 and 11 for transcripts and audio files of the intercepted telephone conversations.

[1] See answer to question 3 of the military set of questions.
[2] See answer to question 3 of the military set of questions.

3. When did the Commander of the Joint Peacekeeping Forces (JPKF), General Marat Kulakhmetov, inform the OSCE about these firings and casualties?

N/A

4. Did Russian PKF post on the roof of main building in Verkhniy Gorodok provide coordinates to the South Ossetian militia or the North (South) Ossetian PKF Battalion?
   a. If yes, from which time onwards?
   b. Was there a telephone conversation between General Marat Kulakhmetov and the Georgian Commander of the Georgian PKF, General Mamuka Kurashvili, on this issue?
   c. If yes, did Kurashvili warn Kulakhmetov to discontinue coordinating with South Ossetia militias before Georgian forces opened targeted fire against Russian and Ossetian PKF?

As already reported in the answers to the military set of questions, on August 7 a member of South Ossetian de facto regime irregular forces **Oleg Galavanov** was correcting artillery fire against Georgian government forces from the observation post located on the roof of the main building in "Verkhniy Gorodok" *(see again article in annex 9b of the answer to question 1 of the military set of questions confirming this event)*. The above-mentioned Russian military doctor named Aleksander (last name unknown) also confirms in an interview that a South Ossetian artillery fighter was present on the observation post located on the roof of the main building in "Verkhniy Gorodok" correcting artillery fire against Georgian forces and that the first shot fired by Georgians hit this South Ossetian artillery fire spotter, who was the first to be brought down to the doctors, but they could not save his life as he had received critical injuries *(see again annex 4)*.

It is not known exactly from which time onwards was **Oleg Galavanov** correcting artillery fire from the roof of the main building in "Verkhniy Gorodok" but as soon as Georgian peacekeepers figured out that this observation post was providing coordinates for artillery shelling to pro-separatists, the Commander of Georgian Peacekeepers General **Mamuka Kurashvili** called the Commander of the JPKF General **Marat Kulakhmetov** at 00.23 on August 8 and warned him about that *(see annexes 5/1 A and B of the answer to question 1 of military set of questions for the telephone interept and its transcript)*.

5. Which other coordination between Russian PKF and North (South) Ossetian PKF and South Ossetian militia took place during the defense of Tskhinvali?

Please see answers to question 3, as well as answers to question 5 of the military set of questions.

6 JPKF reserve units

a. When was the JPKF reserve force (300 personnel to which every PKF battalion was entitled) called towards Tskhinvali?
b. From where onwards had General Kulakhmetov tactical control over these units? Which units/equipment?
c. When did these units arrive in Tskhinvali at the Russian PKF position?
d. Did these units send reconnaissance parties or liaison teams ahead to Tskhinvali or to Java? If yes, when?

According to the Joint Control Commission regulations, each battalion of the JPKF was entitled to a reserve of 300 soldiers in case of escalation of situation. However, according to article 5 of the JCC *"Resolution Concerning the Basic principles of Operation of the Military Contingents and of the Groups of Military Observers Deployed to the Normalization of the Situation in the Zone of the Georgian-Ossetian Conflict"* of 6 December 1994, only JCC was entitled to propose any changes in the organizational-personnel structure of the military contingents and military observers. Whereas according to paragraph 4 of the JCC *"Decision on the progress of implementation of the provisions JCC decisions on ceasefire, withdrawal of illegal armed units and measures for further stabilization of the situation in the conflict zone"* of September 30 / October 2 2008, any rotation of military personnel of the JPKF was to be conducted in daylight time from 7.00 a.m. until 6.00 p.m. with the notification of the JCC Co-Chairmen no later than one month before the appointed day (see annex F for the relevant JCC documents).

As the last rotation of the Russian PKF battalion was carried out in May 2008, no rotation was expected for the following 6 months. The JCC Co-Chairmen have not been notified about any plans or steps to add reserve units to the Russian PKF Battalion during the escalation of situation in the first days of August 2008. Moreover, the Commander of the JPKF, General Marat Kulakhmetov in a telephone conversation with a journalist from Russian news agency "Interfax" stated that he was not aware about movements of any Russian military columns towards Tskhinvali Region/South Ossetia (see again annex E).

Therefore, Russian regular troops that entered the Roki Tunnel on 03.25 on August 7 2008 and after can in no way be portrayed as reserve forces of the Russian PKF or their replacement.

7 Did the Russian air force give close air support to the Russian PKF battalion deployed in Tskhinvali on 8/9 August 2008? If yes, when and how many sorties?

As already reported in the answers to the military set of questions, from the morning of August 8, Russian military aircraft started to massively bomb the whole territory of Georgia, including places located as far as 250 kilometers away from Tskhinvali Region/South Ossetia.

Chronology of Russian Air Bombings of Georgia in August 2008

Date and time of air bombing	Area
8 Aug 09:30-09:44	Village Shirnshvebi, Gori District
8 Aug 10:25-10:45	Village Variani, Kareli District
8 Aug 10:59-11:04	Village Tkviavi, Gori District Town of Gori
8 Aug 15:07-15:21	City of Gori's Vaziani airdrome and airplane factory
8 Aug 15:50-16:20	Town of Nikozi Town of Berbuki
8 Aug 16:59-17:06	Town of Mereti
8 Aug 18:29-18:58	Town of Gori
8-9 Aug 23:44-00:36	City of Tbilisi, Vaziani airdrome and airplane factory
8 Aug 23:50	Town of Petrovichi, "Oschka-U" SS-21
8-9 Aug 23:50-00:23	Town of Poti
9 Aug 00:54-01:04	
9 Aug 09:25-09:45	Kopetsari, Airport near the city of Kutais.
9 Aug 09:52-10:34	Town of Gori
9 Aug 10:21-10:46	
9 Aug 10:29-11:04	Village Shirnshvebi, Gori District
9 Aug 12:42-13:50	Large part of Kodori Gorge, Upper Abkhazia
9 Aug 14:03-14:11	Village Omarishara, Upper Abkhazia
9 Aug 14:20-14:30	Village Ajara, Upper Abkhazia
9 Aug 14:26-14:39	Village Chkhalta, Upper Abkhazia
9 Aug 16:04-16:14	Village Karaulashi, Ori District
9 Aug 17:38-17:50	Azhara Gorge, Ori District
9 Aug 17:39-17:50	
9 Aug 18:26-18:34	
9 Aug 22:20-22:30	Village Chkhalta, Upper Abkhazia Village Gentsvesi, Upper Abkhazia
9-10 Aug 23:50-00:23	Town of Senaki
10 Aug 05:27-05:47	City of Tbilisi, Vaziani airdrome and airplane factory Baku-Supsa Oil Pipeline, 25 km section
10 Aug 05:02-09:15	Village Ajara, Upper Abkhazia Village Chkhalta, Upper Abkhazia Village Orta, Zugdidi District
10 Aug 11:25-11:27	Village Tsedisi, Ori District
10 Aug 12:32-12:36	Village Chkhalta, Upper Abkhazia
10 Aug 13:51-13:55	
10 Aug 15:05-15:15	Large part of Kodori Gorge, Upper Abkhazia
10 Aug 15:09-15:21	Village Kmolevi, Kareli District
10 Aug 15:29-15:39	Town of Gori

10 Aug 15:10-15:30	Village Anaklia, Zugdidi District
10 Aug 16:09-16:11	Large part of Kodori Gorge, Upper Abkhazia
10 Aug 16:20-16:35	Village Anaklia, Zugdidi District
10 Aug 17:21-17:55	Large part of Kodori Gorge, Upper Abkhazia
10 Aug 18:02-19:16	City of Tbilisi, Eastern Radar Station near Tbilisi International Airport
10 Aug 19:40-20:08	Tower of Senaki
10 Aug 20:25-20:27	Parts of Kodori Gorge, Upper Abkhazia
10 Aug 21:03-22:09	Parts of Kodori Gorge, Upper Abkhazia
10 Aug 23:54-00:00	Village Shavshvebi, Gori District
11 Aug 00:19-01:39	Parts of Kodori Gorge, Upper Abkhazia
11 Aug 02:07-02:40	Village Otkvatkha, Upper Abkhazia
11 Aug 02:44-03:20	Village Sharabidzeebi, Khelvachauri District Village Kamardzeuli, Khelvachauri District Village Makho, Khelvachauri District
11 Aug 03:06-03:29	Parts of Kodori Gorge, Upper Abkhazia
11 Aug 04:12-04:20	City of Tbilisi, Lochinisi Radar Station near Tbilisi International Airport, Shiraki Airfield, Dedoplistskaro District
11 Aug 05:25-06:15	Town of Gori
11 Aug 07:10-07:20	Village Ganmusauri, Zugdidi District Village Anaklia, Zugdidi District Town of Senaki
11 Aug 19:05-19:10	Parts of Kodori Gorge, Upper Abkhazia
12 Aug 01:30-02:00	Village Ruisi, Kareli District Town of Kaspi, Railway Station Town of Kaspi, Heidelberg Cement Factory
12 Aug 09:30-10:55	Town of Gori
12 Aug 11:30	Baku-Supsa Oil Pipeline, 2 km southwest with Iskander-M SS-26)
12 Aug 12:00 (approx.)	Town of Gori (with Iskander-M SS-26)
12 Aug 14:00-14:15	Village Agara, Khashuri District Village Sasovinto, Kaspi District
13 Aug morning, exact time unknown	Village Sakasheti, Gori District Village Okami, Kaspi District
Date and Time unknown	Village Kaitsi, Gori District
Date and Time unknown	Orli District (with Tochka-U SS-21, found unexploded
Date and time unknown	Village Sinaguri, Java District (with Tochka-U SS-21), found unexploded

Russian armed forces used SU-24, SU-25, SU-27 and MIG-29 close military support, as well as strategic bombers TU-22M to attack Georgia.

B. On the Peacekeeping Battalion of North Ossetia-Alania

1. Was the North Ossetian PKF Battalion de facto a south Ossetian Battalion (personnel)?

The North Ossetian Peacekeeping Battalion was mostly manned by residents of Tskhinval Region/South Ossetia. This has been confirmed on multiple occasions by the Commander of North Ossetian Peacekeepers Colonel Kazbeg Dzhioev as well as representatives of South Ossetian de facto authorities. See annex 1 for Russian media articles, in which the Commander of North Ossetian Peacekeepers, as well as representatives of the de facto regime admit this fact.

2. Was this PKF Battalion considered a unit of the Russian Federation or of South Ossetia?

The North Ossetian PKF Battalion was a unit of the Russian Federation. The material and financial support of the battalion was completely provided by the Government of the Russian Federation. The Commander of North Ossetian Peacekeepers was appointed from the staff of the Ministry of Defense of the Russian Federation. See annex 2 for the official documents of the Joint Control Commission that substantiate this information.

3. What was the strength and armament of this battalion?

According to regulations of the Joint Control Commission, the personnel of this battalion amounted to 500 soldiers (in case of escalation, 300 more could have been added to the battalion by a special decision of the Joint Control Commission). Members of the battalion were armed with Kalashnikov assault rifles and machine guns, as well as with 42 armored vehicles: 24 Infantry Fighting Vehicles (IFVs) and 18 Armored Personnel Carriers (APCs).

4. "To what extent was the Ossetian PKF Battalion coordinated action with the South Ossetian militia – during the escalation and after the outbreak of full-scale hostilities?

The coordination between the North Ossetian Peacekeeping Battalion and South Ossetian de facto regime irregular forces has a long history. Commanders and soldiers of the North Ossetian Peacekeeping contingent have always actively cooperated with the so-called "Ministry of Defense and Emergency Situations" and other bodies of the de facto regime.

The North Ossetian Peacekeeping Battalion often gave its armament, equipment and transport to the irregular forces, used the facilities of the PKF to train the de facto regime irregulars in different military professions and provided intelligence to them on the positions/movements of Georgian police and peacekeepers in the conflict zone. The North Ossetian Peacekeeping Battalion directly participated in the hostilities against Georgian government forces in 2004 and again in 2008.

Military observers of the North Ossetian Peacekeeping Battalion also frequently assisted South Ossetian de facto regime irregular forces in concealing armaments prohibited by the peacekeeping format. They usually did this by informing irregular units of the planned visits of the JPKF and OSCE monitoring groups, including places and objects, which were to be checked by the monitors thus allowing the irregulars to hide from view together with their armament and military hardware.

The Ministry of Internal Affairs of Georgia possesses a huge volume of information, including intercepted telephone conversations, on such cooperation between the North Ossetian PKF Battalion, the Russian PKF Battalion and South Ossetian de facto regime irregular forces since 2004. Here are several most evident examples that reveal the pattern of violations by Russian and North Ossetian peacekeepers over these years:

- On August 12 2004, at 15:51, Commander of North Ossetian Peacekeepers **Kazbeg Friev** called **Robert Kokoity**, brother of South Ossetian de facto president **Eduard Kokoity** and gave him 1 Armored Vehicle (BMP) with a crew belonging to the JPKF, 2 boxes of PG-7 grenades, automatic firearms and under-barrel grenade launchers (see annex 2, annex 2 audio).

- On August 14 2004, at 09:37, Special Tasks Minister of South Ossetian de facto authorities, **Boris Chochiev** called the Commander of North Ossetian Peacekeeping **Kazbeg Friev** and asked him to come to a meeting that would be attended by Commander of the Joint Peacekeeping Forces **Stanislav Nabolzonov**, de facto Minister of Defense of South Ossetia, **Anatoly Baranikevich** and de facto Minister of Internal Affairs of South Ossetia (see annex 4, annex 4 audio).

- On September 15 2004, at 15:18, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Dagkaev** called his battalion commander **Philip Khachirov** and told him to warn the South Ossetian de facto MOD to hide their military hardware located in the direction of village Gerpanj the Dzari road (see annex 5, annex 5 audio).

- On January 13 2005, at 1 :44, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Dagkaev** called South Ossetian de facto Deputy Defense Minister **Ibragim Gasseev** and warned him that a monitoring would be held in the Mugutti mountains (see annex 6, annex 6 audio).

- On January 14 2005, at 10:52, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Dagkaev** called South Ossetian de facto Deputy Defense Minister **Ibragim Gasseev** and warned him that a monitoring would take place at 10:30 in the direction of the Dzari road (see annex 7, annex 7 audio),

- On April 3 2005, at 14:42, Counselor to the Chairman of South Ossetian de facto State Security Committee (SCOBI) **Sergei Gazzaev** called the commander of the Joint Peacekeeping Forces **Marat Kulakhmetov** and told him that at 18:00 people from Russia about which the Chairman of the KGB had told before, would enter the region from the Roki tunnel and asked him to bring them on a JPKF transport to Java road. **Kulakhmetov** agreed (see annex 8, annex 8 audio).

- On March 1 2006, at 16:49, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Dagkaev** called his battalion commander **Philip Khachirov** and informed him that he had just received a call from Russian and Ossetian observers warning that they are going out on a monitoring together with the OSCE. Therefore armed irregulars should not stand on the roads and the mountains must be kept away from weapons storages (see annex 9, annex 9 audio).

- On April 12 2007, at 11:17, Commander of North Ossetian Peacekeepers **Kazbeg Friev** called deputy commander of the 10th battalion of South Ossetian de facto MOD **Mairbeg Khuriev** and asked him to sign the document regarding the vehicle, which he had given to the 10th battalion.

He also reminded that this vehicle needed a communications specialist and Khuriev could send someone to the North Ossetian PKF battalion for training (see annex 10, annex 10 audio);

- On May 7 2007, at 13:47, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Tagkoev** called his commander **Kazbeg Friev** and informed him that the monitoring revealed a South Ossetian anti-aircraft system in village Dzvleti, but the South Ossetian militia men opened fire at the monitoring group. **Tagkoev** asked **Friev** to give a warning to those South Ossetians (see annex 11, annex 11 audio);

- On May 7 2007, at 14:04, Observer of the North Ossetian Peacekeeping Battalion **Feliks Jioev** called the chief military observer of the battalion **Alik Tagkoev** and asked him to advise the de facto MOD to take away the revealed antiaircraft system as soon as possible (see annex 12, annex 12 and 0);

- On May 7 2007, at 14:09, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Tagkoev** called the first deputy chairman of South Ossetian de facto authorities **Boris Chochiev** and told him that the monitoring group had found a South Ossetian anti-aircraft system near village Dzvleti despite the fact that he had warned the South Ossetian de facto MOD about the planned monitoring in advance. **Chochiev** instructed him not to speak about this topic over the phone anymore (see annex 13, annex 13 audio);

- On May 8 2007, at 08:04, Chief military observer of the North Ossetian Peacekeeping Battalion **Alik Tagkoev** called the first deputy chairman of South Ossetian de facto authorities **Boris Chochiev** regarding the incident that happened on the previous day. He told him that the report of the monitoring team was lost by the Ossetian side as it said that members of South Ossetian de facto regime irregular forces attacked the monitoring group. **Chochiev** instructed him to abstain from signing the report (see annex 14, annex 14 audio);

- On June 22 2007, at 21:55, Commander of North Ossetian Peacekeepers **Kazbeg Friev** called the deputy commander of the 10th battalion of South Ossetian de facto MOD **Mairbeg Khuriev** and told him that he had sent diesel fuel to the 10th battalion (see annex 15, annex 15 audio);

- On July 29 2008, at 10:48, Deputy commander of the 7th battalion of South Ossetian de facto MOD **Arsen Kvezerov** called **Ediik**, an attendant of the same battalion and told him that they were going to dig out shelments using a power shovel provided by the peacekeepers (see annex 16, annex 16 audio).

As already reported in the answer to question 3 of the military set of questions, during the escalation of conflict from July 29 through August 7 2008, Russian and North Ossetian peacekeepers were aware of violations committed in the conflict zone, but did not report them and on several occasions even collaborated to hide the evidence of these violations. Moreover, South Ossetian de facto regime irregular forces and North Ossetian peacekeepers coordinated their attacks on Georgian peacekeepers and police. Here we report the most vivid examples of those violations:

- On July 29, at 22:40, a duty officer of the North Ossetian peacekeeping battalion **Ruslan Makoev** informed the Commander of North Ossetian Peacekeepers **Kazbeg Friev** that a unit of

the North Ossetian peacekeeping battalion has opened fire towards the Georgian peacekeeping battalion.[1]

- On July 30 at 10:15, **Alik Tagkoev**, the chief military observer in the North Ossetian peacekeeping battalion telephoned a duty officer at the South Ossetian de facto Ministry of Defense and warned them that monitoring was going to be conducted by the JPKF in the area close to the Sarabuki heights.[2]

- On August 1, at 22:57, **Arsen Kvezerov**, deputy Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense told **Plitip Khachirov**, the commander of North Ossetian peacekeeping battalion to pass a request to strike either military unit to support its fire and offered to give the coordinates of either Georgian police or Georgian peacekeepers.[3]

- On August 2, at 2:10, **Arsen Kvezerov**, Deputy Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense and **Plitip Khachirov**, Commander of the North Ossetian peacekeeping battalion discussed a scheme for the future shelling of positions of Georgian peacekeepers and police.[4]

- On August 5 at 14:41, the Senior Commander of Georgian peacekeepers, General **Mamuka Kurashvili** contacted the Commander of the JPKF General **Marat Kulakhmetov** on the phone and asked him to conduct additional monitoring of the places from where the Sarabuki heights might have been shelled since he was sure that the trace left by a 120mm shell on the Sarabuki heights could show the direction from where it originated. At 16:30, the de facto Defense Minister of South Ossetia, Russian Colonel, **Vasily Lunev**, who was already informed that the shells were traceable, telephoned **Valeri Kokoev**, the Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense, that was responsible for the shelling, and instructed him to change something on the firing position in order to conceal the traces.[5]

- On August 6, at 1:58, a person named **Alan** reported to **Alik Tagkoev**, the chief military observer of the North Ossetian peacekeeping battalion that 'their people' shelled the positions of either Georgian police or Georgian peacekeepers. Tagkoev has never reported this fact.[6]

- On August 6, at 10:00, **Alik Tagkoev**, the chief military observer in the North Ossetian peacekeeping battalion asked **Ibragim Gassaev**, the de facto Deputy Defense Minister of South Ossetia to report about the results of shelling of an armored vehicle of the Georgian peacekeeping battalion.

- On August 6, at 21:18, **Valeri Kokoev**, the Commander of the 7th battalion of South Ossetian de facto Ministry of Defense informed the Senior Commander of North Ossetian Peacekeepers

[1] See answer 2 to the [illegible] questions
[2] See answer 4 to the [illegible] questions
[3] See answer 7 to the [illegible] questions
[4] See answer 8 to the [illegible] questions
[5] See answer 10 to the [illegible] questions
[6] See answer 14 to the [illegible] questions
[7] See answer 16 to the [illegible] questions

Kazbeg Friev that during the night "something" was going to be brought into the area. Friev interrupted and warned him not to talk about this via Georgian mobile communications.[3]

- On August 7, at 10:22, Alik Dagkuev, the chief military observer in the North Ossetian peacekeeping battalion asked Ilmagim Gassiev, the *de facto* Deputy Defense Minister of South Ossetia to correct their artillery fire at Georgian peacekeepers because some of the shells mistakenly fell near the location of Russian peacekeepers.[4]

- On August 7, at 06:51, Plutin Khachirov, Commander of the North Ossetian peacekeeping battalion gave advice to Arsen Kvezerov, Deputy Commander of the 7th battalion of the South Ossetian de facto Ministry of Defense in choosing targets for their artillery attack.[5]

3. When and where did the Ossetian PKF Battalion see action during escalation and armed conflict?

As already reported in the answer to question 3 of the military set of questions, according to an interview given by the Commander of North Ossetian Peacekeepers Colonel Kazbek Friev to the South Ossetian de facto regime's radio, during the hostilities parts of the battalion under his command "had taken pre-planned positions and acted jointly with the battalions of the Ministry of Defense of Russia" and "were hitting the advancements of Georgian troops."[6] Colonel Friev also stated that the mission of the peacekeepers was "not to allow Georgians to pass through the town." He had organized positions of his soldiers and armored vehicles (BMPs and BTRs) in Tskhinvali, namely, in Shanghai, Tsarz and the Nikosanetsghani districts in the south of the town and acted jointly with Russian Ministry of Defense troops.[7]

Since late afternoon on August 7, 2008, part of the leadership of the de facto regime, particularly "all the power ministers" started to gather at the peacekeepers' headquarters at "Nizhniy Gorodok."[8] Parts of the scattered irregular forces also gathered at this place, which was used as one of the centers for "coordinating the town's defense effort."[9]

The JPKF headquarters "Nizhniy Gorodok" was the place where Anatoly Barankevich, the Security Council Chairman in the South Ossetian proxy regime, appeared to request help.[10] According to Barankevich, he "proposed to Kulakhmetov [the Commander of the JPKF] to hold the article of defense together, and to stand until Russian troops approached." Simultaneously, on the territory of the peacekeepers' base he was provided with a mobile phone by which he contacted the Russian leadership and demanded "the promised reinforcements." Barankevich, aided by a number of South Ossetian militants, also decided to secure the road to the JPKF headquarters. For that purpose, they occupied the surrounding hot spots, from where they attacked and attacked Georgian police and military moving around the town.[11]

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[3] See annexes 16 [illegible] the answer to question 3 of the military set of questions.
[4] See annexes 29[illegible] the answer to question 3 of the military set of questions.
[5] See annexes 22, 23 of the answer to question 3 of the military set of questions.
[6] See annexes 1 to 3 of the answer to question 3 of the military set of questions.
[7] Ibid.
[8] Ibid.
[9] See annexes 9 and 10 of the answer to question 3 of the military set of questions.
[10] Ibid.

In a recent interview, the Commander of North Ossetian Peacekeepers Colonel **Kazbeg Freev** confirmed that the battalion under his command directly participated in the hostilities against Georgian government forces. He stated that at 200 meters from the location of his peacekeeping battalion in Tskhinvali, 50 Ossetian peacekeepers were fighting against Georgians and they were defending that district of the town (see annex 179).

The Commander of the North Ossetian Peacekeeping Battalion Vice-Colonel **Philip Khachirov** recently stated that on August 8 2008, he was giving bullets for automatic firearms, anti-tank grenade launchers and other weapons from the storage of the North Ossetian PKF Battalion to employees of different law enforcement bodies of South Ossetian de facto regime and that they were together fighting against Georgian government forces in the town (see annex 181).

The head of the physical training and sports section of the North Ossetian Peacekeeping Battalion **Soslan Tasoev** said in a recent interview that on August 7 2008, at 1900, the North Ossetian Peacekeeping Battalion handed over its infantry fighting vehicle (IFV) to the division of the South Ossetian de facto MOD located in villages Ditenisi and Sarabuki and that later he himself brought them antitank guided missiles (see annex 191).

The Deputy Commander of the North Ossetian Peacekeeping Battalion Major **Anatoly Bibilov** said in a recent interview that on August 8, he and other members of the North Ossetian PKF Battalion were fighting against Georgian government forces in Tskhinvali, shooting RPG-6 anti-tank rockets at Georgian tanks and holding positions on the roofs and top floors of the apartment buildings in different parts of the town (see annex 203).

C. On the Georgian PKF Battalion

1. What was the strength and armament of the Georgian Battalion during the escalation and at the launch of full-scale hostilities?

By August 2008, the Georgian Peacekeeping Battalion deployed in the Georgian-Ossetian conflict zone was composed of 531 soldiers, including 509 soldiers of the 11th Light Infantry battalion of the 1st Infantry Brigade with an attached armored company of the same Brigade – 9 soldiers and 13 Armored Vehicles BMP-2. The strength and armament of the Georgian PKF Battalion remained unchanged during the escalation of the conflict, as well as after the full-scale hostilities were launched.

As already reported in the answer to question 3 of the military set of questions, the Georgian Peacekeeping Battalion had four checkpoints at its own in the following locations:

- Village Avnevi (1 Georgian platoon);
- Sarabuk Heights (1 Georgian platoon);
- Village Kekhvi (6 Georgian peacekeepers);
- Village Tamarasheni (6 Georgian peacekeepers).

One platoon of the Georgian PKF Battalion was deployed as part of the joint Russian-Georgian checkpoint on the Dzevrulidze Mountain right above the Georgian bypass road (Dzevri-Kheiti) and per one observer from the Battalion served at joint checkpoints in the following villages:

- Kekvi;
- Prisi;
- Megvrekisi;
- Vanati;
- Kvemati;
- Tamarasheni;
- Artsevi;
- Avnevi.

The Georgian Peacekeeping Battalion had three permanent locations in the conflict zone, where its personnel were stationed:

- in Village Zemo Nikozi (51 soldiers and 6 Armored Vehicles BMP-2);
- in Village Dzevri (104 soldiers and 7 Armored Vehicles BMP-2); and
- in Village Achabeti (126 soldiers).

Several senior officers of the Georgian PKF Battalion were also stationed in the central headquarters of the UPKF in the town of Tskhinvali, the so-called "Nizhniy Gorodok".

2. What was the role of the Georgian PKF Battalion during the escalation and the deployment of regular Georgian forces?

   a. In the area South of Tskhinvali?
   b. In the strong[4] Georgian villages North of Tskhinvali?
   c. Along the Georgian by-pass road (Gori – Dmanisi – Sarpi – Kazbegi – Upper Lars)

   (Please specify action, time and location)

The main tasks of the Georgian Peacekeeping Battalion during the escalation of the conflict, as well as during the hostilities, based on the general principles of the JPKF activities in the conflict zone, was to: a) protect civilian population, b) block the activities of illegal armed formations; c) prevent the delivering of firearms, ammunition, military hardware, explosives and other materials into the conflict zone that could be used for terrorist, sabotage and military purposes, etc.

Starting from July 29 2008, South Ossetian de facto regime irregular forces intensively targeted Georgian peacekeepers deployed in the conflict zone along with shelling central government controlled villages in the region. As already reported in the answers to the military set of questions, on July 29, at 22:00, South Ossetian de facto regime irregular forces shelled the Georgian peacekeeping checkpoint on Sarabuki heights with 160mm and 120mm artillery. On August 1, from 21:30 onwards, South Ossetian de facto regime irregular forces shelled the Georgian villages of Zemo Nikozi, Kvemo Nikozi, Avnevi, Nuli, Tqviavi, Tredvi and Zemo Prisi with large caliber artillery, including the locations of Georgian peacekeepers. The shelling continued overnight and stopped only in the morning on August 2. On August 2 and 3, the JPKF conducted monitoring of most of the villages damaged by the shelling and on August 4 issued a report confirming the fact of the shelling of Zemo Nikozi, Kvemo Nikozi, Nuli, Tredvi and Zemo Prisi with 82-mm artillery, as well as the earlier shelling of Georgian peacekeepers on Sarabuki heights with 160 mm and higher caliber artillery.[5]

On August 7, at 11:00, the Georgian peacekeeping checkpoint in Avnevi was heavily shelled with 160mm and 120mm artillery, by South Ossetian proxy regime irregular forces located in the village of Khetagurovo, destroying the Georgian peacekeeping unit's armored vehicle, killing two Georgian peacekeepers, Sandro Tsiklauri and Vitali Tskhadze and wounding five others.[6] Georgian peacekeepers returned fire in self-defence. Later the Ministry of Internal Affairs of Georgia intercepted a phone call, during which a member of the de facto regime irregular forces confirmed the fact of blowing up an armored vehicle of Georgian peacekeepers in Avnevi with a caution.[7]

On August 7, at around 17:00, after the Commander of the JPKF Marat Kulakhmetov refused to give additional security guarantees to Georgian peacekeepers in the area of Tskhinvali, the Commander of Georgian peacekeepers Mamuka Kurashvili ordered officers of the Georgian

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[4] See annex 1 of the present note, Question 1 of the Additional Questions.

[5] See annex IX of the present note, response to Question 1 of the Additional Questions to the Georgian authorities among those, in possession of.

[6] See annex 78 and 79 of the answers to the questions of the military set of questions to the Georgian authorities.

[7] See annex 80 of the answers to the questions of the military set of questions to the Georgian authorities.

peacekeeping battalion to leave the headquarters of the JPKF in Tskhinvali. At 17:10, despite constant firing among Georgian peacekeepers and the shelling of central government controlled villages Georgian peacekeepers unilaterally ceased fire to defuse tensions. This decision was communicated by the Georgian State Minister for Reintegration, Temur Yakobashvili to the Commander of the JPKF General Marat Kulakhmetov at 17:00, in spite of this at 20:30, South Ossetian de facto regular irregular forces resumed the shelling of Georgian peacekeepers in village Avnevi and at 23:30, intensified their artillery fire on all positions of Georgian peacekeepers in Big Liakhvi, Little Liakhvi and the Ormi valleys.

After Georgian regular forces were deployed to the region and started defensive military operation, carrying out the order issued by President of Georgia at 23:35 on August 7, members of the Georgian Peacekeeping Battalion continued to serve their duties on all checkpoints in the conflict zone. Georgian and Russian peacekeepers were standing side by side on all joint peacekeeping checkpoints until late in the evening of August 8. No incidents occurred between them.

On August 8 and August 9, the Georgian PKF Battalion maintained its positions and protected the civilian population in villages to the south of Tskhinvali as well as in the central government controlled villages in Big Liakhvi, Little Liakhvi and Ormi valleys, despite massive bombardments by Russian military aircraft and artillery.

On August 9, the Georgian PKF Battalion helped to evacuate civilian population from Big Liakhvi, Little Liakhvi and Ormi valleys.

On August 9 at 22:30, after the evacuation of the local population from Big Liakhvi Valley was completed, the Georgian PKF Battalion unit, together with Georgian police units, started to leave this valley via the Tredvi-Kheiti bypass road, abandoning positions in villages Ke'elvi and Tamarasheni, as well as its location in village Achabeti and by 02:00 on the morning of August 10 was fully redeployed in village Tredvi in Small Liakhvi valley. Immediately after the withdrawal from Big Liakhvi Valley, the Georgian PKF platoon left the joint Russian-Georgian checkpoint on the Tsveriakhi Mountain.

On August 10, at 10:00, the Georgian PKF Battalion, together with Georgian regular troops, retreated from Ormi Valley to village Zemo Nikozi, south of Tskhinvali. Around the same time, the personnel of the Georgian PKF Battalion left Small Liakhvi valley, including its location in village Tredvi. A few hours later, the Georgian PKF Battalion abandoned all of its checkpoints to the south of Tskhinvali, including its location in Zemo Nikozi and retreated southwards in Gori district.

As Russian troops started to advance south from the town of Tskhinvali on the morning of August 11, the Georgian PKF Battalion, together with most Georgian regular forces, moved from Gori district to the east and by 22:00 took positions near the town of Mtskheta in order to defend the capital Tbilisi.

3. To what extent did the Georgian PKF Battalion coordinate with Special Forces of the Georgian Ministry of Interior and with the Georgian militia (under Saakashvili administration)?

The Georgian PKF Battalion was always in close coordination with Georgian police in terms of safeguarding the civilian population of the central government controlled villages in the conflict zone from attacks by South Ossetian de facto regime irregular forces.

During the hostilities in August 2008, the Georgian PKF Battalion and Georgian police units including the MIA Special Forces and the Temporary Administration's Anti-Terrorist Center also coordinated the evacuation of civilian population from Big Liakhvi, Small Liakhvi and Ksani valleys, as well as from the town of Gori and the surrounding villages.

4. From which direction did the Georgian PKF Battalion participate in the attack on Tskhinvali? (South: Avnevi, Nikozi; North: Tamarasheni, East: Georgia by-pass road Gori-Ossetia?), Ket al.?

The Georgian PKF Battalion did not participate in the attack on the town of Tskhinvali.

D. On the Special Forces of the Georgian Ministry of Interior (MIA)

1. What strength did the Special Forces of the MIA have and with armament did they act during the escalation and after the outbreak of full-scale hostilities?

2. What was their role during the escalation, the deployment of regular Georgian forces and after the outbreak of full scale hostilities?

a. In the belt South of Tskhinvali?

b. In the string of Georgian villages North of Tskhinvali?

c. Along the Georgian by-pass road (Gori-Dmenisi-Sarabuki-Ergneti, etc)

(please specify action, time and location)

The Special Forces of the Ministry of Internal Affairs of Georgia are mainly represented by two departments within the ministry: the Special Tasks Main Division and the Special Operations Center. The Special Tasks Main Division supports regional police units with special forces and performs various special tasks to protect public order, as for the Special Operations Center, it conducts anti-terrorist and anti-criminal police operations with special weapons and tactics. In addition to that, a small Special Forces unit is maintained by the ministry's Constitutional Security Department, which protects the state from the activities of radical extremist-minded groups and organizations. The Special Tasks Main Division and the Constitutional Security Department have subdivisions in all regions of Georgia, including Shida Kartli region, while the Special Operations Center is based near the capital Tbilisi.

By August 2008, up to 300 police officers of the Shida Kartli Subdivision of the Special Tasks Main Division of the MIA were serving their duties in the Georgian-Ossetian conflict zone mainly to the south of the administrative border with Tskhinvali Region/South Ossetia. They were stationed at 6 checkpoints in villages: 1) Didi Gupti, 2) Kvemo Nikozi, 3) Zemo Nikozi, 4) Ergneti, 5) Meore Khviti, 6) Zemo Prisi (Small Liakhvi valley) and were patrolling the roads between these villages on Ukrainian pick-up trucks. Each checkpoint was manned by 30-40 police officers armed with Kalashnikov assault rifles and machine guns. The main base was located in village Sarkheti, Gori district.

At the end of 2006, a small Special Forces unit (Anti-Terrorist Center) was set up under the newly established Temporary Administration of South Ossetia in order to support Georgian police on the central government controlled territory of Tskhinvali region/South Ossetia, namely Big Liakhvi, Small Liakhvi, and Ksani valleys. It was manned mostly by local residents. By August 2008, 185 police officers of the Temporary Administration's Anti-Terrorist Center were stationed on 9 checkpoints, 6 in Big Liakhvi valley to the east of the town of Tskhinvali (1 in village Tamarasheni, 1 in village Achabeti, 1 at village Kekhvi and 3 in village Dzartsemi), 2 in Small Liakhvi valley to the east of the town of Tskhinvali (in village Zemo Prisi) and 1 in Ksani valley to the west of the town of Tskhinvali (in village Avnevi). Police officers of the Temporary

Administration's Anti-Terrorist Center were also regularly patrolling the Eredvi-Sveiti bypass road connecting Small Liakhvi and Big Liakhvi valleys. Each checkpoint was manned by 10-15 police officers armed with Kalashnikov assault rifles and machine guns.

As the escalation of conflict started on July 29 2008, the police officers and checkpoints of the Special Tasks Main Division and the Temporary Administration's Anti-Terrorist Center were intensively targeted by South Ossetian de facto regime irregular forces. On August 1, five Georgian Special Forces police officers were wounded as their Toyota pickup truck was hit by two remote-control explosive devices on the Eredvi-Kheti bypass road. On the morning of August 2, as the result of sniper fire from Tskhinvali, an officer of the Shida Kartli Subdivision of the Special Tasks Main Division Irakli Bakuradze was heavily wounded at the checkpoint in village Zemo Nikozi. From August 6 through August 7, Georgian police checkpoints in central government controlled villages beyond Tskhinvali Region South Ossetia and to the south of the administrative border were fired upon by South Ossetian de facto regime irregular forces using machine guns, mortars, cannons and armored vehicle guns. Georgian police and Special Forces stationed in these villages continued to fulfil their duties without reinforcement and returned fire with their regular weapons towards the positions of the de facto regime irregular forces.

On August 7, following the massive artillery attack on the Georgian peacekeeping checkpoint in village Avnevi, Ergneti valley, which resulted in the death of two Georgian peacekeepers and responding to the invasion of Russian regular army units into Georgia, the Georgian Government put its police and armed forces on alert. At 14:30, the Ministry of Defense of Georgia declared the mobilization of its forces and at the same time, the Ministry of Internal Affairs of Georgia started to reinforce its police and special forces units deployed to the south of the administrative border with Tskhinvali Region/South Ossetia. 475 special forces officers of the Eastern Subdivision of the Special Tasks Main Division, 175 special forces officers of the Special Operations Center and 100 special forces officers of the Constitutional Security Department were sent to the region (along with police officers from other departments of the ministry) as the bombing of central government controlled villages continued and intensified later in the evening. No reinforcement could be sent to the Temporary Administration's Anti-terrorist Center inside Tskhinvali Region/South Ossetia.

After the President of Georgia issued an order to start a defensive military operation in Tskhinvali Region/South Ossetia on August 7 at 23:35, the Special Forces of the Ministry of Internal Affairs of Georgia were subordinated to the operative groups of the General Staff of the Ministry of Defense of Georgia and received an order to operate on the central direction and, after the 3rd and the 4th Infantry Brigades fulfilled their tasks on the right and left flanks, to enter the town of Tskhinvali, supported by a Separate Light Infantry Battalion and a Single Tank Battalion of the Ministry of Defense, with the objective to neutralize firing positions within Tskhinvali and ultimately reach the Big Liakhvi valley to the north of the town.

The Special Tasks Main Division and the Special Operations Center of the MIA formed a task force of 810 Special Forces police officers to operate on the central direction, which consisted of

- 60 officers from the Shida Kartli Subdivision of the Special Tasks Main Division;
- 475 officers from the Eastern Subdivision of the Special Tasks Main Division;
- 175 officers from the Special Operations Center.

- 100 officers from the Constitutional Security Department

The armament of the grouping consisted of:

- 5.45 mm Kalashnikov assault rifles (AKS-74)
- 7.62 mm Kalashnikov assault rifles (AKM)
- 7.62 mm Dragunov semi-automatic sniper rifles (SVD)
- 7.62 mm Kalashnikov general purpose machine guns (PK)
- 7.62 mm Kalashnikov squad-level light machine guns (RPK)
- Hand-held anti-tank rocket propelled grenade launchers (RPG-7)

The Special Forces police officers were riding Otokar "Cobra" Light Armored Vehicles, some equipped with 12.7 mm heavy machine guns ("Tigrs") and some with 40 mm automatic grenade launchers (AGL). In total, the MIA sent 70 "Cobra" vehicles to Shida Kartli region.

On August 8, at around 06:00, a task force unit of special forces police officers with "Cobra" vehicles, reinforced by several tanks from the MOD of Georgia, moved from village Zemo Nikozi towards the outskirts of Tskhinvali in order to suppress the fire at that village coming from the proxy regime militants located in the southwestern part of the town, the so called "Shanghai" suburb. The MIA Special Forces encountered sniper and massive armored vehicle cannon fire from the Russian peacekeeping headquarters "Verkhniy Gorodok" located on the southwestern edge of the town. As already reported, the roof of the main building of "Verkhniy Gorodok" was used by enemy for conducting artillery fire against Georgian armed forces *(see again annex 90 of the answer to the question 1 of the written list of questions)*. Hence, the MIA Special Forces were compelled to return fire towards "Verkhniy Gorodok" from automatic rifles and 12.7 mm heavy machine guns ("Tigrs") attached to "Cobra" vehicles and later had to ask for tank support as well.

Later on August 8, at 11:00, the task force of 300 Special Forces police officers of the MIA with 40 "Cobra" armored vehicles, followed by a light infantry battalion and a tank battalion of the MOD entered Tskhinvali from village Zemo Nikozi. As they moved through the town, they encountered fire from different buildings that were used by the adversary for enemy purposes. They also came under intensive bombardment by enemy aircraft and artillery in the southern part of Tskhinvali. By 14:30, the task force took control of most of Tskhinvali – its southern and central parts, while the fighting continued on the streets in the northern part of the town. At 20:00, due to intensive bombardment and resistance, the task force withdrew from the center of Tskhinvali and regrouped, holding positions in the southern part of the town. During the night, the task force maintained control of the southern part of Tskhinvali.

On August 9, at 12:00-13:00, because of the character of the battle and presence of multiple reinforced firing positions of the enemy inside the town, the task force of the MIA Special Forces in Tskhinvali was reinforced by the 4th Infantry Brigade of the MOD that entered the town from the left flank. From 15:00 to 15:40, Georgian and Russian troops engaged in intensive fighting in the center of Tskhinvali. Georgian forces mostly controlled the southern part of the town, while Russian forces amassed in its northern part. At 17:00, additional Russian troops entered Tskhinvali. Correlatively, the Russian air force and ground offensive. Georgian forces maintained control of the southern part of Tskhinvali and the surrounding villages until late in the evening. At 22:30,

Georgian armed forces, including the task force of the MIA Special Forces, began a phased retreat from Tskhinvali and during the night repositioned themselves south of the town.

Throughout August 8 and until late in the evening on August 9, the Temporary Administration's Anti-Terrorist Center maintained its checkpoints in the central government controlled villages in Tskhinvali Region/South Ossetia despite massive bombardments by Russian military aircraft and artillery. On August 8 in the afternoon, police officers in the Temporary Administration's Anti-Terrorist Center had two short exchanges of fire with Russian troops near villages Tamarasheni and Dzartseni. On August 9, after Georgian forces started to leave Tskhinvali at 22:30, the Temporary Administration's Anti-Terrorist Center abandoned its checkpoints in Big Liakhvi valley and moved via the Ergneti-Kheiti bypass road to Small Liakhvi valley.

On August 10, at 04:00, Russian troops occupied Big Liakhvi valley. At 19:00, Georgian armor forces, including the unit of the Temporary Administration's Anti-Terrorist Center, left Ditse valley, which was immediately captured by Russian troops.

On August 11, after 11:00, as Russian troops started to advance south from Tskhinvali, Georgian forces, including all of the special forces of the MIA, retreated southwards in Gori district abandoning their checkpoints. By 22:00, as Georgian armed forces withdrew to the town of Mtskheta in order to defend the capital Tbilisi, the MIA Special Forces stopped at village Igoeti, Kaspi district on the main highway and arranged a checkpoint there.

The MIA Special Forces suffered the following casualties during the war: 6 officers of the Special Tasks Main Division and 3 officers of the Constitutional Security Department were killed. 5 officers of the Special Tasks Main Division are still missing in action.

E. On the South Ossetian Militia

1. Which strength and armament did the South Ossetian Militia dispose of at the outbreak of the August hostilities?

2. Which weapons did they use during fighting in Kekhvirovo, Muguti, Tbeti, Dmenisi and other villages as well as the town of Tskhinvali?

3. How did they coordinate with Russian and Ossetian Peacekeepers?

By August 2008, the South Ossetian de facto regime was extensively militarized, which was a clear violation of the 1992 Sochi Agreement and numerous regulations of the Joint Control Commission.

The South Ossetian proxy regime irregular forces were subordinated to three main command centers – which, as already reported in the answers to the military and legal sets of questions, were all run by high-ranking officers from the Russian Federation:

1. The so-called "Ministry of Defense and Emergency Situations of South Ossetia";
2. The so-called "Ministry of Internal Affairs of South Ossetia"; and
3. The so-called "State Security Committee (KGB) of South Ossetia."

"The Ministry of Defense and Emergency Situations of South Ossetia"

According to the 1992 Sochi Agreement the South Ossetian de facto regime was not allowed to maintain armed forces and have a defense ministry.

Structure and Personnel

The information provided below is based on Georgian intelligence data. It does not include the armaments provided by Russia immediately after the start of hostilities.

By August 2008, the personnel of the South Ossetian de facto regime's "Ministry of Defense and Emergency Situations" amounted to roughly 3000 militiamen. They were organized into 4 battalions and several other divisions.

1st Motor Rifle Battalion

Location: Village Znauri, Znauri district
Personnel: 150 militiamen
Armament:

Infantry Fighting Vehicles BMP-1 – 2 units
Howitzers – 2 units
Heavy anti-tank grenade launchers SPG – 3 units
Anti-aircraft system- ZU-23 – 2 units
Kalashnikov assault rifles, machine guns and other firearms

III Motor Rifle Battalion

Location: Village Kheragarovo, Tskhinvali district
Personnel – 250 militiamen
Armament:

Howitzers – 2 units
Heavy anti-tank grenade launchers SPG – 3 units
Anti-aircraft systems ZU-23 – 2 units
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

This battalion included Theti company that consisted of 50 militiamen

IV Motor Rifle Battalion

Location: Town of Tskhinvali (the so-called "Zchinvali" district)
Personnel – 180 militiamen
Armament:

Armored Personnel Carriers BTR – 1 unit
Howitzers – 2 units
Heavy anti-tank grenade launchers SPG – 4 units
Anti-aircraft systems ZU-23 – 2 units
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

This battalion also included:

"Shanghai" company
Personnel: 60 militiamen on regular basis, 250-300 in case of mobilization
Armament:

Self-propelled anti-tank system "SAM" – 1 unit
Infantry Fighting Vehicles BMP-1 – 1 unit
Armored Personnel Carriers BTR – 1 unit
Mortars – 2 units
Machine guns – 2 units
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

"Tsarz" company
Personnel: 100 militiamen with light firearms

"Cafez" company
Personnel: 100 militiamen with light firearms

V Motor Rifle Battalion

Location: Town of Tskhinvali ("Mamisantuari" district)
Personnel – 180 militiamen
Armament:

Mortars – 8 units
Howitzers – 2 units
Heavy anti-tank grenade launchers SPG – 3 units
Anti-aircraft systems ZU-23 – 2 units

Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

This battalion included **Prisi company**

Personnel: 150-160 militiamen
Armament:

Infantry Fighting Vehicles BMP-1 – 5 units
120mm mortars – 4 units
82mm mortars – 2 units
Anti-aircraft system ZU-23 – 1 unit
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

VI Motor Rifle Battalion

Location: Town of Tskhinvali ("Zaporozhets" building), Village Kvemo Nikozi and Kurta
Personnel: 250 militiamen
Armament:

Multiple Rocket Launcher BM21 GRAD – 1 unit
Howitzers – 2 units
Heavy anti-tank grenade launchers SPG – 3 units
Anti-aircraft systems ZU-23 – 2 units
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

This battalion included "Rami" company

Personnel: 160 militiamen armed with Kalashnikov assault rifles, machine guns, RPG-7s, 3 DShK machine guns and other firearms

VII Motor Rifle Battalion

Location: Village Dmenisi – Tskhinvali district
Personnel: 150 militia men on regular basis, 300-500 in case of mobilization
Armament:

Infantry Fighting Vehicle BMP-2 – 1 unit
Armored Personnel Carrier BTR – 1 unit
Anti aircraft systems ZU-23 – 2 units
85mm cannons – 2 units
Mortars – 3 units (82mm and 120mm)
Heavy anti-tank grenade launchers SPG – 3 units
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

VIII Motor Rifle Battalion

Location: Village Java, Java district (firing ground and warehouses in village Avnevi)
Personnel: 300 militiamen
Armament:

Infantry Fighting Vehicles BMP – 2 units
Armored Personnel Carriers BTR-70 – 4 units
Anti-aircraft system ZU-23 – 1 unit
Self-propelled artillery system GVOZDIKA – 22 units

Multiple Rocket Launcher BM-21 GRAD – 6 units
Anti-tank guided rocket launchers FAGOT – 11 units
Howitzers (85-122mm) – 15 units
Mortars (82-120mm) – 20 units
Kalashnikov assault rifles, machine guns, mortars, RPG-7s and other firearms

IX Motor Rifle Battalion

Location: Village Gaveti, Tskhinvali district
Personnel: 180 militiamen
Armament

Infantry Fighting Vehicle BMP – 1 unit
Anti-aircraft system ZU-23 – 1 unit
Kalashnikov assault rifles, machine guns, RPG-7s and other firearms

This battalion included Tsinagari and Artsevi companies

X Motor Rifle Battalion

Location: Village Ved'bi, Znauri district
Personnel: 200 militiamen
Armament:

Infantry Fighting Vehicles BMP-2 – 2 units
Anti-aircraft system ZU-23 – 1 unit
Anti-tank guided missile launcher AGS-17 – 1 unit
80mm cannon – 1 unit
Kalashnikov assault rifles, machine guns, RPG-7s, mortars and other firearms

XI Motor Rifle Battalion

Location: Village Kvaisa, Java district
Personnel: 300 militiamen
Armament:

Anti-aircraft system ZU-23 – 1 unit
Anti-aircraft systems SOLA – 3 units
Heavy armor, particularly two T-55 tanks and one self-propelled artillery system SAU
Heavy anti-tank grenade launcher SPG – 1 unit
Anti-tank grenade launchers RPG-7 – 10 units
Kalashnikov assault rifles, machine guns, RPG-7s, SVD sniper rifles and other firearms

Separate Motorized Company ("Kazak army of South Ossetia")

Location: Town of Tskhinvali (the so-called "Khuler" settlement) and Village Nuli, Java district
Personnel: 150 militiamen
Armament:

Infantry Fighting Vehicles BMP-2 – 6 units
Armored Personnel Carriers BTR – 8 units
Anti-aircraft systems ZU-23 – 4 units
Anti-aircraft systems SOLA – 3 units

Anti-tank guided missile 9M workers — 1 unit
Kalashnikov assault rifles, machine guns, RPG-7s, SVD sniper rifles and other firearms

Separate Reconnaissance Battalion

Location: Town of Tskhinvali (near the so-called "Big Market")
Personnel: 700 militiamen
Armament:

Infantry Fighting Vehicles BMP-2 — 4 units
Armored Personnel Carriers BTR — 2 units
Combat Reconnaissance Vehicles BRDM — 2 units
Kalashnikov assault rifles, machine guns, RPG-7s, and other firearms

Separate Tank Battalion

Location: Village Ruzsky, Java district
Personnel: unknown
Armament:

Tanks T-90 — 10 units
Tanks T-55 — 2 units

Anti-Aircraft Rocket Battery

Location: Town of Tskhinvali ("Zagorsky" building)
Personnel: 86 militiamen
Armament:

Anti-aircraft system ZU-23 — 3 units
Anti-aircraft systems IGLA and SA-18 — about 20 units
Anti-tank guided missiles AT-11s — 3 units
Anti-tank guided missiles TAGOS — 3 units

Engineer Company

Location: Town of Tskhinvali
Personnel: 60 militiamen

Mortar Battery

Location: Town of Tskhinvali ("Zagorsky" building)
Personnel: 80 militiamen
Armament:

120mm mortars — 2 units

Special Forces Company ("Ossetian GRU")

Personnel: 60 soldiers — all trained by Russian instructors in the Russian Federation.

"The Ministry of Internal Affairs of South Ossetia"

Total personnel: approximately 900 militia officers.

Armament: different types of automatic firearms, hand machine guns, grenade launchers and SVD sniper rifles. UAZ and GAZ-66 type vehicles.

The "Ministry" included special task units OMON and SOBR.

Special Task Unit OMON

Personnel: 350 servicemen (mostly with criminal past). Deployed in Tskhinvali, Java and Znauri.
Armament:

Kalashnikov assault rifles AKS-74
Grenade launchers RPG-7, AGS-17 and SPG
SVD-1 sniper rifles
TT pistols
3 BTRs and 1 BMP.
UAZ and GAZ-66 type vehicles

Special Task Unit SOBR

Personnel: 45 militiamen
Armament:

Kalashnikov assault rifles AKS-74
Grenade launchers RPG-7 (3 units), AGS-17 (2 units) and SPG (3 units)
SVD-1 sniper rifles
TT type pistols.
UAZ and GAZ-66 type vehicles

"The State Security Committee (KGB) of South Ossetia"

Personnel: 70 employees, plus Operational Activity Support Team (OSOD) with 40 employees armed with Kalashnikov light firearms, sniper rifles and special equipment. The KGB included the so-called Border Guard Service.

Border Guard Service

Personnel: approximately 350 servicemen
Armament:

Kalashnikov assault rifles, machine guns, mortars.
Armored Personnel Carriers BTR-80 – 9 units
KAMAZ and UAZ type vehicles.

Border Guard Service HQ

Personnel: 110 border guards, including:
Special intelligence group – 15 militiamen
Tskhinvali border guard station – 41 militiamen

Operational division – 20 militiamen

Java Border Guard Office

Location: Java district
Personnel: 150 militiamen
Armament:

Kalashnikov assault rifles – 160 units
Kalashnikov machine guns – 10 units
Armored Personnel Carriers BTR-80 – 3 units
KAMAZ-505 type vehicle – 3 units
UAZ-469 vehicle – 5 units

This office included Kvaisa, Roki, Edisi and Sinagori border guard units.

Kvaisa border guard unit

Location: Village Kvaisa
Personnel: approximately 35 militiamen
Armament:

Armored Personnel Carriers BTR-80 – 2 units
Kalashnikov assault rifles – 36 units
Machine guns – 2 units
RPG grenade launchers – 3 units
Sniper rifles – 2 units
Anti-aircraft systems
KAMAZ-505 type vehicle – 1 unit
UAZ-469 type vehicle – 1 unit

Roki border guard unit

Location: Roki Tunnel
Personnel: 30 militiamen
Armament:

Kalashnikov assault rifles – 35 units
Machine guns – 3 units

Edisi border guard unit

Location: Village Edisi
Personnel: 35 militiamen
Armament:

Kalashnikov assault rifles – 40 units
Machine guns – 3 units

Sinagori border guard unit

Location: Village Sinagori
Personnel: 30 militiamen
Armament:

Kalashnikov assault rifles – 45 units
Machine guns – 2 units

Zenuri Border Guard Office

Location: Village Zenuri
Personnel: 120 militiamen
Armament:

Kalashnikov assault rifles – 125 units
Machine guns – 7 units

His office included Mugrdi, Velebi and Balta border guard units.

Mugrdi border guard unit

Location: Village Mugrdi
Personnel: 35 militiamen
Armament:

Kalashnikov assault rifles – 40 units
Machine guns – 3 units

Velebi border guard unit

Location: village Velebi
Personnel: 30 militiamen
Armament:

Kalashnikov assault rifles – 30 units
Machine guns – 2 units

Balta border guard unit

Location: Village Balta
Personnel: 30 militiamen
Armament:

Kalashnikov assault rifles – 30 units
Machine guns – 2 units

On the section 3 of the question E, please see answers to question B, as well as answers to question 3 of the military set of questions.

First set of questions on legal issues to the Governments of the Russian Federation and Georgia

1. Please explain the formal and informal relationship between the Russian Federation and Georgia and the Tskhinvali region/South Ossetia and Abkhazia respectively before the outbreak of the conflict in August 2008 at all levels. Would you call the developments in legal, political, economic space, including infrastructure, energy and social welfare in the recent years between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia as an integration process? How do you qualify in legal terms the decision taken by the Russian Federation a few months before the outbreak of the conflict to establish formal contacts between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia respectively?

2. Please explain the process and dynamics of unfolding Russian-Georgian conflict by actions relating to the Tskhinvali region/South Ossetia and Abkhazia, and explain the reasons for the escalation of violent hostilities. How do you reconcile this with your assessment of the international legal status of the territories?

3. Please give an account of the implementation of the Sochi Agreement of 1992 relative to the Tskhinvali region/South Ossetia as well as the Moscow Agreement on a Ceasefire and Separation of Forces of 1994 related to Abkhazia and relevant provisions in those agreements and their implementation in reality by the parties. How do these relate to the movements of Russian troops immediately before 7 August 2008?

4. Please explain Russian troop movements before and during the period of August 2008. How does this relate to the Intended Treaty on Conventional Forces in Europe and the Russian practice during most of the time preceding the conflict? Please explain Georgian military posture and troop movements before and during the conflict.

5. Please give brief and clear reasons for the Russian recognition of the territories of the Tskhinvali region/South Ossetia and Abkhazia. Please clarify the legal status and the objectives of the intensive treaties concluded between the Russian Federation and the Tskhinvali region/South Ossetia and with Abkhazia respectively on 17 September 2008.

6. In the course of the conflict and in terms of responsibility under international law: How would you describe the formal and informal relationship between the Russian Army and South Ossetian and Abkhaz armed forces respectively prior to 17 September 2008 and nowadays? Please explain especially the respective command chains.

7. Which measures did you take to protect civilians and to prevent looting, detainment and displacement of civilians during and after the hostilities?

8. Which measures did you take to provide relief and support to civilian populations in the areas affected by hostilities and their aftermath?

Additional legal questions

The Georgian denunciation of the Sochi Agreement (we have controversial information on whether such a denunciation took place)

The Georgian declaration that the Moscow agreement on 14 May 1994 on a ceasefire and separation of forces in Abkhazia is null and void (of 18 August 2008)

Question 1: Please explain the formal and informal relationship between the Russian Federation and Georgia and the Tskhinvali Region/South Ossetia and Abkhazia respectively before the outbreak of the conflict in August 2008 in all levels. Would you call the developments in legal, political, economic space including infrastructure, energy and social welfare in the recent years between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia as an integration process? How do you qualify in legal terms the decision taken by the Russian Federation a few months before the outbreak of the conflict to establish formal contracts between the Russian Federation and the Tskhinvali region South Ossetia and Abkhazia respectively?

The dynamics of Russia's relationship with the Tskhinvali Region/South Ossetia and Abkhazia, Georgia can be divided in two main phases.

i) The active instigation and support of separatist subversive groups in both regions as well as subsequent active participation in the military conflicts.

ii) The subsequent foreign regimes in both regions and

iii) The declaration of the establishment of bilateral ties with proxy provinces, as a de facto legitimization of an open policy of undermining Georgia's territorial integrity as well as sovereignty and enhancing the policy of creeping annexation.

The formal and informal relations between the Russian Federation and its proxy regimes in Tskhinvali region/South Ossetia and Abkhazia served the sole goal of establishing maximum control over the internal Georgian affairs. Through such policy, Russian authorities made both regions totally dependent on its "assistance" and keen for its further political aspirations. This is why the regimes in Tskhinvali region/South Ossetia and Abkhazia, as in the international law standpoints, powers of the Russian state and their actions and policies are directly attributable to the latter.

I. ACTIVE INSTIGATION AND SUPPORT OF SEPARATIST SUBVERSIVE GROUPS IN BOTH REGIONS AS WELL AS SUBSEQUENT ACTIVE PARTICIPATION IN THE MILITARY CONFLICTS

The conflicts in Abkhazia and the Tskhinvali region/South Ossetia were actively instigated by the Russian Federation in the early 90's. As Georgia took determined steps to restore its independence, lost as a result of annexation by Russia in 1921, from the very beginning Russia not only "assisted" the irregular armed groups aiming to undermine the Georgian state in Abkhazia and Tskhinvali region/South Ossetia due to their dependence on its support, but also directly participated in the hostilities. The military involvement of Russian troops and mercenaries was also reported by independent sources. In 1995 Human Rights Watch reported:

> *The conflict in Abkhazia was heightened by the involvement of Russia mostly on the Abkhaz side, especially during the war's initial stages. Whereas Russia was embroiled in a internal strife in the Republic of Georgia, Russian units joined their way into Abkhaz lands. Russian planes bombed civilian targets in Georgian-controlled territory, [and]*

> *Russian military vessels, manned by supporters of the Abkhaz side, were made available to shell Georgian-held Sukhum ...*
>
> *The role of Russian actors in the conflict became considerably more pronounced during the first six months of 1993. This was precisely a time when human rights abuses and violations of the laws of war committed by Abkhaz troops obtained from Russian sources were becoming more severe. The Russian military took a direct role in hostilities on several occasions, and appears to have provided logistical support and protection for the Abkhaz.*

Russian direct participation in hostilities was particularly overt during the air attacks over Sokhumi, both in 1992 and 1993 as well as the assault on Sokhumi in March 1993 and the assault on the city in September 1993 that resulted in ethnic cleansing of Georgians and discrimination of other ethnic minorities. Russian involvement in the conflict in Abkhazia was coordinated by three high ranking Russian generals: Signalkin, Surokin and Kondratiev. Finally, a group of duty officers was coordinated by the Chief officer of the Soviet Army's Main Head Staff Gen Aleksandr Kolesnikov. Another **Aleksey Sigunkin** perhaps the most important Russian officer during the conflict was credited with designing the assault plan on Sokhumi. In 1992 a number of Russian officials including Pavlov and Vadim Bakatin were

Gen. **Surokin** commanded the 345th airborne regiment. Loss of 23 personnel in combat is well recognized in the official website. Over 21 Sergeant of the regiment Vitali Wolf was even decorated with star of Hero of Russia[4]

Most well-known Russian units to have taken direct part in the conflict against Georgia include, but are not limited to:

- The 643th Artillery Regiment, Mozdok – 5482
- MSD Unit 3697, the notorious Special Forces post-Soviet based in Pskov known for their participation in massacres in the Baltics. Its commander, Yuhenkin Mikhail, is wanted by Latvia, Lithuania (for participation in the Medininkai massacre of anti-Union police guards in 1991) and INTERPOL, was decorated by the Azerbaijan with the "Heroic Order" and later was sent to Abkhazia by Russia's NSC to manage elections in Abkhazia and oversee Raul Khajimba in 2014[5]

[4] [illegible]

[5] [illegible]

- Mr. Alkhanov and Ivan Ganja, Azerbaijan Airlines for its part in the 1993 massacre in Baku] [not included: Anatoly Sidorenko, Russian Airborne Troops Colonel, Boris Akuntsichev, Russian Army Colonel, Gennady Kolotilin, mayor, Boris Aksyalevich, colonel, Igor Lunev, major general (head of Yeysk air group "Russian eagles") and others.

One of the most important pieces of evidence on the survival in Russian Air Force Major Vasilev Shipko (personal identification number 6227521 whose Su-27 jet was shot down near Sokhumi on March 19, 1993 (the Izvestia of 23-03-1993 commander of the Russian Air Force Evgeny Zarudnev) confirms that the objective of his flight was to assist Georgian rebels. Before this incident, Russian Defense minister Pavel Grachev warned that Georgians were preparing their Su-25 aircraft into Russian colors and bombing Sokhumi civilian districts, killing hundreds of civilians (Izvestia, Russia). Mr. Shipko's testimony:

The significance of Russian military involvement in Abkhazia is well explained in a 1999 book by Viktor Baranets, a Moscow-based expert on the Russian MOD and former head of the information Analytical Department and correspondent in Afghanistan, one chapter [in Russian] Viktor Nikiforovich Baranets, *Neobyavlennaya Voina*, Zolotoi Vityaz Press, Moscow, 1999.[1] He writes of Georgian diaspora organizations supplying the Abkhaz forces and describes how Russian officers participated in the conflict and how a plan drawn up by the military was implemented by means of photographs, documents and certain cases of numerous witnesses. "Denying [such] was senseless" he notes. He even describes number of secret shelters from Georgian arms stockpiles that involved paying guards $300 rubles and numerous uses of Russian aircraft on Abkhaz side.

In the fall of 1993 when, after breaks in the Russian-brokered cease-fire of July 1993, the militants under Russian control resumed surroundings of Sokhumi, they declared that they would shoot down any aircraft taking off or landing in Sokhumi even if civilian. At least two civilian aircraft were shot down including one Tupolev-154 on September 20, 1993. Among the victims of this atrocity was the Wall Street Journal reporter Alexandra Hall. It is rather safe to assume that the shoulder propelled anti-aircraft missiles used for shooting down the aircraft was obtained from the Russian base in Gudauta and fighters received Russian training.[2]

Last but not least, the Russian Federation sponsored peace talks in Sochi in July 1993 where a final cease-fire was signed under Russian guarantees. According to the CIA Georgia withdrew all armor and artillery from the frontline and even paid Russia for rent of barges. Abkhazia immediately threatened. Russia and its proxies violated their agreement in just two months launched an unprovoked offensive that resulted in the largest-scale ethnic cleansing of the majority Georgian population of Abkhazia. Approximately 90% of Abkhazia's pre-war populace (or was driven out, including all other ethnic minorities resident in Abkhazia before the war.

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[1] [illegible]

[2] [illegible]

The Soviet Union still existed when hardliner groups in Moscow and specifically in the KGB adopted a policy to fuel ethnic tensions in Tskhinvali Region/South Ossetia. The nature of the Russian involvement was essentially the same as in the case of Abkhazia. Actual manufacturing of the conflict and its management was carried out under direct supervision of the Soviet KGB. In terms of military involvement, not only did the Soviet/Russian supply arms to the proxy militias, but took direct part in the hostilities. It reportedly comprised a regiment of Mi-24 attack helicopters of the Soviet Air Force stationed in Tskhinvali and units of Soviet Interior Troops.

II RUSSIAN CONTROL OVER THE PROXY REGIMES AFTER THE CESSATION OF HOSTILITIES

1. TSKHINVALI REGION/SOUTH OSSETIA

1.1. General overview

In 2008, the Russian Federation never openly questioned the territorial integrity of Georgia. However in reality Russia implemented a well planned policy of establishing control over the region which was used as an effective tool for the implementation of its wider policy with regard to Georgia, including the establishment of buffer zones in Georgia's territory integrated in the Russian Federation.

The proxy regime in Tskhinvali established as a result of the armed conflict in 1990's has been sustained with the extensive assistance and support of the Russian Federation. The Russian Federation has actively provided the DSR with a proxy regime with military, political, economic and financial assistance and used this assistance in order to exercise control over its policies and actions.

In addition it constituted a considered policy of mass distribution of Russian passports to the local residents, which in itself constituted a striking example of the policy directed against the territorial integrity and sovereignty of the newly founding, sovereign state – Georgia.

Russian led peacekeeping mission served the overall policy of the Russian Federation despite other mandates set under its respective mandates.

1.2. Aspects of Political Control

Russia's policy has been very consistent in its attempts on the one hand to raise the "political legitimization" of the proxy regime and on the other hand to have absolute control over political decisions in the Tskhinvali region/South Ossetia. The most vivid examples of its political engagement provided below leave no doubt as to their negative impact on the process of a peaceful political settlement of the conflict.

- ***Support to the Independence of the Tskhinvali Region/South Ossetia***

The most vivid manifestation of political support to the proxy government of the Tskhinvali region is the series of acts recognising the independent statehood of the self-proclaimed republic of South Ossetia. The first attempts of the Russian Federation to recognize the independence dates back to 6 March 1992, when the High Council of North Ossetia, Russian Federation, recognized the independence of the Republic of South Ossetia. As it follows, on 22 March 1993, the Supreme Council of the Russian Federation voted *the question of recognition of the Republic of South Ossetia* on its agenda.[3]

On 30 November 2006, Members of the Parliament of the North Ossetia adopted an address to the federal authorities, namely the President and the Parliament of the Russian Federation, urging the recognition of the independence of South Ossetia over the results of referendum held in the Tskhinvali region/South Ossetia. Although the majority of the population of the Former Autonomous Region of South Ossetia did not participate in the referendum because the Tskhinvali regime could not control the whole territory of the Region and ethnic Georgians residing in the territories under the proxy regime had been expelled as a result of the ethnic cleansing carried out in the context of armed conflict in 1991-1992.

On 6 December 2006, the State Duma of the Russian Federation adopted several statements in relation to the non-recognized republics existing on the territory of Georgia.[4] Members of the Parliament considered that on 12 November 2006 referendum and elections in Tskhinvali region/South Ossetia were held in full compliance with democratic principles and norms.[5] To that extent, Russian proxy regime in Tskhinvali region/South Ossetia was declared to largely follow the results of the referendum with due regard given to the relevant legislation and international legal standards and procedures. Notably, the referendum was held in the conditions where the local Georgian population was excluded and could not in any way contribute to the vote. Given its illegal nature, no state apart from Russia, recognized the legitimacy of the referendum. On the contrary, the whole international community, including the OSCE, condemned the illegal referendum in the Tskhinvali region/South Ossetia.

On 15 December 2006 statement, the Russian Government referred to Eduard Kokoity as the President of South Ossetia. The Georgian side has on numerous occasions expressed [illegible] regarding the specific naming of the proxy regime in the Tskhinvali region/South Ossetia.

One of the notable instances was the official presence of Russia at the military ceremony dedicated to the day of Independence of South Ossetia. On 19 September 2006, the proxy regime organized a demonstration of military forces during the celebration of the day of Independence in Tskhinvali City.[6] The ceremony was attended by representatives of the proxy regime of Abkhazia as well as the *de facto* authorities of Transnistria and Nagorno-Karabakh. There were

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[illegible]

[illegible]

[illegible]

[illegible]
[illegible]

also present members of the State Duma, mostly representatives of the ruling party, as well as representatives of the central and local governments, including the leaders of administrative-territorial units of the Russian Federation.[7] Participation of a large number of Russian officials in the parade directly contradicts Russia's declared role of mediator in the conflict. Moreover, in light of the perceived role of Russia as a broker of the peace in the region, the fact that high officials of the government of Russia appeared by the side of representatives of the proxy government stands as an unambiguous gesture of political support to them.

All these measures of legal and political endorsement of the proxy regime were followed by practical measures of support. On a routine basis, the Russian Government cooperated with the proxy regime with no account taken of the official protests of the Georgian side expressed on many occasions regarding the interference of Russia into the internal affairs of the state of Georgia. In addition, the Russian Delegation consistently attended official ceremonies in the Tskhinvali-region/South Ossetia, including the inauguration of Mr Kokoity.[8]

On 18 September 2006, Lidiya Morozova, leader of the Republic of North Ossetia-Alania Party, Kokoity, the self-proclaimed president of the Tskhinvali region/South Ossetia, signed a joint statement regarding the intention to expand the legal framework of cooperation between the two republics with the declared aim of preservation of Russian Ossetia.[9] On 20 September 2006 Moscow City Mayor Yuri Luzhkov and de facto President Eduard Kokoity signed a friendship and cooperation agreement between Moscow City and South Ossetia.[10]

Since the Russian Federation is fully responsible for any act committed by any branch of the government – including by local entities of the federation, the above-mentioned policy of North Ossetia amounts to a significant form of political support of the Tskhinvali proxy regime from the Russian Federation.[11]

- *Visits of representatives of Russian official structures*

Without prior consultations with the Georgian authorities, the Tskhinvali region/South Ossetia has been frequently visited by representatives of official structures of the Russian Federation. While doing so they violated state border control regulations as well as practices established in line with the principles of territorial integrity and sovereignty of Georgia and visits to the Tskhinvali Region/South Ossetia of Georgia requiring proper notification and approval by Georgian authorities. Numerous meetings between the leaders of the proxy regime and the

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] and Members of the Parliament of the Russian Federation have taken place without prior approval from the central government of Georgia. To name but few examples of this type of "high-level" meetings, the following instances are noteworthy: meetings of the *de facto* President Kokoity with President Vladimir Putin of the Russian Federation on a yearly basis, Russian Minister of Foreign Affairs Sergey Lavrov,[1] Moscow City Mayor Yuri Luzkov, Vice-speakers of the Russian State Duma Vladimir Zhirinovski and Sergey Baburin, Chairman of the Committee on International Affairs of the State Duma Konstantin Kosachev, Chairman of the Committee of CIS Matters and Contacts with the Compatriots at State Duma Andrey Kokoshin, Chairman of the Communist party of Russia MP Gennady Zyuganov, Chairman of the Russian political party "Rodina" ("Motherland") MP Dmitriy Rogozin, Deputy Chairman of the Russian political party "Rodina" ("Motherland") MP Andrey Mityukov, Leaders of the North Caucasus republics Teimuraz Mamsurov (North Ossetia - Alania, Russia), Mustapha Batdiev (Karachaevo-Cherkessia, Russia), Arsen Kanokov (Kabardino-Balkaria, Russia) and Ale Alkhanov (Chechnia, Russia), Governor of the Krasnodar Oblast, Aleksander Tkachov, Leaders of Cossack organizations operating in Russia, [illegible] the high-profile Cossack leader Viktor Zolotaryov. Recent [illegible] of such visits, meetings mentioned above. Dmitry Medvedev is present in Moscow as the South Ossetia's permanent representative in the Russian Federation. Equally, Mr Kokoity and other *proxy* leaders have [illegible] business interests in Russia,[2] and Mr. Kokoity himself is a frequent guest on [illegible] in Russia.[3]

- ***Staff composition as a [illegible] means of control of the Proxy Regime***

In order to obtain full control over the political decision-making process in Tskhinvali Region/South Ossetia, Russia's "support" extended beyond the frames of political, military and economic assistance. Rather, over the term that "support" transformed itself into direct control of administrative and executive functions through the assignment and placement of Armed and Security Russian Federation forces (most of them officers of secret services) to the Tskhinvali Region/South Ossetia where they were appointed to high ranking officials in the proxy government. The following examples are illustrative, for more see Annex A1:

a) **Alanbek Saltanovich Bulatsev** – Prime Minister of South Ossetia since 31 October 2008 Born 14 June 1963 in Nikolskoe, North Ossetia, USSR After graduating from North Ossetian State University with the specialization in Law-economist, served at the Soviet KGB since 1986. Later at the Russian Federal Security Service (FSB). For several years until 2006 headed the financial unit of FSB's North Ossetian directorate. 2006 until October 2008 served as the head of North Ossetian Federal Tax Inspectorate. In May 2007, was charged with

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[illegible]

[illegible]

[illegible]

corruption and illegal transfers of money by the owners of the largest Russian factories in Russia.

b) Alexander Mikhailovich Bolshakov – Head of South Ossetian President's Administration since 31 October 2008. Born in 1954 in Moscow, Vladimir Oblast, USSR. In 1978 graduated from Vladimir State Pedagogical Institute. In 1978-1993 worked in the local government and communist party structures in Vladimir Oblast. In 1998-2000 was the deputy director-general of "Avtoagregat" factory in Vladimir. In 2001-2011 headed the control-revision board of business group "SOK" in Samara – one of the biggest producers of automobile parts in Russia. In 2008-2007 was Vice-Governor and the head of governor's cabinet-staff in Ulyanovsk Oblast. Since June 2007 until October 2008 served as the deputy head of Ulyanovsk Oblast government and the coordinator of the local branch of Russia's ruling party "United Russia".

c) Lev Viktorovich Bychinchkov – Deputy Head of South Ossetian President's Administration since 31 October 2008. Since the late 90ies worked as a political and PR consultant in Samara, Samara Oblast, Russia. In the early 2000s, was the political adviser-chief of business group "SOK" in Samara. In 2004 headed the election headquarters of governor of Ulyanovsk Oblast Sergey Morozov and "afterwards several his successful" until October 2008. In 2007-2008 created the initiative group to support Vladimir Putin's third-term presidency.

The highest officials at the Ministry of Defence at Tskhinvali region/South Ossetia were and continue to be former and/or active high ranking military officials of the Russian Federation:

a) Igor Anvarovich Pamaev – Minister of Defence of South Ossetia since 31 October 2008, Major General of Russian army. In 1967 graduated from Minsk Suvorov Military School. For many years served as the head of troop's base division of Russian general staff in Central military district. Since the mid 1990s served as the deputy commander of Ural military district.

b) Vasily Vasilievich Lunev – Minister of Defence of South Ossetia since 1 March 2008, Major General of Russian Army. Born in 1956. Graduated from Moscow High Military Command School, Frunze Military Academy and General Staff Academy. Served as the commander of ground troops and armored vehicles platoon at Chebarkul military base in Ural region. In 2003-2004 was the deputy commander of army in Siberian Urals. Since 2007 worked as a military adviser in Syria. On 20 December 2007 was appointed as the military commissioner of Perm Krai, where he served until being sent on a mission to South Ossetia.

c) Andrey Nikolaevich Laptev – Minister of Defence of South Ossetia since 11 December 2008 – 2008 – March, is a Russian citizen and served in the Russian army. He started his career in the Tskhinvali region/South Ossetia by serving in the MPS. Until following the autumn of 2008, he headed the general staff of the Ministry of Defence of South Ossetia.

c) Anatoly Konstantinovich Baranikevich – Former Minister of Defence of South Ossetia from July 2004 to 7 December 2006, is a Russian citizen and colonel of the Russian army.[1] Since 11 December 2006, he serves as the Secretary of the Security Council of South Ossetia.

e) Vladimir Grigorievich Kravchenko – Chief of the General Staff of the Armed Forces of South Ossetia from September 2004 to September 2005, is a Russian citizen and lieutenant of the Russian army.

f) Anatoly Ivanovich Sitnov – Military Adviser of *de facto* president Eduard Kokoity in 2004. Russian citizen, former employee of the Main Intelligence Service of the Ministry of Defence of the Russian Federation. During the escalation of the conflict he was the person making many decisions including the reception of the mercenaries and volunteer corps in Georgia.

Head officers of the Security Service of the Tskhinvali region/South Ossetia are former and/or acting high-ranking officials from military and special services of the Russian Federation:

a) Boris Anatolyevich Attaev – Chairman of the State Security Committee of South Ossetia since 9 November 2006, is a Russian citizen and former officer of the Soviet/Russian intelligence service in Yekaterinburg, Perm, Moscow and Abkhazia.

b) General Mayor Nikolai Vasilevich Dolgopolov – Chairman of the State Security Committee of South Ossetia from March 1996 till November 2006, Russian citizen, is a former officer of the Russian Federal Security Service, until 1 the Republic of Mari El (from 1999 till April 2005).

c) General Mayor Anatoly Vasilievich Ivanov – Chairman of the State Security Committee of South Ossetia from January 2005 till March 2006, Russian citizen, is the former head of the Republic of Mordovia unit of the Russian Federal Security Service (2003–2004).

d) Since January 2004 the Border Security Office of the State Security Committee of South Ossetia was entirely controlled by active officers from the state border security unit of the Russian Federal Security Service sent to the region based on a contractual relationship. The head of the unit is Lieutenant General Valery Alekseevich Chagarov, the chief of the headquarters is Colonel Oleg Gennadievich Cherbuterina, and the last deputy head of the headquarters is Vice-colonel Gennady Nikolaevich Kuchmenko.

The law enforcement agencies of the Tskhinvali region/South Ossetia have also been and are fully controlled by Russian high-ranking officers:

[1] [illegible]

3) **Mikhail Marzanovich Mindzaev** – Minister of Interior of South Ossetia since April 2015, Russian citizen, police colonel, formerly served as a head of headquarters of the Ministry of Interior of North Ossetia

4) General Aleksandr Andreevich Shaposhnikov (RUS) Deputy Commander in the field of cross-border with the enforcement bodies. Since January 2015 he has served as an adviser to *de facto* President Leonid Tibilov in the internal matters. Previously, the same position was held by Mr. Aleksandr Aleksandrovich Klimenko, a Colonel of Russian Federation Armed Forces (from January 2009 till January 2015) then by Major-General Igor Sergeevich Gnidkov, a Russian war veteran who fought in Afghanistan as a Hero of the Russian Federation (from January 2009 till January 2015). Prior it was General Vasil Alekseevich Platov, a Soviet General (in 2004).[1]

- *Illegal Passportization*

Illegal passportization of the domiciled population of the Tskhinvali Region South Ossetia has been a significant component of Russia's occupying administration of the region. It can be assessed as a deliberate and well-constructed policy aimed at drastically changing the legal status of the local population to establish a pretext of the right to protect, or "RTP", in the event of direct Russian military intervention or even in the absence of threats to intervene directly (initially the Russian Federation tried to employ the RTP argument as one of the legal justification for its position in West Georgia during the August 2008 events). Moreover, passportization served as a tool for the Russian federation to extend its control over the population. As it have been paid pensions and other welfare benefits to Russian passport holders. Russian citizenship made local population directly interested and dependent on the Russian state.

Russia's policy in this regard amounted to an artificial and illegal alteration of the landscape of citizenship in the Tskhinvali Region South Ossetia.
A statement in this regard has been made by the OSCE High Commissioner on National Minorities Mr. Astrid Vellebaek. The HCNM Commissioner in his letter of November 24, 2008, addressed to the OSCE Chairman-in-Office, reiterates that "States should refrain from conferring citizenship en masse to residents of other States which is in violation of the principles of sovereignty and good neighbourly relations. The presence of one's citizens on another's territory should not be used as a justification for undermining the sovereignty and territorial integrity of other States".[2]

The process through which Russia designed and implemented this policy clearly confirms not only the assessment as stated above, but also the aims it was designed to serve.[3]

- *Visa Free Regime*

As it was [illegible] Tskhinvali Region South Ossetia withdrew from the agreement on the movement of CIS states residents in the territories of the commonwealth (Bishkek, 9 October 1992), which [illegible]

[1] [illegible]

[2] See [illegible]

December 2006 a visa regime was introduced by Russia with relation to Georgia. However, the right to a free movement has been maintained with the two regions of Georgia not under the entire government control – Abkhazia and the Tskhinvali Region/ South Ossetia.

"The European Parliament in its Resolution on the visa regime imposed by the Russian Federation on Georgia recalled that [...] the imposition of visas with respect to international law is a matter for the sovereignty of a state. But regarding the plans to exempt residents of the secessionist Georgian regions of South Ossetia/Tskhinvali and Abkhazia from the visa regime imposed on Georgian citizens is a challenge to the territorial integrity and sovereignty of Georgia which the Government of the Russian Federation openly supports and calls on the Government of the Russian Federation to reconsider these plans as they would amount to de facto annexation [emphasis added] of these internationally Georgian territories."[1]

According to the Declarations and Recommendations adopted by the EU Parliamentary Cooperation Committee at its 8th meeting on 15-16 June 2010 "regarding the exemption from the Russian visa regime of residents who are Georgian citizens of the secessionist Georgian regions of Tskhinvali/South Ossetia and Abkhazia, [EU] maintains that this exemption is a challenge to the territorial integrity and sovereignty of Georgia, which could be considered as a de facto annexation of these regions, a fact also confirmed by the clarification of the Russian Foreign Ministry for exclusive in the Georgian regions Abkhazia and South Ossetia."[2]

In its resolution dated on 24 November 2010, the Parliament of Georgia made a statement on the introduction of a visa regime between Russia and Ukraine.

> "It is the sovereign right of Russia to introduce visa regime with whether state or not to enter its territory. Without the consent of Georgia to visit different regions of Georgia in unified legal conditions as it is going to be implemented by unilateral move by Russia in an additional provision of visa agreement.
>
> The Parliament of Georgia considers the above-mentioned as a counter-spiritual step towards the sovereignty and territorial supremacy of Georgia which constitutes a breach of universally recognized principles of International Law and is regarded as an attempt to interfere in the internal affairs of Georgia as well as extra proof of Russia's illegal interest towards Abkhazia and so-called South Ossetia.
>
> If the Russian Federation authority will remain on the proposed position of visa introduction which constitutes a clear breach of the fundamental principles of international law, the Parliament of Georgia will consider this movement [as] an attempt of annexation of its territory [emphasis added] as well as legal proof of title in regard to the so-call historic territories of Georgia and declares with full responsibility that Georgia will use all necessary means recognized by International Law to defend its sovereignty and integrity."

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[1] [illegible]

[2] [illegible] Declarations and Recommendations adopted by the EU-Georgia Parliamentary Cooperation Committee at its 8th meeting on 15-16 June 2010, Tbilisi, Georgia, 27.

On 2 March 2001, by virtue of the exchange of notes, an agreement was concluded between the two countries which, based on the negotiation minutes of 1 March 2001, established a provisional procedure for cross-border movements for certain categories of persons. The given agreement however does not contain provisions that would introduce a visa free regime for Russian military personnel serving in the Russian contingent of the Joint Peacekeeping Forces stationed in the Tskhinvali region of Georgia. Similarly, the named categories did not cover any Russian officials arriving in the Tskhinvali Region. Georgia considers those visiting and serving in the institutions of the pseudo regime [Respectively since there had never been an agreement that would receive any kind of privileges to Russian peacekeepers in terms of entering Georgian territory, a normal visa regime between Georgia and Russia applied to the personnel of peacekeeping forces. In the same way, Georgia is not party to the document concluded within the CIS framework, which provides for the status of CIS collective forces with respect to passport and visa matters. Yet, Russian military contingents are usually travelled to the Tskhinvali region, Georgia without following any control procedures.

1.3. Attempts to create a single manipulative information space

In the process of creating a unified information space, it is worth noting the presence of representatives of Russian mass media in Tskhinvali on a permanent basis with the central accreditation procedure. Political measures were accompanied by official statements of Sergey Dubinin, Deputy Director General of the federal state unitary enterprise "Russian TV and Radio Broadcasting Network" (the TV and Radio networks says, "but the decision that South Ossetia should be incorporated into Russia's information space has become a reality".[2]

Efforts have been taken with a view to creating a common information space of the Tskhinvali, namely South Ossetia and North Ossetia. Activities listed below demonstrate the extent of the financial and logistical support provided by the Russian side in terms of developing separate communications systems in South Ossetia and thereby detaching it from the single information space of Georgia.

The unauthorized transmission of the local TV channel "Alania" and Russian TV companies "RTR" ("NTV") and "ORT – 1000" ("

The illegal building and exploitation of radio communication networks by Russian radio communications companies and illegal international telephone connection in the conflict zones, including the Tskhinvali region/South Ossetia.

Digital wireless communication lines have been installed in the *de facto* republic territory.

> 1) An increase in the number of the Russian TV channels retransmitted in the region (at this point, the transmitted channels are "Ekho Moskvy" ("Echo of Moscow"), "Pervyi" ("Russia"), "Moskva. Kreml'. Putin" ("First Channel"). It is also planned to upgrade the transmission network with a view to covering the whole territory of South Ossetia

[2] [illegible]

b) A serious galvanization of the subversive communications rules with Russia, and

c) Isolation of South Ossetia's communications network from that of Georgia.

As for the telecommunications field, since 2005, the Russian telecommunications company "Megafon" ("Megaphone") operates in the Tskhinvali region/ South Ossetia without permission from the Georgian government. Moreover, President Kokoity and his advisers, as well as other representatives of the proxy regime are actively using services of said network. The Russian company "Megafon" ("Megaphone") cellular network consists of a wireless network of telecommunications. The wireless network is exploited by "Megafon" ("Megaphone") using the wireless spectrum (radio-wave space) owned by Georgian companies operating in Georgia and thereby violating Georgian laws and regulations. In particular, "Megafon" ("Megaphone") antennas are fixed on Magticom (Georgian company) towers. With the help of said wireless network it became possible to organize direct interconnections with telecommunications networks in Russia, bypassing and bypassing the Georgian telecommunications system of Georgia. Moreover, to raise the service quality of "Megafon" ("Megaphone"), six (6) sets of transmission antennas and four (4) amplifiers were imported by "Megafon" from Russia in January 2006.[1]

By the above mentioned activities on the part of the Russian Federation, the latter violates the terms of various agreements with Georgia, including the "Agreement on Mutual Cooperation in the Communications Field between the Governments of Georgia and Russia" of 1994, "Agreement on the Construction or Rehabilitation of the Railway in Zone of the Conflict and Return of Refugees, between the Governments of Georgia and Russia" (2000), Statutes and Regulations of the Universal Postal Union (UPU), and International Telecommunication Union (ITU), as well as other international principles applicable in the field.

In regard of the arbitrary actions aimed at creating a exclusive information space, the Georgian Government has raised the matter with the Ministry of Communications and Information Technologies of the Russian Federation, at the Georgian-Russian Intergovernmental Commission meetings, on several occasions and at executive level.[2] A respective letter to the governmental authorities of the Russian Federation was addressed in October 2006. In Moscow, at the Ministerial Meeting among BSEC states held in November 2006, in Antalya, at the conference held within the framework of International Telecommunication Union (ITU),[3] the matters have been reported to Universal Postal Union (UPU)[4] and Regional Commonwealth in Communications Field

[1] [illegible]

[2] [illegible]

[3] [illegible] Telecommunications Development Conference of ITU in Doha, [illegible] 2006.

[4] [illegible] Congress of UPU in Bucharest, [illegible] 2004.

(ROC).[1] Thus, Russian government tried to use all international mechanisms available in order to settle these issues.[2]

1.4 Attempts of economic integration

Persistent efforts have been consistently made by the Russian Federation in the field of economy to support and maintain the proxy regimes. Deliberate measures were taken with a view to integrating the local economy with Russian economic space. The local economy of the Tskhinvali region/South Ossetia survived by virtue of humanitarian assistance and direct budgetary subsidies received from Russia.

- Direct Economic Support of the Proxy Regime

Using the 2010 bilateral agreement we need to discuss more in the title of the economic we need footnote on that), the Russian Federation allocated direct and territorial investment projects of the Russian Federation did not need special approval from the Georgian Government for rendering direct economic and humanitarian assistance to the proxy regime in Tskhinvali. However, Russian Federation followed procedures established under the agreement and by the economic activities of the parties does not have such legal justification.

When agreeing on the unified tenancy of such humanitarian assistance programs, particular account should be taken of Article 5 of the Agreement, which explicitly provides for the role of the Joint Control Commission as an organ responsible for monitoring and controlling implementation of economic rehabilitation programmes. The purpose of Article 5 is to ensure that the prohibited goods and items are not delivered to the proxy regime under the cover of the humanitarian assistance. By providing unilateral assistance to the Tskhinvali region/South Ossetia, the Russian authorities largely ignored and violated provisions of the agreement, including the monitoring role of the Joint Control Commission. Furthermore, the veil of humanitarian assistance has often been used to conceal the real nature of economic involvement by Russia in the Tskhinvali Region/South Ossetia.

The above mentioned activities are part of a well planned policy of the Russian Federation to enhance the dependency of the proxy regime on the Russian Federation in direct contravention to the effort for assistance to and engagement in conflict-affected areas could have had, including the promotion of confidence-building measures between communities and the peace process in general.

The Moscow Mayor's Office has been directly charged with and has been playing a leading role in providing so-called humanitarian assistance to the Tskhinvali region/South Ossetia. With the objective to ensure uninterrupted supply, various commodities have been sent to the Tskhinvali

[1] [illegible]

[2] [illegible]

region South Ossetia on a periodic basis with the name Moscow-Vladikavkaz-Tskhinvali. It is noteworthy that the Russian Federation was unresponsive to numerous protests and diplomatic notes made by the Ministry of Foreign Affairs of Georgia.

Diplomatic correspondence preceding transportation of every particular humanitarian cargo described below is an illustrative example of efforts of Georgian government to establish mutually agreed framework for implementation of humanitarian activities for the benefit of local population without jeopardizing principles of territorial integrity and sovereignty of Georgia as well as decreasing the risk of illegal provision of military provisions to power ministries under the disguise of humanitarian cargo.

On 9 September 2004, the Georgian government was notified through diplomatic note #111 dated 8 September 2004, of the intention of the Russian Ministry of Emergencies to send humanitarian cargo to the Tskhinvali region South Ossetia over the period of 13 September to 1 October. The cargo would include 3000 tons flour, 500 tons sugar and 150 tons pasta. On 10 September 2004 the Georgian government expressed its consent to the humanitarian assistance provided. The cargo was to be delivered through the checkpoint Kazbegi/Zemo Larsi as that served as the only legitimate checkpoint on the Georgian-Russian border.

Further on 1 September 2004 the Russian Ministry of Foreign Affairs by diplomatic note #09/5[illegible] informed the Georgian side that on the same day it was planned to transport the humanitarian cargo coming from Vladikavkaz, North Ossetia, Russia, on twelve (12) trucks loaded with 180 tons flour. In response the Georgian side reminded the Russian Government of its earlier position and reiterated its readiness to keep the Georgian side informed of the route and movement of the cargo in a timely manner.

On 7 October 2004, the Russian Ministry of Foreign Affairs, through the diplomatic note no642-1, informed the Georgian side of their intention to in part humanitarian cargo allocated by the Moscow government on the first half of October to the Tskhinvali region. The cargo would include, food commodities, antibiotics and medicines etc. In response on 7 October 2004 (by letter #17811), the Georgian side through its Embassy in Russia reminded Russia of their earlier diplomatic stand on the matter and renewed its request regarding the notification to the Georgian side of the route and movement of the cargo.

On 11 October 2004, disregarding numerous requests of the Georgian side regarding the use of the legitimate border crossing point, a column of 15-20 cargo trucks with cargo alleged to be of humanitarian nature (food, medicines, power generators, ambulances etc.) from Moscow entered the Tskhinvali region *via Roki Tunnel*.

On 7 June 2005, it was reported that on 25 June Moscow Mayor Yuri Luzkov was planning to provide the Tskhinvali region in South Ossetia with humanitarian cargo exceeding the value of 60 million rubles. On 9 June 2005 a diplomatic note of protest from the Ministry of Foreign Affairs (#11-6/6983) was communicated to the Russian side. Despite this, on 25 June 2005, disregarding the legitimate requests of the Georgian side the Russian Government in a largely ceremonial way, with the leaders of the separatist government involved sent the given humanitarian cargo to the Tskhinvali region South Ossetia *through the Roki Tunnel*. Most important item of the cargo

was of Russian origin and for military purposes. In this connection, special memoranda of protest were additionally conveyed to the Ministry of Foreign Affairs of Poland [illegible] June 2005.[1]

Despite numerous diplomatic protests the series of humanitarian cargos started to be transported through the Roki tunnel. In July 2005 on the initiative of Moscow Mayor Yuri Luzhkov, humanitarian cargo was sent to the Tskhinvali region/South Ossetia including food, clothes, objects of daily usage and also construction equipment, diesel power generators. Furthermore, on 18 October 2006, the Moscow Mayor's Office allocated more than twenty million (20,000,000) rubles (approximately $800,000 USD) for humanitarian assistance to the Tskhinvali region/South Ossetia. That included 25 transformers, compressors, welding machines, furniture and books for school and medical equipment.[2]

As all the above mentioned cargoes were exported with the declared goal of humanitarian assistance. However, due to the fact that the main purpose of the Roki tunnel was being implemented by international monitors of verification of what real parts of the cargoes could have been considered as cargo "dependent on natural catastrophes". Georgian government on various occasions asked for the possibility of strengthening of the mandate of the OSCE military observer mission, including for extension of its monitoring zone over the Roki tunnel (for more in-depth reference). Unfortunately, all these actions lessen the probability.

Thus, in essence, cargoes exported under the pretext of humanitarian assistance with the aim of strengthening the proxy regime in Tskhinvali/Java had the effect of unleashing control over proxy regimes as well as weakening the legitimate government of Georgia. That policy was further evidenced by the conclusion of a friendship and cooperation agreement between Moscow City and the proxy regime of South Ossetia, signed by Moscow Mayor Yuri Luzhkov and *de facto* President Eduard Kokoity on 20 September 2006, at the Moscow Mayor's Office.

Russia's Pension Fund activities in Tskhinvali: Another aspect of the in-ensuing economic policies of Russia was even manifested in the official opening of a branch office of Russia's Pension Fund in Tskhinvali in 2006. On 10 August 2006, Russia's Pension Fund opened a consultation office in Tskhinvali.[3] The opening ceremony was attended by the Tskhinvali region/South Ossetia's proxy leader, Eduard Kokoity, the Head of the Pension Fund of the Russian Federation, Gennadi Bukayev, and the Head of the Pension Fund of North Ossetia-Alania, Bela Pozova. According to Medinet Gekhtsoeva, who was entitled to head the Tskhinvali branch of Russia's Pension Fund, the claimed objective of the office was to speed up the process of pension registration and receipt for the residents of the Tskhinvali region, South Ossetia.[4] The Georgian side immediately expressed its firm protest in relation to these events and asked for a relevant explanation from the Russian side, including the immediate closure of the consultation

[illegible]

[illegible]

[illegible]

o Tskhinvali as well as the withdrawal of all Russian officials illegally present in the Georgian territory in violation of the customs rules. On 22 August 2008, the Provisional Transfer to the Ministry of the Russian Federation, Mr Vlasikin was given a memorandum of protest from the Georgian Ministry of Foreign Affairs to this effect.[35] The Georgian side expressly stated that these measures were naturally understood as being aimed at the eventual removal of an illegal barrier to foreign Indeed, through these types of "supportive" measures, Russia consistently identifies itself as a party having a specific interest and involvement in the Georgia-Ossetia conflict.

Salaries paid from Russian special funds have been earmarked in the consolidated budget and pension accounts of the National Bank of South Ossetia. Since September 2004, budgetary organizations of the Tskhinvali region/South Ossetia were funded directly from the Russian Federation for paying salaries and meeting other expenses. As for the pensioners, by early 2005 around 120 000 pensioners in the Tskhinvali region/South Ossetia were paid pensions in the amount of 1 200-1 800 rubles, while the salaries of employees of the law enforcement agencies were already paid 3 000 rubles per month on average. From early 2006 to June 2007, the number of Russian-paid pensioners increased from 15 500 to 17 200.

The funds allocated for the Tskhinvali region/South Ossetia have been transferred to the following banks: "AP" Bank, ARI Bank, Commercial Bank "Bank of Moscow" (Moscow) in Vladikavkaz city. From where they are taken by the Tskhinvali "National Bank". Apart from South Ossetia, the money intended for the Tskhinvali region/South Ossetia was transferred through other territorial-administrative units of the Federation. After the overlay of a print-stock savings bank in Tskhinvali pensions were issued locally.[37]

Banking: In 2006, a joint-stock savings bank was established in the Tskhinvali region/South Ossetia by the order of de facto President Kokoity. The Tskhinvali Proxy regime owns 51% of shares of the National Bank is the only stock holder of the savings bank. Among other banking activities it pays out pensions transferred from the Russian Federation. On 3 July 2007, a commercial bank called the "First Republican Bank" was created in Tskhinvali "[by] which in fact represents a branch office of the "Moscow investment Bank" based in Moscow and is owned by Russian businessman Alisher Usmanov. The premises of the "National Bank" in Tskhinvali were renovated by a Russian construction company owned on directors from the Central Bank of Russia. It is also worth noting that the miserable amount of commissions on the various transfers directed to and from the banks operating in Tskhinvali region/South Ossetia stands as another proof of an integrated banking system between the Tskhinvali region and the Russian Federation.[38]

[35] [illegible]

[36] [illegible]

[37] [illegible]

[38] [illegible]

All the aforementioned has taken place in violation of established rules for the regulation of financial services and represents a crass intrusion into the Georgian economic and financial sphere.

- **Illegal Capital Investments from Russian Companies**

In addition to governmental-funded assistance programmes, engagement of Russian companies had been used as an additional tool for enhancing the total economic dependence of the region on the Russian Federation. The following may serve as an example, but is in no way an exhaustive list of Russian capital investments in the Tskhinvali region/South Ossetian economy:

> 1. The Chinese mining enterprise ("JOINT Yiwu-Nonferrous") purchased the Kvaisi (Leningorsk) underground mine.
>
> 2. The Chinese mining enterprise ("JOINT Yiwu-Nonferrous") made investments in Tskhinvali ("Tskhinvalsky"). Since 2008, the company "KAO Corporation" purchased the Tskhinvali plant "Transformator".
>
> 3. In 2011, the company "KAO Corporation" made an investment in the Tskhinvali plant "Tskhinvalelektrosetmash". Notably, both "Transformator" and "Tskhinvalelektrosetmash" work exclusively for Russia.[7]

- **Attempted economic integration in the field of electricity and gas**

With a prior consultation with the Georgian side and the Joint Control Commission, Russian and Ossetian experts carried out design works aimed at establishing the South Ossetian electrical power and gas systems in the relevant Russian systems.

Gas pipeline: In the second half of 2006, the Russian state-owned enterprise "Gazprom" started rapid construction of the "Dzuarikau-Tskhinvali" gas pipeline.[8] In general, the region is supplied from the current Georgian pipeline. The construction aimed to supply the Tskhinvali region/South Ossetia with natural gas circumventing Georgia. The Russian Federation invested about fifteen (15) billion rubles (about 600 m€/$ 1 500 m) for the project. On 1 September 2006, the Georgian Ministry of Foreign Affairs issued an official statement assessing the illegal nature of the construction of the pipeline that especially goes to all parties involved in the project. The Ministry expressly stated that any unilateral deal with the group government of Tskhinvali, including the participation of any foreign company in the planned construction tenders, not agreed with the central government of Georgia, will be qualified as an act of infringement of the territorial integrity of Georgia and intervention in the internal affairs of the country.[9] The construction of

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[7] See the overview of [illegible] economy from [illegible] by REGNUM on 26 August 2020.

[8] [illegible] The pipeline passes from North Ossetia and connects with Tskhinvali/South Ossetia, Georgia.

[9] Ministry of Foreign Affairs of Georgia, [illegible] Gazprom's Plan to Build Gas Pipeline in Occupied Tskhinvali Region, 1 September 2006.

The above mentioned pipeline would not bring significant military, economic benefit or income to Georgia, therefore, from an economic point of view, (especially considering that the Tskhinvali Region/South Ossetia has been supplied with natural gas from Georgia) there was no necessity for pipeline construction. Investment in the amount of 15 million dollars was justified and was aimed rather to strengthening political and economic control over the region, severing of its ties with Georgia, and annexation to the Russian Federation.

Electrotransmission line (electricity main line). In September 2007, the separatist government completed construction of the 110 kilovolt Java-Tskhinvali electro-transmission line with substantial involvement of the Russian state owned company "RAO UES". The line has been intended to supply the Tskhinvali City and some ethnic Ossetian villages, lying deep inside the adjacent Georgian settlements. It has also been planned to build the electricity distribution station near the Ergneti Village, with the declared aim to ensure uninterrupted supply of electricity throughout the territory of the Tskhinvali Region/South Ossetia.

Water-main. With the contribution of North Ossetian experts, construction of the Java-Tskhinvali water-main project was established. This project envisaged the provision of water supplies to Tskhinvali City by bypassing Georgian villages. Construction of the water pipeline is funded by the North Ossetian Ministry of Municipal Economy and has been implemented under immediate supervision by experts representing North Ossetia and Russia.

Road construction. Dzara-Ditsnor road constructed with active support of the Russian Federation enables the possibility to move the Georgian villages of Ergneti, Tskhinvali and to bring armies from Russia through parties beyond the control of the national frontiers. Moscow Mayor Lujkov allocated 1.5 million US Dollars specifically for auditing this project.[1] The Roads were periodically maintained by one of the banks of Vladikavkaz. Construction works have started from the summer of 2005, and were carried out by the Alania and Avtovaz construction companies.

The Dzara Road had vital strategic importance, since it would in practice enabled Russian Federation to enhance the process of political and economic affiliation with Russia in the pro-Russian regime in Tskhinvali. Since the road is roundabout, its use facilitated isolation of Georgian villages in the Liakhvi Gorge without adverse effect to the local economy.

In addition, Dzara Road provided an easy and fast way to bring military machines into the conflict zone, as has often been the case.[2] The role that the Dzara road played in the implementation of military intervention into the Georgia of Russian Military forces in August 2008 further evidences degree of strategic importance, attached to the construction of this road. (We can not dwell here with reference to relevant question in military section).

U.S. MILITARY ASPECTS OF SUPPORT

[1] The Western Journal Federation of [illegible] Zdanov [illegible] Java-Tskhinvali Road [illegible] Dzara-...

[2] [illegible] Georgian Ministry of the Interior [illegible] Tskhinvali [illegible]

Provision of weaponry and military support After the conflict of the early 90s finished, the Russian government through different means accelerated military support to the proxy regime of Tskhinvali, though the scope and nature of the support differed over the last seventeen years. Military support provided to the proxy government consisted of large inventories of weaponry and military materiels. Reportedly, the so *pseudo* Ministry of Defence of South Ossetia has been permanently supplied with weaponry, ammunition and military equipment from the Russian Federation.

Vast majority of the legal documents regulating deployment and operation of the Joint Peacekeeping Forces in Tskhinvali Region/South Ossetia envisaged elimination/discarding of the armed formations operating in the region. The Sochi Agreement of May 24th, 1992 specifically provides for "withdrawal of armed formations [and] disbanding of armed self-defence".[1] Breakdown of the similar provisions is also reflected in the regulations of the JCC which prohibits "provocative and ostentatious displays of illegal armed persons and formations". The same article lays explicit and rigorous prohibition on "delivery, transportation and use of weapons, technologies, other means, which may be used for acts of terrorism, subversion or the resumption of conflict".[2] Based on the JCC decision of 6 December 2001, JPKF was "[to] take the necessary measures to forcibly block the activity and disband any military formations", "removal of heavy technologies and weapons from the zone of conflict", "not to permit ... the transfer to the zone of conflict and closure removal from it of weapons, armaments, military technologies, other military property, as well as explosive and poisonous substances and of other materials".[3] In defiance of the mentioned obligations, armament and heavy military hardware has been constantly flowing into the conflict zone, armed groups created and have been constantly arming and terrorizing civilian population of the entire Georgian villages, firing at the positions of the Georgian state controlled police forces.[4] The Ministry of Defence of the proxy regime operated freely under the shelter of the Russian and North Ossetian forces, as well as so-called special forces (OMON, Presidential Special Guards).

In 2006 due to Russian military assistance the military arsenal of the separatists included eleven infantry battalions that have over (3) units of artillery and mortar weapons, as well as

[1] North Ossetia-Ingushetia Peacekeeping Force (PKF) and Joint Control Commission (JCC) Decision on the Zone of Conflict, Annex to Protocol of the JCC Session Held on 11 July 03, para 3(a).

[2] Joint Control Commission Decision on the Zone of Conflict, Annex to Protocol of the JCC Session Held on 11 July 03, para 3(b).

[3] Joint Control Commission Decision on the Zone of Conflict, Annex to Protocol of the JCC Session Held on 11 July 03, para 3(c).

[4] Report of the Human Rights Watch, Publication: Human Rights Watch, Publication: Publication: Publication:

and in the summer of 2008). The number of anti-tank guided-missile launchers as well as the mobile anti-tank artillery complexes (9K113 Konkurs, 9P135 Fagot, 9P148 Konkurs and 9P149 Shturm launchers belonging to the said battalions was tripled.

Significant changes occurred in terms of the number of tank and anti-aircraft artillery systems as well. In 2007 the proxy regime of Abkhazia possessed at least twelve (12) units of T-55 type tanks deployed in the Gali region and twenty two (22) units of 122-mm self-propelled artillery systems (2S1). Two units of BTR-70 vehicles deployed in Zugdidi, Samegrelo region. The military parade dedicated to the "Day of Independence" on 30 September 2005, gave a display of artillery detachments and armoured vehicles, three (3) self-propelled howitzers (2S1), four (4) tanks (T-55), four (4) armoured personnel carriers (BTR-70), 3 BMP-2, four (4) armoured infantry fighting vehicles (BMP-2), three (3) 120 mm mortars and three (3) anti-aircraft guns ZU-23-2. This notwithstanding, it was openly pointed at 'Abkhazia's full fulfilment of the fact that Moscow's withdrawal was defined as a "gradual withdrawal according to existing agreements".

The 58th Army of the Russian Federation deployed in the North Caucasus has been used as an active tool in providing the separatists with military equipment. Different kinds of military equipment allocated to the 58th army have periodically been transferred to proxy authorities. Vehicles loaded with firearms, munitions and technical equipments were constantly crossing the Georgian border via Roki Tunnel with a view to supply the proxy regime.

In order to strengthen the military capacity of the proxy regime of Tskhinvali, the Russian side actively used transports registered in the possession of Russian peacekeepers. During the period of peacekeeping forces of Russia and so-called North Ossetia battalions, regular transfers of military columns and equipment took place through the Roki Tunnel, which has not been under the control of Georgian authorities since the 1990s *war (see annex to Legal Q3 for more information regarding the loss of Roki Tunnel control)*, as well as *was beyond the reach of international monitors*. In addition, the Russian-manned vehicles at the disposal of Russian Military contingent periodically drove in the direction of Tskhinvali through the Dzara Road specifically built to facilitate illegal arms delivery. In the same way, the commodities, including the munitions and fuel, officially allocated to the peacekeeping contingent has been transferred to the *de facto* Ministry of Defence of South Ossetia.

Aside from the role of Russian peacekeepers in the provision of above mentioned commodities to the proxy regime, direct military support was further provided under the disguise of humanitarian assistance.

Several and above, when special needs would arise, the Russian Federation provided *direct military assistance* to the separatist government, by sending its military personnel. During the August 2008 events marked by the escalation of the conflict, mercenaries from the North were arriving in the composition of military contingents for the assistance to Tskhinvali proxy regime.

By the end of 2002 appointment of Russian officials to high ranking position of the proxy regime's security agencies (defense, security, intelligence etc.) accelerated (see sub-chapter *Staff composition as a direct means of control of the Proxy Regime in the two abovementioned*). On January 17, 2005, Moscow named the Head of the federal Security Service's (FSB) office in the Russian Republic of Marcovia, Anatoly Yurevich, as plenipotentiary of the South Ossetian SCIA. On March

2005, Lieutenant General Anatoly Zaytsev, former deputy commander-in-chief of the Russian Trans-Baikal Military District already Deputy Minister of Defense of the breakaway region in Abkhazia, was appointed Chief of the General Staff. On April 25, 2005, the former Chief of Staff of the North Ossetian branch of the Russian Ministry of Defense, Mikhail Mindzaev, was appointed Minister of Interior of South Ossetia. On July 4, 2005, Yuri Morozov, the commercial director of Far Kurort Ltd company in Russia and an old business partner of the South Ossetian leader Kokoity, was named Prime Minister of South Ossetia.

These appointments were accompanied by an increase in Russian subversive activities in Georgia. In the so-called Prague incident, an explosion on February 1, 2005, destroyed the police headquarters in the Georgian town of Gori, killing three policemen and wounding seventeen others. A five-month investigation by the Georgian Ministry of Interior revealed that the explosion had been organized by the Russian military intelligence service, the GRU.[1]

- Construction of Russian military bases

Construction of military facilities has been taking place intensively over the past years in the territory of the self-proclaimed South Ossetia and the direct engagement of the Russian Federation.

In 2006-2008, the Russian government built two military bases in South Ossetia – one in Tskhinvali, Java district and the other in the north-western part of the town of Tskhinvali – both for 2000-2500 soldiers each. The construction works of the Tskhinvali military bases were carried out by "Prikaspiy-D", a Russian construction company registered in the town of Essentuki, Stavropol Krai, headed by Leonid Mikhailovich Vagapov, a former GRU officer.

Construction of a similar military base was planned in the area surrounding Dzhava, Zugdidi as well. Russian military experts have visited the place obviously an intended location of such a base.

In 2005-2006, the Russian government opened new military bases in the Zaka valley, North Ossetia, just 7 kilometres from the northern entrance of the Roki tunnel. In August 2008, Russian troops used this base as a bridgehead for entering South Ossetia.

Furthermore, in the area of Tskhinvali / Dmenisperesh / Ergneti, a military equipment repairing point has been installed, which also produces launching devices for NURS-type missiles. All these activities take place without the prior agreement or approval from the Georgian government.

In this connection, particular attention should be given to the statement of Zurab Tkeshelashvili, the Chairman of the self-proclaimed parliament of South Ossetia, to the effect that construction of

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[1] "Georgia says arrests military men over blast," Reuters, February 4, 2005; "Georgia Says Russia Behind Blast," The Moscow Times, February 4, 2005; "Georgia Says Russia Behind Blast," The Moscow Times, February 4, 2005; "Georgia says Russia behind blast," Associated Press, February 3, 2005; "Georgia Says Russia Behind Blast," The Moscow Times, February 4, 2005.

[2] Vladislav Surkov's visit to Tskhinvali, 2006.

Russian military bases in the Tskhinvali region/South Ossetia is a matter of common knowledge.[1]

- Training of the Military Forces of the proxy Regimes

Beyond what has already been stated, the military staff of the South Ossetian proxy regime was/is periodically undergoing military trainings of the Russian military base of the 58th army, located in North Ossetia. It is notable that during the course of last year, Russia's military instructors held eighteen (18) military exercises for different units of the de facto 'Ministry of Defence' of South Ossetia. These exercises for the most part took place on the base of North Ossetian paratrooping battalion and were carried out with the application of heavy weaponry. (*More information is provided in footnotes to factual and statistical questions on military matters of this part of the report.*)

2. ABKHAZIA, GEORGIA

2.1. Inspection Practice in Georgia

In terms of political support to the trend as it is described in the sub-chapter on Tskhinvali region/South Ossetia, has been applied to Abkhazia. Statements regarding independence of the region were part of this pattern. On 6 December 2006 the State Duma of the Russian Federation adopted several statements in relation to the non-recognized republics existing on the territories of Georgia. On 22 December 2006, the Council Chamber chairperson of the Parliament of the Russian Federation passed a special statement on the recognition of independence of Abkhazia and South Ossetia. In the given statement the Russian Parliament explicitly called the international community to recognize the right to self-determination of South Ossetia and Abkhazia. Later on, the statement of State Duma was upheld by the Parliaments of other territorial administrative units of the Russian Federation.

Numbers of agreements was concluded between entities of the Russian Federation and the Abkhaz proxy regime without seeking the consent of the Government of Georgia. For instance, agreements have been concluded with the Stavropol Territory, the Russian Federation in the fields of industry, economics, culture and education and with the Administration of Krasnodar Territory (the Russian Federation) in the field of rehabilitation and reconstruction of highways and railways in Abkhazia.

- *Visits of representatives of Russian official structures*

Without prior consultations with the Georgian authorities, the Abkhazia, Georgia has been frequently visited by representatives of official structures of the Russian Federation and while

[1] [illegible] Tskhinvali region/South Ossetia [illegible] Russian Federation [illegible] Tskhinvali region/South Ossetia [illegible] September 2008 [illegible]

[2] [illegible]

doing so they violated state border crossing regulations as well as established practices on visits to the Abkhaz-Georgia being committed after proper notification and approval by Georgian authorities. Numerous meetings between the leaders of the proxy regime and the highest officials and Members of the Parliament of the Russian Federation have taken place without prior approval from the central government of Georgia. To note but a few examples of this type of "high-level" meetings, the following instances are worthy to note: 1997-1998

Chairman of the Foreign Affairs Committee of Duma of the Russian Federation- V. Lukin, 2001-1999- The State Duma Deputy Bamfir, 21.01.2000- The State Duma Deputy- Mironov, 22.08.1999-Chairman of the CIS Affairs Committee of Duma of the Russian Federation - G. Tikhonov, 28.11.2001-Commander of the North Caucasus Military District of the Ministry of Defence of the Russian Federation - General G. Troshev (13.08.01); 05.08.2002- Deputy Chief of the Presidential Administration of Russian Federation -V. Surkov (13.08.02); 06.08.2002 Chief of the Secretariat of the President Administration of the Russian Federation V. Ushakov, 06.08.2002- Deputy Minister of Finances of Russian Federation A. Petrov, 06.08.2002- Deputy Minister of Economic Development and Commerce- M. Shkatov, 30.09.2003- President of the republic of Tatarstan M. Shaimiev, 30.09.2003- President of the republic of Bashkortostan - V. Rakesh 30.09.2003 President of the Republic of Bashkortostan M. Rakhimov and the chronology lists years and up to 2005

- ***Staff composition as a direct means of control of the Proxy Regime***

a) On March 30, 2006, Alexander Stranichkin was appointed as Vice Premier of Abkhazia. He was born on April 2, 1956 in town Chita. In 1983 he graduated from the State Technical Institute of Rostov as an economist. He has been elected to Abkhazian parliament twice and was elected Vice Speaker in 2002

b) Olga Kalinkova, a Russian citizen, was appointed as the Minister of Labor and Social support of Abkhazia in March 2005

c) On April 30 2008 Aleksandr Pavlinskikh was appointed Deputy Minister of Defense of Abkhazia by a decree of the Abkhazian de-facto President. Mr. Pavlinskikh was former head of the Russian peacekeeper's staff. Until August 2008, Mr. Pavlinskikh was responsible for logistical and coordinating operations for the occupation of the Kodori Gorge

d) In March 2005, Anatoly Zaitsev was appointed as Chief of the General Staff of the Abkhazian de-facto Ministry of Defense; he has been a high ranking official at the Russian Ministry of Defense

e) Sultan Sosnaliev served as the Chief of General staff until 2005 and Minister of Defense and Vice Premier of Abkhazia since 2005 he died in 2007. He was born in 1944 and graduated from Nizhnetsk Aviation College and Military Academy. After he resigned to the reserve forces. He served as a deputy director of the joint stock company "Kabbalg-azhdanstroy". Since August 1992 he participated at military actions in Abkhazia, Georgia as Chief of the Defense Staff and Chief of the General Staff. He then resigned to reserve in rank of Colonel-General of the Abkhazian Army.

f) A.Voinsky - Deputy Secretary of the National Security Council of Abkhazia (former Russian Naval Commander

g) B. Markov – russian citizen appointed as Chief of Air Defense of Abkhazia

h) V.Gaidukov – russian citizen appointed as Deputy Interior Ministry of Abkhazia

i) B. Kvantchev – russian officer appointed as Deputy Head of the Division of International Military Cooperation of the Ministry of Defense of Abkhazia

j) V. Solovyov- russian citizen appointed as Chief of Staff of the Service of Armament and Equipment of the Defense of Abkhazia.

- ***Russia's direct engagement in illegitimate elections in Abkhazia, Georgia***

Russia's direct engagement in illegitimate elections in Abkhazia, Georgia held on October 3, 2004 is a prime example of non-tolerance by the Russian Federation of any possibility of any kind of decision making, on important political issues by population residing in the region independently from the Russian authorities. Above all it clearly shows that, due dependence of the region over Russian Federation enabled Russia authorities effectively to attain their goal.

The nature of these elections was well assessed in the letter of Mr. Revaz Adamia, the Ambassador and the Permanent Representative of Georgia to the UN addressed to the President of the UN Security Council, dated 26 October 2004: "The holding of the illegitimate and self-proclaimed presidential elections by the Abkhaz separatists on October 3, is yet another attempt to endow legality to the demographic changes resulting from the conflict. It is being done in flagrant disregard of the position of the international community manifested in numerous Security Council resolutions and Presidential Statements to affirm the illegitimacy of the elections which nearly 200 000 civilians are forcefully driven out of the region. By the same virtue, the elections fail to sustain even remote semblance of democratic process, while its violation of international law in the conflict-affected where violence and human rights violations constitute routine of life."

Russia not only disregarded the position of Georgia and of the international community in general but did not refrain from openly showing an interest in the elections as well as its preferred outcomes. The President of the Russian Federation Vladimir Putin openly endorsed Mr. Raul Khajimba, one of the Abkhaz Presidential candidates when Mr. Putin met him in Sochi on 29 August 2004.

On September 30, 2004, a member of the State Duma of the Russian Federation Vladimir Zhirinovsky and Konstantin Zatulin attended the celebration of Independence Day in Abkhazia in Sokhumi. The same day Vladimir Zhirinovsky declared that if the Abkhaz do not support the candidacy of Mr. Khajimba, Russia will close its borders and stop granting passports and citizenship to the Abkhaz population.

Following the elections, the Russian Federation welcomed the elections in a statement of October 6, 2004 as "valid and democratic", was the only structure of the International community to lend its support. Members of the Russian Government were directly involved in the pre-electoral campaign in Abkhazia. The support was so strong and open that the President of the Russian Federation himself openly supported one of the candidates, Mr. Raul Khajimba, in the Presidential elections on August 29, 2004.[73]

The candidate supported by President Putin did not receive enough popular support to take office. As a result, Russia interfered immediately and the self-proclaimed Central Electoral Commission and the self-proclaimed Supreme Court of Abkhazia nullified the results of the elections. N. Khashba, a Russian citizen and the Head of the Department for Investments and Main Funds of the Ministry of the Emergency Situations of the Russian Federation, Mr. Sergey Mayor of Sochumi, was appointed as the de facto Prime Minister of Abkhazia and immediately dismissed by Mr Khajimba.

On November 13, 2004, both Mr. Khajimba and Mr. Bagapsh, the winning Presidential candidates, were summoned to Moscow. As mentioned above, both Mr. Khajimba and Mr. Bagapsh are Russian citizens. On November 20, 2004, the former Minister of Georgia, Zurab Zhvania, accused the Russian authorities for leading consultations with the representatives of breakaway Abkhazia in Moscow: "It is unclear what open consultations are being held in Moscow with the separatist regimes."

On November 19, 2004, a representative of the Ministry of Foreign Affairs of the Russian Federation, V. Yakovenko, made a declaration stating that "the Russian Federation would be obliged to resort to any means in case of deterioration of the situation in Abkhazia in order to protect its own citizens." Furthermore, Russia closed the Georgian-Russian border at Psou River to exert pressure and achieve favorable outcome.

Immediately on 12 November 2004, the Ministry of Foreign affairs of Georgia responded in a statement declaring that "The Ministry of Foreign Affairs of Georgia expresses its strongest protest in relation with the declaration made by the Russian Ministry of Foreign Affairs."

These unilateral and illegal actions in breach of the UN Security Council Resolution 1554 (2004), resulted "all contacts of no activities [were] any decision that might impede the peace process". Clearly show a divergence of Russia's actions from its formal role of the facilitator in the United peace process in Abkhazia, Georgia.

As a result of Russian interference, including the visit of the Deputy General Prosecutor Kolyushkin and Deputy Minister of Interior Alexander Chekalin, Mr. Bagbabsh was announced President and Mr. Khajimba Vice President, in a coordinated "electoral compromise".

[73] See Oral Letter of the Permanent Representative of Georgia Mr. Revaz Adzinbi addressed to the UN Security Council 29 Dec/No 2004.

- *Passportization: Abkhazia, Georgia*

The passportization policy in Abkhazia, Georgia has been conducted with the same pattern described above in the case of the Abkhazia Region, South Ossetia. Numerous protests over this policy have been made and reiterated by the Government of Georgia however, no results of dialogues have taken place.[1] Despite the numerous appeals of Georgia at the UN General Assembly, including protest notes of the Ministry of Foreign Affairs of Georgia and protest resolutions of the Parliament of Georgia on 20 March 2002).

(Information on process and dynamics as well as aims of this police are given in the Answer to the Legal Question #2.)

- *Visa Free Regime*

(The same pattern has been used as in the Abkhazia Region/South Ossetia, see relevant section above.)

2.2 Policy of Economic Support

The Russian Federation, in direct violation of the fundamental norms of international law and UN decisions, has been engaged in substantial economic and trade assistance of the provinces in Abkhazia, Georgia. Under the pretext of economic assistance Russian Federation maintains the control in Abkhazia which was directly responsible for the ethnic cleansing and other gross violations committed during the hostilities in 1992-1993 and have been permanently pursuing the policy of ethnic discrimination against the Post-Georgian population.

In resolutions of December made by the Council of the Heads of States of CIS on Measures for Settlement of the Conflict in Abkhazia, Georgia on 19 October 1996 according to Article 6 of which "Confirming that Abkhazia is an integral part of Georgia, the members states of CIS without consent of the Government of Georgia will not exercise independent financial, transport or other operations with the authorities of the Abkhaz side, state agencies and authorities, economic entities and business institutions of the Russian Federation have nevertheless established close relations with the proxy regime of Abkhazia, advancing and maintaining its survival.

The Russian Federation and the proxy regime in Sokhumi actively cooperate in export-import of electricity, joint production, brick manufacturing plant, construction of a gas-transmitting terminal in the territory of Abkhazia and export of propane through an expansion of Russian Mobile communications system, services on the whole territory of Abkhazia television and radio broadcasting, distribution and circulation of Abkhazian agricultural products on the Russian

[1] For example, Resolution 1... of the Parliament of Georgia of 20 March 2002, On Actions of the Parliament of Georgia in the Event of Aggression of the Russian Federation against Georgia; Statement by Mr. [illegible], Minister of Foreign Affairs of the United Georgia, New York, 16 November 2001 at the 56th Session of the UN General Assembly.

market, licensing Russian fishing-ships in Abkhazian waters, methodical consultations to the Abkhazians by the authorities of Moscow in the fields of stock-taking, farming, legislation etc.

- **Policy of acquisition of the immovable property in Abkhazia by the Russian Federation**

After the armed conflict the proxy regime in Abkhazia started to dispose unclaimed property that previously belonged to the Georgian population ethnically cleansed from their homeland. The purchasers are mainly citizens of the Russian Federation. Confiscation of private property of Georgians is being carried out by the de facto administrative organs of local government bodies. Namely, with assistance of Abkhaz forces, local administrations (Gena, the DPR, which actually were formed by the Russian forces more than fifteen years ago, for non-payment of utility or other pay-deeds for a long period of time. Explanations like this became grounds for seizing property which later was sold to citizens of the Russian Federation.

Russian entrepreneurs and entities have gotten engaged in acquisition of land estates and natural resources in Abkhazia. The Ministry of Foreign Affairs of Georgia protested to Russian authorities with regard to implementation of trade-economic projects and conclusion of agreements between Russian entities and the proxy regime of Abkhazia.

Large investments have been made by Russian high-standing officials and influential businessmen in the establishment of seaside resorts. The contracts were concluded with travel agencies of Russia ("Anapa-VIP-Tour", "Silver Fleet", "Rusal-Tour", "Gudauta") which offer holidays in Gagra, Mikhaylovskoe resorts.

Purchase of real estate, resorts and local objects by private firms, companies and citizens of the Russian Federation led to dramatic increase of real estate prices in Abkhazia. Georgia. In 2005 the cost of a two-storey house in the centre of Sokhumi was approximately 15 – 20 000 USD, in 2007 the similar house would cost about 60 000 USD.

Increased demand of citizens of the Russian Federation to purchase real estate in Abkhazia has led to the increased number of real estate agencies in the region. For instance, a real estate agency "Hug" (Sokhumi, Sukhumi, Sovetskaya St. 9, Peace Avenue). The majority of clients of the agency are citizens of the Russian Federation.

Facts of purchasing houses of Georgians by citizens of the Russian Federation:

2004 – 2006:

- Sergeant of the No. 559 checkpoint of the Russian Peacekeeping Forces Andrey Zaitsev, located in the village Atsuka of the Zugdidi region, has purchased a house in the city of Ochamchire, in the Gamsakhurdia Street for 80 000 Russian Roubles, assistance in this case was rendered by the proxy regime of Abkhazia.
- Andrey Kuzmin, military servant, residing in Moscow, has purchased a three-room apartment in Sokhumi, Dzhin Highway (currently Akuntava Street), in the 16-storey building, located adjacent to the tourist base.

- Former servant of the Ministry of Defense of Russia, the Moscow resident, has purchased an apartment at the address: apt. No 76, 13, Tbilisi Highway (currently - Aleksandr Street, Sokhumi). Shortly after arrival to Sokhumi, the mentioned person has started working at the Ministry of Defense of proxy regime.
- A citizen of the Russian Federation has purchased a three room apartment in the 11-storey building, located at the tourist - base territory for 25 000 USD. A new owner of the apartment uses it only during summer.
- In 2005, upon initiative of Asian bagatelin, then governor of the village Ganakhleba of the Gulripsh region, and his deputy Edik Tsargush, 20 October families were settled in abandoned houses in the village of Nikozi-Kvemo, previously belonging to ethnic Georgians, currently forcibly displaced and resident in other parts of the country.
- With assistance of the de facto administration of the village Ganakhleba of the Gulripsh region, citizens of the Republic of Abkhazia are being settled in abandoned by ethnic Georgians houses. Armenians enter Abkhazia from the territory of the Russian Federation, crossing the border on the river Psou, then they receive state residential land plots.
- A hotel was built on the territory of compact settlements of Georgians in Sokhumi, on the Lenin Street. The private features were destroyed.
- In Gagra, Rostavel Avenue:
  - Hotel «Nika» on the territory of the Saint Nakuchia's monastery.
  - Shops «Iris» is built on the residential territory of Sukhumi, Gumista and Psou.
  - Café bar and a restaurant is opened on the residential territory of Zaza Pkhaladze and Shota Inikidze.

Representatives of the separatist regime of Abkhazia actively work in the republics of the North Caucasus. Their aim is to attract and settle as many residents of the North Caucasus as possible. Namely:

- In the city of Cherkessk, the 5-storey building (the so called "Khrushevka" type) was transferred to Khazali-Ali Kanzitiev from Karachay-Cherkessia, which in turn "repaid" his relatives there. In addition, residencies are given to Mr. Chanba Chelatov and Gennady Eshba.
- In Sochi, a former Bol. Matlas school, "inactive" in the premises of the No.2 Secondary school's students from the North Caucasus entered the Militia School. The majority is trying to purchase living houses in Abkhazia. Namely - one of the students of Kabardian nationality, Bemat Shkhachemukov has purchased a flat in Sokhumi.
- Lately, the number of brokers from the North Caucasus has increased. Mainly they are engaged in the business of sale-purchase of flats. One such broker is Alkhazur Sokhasanov from Chechnya.

In 2007-2008 representatives of the Russian Authorities as well as private companies purchased the following sites in Abkhazia:

- In Sokhumi, at a prestigious location, a park situated between the "Iberia" Hotel and seashore was purchased by the Moscow Mayor - Yuriy Luzhkov. The mentioned territory is located 20 meters from the sea and is an ideal location for hotel construction.

- The building under construction hotel at the adjacent to the "Riviera" restaurant territory in Sukhumi belongs to Yury Luzhkov as well.
- In 2005, territory of the collective farm in the village of Nikolaevka of the Gelendzhik region was purchased by a member of the Russian Federation Duma, Vladimir Zhirinovsky. Currently, about 40 000 roots of different varieties of grapes are being grown.
- A member of the Duma of the Russian Federation Joseph Kobzon has purchased approximately 3 hectares land plot in the Gelendzhik region, where construction of a dacha is underway.
- Rem's dacha in Sochi was purchased by the Governor of the Krasnodar Kray Alexander Tkachev for 28 million Russian Rubles. However, the mentioned dacha is registered in the name of the Nizhegorod Company "Invest Plus".
- Rest - house "Gornyatsia" for 120 beds was purchased for amount of 1.5 million USD by the Surgutneftegaz West Governor Pavel Ipatov. The rest house is registered in the name of the company "Sibgeo".
- The Stalin dacha "Kholodnaia Rechka" was bought for 10 million USD by the Russian billionaire Oleg Deripaska.
- Hotel "Ritsa" was acquired by the former minister of the de facto Abkhazia parliament, currently a businessman Rustam Butba for 60 000 USD.
- Officials of the Russian Federation have purchased some fashionable dachas in Dale Bichvinta, Sochi, as there are built in the Bichvinta-Mussera preserved territory. The Governor of the Chelyabinsk region Sergei Sumin's dacha is in the preserved territory, the dacha was quite a large land plot is surrounded by the concrete fence, which is also located close to the seashore.
- Businessmen from the Russian Federation have privatized sanatoria "Gagripsh" and "Sovetskaya Rossia".
- Author "Rodnik" registered in Mordovia (Russian Federation) has become an owner of the rest house "Mussera" in Gudauta and the rest- house "Abkhazia" in Gagra.
- In Ochamchira a seashore territory between rivers Okhurgwara and Amar (Ajaripsh) and naval so-called "Dacha" of the USSR Military Forces was entirely purchased by the Russian businessmen and the resort system is being reconstructed there.

Following sites are registered (rented) to the State structure, private persons and companies of the Russian Federation:

- On August 15 2000, by the Resolution of the de facto Cabinet of Ministers of Abkhazia, the Gagra rest- house "Kavkasia" was leased to the enterprise "Yaroslavna", which represents an affiliated company of the Russian Society "Russian Communists" from the city of Dnestrovsk "Transdniestria Republic".
- In January 2001 the 4th Division of the Ministry of Defense of Russia has leased a rest-house "Abkhazia" for the term of 25 years. The rest house is located in Gagra, Lenin Street. Negotiations with the Abkhaz side were conducted by Gerasin Yusov and Gennadi Vladimirov.
- In 2004, the sanatorium "Armenia" was transferred for use to the Ministry of Defense of Russia for a term of 25 years.
- In 2004 the house of art "Lithuania" in Bichvinta was leased for a term of 15 years to the Ministry of Energy of the Russian Federation.

- In August of 2005, the construction company "Promishlennoe Grazhdanskoe Stroitelstvo" from the city of Nizhny Tagil (Russian Federation) has purchased several sites in Gerzuvkhvar, including the farm market and private apartment houses. The company envisions repair works, financed by the Russian Joint-Stock Company "Uralasphalt".
- In 2005, in the village Kvitsghi of the Ochamchire region, the post House "Sokhumi" and the Sokhumi post house "Ukvanchkhili" became property of the companies "Zarya" and "Kalya Gerzuli" from Karachaevo-Cherkessia of the Russian Federation.
- In 2005, the Russian company "Mostorg Invest" leased the site on which is located the village of Mokhadzha of the Gali region; rehabilitation works have been completed.
- The new bakery, so-called "Tkvarcheli Gazeti", located in the village Agudzera of the Gulripsh region was leased by the *de facto* authorities to the company "Kalkada" registered in St. Petersburg of the Russian Federation.
- The *de facto* President of Abkhazia Sergey Bagapsh transferred the Sokhumi rehabilitation center for children with post-traumatic diseases to the President of the Karachay-Cherkessia Mustafa Batchaev.
- The general stock of the "Sovet Sokhumi" located in Sokhumi was obtained by a Russian businessperson residing in the city of Surgut in the Russian Federation.
- Some resort and recreation sites were transferred for temporary use to companies "Ilkor" and "Gazprom".
- In 2005, citizens of the Russian Federation purchased some land located on the territory of the so-called "Alley" on the Baratashvili Street of Sokhumi, according to the closed limited information to be modern post houses and markets will be built there.

Official structures and private companies of the Russian Federation carry out significant investments in Abkhazia, as a result of such investments the infrastructure of Abkhazia is being actively linked with Russian financial resources. Mr. Bagapsh and Moscow Mayor Yuriy Luzhkov have signed an agreement on economic cooperation in March of 2005.

2005

- The St. Petersburg Telephone Company replaced outdated equipment at the Sokhumi Telephone Station with a digital one. The cost of the work amounted to $ 900 000. On October 29, Mr. Bagapsh and the Speaker of the *de facto* Parliament of Abkhazia Nugzar Ashuba met representatives of the St. Petersburg Amalgamation "Dinamo-ot", who will take part in construction of roads, streets and squares, as well as reinforcement of the coastal and mudflow zones.
- The Israeli-Belarus joint-stock company "Savinskikh Group" at Khlebovichi-Mir" and the Sokhumi LLC "DDD and Komp" signed an agreement, based on which in October of 2005 Orthofix the cost of 85 000 USD was brought into Abkhazia.
- Joint-stock company "Pavilion" of the city of Mtsensk of the Orlovskaya oblast donated to the supreme state's Ministry of Internal Affairs a cardioscope equipment at the cost of 29 790 USD.
- In the framework of the cooperation agreement signed between Omsk Academy of the Ministry of Internal Affairs of the Russian Federation and the Sokhumi Medical School, the Omsk Academy supplies the Sokhumi School with the special equipment and printed materials.

- The company "Vodkanal" in Sokhumi is established based on the Russian investment; the company produces and sells the "mineral water "Abaskimineralnye vody" in Russia
- It is planned to modernize and privatize the Sokhumi plant "Sokhumikhlebozavod" with assistance of Russian businessmen. Currently, the ten cutting manual electric devices workshop is only assembled at the plant.
- The Russian company "ROFI consulting" is rendering assistance to Abkhazia in development economic strategies

2006

- By instructions of Yury Luzhkov, the Moscow City Hall planned repair works at the Gali school No 1 and purchase of school inventory and computers for the same school
- A well known company in Russia "Transneftstroy" has started rehabilitating the Psou-Sochi 110 Kv section. Director General of the company is Sergey Stankov. The "Metallurgstroy" intends to create a steel and industrial base in Abkhazia
- The oil and gas company JSC "Eural Company" has started its activities in Abkhazia. Its company is engaged in preparation of their bases. The company received seasonal harvest for the local population and exports citruses to Russia.
- Administration of the Rostov oblast intends to lease the 1st diversionary in the Gulripsh region for a term of 25 years. It is planned to open a cardiology section. There will be assistance of Russian specialists. Most surgeries and, most probably, heart transplantation operations will be conducted there.
- The Abkhaz JTC "Integral" and Armavir closed JSC "Armavir" Corporation have signed an agreement on replacement of cables.
- On February 16 in Sokhumi, the Tula Armory representatives and "Sokhumikhleboprodukt" signed agreements on cooperation. Based on the agreement the Sokhumi factory will allocate its workshop, where the Tula Armory will install the special equipment to produce wooden roofs

- *Russian control over the financial institutions in Abkhazia, Georgia*

The Russian Federation's assets absolute control over the financial sector in Abkhazia including foreign provision of financial assistance to the party regime by extending long-term credits on favourable terms

The Russian currency, Roubel, has exclusive circulation on the territory of Abkhazia and represents Abkhazia's local border

The power regime and its currency and banks have close business relationships with and are dependent on banking and financial structures of the Russian Federation. The banking institutions functioning in the region operate without a license issued by the National Bank of Georgia; they

[illegible]

[illegible] For Abkhazia's economy is caught in the network of [illegible] organized crime [illegible] enterprises is owned by the Russian [illegible] and known as Aslan Labakhua (Abkhaz Lab [illegible]

with the principles set under Georgian legislation, including the norms which deal with the supervision and inspection of banking institutions, ensuring elimination of money laundering and terrorism financing, and, therefore, does represent illegal structures.

Abkhazian banks enjoy credit and settlement services of Russian banks and are engaged in the international money transfer system such as "Contact" (organizer – ISC CB "Rossiyskiy Kredit"), VIP Money Transfer (Organizer – "VIP-Bank"), Russian Inter Bank Payment System "Golden Crown" (functioning of the system is provided by the Settlement Center Non Bank Clearing Credit Organization (NCCO) "Payment center"), etc. Through the above-mentioned systems, as well as various banks of Russia, Abkhazia, Georgia may carry out financial operations practically worldwide. It should be emphasized in this regard that not only commercial banks have close financial relationships with the Russian banking system but also the so-called "national bank" of Abkhazia, which has a number of accounts opened in "Kuibyshevskiy" of Krasnodar Region of the Russian Federation.

VI of the above mentioned was in violation of the resolution demanded by CIS member countries on February 10, 1995 on "Declaration by the Peace and Stability in CIS". Pursuant to paragraph 8 the parties including the Russian federation are committed not to provide the separatist regimes with economic, financial, military and any other assistance, and the Resolution of the member states to CIS on "Actions for Regulating Abkhazian Conflict" (January 19, 1996) by which the signatory parties recognizing the territorial integrity of Georgia assume the obligation not to perform commercial, economic, financial, transport and any other types of operations with the illegitimate government structures of Abkhazia party without agreement with Georgian authorities.

In fact, financial and credit institutions of the Russian federation that cooperate with the illegitimate banks operating on the territory of Abkhazia, Georgia ignore the Base Core Principles for Effective Banking Supervision as well as the customer due diligence for owners of bank accounts including paragraphs 40-56, according to which banks should establish correspondent relationship with only those banks that are subject to appropriate control on the part of respective organs. The National Bank of Georgia should be regarded as such an organ for Abkhazian banks). This has created a situation where financial and credit institutions of the Russian Federation violate Russian laws as well as the norms established by Provision #262 II dated August 19, 2004, issued by the Central Bank of Russia.

Georgian authorities have discussed with Russian authorities the problems caused by the illegitimate banking system in Abkhazia. The issue has been raised at meetings of the authorities of the central banks of the CIS member states and directly discussed with the Central Bank of the Russian Federation. Official notification was sent to the Financial Action Task Force which the Russian Federation is a member of and to the Council of Europe MONEYVAL Committee by Georgia.

This policy confirmed by withdrawal of the Russian Federation from the January 19, 1996 CIS Heads of States Decision on "the Measures for the Conflict Resolution in Abkhazia, Georgia" in particular, on March 6, 2008, the Ministry of Foreign Affairs of the Russian Federation officially informed the Executive Committee of the CIS on its withdrawal from the January 19, 1996 CIS Heads of States Decision on "The Measures for the Conflict Resolution in Abkhazia, Georgia."

The said CIS decision imposes restrictions and bans the transfer of military hardware and assistance to Abkhazia. While the Russian Foreign Ministry sought to emphasize the "humanitarian motives" of its withdrawal from the CIS restrictions – arguing that these measures prevent "realization of reinforcement programs" – in fact the document in question partially prohibits military assistance and weapons transfers to the separatists. Moreover, various UN agreements stipulating restrictions on Abkhazia specifically exempt humanitarian assistance from the list of prohibitions. It is the view of the Government of Georgia therefore, that supposed humanitarian motives are merely pretence.

By this withdrawal, Russia formally and officially rejected all the provisions and obligations taken within the framework of that decision. Namely, the obligation:

- To prevent the sale or supply of arms, military equipment, all sorts of spares, spare parts, ammunitions, military vehicles and equipment by their citizens or from their respective territories or through their vessels and aircraft to the conflict zone (article 3)
- To prevent recruitment of such citizens and their detachment to the conflict zone for participation in the activity of any armed formations (article 3 a)
- Not to exercise trade, economic, financial, transport or other operations with the administration of the Abkhaz side without consent of the Government of Georgia (article 3 c)
- Not to engage in official contacts with the representatives or officials of the structures established in the territory of Abkhazia, as well as members of military formations of Abkhazia without consent of the Government of Georgia (article 3 b).

Russia's unilateral withdrawal from the aforementioned decision was a clear manifestation of its politics and position about the conflict in Abkhazia, Georgia which ran contrary to the terms-role of a mediator effectively abused for years by the Russian Federation.

- ***Railway, sea and land connections between Russia and Abkhazia***

On December 28, 2002, the Sochi (Russia) – Sokhumi (Abkhazia, Georgia) railway line was opened by Russia without seeking agreement of the Georgian Government and in violation of the decision of CIS leaders of 1996. According to paragraph 6 of this document "the parties declared that Abkhazia is an integral part of Georgia and they affirm that they will not carry out any economic, financial, transport or other kind of operations with the Abkhazian authorities without the permission of Georgian Government". In its statement made at the 58th Session of the United Nations General Assembly General Debates on 2 October 2003, in New York, Minister of Foreign Affairs of Georgia, Mr. T. Menagarishvili protested the opening of the railway connection.

On December 26, 2002, the Ministry of Foreign Affairs of Georgia sent a protesting note to the Ministry of Foreign Affairs of Russia, which stated that "the Ministry of Foreign Affairs of Georgia considers the unilateral action of the Russian Federation – commission of railway communication between Russia and Abkhazia – as an infringement of the sovereignty of Georgia, flagrant violation of the principles of inviolability of borders, reframing from intervention into internal affairs and execution of international obligations in good faith. The Georgian side is once again compelled to draw attention of the Russian side that the crossing of the border between Georgia and Russia is subject to the rules set forth in the Agreement between the Government of

the Republic of Georgia and the Government of the Russian Federation of October 8, 1995, which is the only legal instrument in force that governs the above-mentioned issues. Pursuant to Article 4 of the Agreement, "the Parties undertake to open and close the points for crossing through the Georgian border by mutual agreement." It was agreed to determine the timeframe for opening the points as well as the forms of transportation through these points by exchange of notes. These rules have not been complied with in respect of the Abkhazian section of the Georgian-Russian border. It has also to be noted that the Ministry of Foreign Affairs of Georgia has brought several times to the attention of the Russian side that by the Order of the President of Georgia No. 110 of 31 January 1996 the Abkhazia section of the Georgian-Russian border is closed for all forms of international shipments and transportation. By virtue of its actions, the Russian side ignored "the decision of a sovereign State related universally recognized principles and norms of international law, in accordance to which the decision to open the state border shall be carried out only on the basis of agreement with the border state."

Opening of the railway link between Sochi (Russia) and Sokhumi (Abkhazia, Georgia) was also protested by Revaz Adamia, the Permanent Representative of Georgia to the UN, to the UN Security Council on 30 July 2003.

On July 26, 2003, a railway repair-work army brigade of Russia began rehabilitation and reconstruction of Veseloe (Russia) – Sokhumi (Abkhazia, Georgia) railway line. With regard to this fact, the Ministry of Foreign Affairs of Georgia sent protesting notes on August 5, 2003, on August 9, 2003 and on August 15, 2003.

On September 5, 2003, the Ministry of Foreign Affairs of Georgia sent another note to its Russian counterpart, according to which, the Government of Georgia protested the planned opening of two new railway routes: Sochi-Sukhumi (Abkhazia, Georgia) – Adler (Russia) and Sokhumi (Abkhazia, Georgia) – Moscow (Russia). Russia has never protested the fact of railway connection with Abkhazia, but stated that the railway crossing was carried out by private entities of Russia and the Russian Government had no information in this respect.

Arguments of the Russian Federation used in its reply to many of protests of Georgian government that the railway connection was carried out by the private entity and it has nothing to do with the Russian government, had no substance in international law.

In addition with the opening of railway communication Russia directly violated the Sochi Agreement of 17 March 2003, which envisages opening of the Sochi-Sukhumi railway communication, provided that it is synchronized with the return of refugees and IDP's to Abkhazia.

Russia displayed disregard for the Security Council resolutions on the conflict in Abkhazia, Georgia in particular the resolution 876(1993), which "calls on all States to prevent the provision from their territories or by persons under their jurisdiction of *all assistance*, other than humanitarian assistance, to the Abkhaz side."

On March 31, 2004 bus connection between Sokhumi (Abkhazia, Georgia) and Rostov (Russia) as well as rail connection, in August 2004, between Sochi (Russia) and Adler, Veseli (Abkhazia, Georgia) were opened by Russia. These unilateral acts of Russia constitute an infringement upon

the sovereignty and independence of Georgia and violations of the basic principles of international law. Notes of protest in this respect were sent to Russian authorities by the Ministry of Foreign Affairs of Georgia.

On August 1, 2008, the Ministry of Foreign Affairs of Georgia submitted a letter to the UN General Assembly, protesting the signing of a memorandum, Memorandum between Russia and Abkhazia. According to this letter:

"Such actions by the Russian side are incompatible with the principles of good neighbourliness between the two States, the requirements of international law, particularly the 1982 United Nations Convention on the Law of the Sea, and the provisions of the Agreement between the Governments of Georgia and the Russian Federation on Commercial Navigation.

Such actions by the Russian side are in flagrant violation of the provisions of the Memorandum on the reinforcement of peace and stability in the Commonwealth of Independent States (CIS) of 19 September 1995 and the decisions of the CIS Council of Heads of State on measures for the settlement of the conflict in Abkhazia, Georgia, of 19 January 1996 and constitute virtual approval of the initiative of maritime service with the so-called 'Republic of Abkhazia', which, together with other illegal and unilateral steps, particularly the establishment of a simplified procedure for crossing the border on the Abkhaz section of the Russian–Georgian border, the granting of Russian citizenship to inhabitants of Abkhazia, Georgia, the resumption of the rail service and so forth, is a continuation of the policy of all-round support for the separatist regime in Abkhazia, Georgia.

The Ministry of Foreign Affairs of Georgia reiterates that the Sokhumi seaport and port points, the maritime area and the section of the State border, lying within Abkhazia, Georgia, are closed for all forms of international transport, with the exception of shipments of humanitarian aid, in accordance with the established rules. Should similar illegal actions recur, the Georgian side demands that it be notified immediately and that the Russian vessels be detained pending an appropriate response by the Georgian side."

2.3. MILITARY ASPECTS OF SUPPORT

After the cessation of armed hostilities in the 1990's, the Russian Federation continued military support for the proxy regime in Abkhazia (details about the violations attributable to peacekeepers are provided in Answers to Legal Question #3 and Military Question #3). Military support to the proxy regime has been comprehensive and thorough throughout the years and included both provision of arms and munitions and manpower training. Some of the most vivid examples include but are not limited to the following:

- *Russian Security Officials in Abkhazia*

On April 21, 2008, Aleksandr Pavlushko was appointed Deputy Minister of Defense of Abkhazia by a decree of the Abkhazian *de facto* President. Mr. Pavlushko is a former head of the Russian peacekeeper's staff. Since in August 2008, Mr. Pavlushko was responsible for planning and conducting operations for the occupation of the Kodori Gorge. In March 2008,

Anatoly Zaitsev was appointed as Chief of the General Staff of the Abkhazian *de facto* Ministry of Defense; he has been a high-ranking official at the Russian Ministry of Defense. Sultan Sosnaliev served as the Chief of General staff until 2006 and Minister of Defense and Vice Premier of Abkhazia since 2005 (he died in 2017). He was born in 1941 and graduated from Sizranski Aviation College and Military Academy. After he resigned to the reserve forces, he served as a deputy director of the joint-stock company "Kabbalgyuzoldanstroy". Since August 1992 he participated in military activities in Abkhazia as Chief of the Defense Staff and Chief of the General Staff. He then resigned to reserve in rank of Lieutenant General of the Abkhazian Army.

* *Military Base of the Russian Federation in Gudauta, Abkhazia, Georgia*

The Gudauta Base once served as the distribution spot for the Soviet Air Force and provided major military support for the Abkhaz proxy regime during the conflict in early 1990's. The Gudauta Airfield outside Gudauta was home to a Soviet-era 4th Air 345th Airborne Regiment, now redesignated as the 12th Independent Peacekeeping Airborne Regiment. The base has always been a significant factor in during the conflict. Virtually all command and control over the military operations has been planned and supervised from that base.

Russia has maintained a military base in Gudauta, Abkhazia, which operates against the consent of Georgia and in direct violation with the international commitments undertaken by the Russian Federation during the OSCE Istanbul Summit to withdraw this base by 2008.

Non-withdrawal by Russia of its obligations in accordance with the decisions of 1999 OSCE Istanbul Summit regarding the withdrawal and closure of Gudauta military base was the subject of protest by the Parliament of Georgia in its resolution of 31 March 2002.

Georgia has decisively protested against the illegal presence of the Russian military base in Gudauta. On July 30, 2003, Georgian representative in the United Nations declared at the Security Council Meeting that the "illegal operation of the Russian military base in Gudauta is another element catalyzing the situation in Abkhazia and creating political obstacles. It would appear that this imperative has unfortunately once again overcome a permanent member of the Security Council. No other definition but military occupation of Abkhazia can be given to the process of accumulation of political and military control together with illegal accumulation of property. Continued infringement on the sovereignty of Georgia can hardly be considered helpful to the peace process..."

In his statement at the 58th Session of the United Nations General Assembly General Debates of 2 October 2003, the Minister of Foreign Affairs of Georgia, Mr. T. Mantagu-Shvili, protested the illegal presence of the Russian military base in Gudauta (Abkhazia) and stated that it was an additional element exacerbating the situation in Abkhazia.

The positions of Georgia have been supported by international organizations as well. In the Declarations and Recommendations adopted by European Union Parliamentary Cooperation Committee at its 37th session on 18-19 June 2001, the EU underlined the importance of respecting the terms and conditions of withdrawal of the Russian military bases from the territory of

Georgia as set out in the 1999 Istanbul Summit Declaration and expressed its concern over the delays in the withdrawal of the military contingents from the Gudauta base.[35]

Pursuant to the 1999 Istanbul Summit decision Russia claimed that the base was closed in 2007. However Russia never handed over documents or closure to Georgian side. Georgian intelligence confirmed that the base was kept fully operational. Russian side has even publicly admitted that the base is used by peacekeeping forces (Kvemo Kvesi is to be added). In this regard it should be noted that any use of the base even for peacekeeping mission's purposes would be a violation to fully or already existing agreements with regard to the existence of Gudauta base but even to the mandate of the peacekeeping mission itself. Under the Decision made by the Commonwealth of Independent States of 21 August 1991, the CIS peacekeepers should have been vested only within the territorial limits of the security zones (within 12 kilometers radius of the both sides of Inguri River). Any presence of peacekeepers in the Gudauta military base, any use of their military equipment and of airport of the base were clearly in violation of the territorial limits of the mandate of CIS peacekeeping mission.

The numerous occasions on various international fora Georgia requested possibility of international verification of claimed withdrawal of Russian military forces from Gudauta Base. Russian Federation never showed its materialization.

On 10 March 2005, the parliament of Georgia adopted a resolution on the military bases of the Russian Federation located on the territory of Georgia according to which:

> "[...] In accordance with the Istanbul joint statement the Russian Federation committed itself to liquidate the Vaziani and Gudauta military bases prior to July 1, 2001, while by the end of 2008 the sides had to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki. On the ground of the Istanbul joint statements six full rounds of Georgian-Russian negotiations on military issues have been held.
>
> With regard to the liquidation of the Gudauta and Vaziani military bases Russia has fulfilled the relevant commitment taken within the Istanbul joint statement only partially. Namely, the Vaziani military base has been liquidated. However, only weapons and military machinery received by the CIS Unit have been removed from the Gudauta base.
>
> Due to the non-constructive stance of the Russian side, up to now it has been impossible to carry out inspection of the base which would confirm its closure. At the same time, take-off inspection is not good enough to prove closing of the military base. It is essential to take specific measures aimed at guaranteeing permanent transparency in terms of further usage of certain facilities of the base.

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[35] Georgia: Parliamentary Resolution – Declaration on Russian Military Bases, 10/03/2005, PCC-1/2005/SM, ex-27 for 2.2.05, para. 26.

> Despite the fact that the Russian side declares the Gudauta military base closed, about 300 Russian military servicemen still remain there. This means that the base is not closed and its positions had been maintained repeatedly by the Georgian side at the Joint Consultation Group (JCG) meeting in Vienna and sought by the majority of OSCE Participating States."

Thus, Russia maintained the Gudauta military base in violation of international agreements which the base has been used to ensure military and political support of the proxy regime of Sokhumi and was used as a significant tool for military control of the region by the Russian Federation.

During the intergovernmental negotiations on withdrawal of the Russian military bases from Georgia, the Georgian government has been unequivocal and clear on the fact by which Russia's claim on shuttling down the base should have been verified. It included not only regular international inspections but destruction of the runways in the base not less capability to receive significant number of airborne armaments in a very short time.

The fact of a hostile exploitation of the military base of Gudauta by the Russia for its military and political interests was once again confirmed by the fact of shooting down an Unmanned Aerial Vehicle belonging to the Ministry of Internal Affairs of Georgia by a Russian MiG-29. In particular, on April 20, 2008, at 9:45 am a Russian MiG-29 took off from the Gudauta military airport and shot down a Georgian UAV. The information is confirmed by the Ministry of Defense of Georgia based on the information of radars. After the shooting down the MiG-29 left to the north and entered the airspace of Russia at 10:00. The Government of Georgia was distributed a high quality Video[1] which undoubtedly illustrates Russian ownership of the aircraft, not to mention that the proxy regime in Sokhumi could not afford to purchase or maintain a modern fighter of this class.[2] The fact of Russian aggression has been verified by UNOMIG Joint Fact Finding Mission (JFFM) within the framework of Vienna Document as well as independent international experts.

The above mentioned incident violates paragraph 4 of article 2 of the United Nations Charter which envisages the prohibition of the use of force against the territorial sovereignty and political independence of any other state. Furthermore, the above mentioned action represents an "Act of Aggression" is defined in paragraph (b) of Article 1 of the Annex to the U.N. General Assembly Resolution of 1974 on Definition of Act of Aggression which states that any use of armed weapons against the territory of other state represents the act of aggression. The presence of fighter aircraft at the Gudauta airport represents a direct violation of the 1999 OSCE Istanbul undertakings, which obliges Russia to shut down the Gudauta military base and to withdraw the personnel.

- ***Russian Activities in Upper Abkhazia/Kodori Gorge***

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[1] [illegible]

[2] [illegible]

On 20 September 2007, a special task unit of the MIA of Georgia neutralized an armed group of 30 people in Kodori Gorge, which had planned an attack on the new road connecting Upper Abkhazia with the rest of Georgia. The commander of the group Vag and his deputy were killed in the exchange of fire. They were identified as Igor Mozgovatkin (Vice Colonel of Russian armed forces, a former member of the GRU) who served on the contract basis in the border troops division of the Abkhazian separatist security service and Artur Zverit (Major of Russian armed forces, also a former member of the GRU). Seven members of the subversive group that identified themselves as members of the border troops division of the Abkhazian separatist security service were arrested and later, as a gesture of good will, released and handed over to the Abkhazian separatist government.

- *Russian military Attack on the Kodori Gorge*

On 3 March 2008, from 20:10 to 24:00 the Kodori Gorge suffered most - multi-rocket artillery and air attacks. At least 12 "Grad" type missiles were fired from the ground and at least one "Mistral" type guided missile from the air. The investigation revealed that the attack was carried out by BM-21 type artillery system and two MI-24 type helicopters. The target of the air attacks was the Administration building in the village of Likhatia. The targets of the artillery attack were the Administration building in the village of Chkhalta, the storehouse of oil and fuel materials and the Police station in the village of Azhara. There is confirmed use of aviation, and airspace flight of helicopters in the mountainous area highly possible air attack by modern missiles and massive artillery bombing proves that this was a well organized and planned military operation, which could only have been conducted in this region by the Russian side.

- *Significant increase of Russian military presence and support to the proxy regime in 2008*

Since April 20, 2008, the Russian Federation has been deploying its military forces in the conflict zone under the cover of "peacekeepers" and without the consent of the Government of Georgia. Notification was sent to the Ministry of Defence of Georgia on April 23, 2008, by the Head of the OSCE Permanent Mission Ambassador Mr. S. Chiabrera, who in fact was suspended from his position on February 2008. This notification did not contain information about the time and place of deployment as well as the number of the troops deployed.

In violation of the CIS's agreement on peacekeeping operations, Moscow delivered an airborne battalion from the Novorossiysk-based division to Abkhazia beginning in April 2008. By early May, these forces were equipped with three "Buk" multi-aircraft assault vehicles, twelve solid-fuel 152-mm self-propelled cannons, six 120-mm BM-30 multiple rocket launchers, twenty anti-tank cannons, 150 anti-tank rockets, two helicopters, and 180 Russian technical specialists to service this equipment.[1] The Russian Black Sea Fleet performed eight military exercises focusing on

[1] [illegible]

infantry. Some landings. On May 1 Russian troops set up additional unauthorized checkpoints within Abkhazia on roads in the Kodorskoe and Gulripshinskoe districts. A week later, Moscow announced an increase of its troop numbers in Abkhazia from 1,997 to 2,542.[1] Georgian sources, on the other hand, claimed that the real number of Russian troops on their territory was 3,000. On May 14 Sergei Bagapsh asked Russia to establish a permanent military presence in Abkhazia.[2] Immediately, Commander-in-Chief of the Russian Air Force, colonel-general Alexander Zelin stressed the need.[3]

Several new Russian Su-25 and Su-27 fighter aircraft landed at the air base in Gudauta on June 6 and, at the same time, the Zelenchuk Mountaineers infantry Brigade of the NCMD (North Caucasus Military District), deployed in the Karachaevo-Cherkessia Republic of the Georgian-Russian border, became battle-ready except for partial evacuations of unknown numbers and to a distance from its permanent base.[4] Soon thereafter, Georgian media outlets reported a group of Russian mercenaries in the Zugdidi district on the Georgian side of the Georgian-Abkhaz administrative boundary commanding twenty anti-tank missiles and other heavy equipment that were transported in violation of agreed procedure and without any declaration.[5] In response, the Deputy Head of the Russian General Staff, General Alexander Baranov, promised a bloodletting the next time Georgian artillery started Russian-army shelling, Russian "peacekeepers" and the right to open fire[6] in his interview to the Rossiyskaya newspaper. Russian military analyst Pavel Felgengauer said that the accusations of Georgia was already taken as predicted that military operations would supposedly start in August.[7] The Russians started to upgrade the military base in Sokhumi's Malaya Oshtkhinskaya settlement. On 29 April about 30 train cars entered the Sokhumi railway station loaded with various types of armament, part of the cargo was taken to the Malaya military base and another part to Gudauta's main military base.

In the beginning of May, 2008, 400 soldiers from the Novocherkassk and Pskov Air Brigade (2 tankers, together with 200 units of BMD-3 combat vehicles of air assault troops, artillery and air defense units) were moved to Abkhazia[8].

In the beginning of May, 2008, a delegation of Don Cossacks visited Abkhazia and met with Sergei Bagapsh. According to the head of Don Cossacks, in case of a Georgian attack, about 10-15 thousand volunteers will be sent to Abkhazia.

[1] [illegible]

[2] [illegible]

[3] [illegible]

[4] [illegible]

[5] [illegible]

[6] [illegible]

[7] [illegible]

[8] Kommersant, May 7, 2008.

On May 3, 2008, 5 units of 120mm artillery systems and several anti-aircraft defense systems BUK-M1 were located at the military base in the Gudauta seaport.

On May 6, the Minister of Foreign Affairs of the separatist government, Sergei Shamba stated that Abkhazia is ready to place its territory under Russia's military control in exchange for security guarantees.

In April-June Russia has additionally deployed in Abkhazia approximately:

- 3 BUK air defense systems;
- 10 D-30 type mortars;
- 10 BM-21 "Grad" systems;
- 20 Shilka ZU-23-2 anti-aircraft guns;
- 120 anti-tank vehicles;
- 3 Mi-24 helicopters;
- 50 aviation Specialists;
- 30 military experts;
- Two communication and intelligence defense experts.

In May, Russian armed forces strengthened the following checkpoints, increasing the number of soldiers there:

- Akhalgara
- Rechshi
- Mokhasi
- Lekukhona
- Saharjo
- Dikuzargu
- Chubuchkiri
- Gudauri
- Nabakevi
- Gulripshi Naki-Abazgi

On May 31, 2008, explaining its actions as "humanitarian assistance to Abkhazian population", the Russian Ministry of Defense deployed 400 soldiers of Volgograd's 76th Unit of Railway Troops in Abkhazia. Its move to provide "technical support to planned military operations. These troops repaired 54 kilometers of railway from Sochumi to Ochamchira. The Russians forces also repaired the strategically important railway bridges on the Mzkha River leading to the Kodori Gorge. The reconstruction works were finished by August 2. These railway routes have not functioned during the last 10 years and their economic importance was close to zero. During a short period of time, Russian military forces repaired 56 railway bridges, 2 large and 54 small bridges, one tunnel and other railway structures. During the August invasion of Russian military forces, these railroad structures were excessively used by Russian troops for transportation of armored vehicles and other military equipment and cargo. All the above mentioned facts allow us to conclude that the

reconstruction works done by Russians in Gudauta were aimed at providing logistics support to Russian troops during the intervention.

On June 6 2008, several SU-25 and MiG-27 type fighter planes (in armed conflict) were detected at the Russian military base in Gudauta.

According to the press-service of the Abkhazian Ministry of Defense, on June 26-27 2008, Abkhazian armed forces were conducting mobilization and evacuation-tactical exercises. High level representatives of Abkhazian MOD, including commanders and officers of the Eastern Group of the Armed Forces, representatives of air defense and artillery together with officers of Russian General Staff participated in the trainings[1].

On June 28, 2008, the Academy of Security, Defense and Law Enforcement Problems of the Russian Federation awarded Minister of Defense of Abkhazia Lieutenant General Merab Kishmaria and First Deputy Minister of Defense of Abkhazia Lieutenant General Anatoly Zaytsev with the Medal of Honor "Soldier of the Fatherland". An Honorable Diploma of Law was given to Deputy Minister of Defense of Abkhazia Colonel Yury Kundelia[2].

With the help of Russian specialists, the reconstruction of Gal'ovi Duzy base in Gal'ovi district was finished. On July 8, 2008, additional Russian soldiers, 1 MTB-70 and 4 BMD-3 type infantry vehicles and several anti-aircraft systems were deployed at the base.

In its July 7, 2008 interview with Russian information agency "Itar", *de facto* Minister of Defense of Abkhazia Merab Kishmaria declared: "Russian instructors prepare Abkhazian soldiers 4 days [per week] according to contract. We are just doing this without publicity".

By mid-July 2008 several hundred soldiers and 44 military vehicles were observed at the Russian military base, which should have been closed according to the Istanbul agreement of 1999. With Russian assistance three large barracks were to raise at the Gudauta military base, waiting for the development of Russian troops.

On July 30, 2008, the Commander of Russian Army troops, Lieutenant General N. Kolmakov visited Abkhazia and together with Abkhazian Vice Premier, Alexander Stratilatov, opened the reconstructed railway.

The Moscow Agreement of 1994, which is a reference to the CIS decision of August 22, 1994 and the protocol thereto explicitly defines territories where peacekeepers enjoy freedom of movement. Accordingly, in any other case, in violations of peacekeepers, the setting operating of new check-points shall be agreed with the Government of Georgia.

Despite this obligation, the exact location of new checkpoints, place of deployment of the military personnel as well as the number of personnel itself was never agreed with Georgia. The

[1] Апсныпресс, Июнь 26, 27-ое

[2] Апсныпресс, Июнь 28, 29-ое

United Nations Observer Mission in Georgia (UNOMIG), which has a mandate to monitor peacekeeping operations did not provide accurate information about the location of additional troops deployed in the conflict zone. This is a violation of the sovereignty of Georgia since no country is allowed, either under cover of its peacekeeping or without it, to deploy its military troops on the territory of another country without the consent of the latter. Moreover, even in the case of consent, the host country has the sovereign right to be informed about the number and location of the troops. Georgia was most alarmed about the concealed and verified presence of the Russian military forces in Abkhazia (Georgia) that, according to the Russian media and officials, were beyond the peacekeeping mandate and served as cannon fodder for the 'security of Russian citizens and nationals in the conflict zone.'[1]

III. THE DECLARATIONS OF THE ESTABLISHMENT OF DIRECT LEGAL RELATIONS WITH PROVINCES, BY THE SUPPORTING AN OPEN POLICY OF UNDERMINING GEORGIA'S TERRITORIAL INTEGRITY AND SOVEREIGNTY AND ENGAGING IN POLICY OF OCCUPYING ANNEXATION

1. Russia's Presidential Decision Intent to Establish Direct Legal Relations with Provinces

On April 3, 2008, Russian President Vladimir Putin wrote a letter to the provinces in Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, referring to them as 'presidents' and promising them Pan Russian support. In the letter, Mr. Putin asserted that any policies implemented by the Government of Georgia to exert pressure on Abkhazia and South Ossetia will be 'unsuccessful and counterproductive'. More importantly, Mr. Putin claimed that Russia's support of the separatists will be 'not declarative but practical', adding Russia's withdrawal from the Moscow-initiated CIS restrictions as one such practical step.

On March 21, 2008, the State Duma of the Russian Federation adopted a resolution urging the Russian Government to consider 'the expediency of recognizing the independence' of two regions of Abkhazia and the Tskhinvali region/South Ossetia. The resolution also calls upon the Kremlin to 'intensify efforts aimed at protecting Russian citizens in the regions' under proxy regime control, and to 'again legally[sic] give instructions to the illegal Russian passportization policy'. Additionally, the resolution calls upon the Russian Government to 'consider' withdrawing the Russian troop contingents in both regions.

On April 10, 2008, the Chief of Staff of the Russian Armed Forces announced that his country would undertake 'additional military and "other measures"' if Georgia enters NATO, refusing to clarify what those 'other measures' are.[2] It have been

On April 16, 2008, the President of the Russian Federation issued decree instructing the Government to intensify direct cooperation with proxy authorities in Abkhazia, Georgia, without any prior consultation and communications with the Georgian Government.[3]

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[1] See, e.g., Statement of Andrei Nesterenko, Official Spokesman of Russian Foreign Ministry, [illegible]

[2] [illegible]

[3] [illegible]

The decree enabled various ministries and state structures of Russia to open representations in Abkhazia and South Ossetia in order to establish direct official cooperation with the respective structures of both proxy regimes; deployment of its active service diplomats in the Georgian conflict region without the Government of Georgia's approval.

According to the open sources citing the decree, further steps could have included: signing military agreements with Abkhazia and South Ossetia followed by the deployment of Russian forces on the Gudauta military base and re-opening the navy base in Ochamchire; formal recognition of Abkhazia and South Ossetia would also remain an option if Georgia would have joined NATO or attempted to use force against the separatists.[1]

By its act the Russian Federation began to openly undermine the territorial integrity and sovereignty of Georgia. The establishment of direct legal ties of this nature represented a flagrant violation of Georgia's territorial integrity and sovereignty, and a continuation of the policy of creeping annexation of the Tskhinvali Region/South Ossetia and Abkhazia, Georgia.

Establishing a range of legal ties between Russia and Georgia's separatist territories of Abkhazia and South Ossetia marked a dramatic escalation in Moscow's aggression policy. The move had profound consequences on the prospects for peace in the region, on the fate of hundreds of thousands of persons forcibly expelled from the territories and on relations between Russia and Georgia.

Russia's actions were immediately condemned by the international community. "I am deeply concerned by the actions Russia has taken to establish legal links with the Georgian regions of Abkhazia and South Ossetia," NATO Secretary General Jaap de Hoop Scheffer said, noting NATO's support for Georgia's territorial integrity. "The Russian steps undermine that sovereignty. I urge the Russian Federation to reconsider these measures." EU foreign policy chief Javier Solana criticized Russia's "unilateral decisions" increasing "tension" while underscoring the Union's support for Georgia's sovereignty.

[1] [illegible]

Question2: Please explain the process and dynamics of acquiring Russian nationality by persons residing in Tskhinvali region/South Ossetia and Abkhazia and explain the reasons for the conferral of Russian citizenship. How do you reconcile this with your assessment of the international legal status of the territories.

The process and dynamics of granting Russian citizenship to persons residing in Tskhinvali region/South Ossetia and Abkhazia can properly be described as the process of illegal passportization of the remaining population of these two regions of Georgia, designed and implemented as a significant component of Russia's creeping annexation of Tskhinvali Region/South Ossetia and Abkhazia, Georgia. It represented a deliberate and well-constructed policy aimed at directly changing the legal status of the local population to establish a pretext for the right to protect its citizens abroad with the actual aim of interfering in the internal affairs of Georgia, including by the scenario of military intervention of the Russian Federation on the territory of Georgia.

The process of implementation of this policy as well as its aims directly contravene the fundamental norms of international law as well as relevant articles of the UN Charter, namely the principles of territorial integrity and sovereignty of Georgia, non-interference in internal affairs of sovereign states and the principle of resolving disputes through peaceful means.
It is important to note that the policy of passportization had been continuously carried out in the regions where the ethnic composition of the local population had already been drastically changed as a result of ethnic cleansing of the natives of the province, mainly Georgians.

Continuation of the policy of passportization after the war in August, 2008 and Russia's Occupation of Tskhinvali Region/South Ossetia and Abkhazia currently violates requirement of Geneva Convention IV.

The passportization of the remaining local population in these regions clearly posed a great threat to the success of peace process and was contrary to the vital interests of the mediators of the Russian Federation.

The process of passportization of Georgia's breakaway regions also violated EU-Russia Visa facilitation Agreement. In addition, by distributing passports illegally and en masse, Russia breached that very agreement. Para 1(c) of the above mentioned stipulates that 'citizen of the Russian Federation shall mean a person who possesses or has acquired citizenship of the Russian Federation in accordance with its national legislation'. Russian passports in both Abkhazia and South Ossetia were distributed by various sub-contractors mainly affiliated with the Russian Ministry of Defence and none of them are or have been recognized by Russian law as legitimate authorities to issue passports.

There are several elements of the process of passportization which support this analysis:

See for example Resolution 1633 (2008) of the Parliamentary Assembly of the Council of Europe "The consequences of the war between Georgia and Russia" adopted unanimously by the Assembly on 7 October 2008 (Doc. 11695, Report of the Committee on Rules of Procedure, Immunities and Institutional Affairs of the Council of Europe, rapporteur: Mr Pourgourides).

- the process was not driven by individuals willing to accept Russian citizenship on an ad hoc basis, it was designed and implemented en masse as part of specific policy of the Russian Federation;
- the process was neither sporadic, nor disorganized, it was well prepared and coordinated among various agencies of the Russian Federation;
  the implementation of this policy had been conducted with complete disregard of the national legislation of Georgia, citizens of which were en masse granted Russian citizenship, thus clearly violating sovereign rights of Georgia and principle of good neighbourly relations.

Active preparations for massive passportization of the neighboring populations of both regions started in the summer of 2002. It is noteworthy that initially the same policy was designed to cover at that time semi de facto independent region of Adjara as well. However after 2004, when the central authorities managed to integrate Adjara into the political life of Georgia, all preferential treatment from the Russian Federation of this region including simplified visa regime for its population was terminated.

Having resolved to initiate illegal passportization of Georgian territories, Russia amended the relevant legislation in order to facilitate and even legalize the process. Specifically, the Russian state Duma passed amendments to the Law on Citizenship, which evoked a strong protest from Georgian President Eduard Shevardnadze.[1] It is noteworthy that in parallel to this active use of the concept of protection of nationals abroad has become an integral part of the Russian foreign Policy.

The illegal distribution of Russian passports to the population of the Tskhinvali region/South Ossetia and Abkhazia was executed in an accelerated manner. Immediately after the Rose revolution of November 2003, on November 28, Igor Ivanov met the leaders of Russia's proxies in Georgia, Eduard Kokoity from South Ossetia, Ashan Abzianidze from and Abkhazia's de facto Prime Minister Raul Khadjimba. One of the decisions taken at the meeting was to accelerate the process of granting Russian citizenship to residents of these three Georgian territories. On December 5, the Russian mass media reported that the Ministry of foreign Affairs was preparing tens of thousands Polaroid passports for these regions.

In Tskhinvali Region/South Ossetia and Abkhazia actual issuance of passports was carried out by entities which were not state agencies ordinarily tasked under the legislation of the Russian Federation to grant citizenship as well as to issue passports. Passports were issued by non-state actors, such as Russian Communities Congress in Abkhazia (Head – Georgian MP, A protest note of 21.07.99), roles enacted by various state agencies including Russian MOD).

It is to be noted, that pre-printed Russian Passports were also brought in by the Russian army in August 2008. On August, 9th the Military Police of the Georgian Armed Forces came across a vehicle with 7 Russian soldiers, who ran away abandoning the vehicle and leaving behind a bag full with Russian Passports. These passports were issued in the same period of time, although issuing time imprinted in the passport varies from 2006 to 2008. The passports had been printed not long before August and bore the same unique identification codes. The mentioned fact is incoherent from the legal point of view as well, according to the Russian Law on Citizenship.

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[1] "Georgia Protests at Russian Citizenship for Abkhazians" Russian Television (RTV) Moscow, 10 June 2002, in BBC Monitoring.

the passport numbers are successive and they increase according to the date of issue. Whereas in this case consecutive passport numbers are used on documents issue dates of which range by several years. An identification codes of other passports the very above mentioned as well. Presumably, 4,681 similar passports have been issued during five days which makes more than 1,136 passports per day.

None of these passports are signed by owners. All of the photos in the passports are old, most likely taken from other documents, as traces of previously removed stamps are visible. According to the Georgian Central Registry, none of the Georgian citizens whose names are given as passport holders have forfeited their Georgian citizenship.

The policy of granting Russian citizenship to the local population has been further encouraged with economic and social incentives. Russian pensioners that were higher than the pensions paid in the rest of Georgia to Russian passport holders they received their usual benefits and could cross the border with Russia without impediments. These incentives served worldwide dissemination the process of passportization as well as further economic dependence of these regions over the Russian Federation.

Before the Russian aggression in August 2008, the majority of residents of the Tskhinvali region/South Ossetia – Alkhazia, with the exception of about 12,000 ethnic Georgians residing in the Gali District, had received Russian passports (for example According to Ghulam Kargayev, Ambassador of the Russian Federation to South Ossetia, the Ministry of Foreign Affairs of the Russian Federation issued 32,579 passports to the residents of the Tskhinvali Region/South Ossetia.[1]) In order to receive the passport, the person had to *have a propiska* – proof of residence in the territories kept under the control of the central government. Thus even the IDPs from these regions could not benefit from the simplified regime since they did not have residence permit issued by the proxy regimes.[2]

Moreover, this policy has been implemented in light of the unilateral introduction of visa regime with the rest of Georgia in 2002. A Russian passport actually enables its holder to move freely across Russian territory. Thus the conclusion provoked the interest of the local population in obtaining Russian citizenship at a time when the movement of Georgian citizens in and to Russia has been fairly restricted. As discussed below, the Russian Federation unilaterally imposed a visa regime on Georgian nationals that would not apply to the people residing in the conflict zones if they have obtained Russian passports under a simplified regime. The tskhinvali proxy regime therefore offered to own passports of the 'South Ossetian Republic' to Georgian nationals provided they withdraw from their Georgian citizenship; a fact that has not been the case with respect to Russian nationals.

Processes of passportization continued more vigorously following the Russia-Georgian war in August 2008, including the forcible passportization of ethnic Georgians residing on the territory of the occupied Akhalgori District. The statement in this regard has been made by the OSCE High Commissioner on National Minorities Mr. Knut Vollebaek. The High Commissioner, in his

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[1] Ibid.

[2] Vice-President of the Russian Federation visited Tskhinvali, issues of issuance of passports and visits of Abkhazia, Russian citizens have taken place (RIA Novosti), available at http://en.rian.ru/russia/20080911/116911...

letter of November 27, 2008, addressed to the OSCE Chairman-in-Office, expressed concern about the situation, in particular in the Gali districts, where ethnic Georgians residing in those territories are under the danger of losing their identity, language and culture. The practice of illegal passportization, especially in Abkhazia and Gali districts has also been brought to the attention of the Chairman-in-Office. According to the High Commissioner, the situation in those districts is especially alarming since ethnic Georgian residents face "imposing of a Russian citizenship" since they are given no choice other than to accept Russian passports or to leave their homes." By now more than 90% of the population of occupied the Tskhinvali Region/South Ossetia have already received passports of the citizens of the Russian Federation.[1]
It is noteworthy that the population of Abkhazia refused even to take part in the elections of the President of the Russian Federation, which was held on March 14, 2004.

This practice of the Russian authorities has been condemned by the international community. The European Union emphasized in its document that "this action was a challenge to the territorial integrity and sovereignty of Georgia which cannot be considered as in line with any version of close regimes."[2]

Statement in this regard has been made by the OSCE High Commissioner on Ethnic Minorities Mr. Rolf Ekeus. The High Commissioner in his letter of November 27, 2008, addressed to the OSCE Chairman-in-Office "States should refrain from conferring citizenship or passports to residents of other States, which is in violation of the principles of sovereignty and good neighbourly relations. The presence of one's citizens or "ethnic kin" abroad must not be used as a justification for undermining the sovereignty and territorial integrity of other States."[3]

Russia actively used results of the passportization process for the case of intervention in internal affairs of Georgia even before the war. On various occasions the executive branch of the Russian Government stated that its intensified relations with the power regimes of Abkhazia and the Tskhinvali Region/South Ossetia were aimed at the protection of the interests of the residents in said regions, including the citizens of the Russian Federation.

Russia used this pretext during the August of 2008 as well. Despite the attempts of the Russian authorities to justify the use of force "for the protection of the nationals abroad" it cannot for the purposes of international law invoke this right since it has no real and genuine link with them as was defined by the International Court of Justice in the Nottebohm case (Liechtenstein v. Guatemala). In the *Nottebohm* case the Court explained that "a State cannot claim that the rules it has laid down are entitled to recognition by another State unless it has acted in conformity with this general aim of making the legal bond of nationality accord with the individual's genuine connection with the State which assumes the defense of its citizens by means of protection as against other States."[4]

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[1] [illegible]

[2] "Citizens of Georgia residents of South Ossetia have received Russian citizenship [illegible]

[3] Declaration on the State of minorities as adopted by the Council of the European Union [illegible] Press Release 3900, PRES/08/68, 27 June 2008, para. 2".

[4] [illegible]

In the current situation under international law, a state is bound to recognize Russia's link with the population in Abkhazia and the Russian Federation has no standing to exercise any protection of its citizens in Abkhazia due to the lack of presence this required by international law. Moreover, the existence of the right to use force for the protection of nationals abroad is not universally supported in international law in particular. It is unprecedented for a neighbouring state who claims to be an intermediary in the conflict and is a peacekeeper to pursue a military as well as changing the ethnic composition of the disputed territories and then use force under the pretence of the "protection of its nationals". Any tolerance of such a policy and practice would be contrary to the spirit of the UN Charter and principles of sovereignty and friendly relations between states.

Since Russia is an occupying power, any action aimed at an artificial change of the composition of the local population or the settling of its own population as well as any kind of forcible transfers or deportations is a violation of International Humanitarian Law and the IV Geneva Convention in particular.

Question #3 .Please give accounts on implementation of Sochi Agreement of 1992 related to Tskhinvali region/South Ossetia as well as Moscow Agreement on a ceasefire and separation of forces of 1994 related to Abkhazia and relevant protocols to those agreements and their implementation in reality by the parties. How do these relate to the movement of Russian troops immediately before August 7, 2008.

Russian peacekeeping forces have been deployed on the territories of Georgia (Abkhazia and the Tskhinvali Region/South Ossetia) based on the Moscow Agreement on the Cessation of Fire and Separation of Forces of May 1994 signed by the Georgian and Abkhaz sides, the CIS Decision of August 20, 1993 and the Sochi agreement of June 24, 1992 signed by the heads of states of Georgia and the Russian Federation.

To stop the bloodshed and advancement of Russian forces Georgia and the others had to agree to Russia's proposed terms. Therefore, agreements were made in the specific environment, where Georgia had to agree to Russia's military presence under the veil of peacekeepers. This set the undemocratic baseline outcomes created from peace processes and initiatives, in and up to the date when Russia's military presence in the region was used solely by Russian Federation to enhance control and sustain the proxy regimes. Georgia throughout years strived to all available formats and international platforms, including U.N., OSCE, GUAM to establish result oriented international security arrangements, never denying Russia's participation. Georgia has been concerned about violations of mandate by Russian peacekeepers, but the only cause of the concern has always been that peacekeepers represented a tool for the control and manipulation by Russian federation. After the massive distribution of Russian passports ("protection of Russian citizens" in Georgian earlier reports), even from neutral peacekeeping became official policy of the Russian Federation. As to the role of Russian military units and those under its control during the Russian invasion in August wars, please, see answers to Military Question #8 "What were the roles and activities of the Peacekeeping Forces in Abkhazia, Georgia and Tskhinvali region/South Ossetia as well as Military Question 1 "Chronology".

1. *Peacekeeping in Abkhazia*

At the time of the signature of the Moscow Agreement, Russian troops were already deployed on the Inguri River between Abkhazia and the Samegrelo region of Georgia. The Moscow Agreement "legalized" their presence on the territory of Georgia. Later on August 22, 1994 the Council of the Heads of States of the CIS granted the Russian peacekeeping forces with the mandate of the CIS. However, the deployed troops and the commander have always been exclusively Russian.

The Moscow Agreement formalized the commitment of both sides on the non-resumption of the hostilities and determined

a) the establishment of a security zone and restricted-weapons zone, the former banning the presence of any armed forces and/or heavy military equipment while the latter restricted the entrance of any heavy military equipment[1];
b) The deployment of the Peace-Keeping forces of the Commonwealth of Independent States and military observers in the security zone[2];
c) The demarcation of a definite map and a plan for the separation of the forces (a detailed plans of deployment of the Peace-Keeping forces to be prepared and presented by the Command of the Peace-Keeping Forces[3].

In this regard,

- Notably, the Command of the Peacekeeping Forces had to provide demarcation of a detailed map and a plan for the separation of the forces. This requirement has never been fulfilled as the Georgian Government has not received a detailed map or a plan of demarcation from the Command of the Collective Peacekeeping Forces but merely was been guided by the general schemes as to where the UN Peacekeeping troops had to be restricted in case of deployment in accordance with the Cease-Fire Agreement of 1994;
- The Moscow Agreement listed deployment of *military observers* along with the CIS Peacekeeping Forces, while the Protocol placed the aforementioned forces under the operation of the *Interim United* Command of U.N. Neither the group of military observers nor the U.N. had been established. The Command and Control of the existing Peacekeeping Forces had been wholly directed and guided by the Russian military authorities relying by the joint C.I.S. of Commonwealth of Independent States.

In relation the Protocol of the Moscow Agreement concerning the Peacekeeping forces further prescribed:

a) The provision of the safe return of refugees and IDPs;
b) Compliance by the forces with local law and ordinances;
c) The uninterrupted functioning of the local civil administration operation of the Peacekeeping Forces under the Joint United Command and the Commander of the Peacekeeping Forces;

- *Safe and Dignified Return of IDPs and Refugees*

The Cease Fire Agreement explicitly stated that the Peacekeeping Forces were tasked with a mandate to promote the safe return of IDPs and refugees to Abkhazia, Georgia. Consequently, the Collective Peacekeeping Forces in Georgia's commitment to act in comply with the requirements of the Cease-fire Agreement as well as with UN Decision of 1994 had this duty incumbent upon them. In addition, the relevant U.N. Decision of 28 March 1994 on Development of the Peacekeeping Operation entrusted the Peacekeeping Forces with the task within one month to enlarge the borders of the security zone on the Abkhazian side for promoting the safe return

[1] Article 2 (a) of the Moscow Agreement.
[2] Article 2(b) of the Moscow Agreement.
[3] Article 3 of the Moscow Agreement.

process of IDPs to their region of origin, particularly for the organized return process of IDPs to the Gali Region. These requirements have not been met and no such steps have been taken.

Despite the presence of Russian peacekeeping forces under the CIS mandate, massacres and mass killing of ethnic Georgians was carried out between 1993-1998 which resulted in 1500 deaths and thousands of IDPs fleeing eastwards.[1] Peacekeeping forces or its members have been implicated in these repressive activities carried out against the local population of the Gali region by the armed proxy forces of the proxy regime in Abkhazia, Georgia.[2] It is noteworthy to mention the events of May 1998.[3] The Moscow Agreement (so called Ceasefire Agreement) provided for a number of provisions related to the return process of IDPs, however its implementation remains problematic to date due to increased resistance of the proxy Abkhaz side.[4] The Georgian population who returned spontaneously to Gali found themselves in difficult and pressure conditions which erupted into open hostilities in May 1998.[5] At that time, Abkhaz militias, with Gali Georgians as part of destruction, systematically torching and looting villages, displacing some of the local people.[6] In particular, eye witness accounts of Gali events of 1998 recall facts when the representatives of the Russian Peace Keeping Forces were directly involved in the attacks carried out against Georgians and allowed the Abkhaz militias as the Chechen and Kabardian militias carry out attacks in their presence in the villages Saberio, Dikhazurga, Zemo Dapshveli, Pirveli Otobaia, Gogoli, Orsabandi (Gali), Sida, Ganmukhuri etc.[7]

Russian peacekeepers have participated in the harassment of the Georgian population in the Gali District, with or without Abkhaz militia and armed groups. The exact characteristics of the human rights violations committed by or otherwise attributable to the Russian peacekeepers is not available to any Georgian side due to objective reasons. However, cases of beating, shootings, other resulting in casualties among ethnic Georgians by Peacekeepers, mainly in drunk conditions as well as cases of looting are recorded.

These forces harassed and intimidated the local population. Sometimes, Russian peacekeepers themselves operated with the Abkhazian militia. For instance, on April 29-30, 2006, Russian peacekeepers patrolled Georgian villages in Gali District, to verify whether the ethnic Georgians had obtained so-called Form 9 – a document required by the proxy regime to allow this population to cross within Abkhazia as well as to cross the Inguri ridge back to return to Gali from Zugdidi, where these people have to travel to get the means of survival.

- ***Russian peacekeepers participated in arms delivery to the Abkhaz proxy militia and smuggling***

The Georgian side does not have an exhaustive list of all violations committed by the Russian peacekeepers due to the lack of access to the territory; however, among others following cases have been recorded:

- In December 2007 Russian peacekeepers delivered armored vehicles and ammunitions to the Abkhaz armed forces. These arms and ammunitions were allocated to the mountain fighter brigade in Gudauta.
- On March 20, 2006, Russian peacekeepers pretended that they have lost arms and ammunitions kept in Gudauta base. It is a separate illegal action committed by the Russian peacekeepers to use Gudauta base located in the territory of Abkhazia, for their military purposes. Later it was revealed that the arms and ammunition was given to the Abkhazian militia and armed groups (*Answer to Legal Question 1 for additional information*).

As a general rule, Russian peacekeepers had a blind eye on violations by Abkhaz proxy authorities and even participated in such violations. On 8 March, 2006, Abkhaz side of border guard units started construction of new headquarters in a violation of the Moscow Agreement near the Russian peacekeeping checkpoint #203. Instead of taking measures to stop the construction process, Russian peacekeepers themselves participated in the process. Furthermore, Russian Peacekeepers planned and participated in undertaking of much more serious events by its nature and impact. For the above case, On 20 September 2007, a Special Task Unit of the Police Ministry of Internal Affairs of Georgia neutralized a subversive group of 10 people in Kodori Gorge in the process of undertaking a planned attack on the newly created connecting Upper Abkhazia with the rest of Georgia. The commander of the group and his deputy were killed in the exchange of fire. They were identified as **Igor Muzavatkin** (Vice Colonel of Russian armed forces, a former member of the UPKB, who served on the combat posts in the border two peacekeeping of the Abkhazian proxy security service) and Artur Zorin (Major of Russian armed forces, also a former member of the UPKB). Seven members of the subversive group, who identified themselves as members of the border peacekeeping division of the Abkhazian proxy security service, were arrested and then, as a gesture of good will handed over to the Abkhazian proxy authorities.

Yet another example of Peacekeepers direct role in Proxy regime arrangements is appointment of Alexandr Pavlovskiy-Head of the Staff of the Russian Peacekeepers, **Aleksandr Pavlovskiy**[15] **moved to take a position of Abkhazian de-facto Deputy Minister of Defense in April 30, 2008.** From his peacekeeping ex-servicemen he was fully informed about all locations of Georgian police in Kodori Upper Abkhazia. Later in August 2008, he was made responsible for planning and conducting operations for occupation of Kodori Upper Abkhazia.

- ***Russia used peacekeepers as a tool to manipulate the processes and maintain control over the situation in the region.***

Over time it is clear that Russian peacekeeping forces, deployed under the CIS mandate were not performing their function and in the contrary, were supervising the proxy regimes, inter-

[15] See Annex 13

participation into the violent activities. This worrisome trend made it clear that without a change of the peacekeeping format, a peaceful solution of the conflict appeared unlikely. Therefore, Georgia has raised the issue of format change many times at different levels.[1] However the Russian Federation remained consistently opposed to any changes, claiming that the Abkhaz side objected. Clearly, Abkhaz proxies applied and their Russian supporters played the same game.

The use of a peacekeeping mandate for political and military purposes became more apparent in 2008, when Russian authorities launched an openly aggressive policy against the Georgian state.

On April 20, 2008 the Russian Ministry of Defense informed the Ministry of Defense of Georgia about the unilateral increase of CIS Peacekeepers deployed in Abkhazia. Russia stated that one of the main aims of the troop increase was to "protect its railroad" working in Abkhazia, Georgia. In fact, under the cover of the peacekeepers, Russia deployed heavy military equipment, including engineers of the Russian Airborne Battalion and heavy artillery that is not allowed under the Moscow Agreement on CIS Peace Keeping Division of 1992. Neither the Government of Georgia nor UNOMIG were informed about the exact deployment of these troops in the Georgian territory of Abkhazia.[2]

The unilateral increase of the Russian military presence in Abkhazia, Georgia violated the existing legal framework rules of the CIS/Russian peacekeepers in Abkhazia, Georgia as well as the fundamental principles of international law and constituted an infringement upon the sovereignty, political independence and territorial integrity of Georgia. Georgia has never been consulted either about the increase in numbers of the CIS forces or the deployment of the Russian airborne troops that do not belong to contingents of the Peacekeeping Forces. More specifically, a low-key build-up has been recorded in spring 2008 after April 16, when Russian President Vladimir Putin issued a decree instructing the Russian government to establish direct relations with the proxy authorities of Abkhazia and South Ossetia:[3]

- On April 17, several Ural type trucks carrying 300 Russian construction soldiers entered the military base in Gudauta for support.
- On April 20, at 20:00 a Russian fighter plane, attacked and shot down a Georgian Unmanned Aerial Vehicle ("Hermes-450" aircraft) in Georgian Gali district. This fact was confirmed by the UN special investigation.
- On April 20, the Russians started to increase their peacekeeping contingent deployed in the Georgian-Abkhazian conflict zone, as stated by the Russian Ministry of Defense and the Russian Ministry of Foreign Affairs.
- On April 20, a echelon of 30 train cars crossed the Georgian-Russian border near the river Psou by train carrying 26 units of armored combat vehicles among them BMDs, D-30 type howitzers, etc. The echelon had 4 additional passenger cars carrying soldiers from the Novorossiysk military base. The cargo was unloaded in Sochi railway station and from there the vehicles and armament were distributed to Muzaka military base in Sokhumi, to

[1] Conclusions of the Legal Questions Working Group of the Geneva Discussions of 17 July 2008.
[2] UN Secretary-General Report on the Situation in Abkhazia, Georgia, dated 29 July 2008, S/2008/488.
[3] Russia's Policy in the South Caucasus and the Crisis in Georgia, Report of Russian Aggression against Georgia in 2008, Ministry of Foreign Affairs of Georgia, Tbilisi, 2009, p. 8.

Tskhinvali military site (in the direction of Kodori Gorge), to Ochamchire seaport as well as to Gudauta and Gali districts.

- On May 1 additional checkpoints were spotted on almost every strategically important road in Ochamchire and Tkvarcheli districts, coming from the Gagra Nakerzhali, Akhalsikhe and Akhalgori in Akhalgori, Georgia.
- On May 3, 5 units of 120mm artillery systems and several anti-aircraft defense systems BUK-M1 were located at the military base in Ochamchire seaport.
- On May 6, the Russian deployment of additional airborne battalion of at least 600 soldiers of the Novorossiysk and Pskov Airborne Divisions in the Abkhazia that had started on April 29 was completed. This fact was further confirmed by numerous media reports, including the Russian Defense Ministry's official newspaper "Krasnaya Zvezda".
- On May 31, the Russian Ministry of Defense dropped 400 soldiers of Volgograd's 76th Unit of Railway Forces in Abkhazia. These forces began reconstruction of the railway from Sokhumi to Ochamchire, as well as reinforcing platforms, thus preparing to allow for the transportation and unloading of the heavy military equipment and armoured vehicles [Interfax].
- On April-June, Russia reinforced the military bases in Sokhumi (Military Prosecutor's Office and Garrison) with:
  - S-300 air defense systems;
  - 20 T-90 type tank-trucks;
  - 10 9K51-21 "Grad" systems;
  - 20 Shilka ZSU-23-4, ZU-23-2 AA guns;
  - 100 anti-tank missiles;
  - 3 Mi-24 helicopters;
  - 50 artillery specialists;
  - 30 military experts;
  - 150 communication and intelligence defense experts.
- On June 6, several SU-25 and SU-27 type fighter planes in armed conflict were relocated at the Sokhumi military base in Dranda (Georgia) [Interfax-Zapad, 10 CMON].

- ***Response to allegations concerning Georgia's compliance with the Moscow Agreement due to its operation in Kodori Gorge in 2006:***

Since the end of July 2006 through early August 2008 the Ministry of Internal Affairs of Georgia maintained from 380 to 580 police officers in Upper Abkhazia (the number varied at times according to security needs). A large part of these police officers, those from the Criminal Police Department and the Special Task Main Division of the MIA, were rotated on a monthly basis and a small unit of them (up to 100) were recruited locally by the Border Police Department of the MIA to guard the Upper Abkhazia section of the Georgian-Russian border. At the time such a large number of police officers for a relatively small area was due to the fact, that Abkhaz proxy authorities continuously threatened to attack the Gorge (including in public statements). Even if a minor scale subversive operation was launched by the Abkhaz regime, Georgian Government would not have been able to strengthen law enforcers in needed time, considering the lack of access to the Gorge 7-8 months out of the year. Gorge was inaccessible via land route till the Government undertook the rehabilitation of the road.

See the details in our report to OSCE by October 2008.

Georgian police units (in average groups of 30-40 policemen) were permanently present in the villages of Kvabchara, Mramba, Pirsh, Chkhalta, Ajara, Left Gentsvishi, Right Gentsvishi, Orsantsha and Nasaki, and were armed only with light weapons. The police officers conducted routine patrols in these and other villages of the Gorge (22 villages in total).

On 12 October 2006, UNOMIG and the OSCE CPRF resumed regular joint patrolling of Upper Abkhazia. During the next four patrolling, on 14-16 December 2006, UNOMIG and CPRF witnessed the destruction of a large stock of ammunition that had been seized by the MIA in July 2006. According to the local Secretariat, former Kodori's illegal armed formation. The next UNOMIG/CPRF patrols were on 5-7 March 2007, 14-15 May 2007 and 5-6 June 2007.

In July 2007, UNOMIG re-established its team presence in village Ajara and since that point was able to monitor the whole Gorge on a daily basis until 9 August 2008. During this time, UNOMIG observers did not witness any violations of the 1994 Moscow Agreement by the Georgian side in Upper Abkhazia, while Abkhazian proxys, aided by the Russians, staged several provocations (see annex I for UN reports on Kodori Gorge).

- *Russian Peacekeepers allowed attacks on Kodori*

On 11 March 2007, from 22.10 till 24.00 the Kodori Gorge suffered from simultaneous artillery and air strikes. At least 17 "Grad" type missiles were fired at the ground, and at least one "Kub" type ground missile from the air. The investigation revealed that the attack was carried out by BM-21 type artillery system and two Mi-24 type helicopters. The target of the air attack was the Administration building in the village of Chkhalta. The targets of the artillery attack were the Administration building in the village of Chkhalta, the storehouse of oil and fuel materials and the Police station in the village of Ajara. The conducted use of aviation and artillery, the night flight of helicopters in the mountainous area, highly precise air attack by modern missiles and massive artillery bombing indicate that this was a well-organized and planned military operation which could only have been conducted in this region by the Russian side.

- *Russian Peacekeepers Directly Participated in Attacks of Kodori*

On 20 September 2007, a special task unit of the MIA of Georgia neutralized an armed group of 10 people in Kodori Gorge, which had planned an attack on the new road connecting Upper Abkhazia with the rest of Georgia. The commander of the group and his deputy were killed in the exchange of fire. They were identified as Igor Mzavanadze (Vice-Colonel of Russian armed forces, a former member of the CPRF), who served on the command posts in the border troops division of the Abkhaz ex-separatist security service and Amar Zukiri (Major of Russian armed forces, also a former member of the CPRF). Seven members of the subversive group that identified themselves as members of the border troops division of the Abkhazian separatist security service, were arrested and later, as a gesture of good will, released and handed over to the Abkhazian separatist government.

2. *Peacekeeping in Tskhinvali region/South Ossetia*

Joint Peacekeeping Forces (JPKF) were established under the Sochi Agreement of 24 June 1992 for the purpose of accomplishing the objectives of the Joint Control Commission (Article 3, paragraph 3). Thus the JPKF serves as a mechanism for achieving the tasks and objectives defined in the Sochi Agreement that first and foremost mean the resolution of the conflict by peaceful means. Hence the force was set up based on the Sochi Agreement and the latter represents the only legal source of its powers and mandate.

By virtue of the Vladikavkaz Protocol of 4 July 1992 – namely Article 4 the JPKF is directly subordinated to the Joint Control Commission. In accordance with the Protocol of dated 6 July 1992 (point 4d), "a State that has allocated its military contingent to serve in the joint peacekeeping forces assumes the responsibility for violation of the Sochi Agreement". Thus, in case of the violation of the Sochi Agreement by the JPKF, the corresponding state bears primary responsibility for such breaches.

In this connection, the current structure of the JPKF and decision-making process is of particular relevance. Protocol #13 of 21 April 2002 approved the original approved and command structure of the JPKF. There are called volume Number 3 establishes a unilateral command structure instead of a collegial model that was envisaged by Article 3 of the 6 December 1992 Regulations. The aforementioned provision reads as follows: the military contingents and military observers are subordinated to a *unified command* composed of the Russian, Georgian and North Ossetian parties. The Georgian, Russian and North Ossetian battalions of the JPKF would under a joint command, coordinated by the JPKF commander.[1] The latter is nominated by the Russian Defense Ministry and approved by the JCC. Rotating commanders (the senior military representatives) are appointed directly by the sides.[2]

The Ossetian Battalion within the peacekeeping forces originated as the continuation of units from North Ossetia-Russia. However, over time, it de facto became a South Ossetian battalion (back with recruits from the ex-residents – international observers confirm the Ossetian battalion was, except for a few officers, manned by South Ossetians and was the biggest contingent in South Ossetia).[3] It was an opportunity for Russian to maintain easily the South Ossetian militia and ensure their operative coordination with Russian troops deployed in the JPKF invalid region. This proved a valuable asset during the war of August.[4]
Russian peacekeeping forces have failed to perform their mandate. The failure is particularly clear in the field of disarmament. Peacekeepers grossly failed to accomplish their mandate, especially as it relates to disarming illegal armed formations, liquidating fortifications and

[1] The June 1992 Sochi agreement established the JPKF consisting of battalions from Russia, Georgia and North Ossetia. According to the Sochi agreement, the JPKF was to be under the command of a Russian officer, with deputies from Georgia and North Ossetia. Each battalion was to consist of 500 troops, with a total force of 3,000 troops, plus observers and police. The battalions were deployed in the Zone of Conflict, the Kodori Gorge (JPKF commander Major-General Kulakhmetov was in charge of the JPKF), and in the Gali region. The mandate of the peacekeeping forces was to supervise the ceasefire, to separate the conflicting parties, and to control the withdrawal of heavy weapons and armed formations from the Zone of Conflict.
[2] Ibid, p. 41
[3] Interview with Georgian Official, Tbilisi, 2 November 2006
[4] Interview with Military Observer, Tbilisi, 2 November 2006

withdrawing heavy military equipment instead, with the connivance of the Russian peacekeeping forces, the number of armaments in the conflict zone increased significantly.

- **Failure of disarmament/disbandment of the existing in the region illegal armed units and their withdrawal from the conflict zone.**

The major points of reference here are Protocol #5 of 12.07.1992, appendix #1, article 5, Decision of JCC of 3.10.1992, clause 2(g), Decision of JCC of 6.12.2006, appendix #1, article 3, Moscow memorandum of 16.05.1996, article 6, Protocol #7 of 13.07.2007, as well as UN resolutions 933, 1036, 1096, 1150 and the meeting between Georgian Prime Minister Zurab Zhvania and proxy authority leader Eduard Kokoity on 5.11.2004.

In the security zone controlled by Russian peacekeeping forces the "Peacekeepers" regime entitled to deploy its troops legally and to manufacture and sell weapons in breach of the agreement of 21 July 1992.[1]

The most elegant example of the inability of the peacekeepers to carry out their mandate was a military parade in Tskhinvali that took place on 20 September 2002, which demonstrated that the SAOP leadership was unwilling to act in accordance with the mandate, that is, not to allow a concentration of weaponry in the conflict zone, which is its direct obligation. At the military parade, along with the military and heavy artillery was displayed. This provocative display of illegal heavy weapons by the Ossetian *de facto* government was flatly neglected by the Russian peacekeeping forces.[2]

Furthermore, due to the complete impunity of Russian peacekeepers, the formation of new military units, including a "border guards" took place in the conflict zone. Hundreds of Russian mercenaries, so-called "Cossacks" crossed the Georgian border through the Roki Tunnel. They entered Georgian territory via the Russian-Georgian checkpoint without any resistance on the part of Russian customs officers nor border guards. Furthermore, in this presented military equipment of the mercenaries were also heavy, light and heavy weaponry. In 2006, eighteen ILSI illegal military trainings were conducted with prohibited equipment in the territory of South Ossetia, jointly with the direct participation of Russian "peacekeepers".

- **Non-liquidation of fortifications**

The reference point here derives from the words of the meeting between Georgian Prime Minister Zurab Zhvania and proxy leader Eduard Kokoity on 5.11.2004, Protocol #1 of 29-30 November 2004, clauses 1 and 2, Protocol #19 of 16-17 March 2005, article 2, and Protocol #48 of 22-23 June 2006, clause 3.3.1.

In spite of the agreements on the withdrawal of illegal military units from the conflict zone and liquidation of fortifications, the reverse process unfolded. The number of fortifications increased substantially and the process of regular consolidation of these fortifications. The unified

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[1] Agreement on Principles of Settlement of the Georgian-Ossetian Conflict, 24 June 1992, Sochi, Russia.

[2] Ossetian Forces Parade Heavy Weapons in Tskhinvali, Civil Georgia, 20 September 2002.

secretariat of the JPKF was approached on numerous occasions by the Georgian side (JPKF Protocol #48, 27-29 March 2006, Vladikavkaz; Correspondences: letter # 49-286 dated 5 April 2006; letter # 49-479 dated 3 June 2006; and letter #4-9-949, dated 4 July 2006) with the request to present a list of fortifications existing in the conflict zone with a view to elaborating the schedule of their liquidation.

The request was reiterated in a respective letter #88 dated 11 May 2006, Geneva. Ambassador Lortkipanidze in the following quotation "[t]o date [Georgia] has not received *any reply to the above-mentioned letter*". Georgia thus attempts to escape from the obligations derived from the mandate.

- **Russian Military build up in and near South Ossetia**

- In 2002-2008, the Russian government built two military bases in South Ossetia – one in Dzartsemi, in the Java district and the other in the north-western part of the town of Tskhinvali[1] (here the relevant shall be pictures of these bases, as soon as they are available).

  1. The military base in the so-called Ram settlement in Tskhinvali was built in the shortest period. It started at the end of 2007 and the main construction works were finished before August 2008.

  2. The construction of a particular military base in the Java district began in 2006. Its intensive works started at the end of 2007. The base was established by July 2008. Russian troops which entered the territory on the morning of August 7, gathered at this base.

  3. The construction works of the Dzartsemi and Tskhinvali military bases were carried out by "Praktika LTD", a Russian construction company registered in the town of Essentuki Stavropol Krai, headed by Leonid Mikhailovich Vaganov, a former GRU officer.

  4. In addition to these two Russian military bases, the Russian government helped South Ossetian proxy authorities in building military infrastructure. Particularly the 4th battalion of the South Ossetian proxy Ministry of Defence, located in the village of Buzniti, has defence bases pictured, as well as new offices for the South Ossetian irregulars Ministry of Interior and State Security Committee (KGB) in Tskhinvali.

  5. During 2004-2008, the Russian government equipped South Ossetian paramilitary forces with tanks, armored vehicles, and rapid trucks, as well as different kinds of ammunition and munition. Russian military and police specialists helped to train and equip South Ossetian paramilitary forces.

- ***Russian Military Bases close to the Russian-Georgian border***

[1] Below are the pictures of these [illegible]

- In 2005-2006, the Russian government built a new military base in the Zaka valley, North Ossetia, just 7 kilometres from the northern entrance of the Roki tunnel. In August 2008, Russian troops used this base as a bridgehead for entering South Ossetia.

- By the end of 2007, the Russian government created special mountain brigades in the Northern Caucasus – the 33rd brigade in Buinaksk (for conducting operations against Georgia in South Ossetia) and 34th brigade in Zelenchuk, Karachai-Cherkessya (for conducting operations against Georgia in Abkhazia). During the August war, both units were deployed respectively in South Ossetia and Abkhazia.[25]

  - Non admission of penetration of heavy weaponry into the conflict zone and control over withdrawal of heavy weaponry.

Reference points are Protocol (S/ of 12.07.1992 (appendix 1, article 3) Decision of JCC of 6.12.2006, appendix 1, article 3.1

On 20 July 2004, several unmarked vehicles entered the Tskhinvali Region/South Ossetia and active movement of columns was noted in the territory adjacent to the Roki tunnel. 17 tanks and 2 armoured vehicles were stationed, ready to be moved to Georgia, while five air force and armoured vehicles were being mobilized in one of the stations of Vladikavkaz. All these reports were followed by memorandum of protest of the Georgian Ministry of Foreign Affairs.

On 7 July 2004, the officers of Georgian Ministry of Interior at Keshevi Village seized a column of vehicles owned by Russian peacekeepers (out of which were loaded with up to 300 NURS - type uncontrolled reactive grenades. During the monitoring the UNOT observers found the traces of UNII-type armoured vehicles, which can only be possessed by the JPKF.[26]

The so called North Ossetian peacekeeping battalion played a role of intermediaries between the Russian peacekeepers and the South Ossetian armed groups to deliver arms and ammunitions to the latter. Colonel Nikolai Sirotin and Philip Kitsmanov were in charge of this "organization".[27]

Moreover, Russian military contractors in charge with the security of South Ossetian armed groups were often found to be engaged in the Russian peacekeeping battalion.

- Russian peacekeepers involved in smuggling:

It is noteworthy that Russian Peacekeepers were actively involved the smuggled goods entered into the Tskhinvali region/South Ossetia through the Roki tunnel.

The peacekeepers also have been caught for abducting ethnic Georgians. For instance, on August 29, 2007, members of North Ossetian battalion abducted journalists Alan Tsagolov and Nika Gvaramia, correspondents Rustavi-2 and Maxi. After the negotiations and interventions by the Georgian authorities and the UNOMIG they were released.

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[25] Arbolishvili, Tsitsino, Russian Military Bases in Georgia: Problems and Solutions, Georgian Foundation for Strategic and International Studies, 2009, p. 8.

[26] UNOMIG Spot Report of 8 July 2004.

- **Russian peacekeepers not neutral forces but a means for the exercise of Russian policy in the region:**

Under the cover of the peacekeepers, Russian authorities penetrated intelligence officers in the Tskhinvali region/South Ossetia. These people were responsible for carrying out intelligence operations and even planning and carrying out terrorist acts and other sabotage [sic] measures:

- One of the organizers and masterminds of the Gori terrorist act of February 1, 2005 was a Russian intelligence officer deployed to Georgia under the cover of peacekeeping. Moreover, a Vice-Colonel of the Russian peacekeeping forces Roman Bolko was personally involved in the preparation of the terrorist act. He was charged by the Georgian law enforcement and is wanted via Interpol channels.
- A lieutenant of the Russian intelligence service (GRU) Anatoly Sisoev, who at the same time was a military advisor to Eduard Kokoity, created an armed group that committed a number of violent acts: a) the explosion of high-voltage power transmission towers "Kartli-1" and "Kakheti" located near the village of Nasaraleki (Gori District on October 9, 2005); b) the explosion of the Avlaleli-Mereleti railway tunnel in the Kaspi District on December 9, 2005; c) the explosion of the radio transmission system of the oil pipeline near Chardakhi, Kaspi District on November 17, 2006. It is worth of noting that this is the same Sisoev that was arrested and served sentence in Azerbaijan from 1998-2001 for attempt of coup d'état and attack on Azerbaijan President Aliev.

Authority of the JPKF was divided between the commander of the peacekeeping forces, General Marat Kulakhmetov and his deputy [just to show between January 2006-January 2007, Alexandre Klimenko between January 2007-January 2008 and General Viktor Knizov since January 2008. This is because the Russian under this arrangement, the commander was personally in charge of the coordination of assistance to the Ossetian regime in the field for intelligence and military intelligence operations, while the deputies were responsible for the law-enforcement field not in general, but rather in quite literary terms; General Knizov was an advisor to Mr Kokoity in law-enforcement affairs and he supervised law-enforcement activities in the Tskhinvali region/South Ossetia.

- **Russia preventing peacekeeping mandate or international control is exercised over Roki Tunnel, Dzara Road and Gupta Bridge**

The composition of the Joint Control Commission established under the Agreement on Principles of Settlement in the Georgian - Ossetian Conflict (Sochi Agreement) of June 24, 1992 also did not allow for effective control and implementation of realistic and constructive decisions since the Commission's decision making power was based on the principle of consensus. Attempts to define the operational area for JPKF would serve as good illustration of the difficulties encountered by the JCC. In 1992, under Protocol #3 of July 22, and its Annex #1, the JCC defined "conflict zone" – 15 kilometers around the center of Tskhinvali City and the "Safety Corridor" – 7 kilometers on each side of the so-called "administrative border". Although

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Protocol #3 "On Activity of Joint Control Commission" to the Georgian-Ossetian Peace Settlement of 24 June 1992 Agreement

according to its above destinations. Dzara Road and Gupta falls within the ambit of the Safety Corridor, the JPKF under the Russian command avoided to comply with its direct responsibility referring to another decision of the JCC which defined the zone of responsibility of the JPKF excluding strategic communications westward of Roki Tunnel – Gupta Bridge and Dzara Road, which contradicted the Sochi Agreement as well as other decisions of the JCC. Dzara Road has vital strategic importance, paving the road in operation is to enable the Tskhinvali proxy regime to intensify the process of political, economic and ideological with Russia. Since the road is a roundabout route, it provided an easy and fast way to bring weaponry, ammunition and armoured vehicles from Russia through the routes beyond the control of the peacekeepers [see the conflict zone as it was then, even the case].

All the attempts to ensure the control of these strategic objects from the JPKF have failed. So have the efforts before the OSCE. Russian Federation has never blocking any steps within the OSCE aimed at establishing international control over the Roki Tunnel and the Dzhi Gupta Bridge.

Such resistance from Russian side for even minimal transparent control of Roki Tunnel, Zara Road and Gupta bridge is justified by clear intention to continue unimpeded and uncontrolled movement of militaries and equipment.

Ultimately, Russia indeed effectively used its control over the Roki Tunnel and Dzara Road for covering up intrusion into Georgia. Similarly, an Abkhazian rehabilitated railway was used for intrusion from the west.

Russian Federation's abuse of both peacekeeping formats, and using of peacekeepers as an tool to implement its aggressive policy and intervention to Georgia is evidenced in Answer to Military Question 3 and also in Military Question 1 (Chronology of the Russian Aggression)

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[1] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[2] See supra note 1.

[3] On 21 July 2004, a convoy of armoured vehicles escorted by Russian peacekeepers moved from the territory of Russia to the territory of South Ossetia through the Roki Tunnel. The convoy consisted of 150 armoured vehicles, including tanks, infantry combat vehicles and armoured personnel carriers. The convoy was escorted by Russian peacekeepers. The convoy was stopped by Georgian police at the Georgian-Russian border. The convoy was then allowed to proceed after the Georgian police received assurances from the Russian peacekeepers that the convoy was not carrying any weapons or ammunition. See, for example, Human Rights Watch, "Georgia: Russian Tanks Violate Agreement", 22 July 2004, available at: https://www.hrw.org/news/2004/07/22/georgia-russian-tanks-violate-agreement. See also, Report of the Secretary-General on the Implementation of Security Council Resolution 1582 (2005), S/2005/281, 29 April 2005, paragraph 10, stating that the convoy was escorted by the Joint Peacekeeping Forces. See also, Report of the Secretary-General on the Implementation of Security Council Resolution 1582 (2005), S/2005/281, 29 April 2005, paragraph 10, stating that the convoy was escorted by the Joint Peacekeeping Forces.

[4] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

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[120] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[121] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[122] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[123] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[124] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[125] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[126] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

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[129] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[130] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[131] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[132] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[133] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[134] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[135] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

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[138] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[139] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

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[143] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

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[147] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[148] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[149] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[150] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[151] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[152] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[153] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[154] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

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[156] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[157] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[158] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Zone in South Ossetia and Agreement on Principles for Settlement of the Conflict in South Ossetia, 14 May 1994, Article 4.

[159] See, for example, Joint Control Commission (JCC) Protocol on Establishment of Safety Zones in the Conflict Z

Question #4: Please explain Russian Troop movements before and during the conflict in August 2008. How does it relate to the amended Treaty on Conventional Forces in Europe and the Russian practice during most of the time preceding the conflict? Please explain Georgian military posture and the troop movement before and during the conflict.

The Adapted Treaty on Conventional Forces in Europe (CFE), signed on November 19, 1999 has been ratified only by four countries, including Russia. The Adapted Treaty will enter into force when all 30 states parties have ratified the agreement. At the time the Adapted Treaty was signed at the 1999 OSCE Summit in Istanbul, Russia agreed on a number of commitments related to the withdrawal of forces and facilities in Georgia in accordance with the host country principle of host countries consent regarding the stationing of foreign forces, also enshrined in the 1990 CFE Treaty. These Istanbul Commitments form an integral part of the Final Act and the latter forms an integral part of the Adapted Treaty.

The 1990 CFE Treaty allows for the stationing of conventional ground and air forces on the territory of another state with the condition that the State Party stations conventional armed forces on the territory of another State Party "with the agreement of that State Party" (Article IV, paragraph 5). By continuing to station troops on the territory of Georgia without Georgia's consent, Russia has been in gross violation of one of the most salient consent principles in international treaty law of the CFE Treaty.

Delays in ratification of the Adapted Treaty were triggered by the continuous violations by Russia of the 1999 CFE undertakings, as well as stalled commitments in general, including the particular part of commitments on Georgia. Section II of the Istanbul Commitments of the 1999 OSCE Istanbul Summit was yet another reconfirmation that Russia, for years before 2008, has been in continuous violation of the provisions of the CFE agreement, often referred to as the "cornerstone of European security".

The importance of the Article IV, paragraph 5, violated by Russia, was once again underlined by the final decision of the first conference to review the operation of the Treaty on Conventional Armed Forces in Europe and the corresponding act of the negotiation of personnel strength (Vienna, 15-31 May 1996, Article II, paragraph 13, which stressed "the importance of full and continuous respect for the provisions of Article IV, paragraph 5, in the context of maintaining the viability of the Treaty as well as for the sovereignty of the States Parties involved."

On July 31, 2007, the President of Russia issued a decree intended to suspend the observance of treaty obligations, effective 150 days later, stating that it was the result of "extraordinary circumstances that affect the security of the Russian Federation and require immediate measures". Notifications to that effect have been issued to all the States Parties to the CFE agreement. It must be mentioned that there is no provision in the Treaty that would allow for a unilateral withdrawal or implementation of the Treaty. The decree issued by the President of Russia intended to impose a moratorium on the application of the treaty was done in violation of international law as Article XX of the Treaty in particular, which does not envisage the notion of "suspension" or the possibility of imposing a "unilateral moratorium" on the implementation

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See Reflections on the Answers to Question #4 on the Russian-Georgian Conflict

of the obligations under CFE Treaty. Furthermore, "suspension" or any other act having effect similar to suspension goes against the object and purpose of the Treaty itself [2]. Accordingly, suspension of the implementation of Treaty obligations constitutes a direct and gross violation of the Treaty and international law.

One of the guiding principles of the Treaty on Conventional Armed Forces written in the preamble clearly states that the States Parties recall "their obligation to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes and principles of the Charter of the United Nations" (Treaty Preamble, paragraph 8). It is also stressed in the preamble that the States Parties are "conscious of the need to prevent any military conflict in Europe" and are "striving to develop further and consolidate a new pattern of security relations among the States Parties based on cooperation and thereby to contribute to overall stability and common and indivisible security space in Europe". Russia's invasion of Georgia's sovereign territory in August 2008 is a clear violation of the above mentioned principles.

Similar wording is also found in the Adapted CFE Treaty: paragraph 3 of the Article V which states that "Conventional armaments and equipment of a State Party in the area specified by the Treaty shall only be present in the territory of another State Party in conformity with international law, the explicit consent of the host State Party or a relevant resolution of the United Nations Security Council. Explicit consent must be provided in advance, and must continue to be in effect as provided for in Article XIII, paragraph 1(f)". Here one should underline that despite the fact that the Adapted CFE has not yet entered into force, State signatories are obliged to act in a manner consistent with the object and purpose of the Adapted Treaty once it enters into force.

By launching direct military aggression against Georgia in August 2008, Russia acted against the object and purpose of the CFE agreement and violated the Article III of the fundamental principle of host nation consent.

Article 11, paragraph 1 of Joint Statement of the Russian Federation and Georgia on the FINAL ACT OF 1999 CONFERENCE OF THE STATES PARTIES TO THE TREATY (Istanbul, November 1999) stresses that "the Russian military bases at Gudauta and Vaziani will be discontinued and withdrawn by July 2001." The Russian side never fulfilled its commitment regarding the withdrawal of the Gudauta military base and continues to violate this obligation. Moreover, since the August aggression it has started to reinforce old and to build new military bases in Abkhazia, Georgia and the Tskhinvali Region/South Ossetia region, and without host nation consent has deployed in the occupied territories a large number of additional treaty limited equipment.

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[1] "Nothing in this article will be construed to limit the right of sovereign States Parties freely to consent that any of the provisions of the Treaty relating to the numbers or categories of conventional armaments and equipment limited by the Treaty within their territory or in any other territory to which the Treaty applies, or relating to activities of their forces or those of other States Parties on such territory, shall not apply, or shall apply in a modified manner, during the period of time they specify. They will notify all other States Parties to the Treaty of any consent granted under this provision, before the entry into force of the Adapted Treaty in their regard."

the Russian refusal to accept international inspectors on its territory within the area of application of the Treaty is also a violation of Article IV, paragraph 7 of the Adapted CFE, according to which "for the purpose of ensuring verification of compliance with the provisions of this Treaty, each State Party shall have the right to conduct, and the obligation to accept within the area of application, inspections in accordance with the provisions of the Protocol on Inspection."

By ceasing the provisions of the information stipulated by the relevant provisions of the Treaty Russia also blatantly violates the "PROTOCOL ON NOTIFICATION AND EXCHANGE OF INFORMATION" by which the parties agreed on procedures and provisions regarding notification and exchange of information pursuant to Article XIII of the CFE Treaty according to the paragraph 1 of which "for the purpose of ensuring verification of compliance with the provisions of this Treaty, each State Party shall provide notifications and exchange information pertaining to its conventional armaments and equipment in accordance with the Protocol on Information Exchange."

Georgia was also certified to be in full compliance with all CFE Treaty requirements including the ceilings established for the relevant categories of the Treaty-Limited Equipment (TLE).

Before the Georgian Russian War the Georgian Armed Forces units were stationed in the places of their dislocation, were fulfilling its usual tasks and carrying out planned activities (please see attached the schedule of the exercises of the Georgian Armed Forces units from January 1st 2008 till August 7, 2008).

On August 8, 2008, the Georgian Armed Forces were mobilized (for information about the mobilization please find the answer on the second question of the "First set of questions to the Government of Georgia related to military issues") and the units started movement towards their individual places of dislocation.

The information about the movements of the Georgian Armed Forces units during the war is given in the answer on the second question of the "First set of questions to the Government of Georgia related to military issues."

Question #5: Please give legal and other reasons for the Russian recognition of the territories of Tskhinvali region/South Ossetia and Abkhazia, Georgia. Please qualify the legal status and the objectives of the friendship treaties concluded respectively between the Russian Federation and the Tskhinvali Region/South Ossetia and with Abkhazia respectively on September 17, 2008.

On August 26, 2008 the President of the Russian Federation signed Decrees No. 1260 and 1261 recognizing Abkhazia and South Ossetia as independent states. Both Decrees stressed the free will of the Abkhaz and South Ossetian people for recognition as sovereign and independent states. The Decree instructed the Ministry of Foreign Affairs of the Russian Federation to initiate diplomatic relations with the Abkhazian, South Ossetian sides and to prepare a short treaty on friendship, cooperation and mutual assistance. In addition, it determined the appeal of the Abkhazian, South Ossetian "Presidents" as legal grounds on which the presence of the Russian forces on the respective territories could be "justified" until signature of the aforementioned treaties".

The President of the Russian Federation based its decision on the results of the referendums conducted in the documents taken by the Parliaments of the two republics which operate in the Russian Federation and have been approved by the Federation Council and State Duma". It is noteworthy that the requests for recognition had been made several times before 2008. However, at that time the executive branch of the Russian government refrained from the approval of the request. Decision on legal and bilateral recognition of these regions by the Russian Federation has only been taken after the invasion and occupation of Georgian territories in August 2008.

The President of the Russian Federation has substantiated two major "justifications" for recognition of the will of the Abkhaz and Ossetian people as expressed in the referendums, by the violation of ceasefire agreements by Georgia and disruption of the peacemaking process and peace negotiations". A similar line of argumentation can be found in the Statement of the Ministry of Foreign Affairs which added a slight emphasis on the right to self-determination of Abkhazian and South Ossetian people".

The recognitions, followed by the conclusion of the treaties should be viewed as violation of the territorial integrity and sovereignty, as well as the principle of non-interference into internal

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[illegible]

affairs of Georgia. Arguments provided by the Russian Federation as a legal justification for recognition do not find support in modern international law. In essence recognition of these entities represents a direct attempt of the Russian Federation to change borders of a neighboring sovereign state as a result of its military intervention and occupation.

Recognition of the entity created through the use of force and based on ethnic cleansing is a violation of international law:

The Russian Federation has argued that its decision regarding the recognition of independence of Abkhazia and South Ossetia has been in accordance with the relevant rules of international law. In particular, President Medvedev argued that in his decision recognition he has been guided by provisions of the U.N. Charter, the 1960 Declaration on the Principles of International Law Concerning Friendly Relations Between States, the OSCE Helsinki Final Act of 1975 and other fundamental international instruments. On the contrary, the recognition violates the above mentioned and other norms of international law.

According to the general rules of international law, a state which refuses from recognition of an entity created in violation of one or more of the fundamental norms of international law. It was stated, Georgia considers that the Russian Federation has to withhold from grit on based on *the obligation of non-recognition* of unlawful act or such act's results which are in conflict with the fundamental norms of international law. This obligation of non-recognition is strongly linked to the principle of *ex injuria jus non oritur* according to which "rule according to international law cannot become a source of legal rights for a wrongdoer".

Unilateral Recognition of Independence by the Russian Federation of Abkhazia, Georgia and Tskhinvali Region/South Ossetia was a direct result of military intervention and the consequent occupation of Georgian territories by the Russian Armed Forces, representing a violation of Article 2(4) of The United Nations Charter, as well as peremptory norm of international law – prohibition of aggression.

Set in this background, the Council of Europe condemned the act of recognition by the Russian Federation itself as a violation of the relevant principles of international law:

> The Parliamentary Assembly condemns the recognition by Russia of the independence of South Ossetia and Abkhazia and considers it to be a violation of international law and of the Council of Europe's statutory principles. The Assembly reaffirms its attachment to the territorial integrity and sovereignty of Georgia and calls on the Russian to

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[1] See Statement of the Ministry of Foreign Affairs of Georgia in connection with the Russian Federation's decision to recognize the so-called "independence" of Abkhazia and the Tskhinvali Region/South Ossetia, 26 August 2008.

[2] Dr. Olga Chernishova, Recognition of States in Contemporary International Law, Georgian Law Review, pp. 105-115.

[3] Hersch Lauterpacht, Recognition in International Law, Cambridge, 1947, p. 416.

[4] Dr. Olga Chernishova, Recognition of States in Contemporary International Law, Georgian Law Review, pp. 105-115.

withdraw its recognition of the independence of South Ossetia and Abkhazia and to fully respect the sovereignty and territorial integrity of Georgia, as well as the inviolability of its borders."

Another relevant fundamental norm of international law to be considered in this context is the right of peoples to self-determination, which should be interpreted and applied in line with the relevant rules of international law. In this context, in addition to the fundamental norm of international law – principles of territorial integrity of sovereign states, other norms of international law have also to be taken into account. In this regard, the most profound norm of international law violated by unilateral declaration of independence by Abkhazian and South Ossetian proxy regimes, as well as unilateral recognition of their independence by Russian Federation is prohibition of ethnic cleansing. It is known that Russia itself played a significant role in ethnic cleansing conducted in both regions for the majority Georgian population and other ethnicities residing in both regions. Through its representatives actively engaged in the ethnic cleansing and in failing to prevent such actions conducted by representatives of Abkhazian and South Ossetian "local" regimes Russia violated the international community has always been considered an "erga omnes" obligation, relevant norms of international law and thus allowing any violations of this nature including the ones regarding "unilateral secession" by ethnic entities under international law.[7]

Apart from the substantive abuse of the right to self-determination, Georgia considers that the declaration of independence by Abkhazian and South Ossetian proxy regimes lacked legal validity as it was stated in violation of the relevant rules of international law governed by the right to self-determination and succession.[8]

[5] [illegible]

[6] [illegible]

[7] [illegible]

[8] [illegible]

[9] [illegible]

Georgia's alleged refusal to peacefully resolve conflicts

One of the arguments used by the Russian Federation for the justification of its illegal unilateral recognition of Tskhinvali Region/South Ossetia and Abkhazia (but it was promoted by Georgia's alleged disruption of negotiating process has no standing in international law. However, a better understanding of the context in which Russia's unilateral recognition of these regions had been exercised by the Russian Federation, short analysis of relevant circumstances could be useful.

The policy of the Republic of Georgia has always been to support a peaceful resolution of territorial disputes. The current government of Georgia has, since 2004, adopted a policy in which the greatest possible autonomy and constitutional rights should have been granted to the territories of Abkhazia and South Ossetia, within the framework of Georgia's sovereign territory. Georgia has on numerous occasions presented proposals that would have achieved a peaceful resolution of the disputes. In doing so, Georgia sought to invoke the existing diplomatic processes created and hoped that the Russian Federation would start to observe its formal role of the peace keeper.

Throughout this period, it should be noted that the Government of Georgia exercised no control whatsoever in the breakaway territories. Moreover, it was and remains a core belief of the Government of Georgia that its own political and economic reforms, initiated after the political changes of November 2003, should be viewed as the basis for a cohesive, humane, tolerant and peaceful re-unification of the country.

All Georgian proposals were based on certain principles:

- the territorial integrity of Georgia should be respected;
- the right of return of those displaced by conflict in the region should be applied;
- the reincorporation of Abkhazia and South Ossetia into Georgian sovereign political life should be carried out gradually to build confidence of both sides;
- Both territories should and could enjoy the widest possible institutional autonomy;
- peace-keepers would have role of impartiality;
- many existing formats should be brought up to date;
- direct negotiation with power authorities.

These proposals did not result in any positive progress and the principles set out above were never recognised. Repeatedly, Georgian proposals were met with diplomatic obstruction by the Russian Federation or by actions on the ground by the Russian Federation and proxy authorities that further separated the territories from the Republic of Georgia.

The evidence indicates that, with the passage of time, steps were taken by Russia and proxy authorities in the territories, both on the ground and diplomatically, to:

- deepen the separation from Georgia;
- prevent the return of the displaced;
- limit confidence-building measures;
- reinforce the grip of the Russian Federation over the de facto leadership.

- enhance the presence of Russian security personnel in the territories,
- legalize Russia's political and economic presence in the territories,
- ignore Georgia's direct approaches for resolution,
- prevent the fair participation of proxy authorities in fora designed to negotiate settlement.

The facts, as viewed by Tbilisi, pointed to a deliberate dual strategy of non-engagement in substantive negotiations by proxy authorities and the Russian Federation and a parallel deepening of Russia's engagement in all sectors of the politics, economy and security of the two regions.

Unwilling, and unable, to challenge by force this situation, policy of substantive non-engagement in negotiations by Russia and the proxy authorities in the territories, the Government of Georgia escalated its public objections to the facts that were unfolding on the ground, intensified the frequency with which it presented its proposals for a peaceful resolution and appealed for greater involvement of third parties to offer their good offices to intercede with the Russian Federation.

The need for international intervention, and mediation became acute during 2008. The escalation of the Russian Federation's activities in the territories, notably in Abkhazia, from March 2008, became a source of deep concern to the Government of Georgia. The timing of these Russian activities leads the Government of Georgia to conclude that they were related to decisions regarding the status of Kosovo (the Unilateral Declaration of Independence by Kosovo on 17 February 08 and its subsequent recognition by a number of states) and the March 2008 decisions of the NATO Summit.

By May 2008, the situation on the ground had altered dramatically. The Russian Federation appeared to have opted for a path that would result in the occupation of territories and had moved far beyond the pretense of being an impartial mediator. Confronted by this reality, the Georgian Government sought international mediation and also approached the Russian Federation directly to prevent any further escalation.

It is not for the Republic of Georgia to comment on why increasingly intense public and private appeals by the Government of Georgia to the international community to intercede in a worsening situation, especially during 2008, failed to translate into effective mediation and to prevent a conflict. The answer to that lies in other capitals. However, Georgia can assert and attest to the fact that it was ready to be present at any time, in any form, anywhere and without preconditions to engage in negotiations should that occasion arise.

Throughout this process, the Government of Georgia was engaged in a historically unprecedented program of internal reform, opening the economy, building democratic institutions and enforcing the rule of law. To do so, the government created an entirely new police system and reformed the armed forces. It did so with direct assistance from a variety of friendly partner nations and within the context of Georgia's policies to deepen its ties with the European Union and NATO.

This period in regarding the internal evolution of Georgia since November 2003 is central to both the 'lows and the narrative leading to the conflict in August 2008. Georgia's reforms may have strengthened its economy and they also reinforced the country vulnerable to any neighbor who would want to influence negatively the economic growth of the country. It is no coincidence that the Russian Federation increased unilateral economic sanctions on Georgia in 2006. To restore a semblance of order to the functioning of the state, Georgia had to establish a new revitalized form of order in both police and armed forces. This process established order in Georgia for the first time in the post-Soviet era. However, it also was used by Russian propaganda to claim falsely that Georgia was causing itself for conflict in the region. Moreover, Georgia's choice of international partners was and remains a sovereign right of any nation, in this instance democratically supported by the organization of elections and referenda. The alternative to the pursuit of these policies in the view of the government of Georgia would have been unfortunately, chaos, disorder, poverty and isolation.

The remainder of this note draws attention to some of the initiatives taken by Georgia to initiate a peaceful resolution to the territorial disputes of South Ossetia and Abkhazia.

Georgia was actively and closely engaged in the peace process for various occasions put forward proposed various peace process initiatives. Below we enclose an indicative list of some of the major points that were proposed by the Government of Georgia or representatives of the international community since 2004. Unfortunately, the aforementioned initiatives mainly failed due to rejection from the Abkhazian/South Ossetian sides, backed by the Russian authorities and/or due to direct rejection of the Russian Federation. For more details of negotiations between Georgia and Russia on the peaceful solution of the conflicts, the chart depicting the process in detail is attached.[1]

With regard to the Tskhinvali region/South Ossetia, Georgia, some of the most important proposals included:

- Protocols / Commitments signed on 26 January 2005 in Tskhinvali[2]
- Initiatives of the Georgian Government with respect to Peaceful Resolution of the Conflict in South Ossetia (i.e. 30 March 2005, including political status, language and cultural, social and economic rehabilitation)[3]
- Memorandum on the Agreement of Further Actions aimed at the Post-Settlement of the Conflict in Tskhinvali Region/South Ossetia (Georgia)[4]
- The Georgian-South Ossetian Peace Plan developed by the Government of Georgia dated 8 November 2006[5] supported by OSCE on 6 December 2006 in Ljubljana (statement of the pre-

[1] See Reference list

[2] [illegible]

[3] [illegible]

[4] See Reference list

[5] [illegible]

Second Day of the Fifteenth Meeting, MC(15) Journal No. 2) initially supported and then rejected by Russia[7]:

OSCE proposed peace talks in late July 2008 were rejected by South Ossetian proxy government – OSCE Chairman in Office, Finnish Foreign Minister Alexander Stubb, proposed organization of talks in Helsinki in early August between South Ossetian proxy regime and the Georgian Government. Proxy government rejects the proposal.

Increasing the number of OSCE military monitoring officers in the Tskhinvali Region/South Ossetia was high on the OSCE's agenda at different times throughout 2006, 2007 and 2008. Such a step would have contributed to the higher degree of transparency over the security situation in [Abkhazia, Georgia] South Ossetia as well as to the confidence-building measures. Possibility of increased number of monitors was discussed at length on numerous occasions under OSCE framework: Informal Group of Friends of Georgia, Advisory Committee of Management and Finance, Preparatory Committee of the Permanent Council, Permanent Council and Ministerial Council.

An overwhelming majority of the OSCE Participating States supported the idea. However, Russia persistently opposed this possibility. One of the examples of Russian opposition to this important possibility initiated and supported by the OSCE Chairmanship together with other OSCE Participating States took place during the Preparatory Committee meeting on 20 September 2007. The Spanish Chairmanship, after long discussions and deliberations distributed a "Draft Decision on Increasing the Number of Mission Monitoring Officers". At the meeting this draft was supported by the overwhelming majority of OSCE Participating States. Georgia as a host country of the OSCE Mission in Georgia strongly supported the draft. However, the Russian Federation once again rejected the proposal and did not join consensus and blocked the draft.

With regard to Abkhazia, Georgia, some of the recent peace proposals included:

- The "Road Map" of 2006 document prepared by the Georgian Government and aimed at the conflict resolution in Abkhazia, Georgia[8];

- The President of Georgia initiated a proposal regarding the resolution of the conflict in Abkhazia, Georgia on 28 March 2008[9], including:

> *broad political autonomy for the Abkhaz including the use of the Georgian language in the organs of power and administration;*

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[7] See Reference 20 of the Annex 1 to this Report.

[8] See Reference 21.

[9] See Reference 22.

- *The right to veto legislation in Tbilisi on the constitutional status of Abkhazia, and to veto reforms to Abkhaz ethnic, language and culture;*
- *The establishment of a joint Free Economic Zone in the Gali region, including the sea port of Ochamchire;*
- *International guarantees of Abkhaz autonomy, and an offer to Russia to help mediate a peaceful resolution of the conflict.*

[In 2001, the Friends of the UN Secretary-General started work [illegible] on a document titled *Basic Principles for the Distribution of Responsibilities between Tbilisi and Sukhumi*". The so-called Boden document – named after the Secretary-General's Special Representative for Georgia, Dieter Boden – established a division of powers between Georgian and Abkhazian authorities. The contents governing of the document was held secret until January 2002. It is noteworthy, that earlier, in August 2001, Abkhaz proxy Prime-minister A. Iergenia sent written statement to Secretary General K. Annan, informing the refusal of Abkhaz side to engage in any kind of negotiation regarding the "Boden Document". The final version of the document was welcomed by the UN Security Council in resolution 1393 on January 31, 2002. Still, Boden Document was rejected by Abkhaz side and by L. Mamaladze, the then Minister of Foreign Affairs of Georgia, noted in the interview – Russians played a dirty card to the strong Abkhazians not to agree to the document." | *See Annex I "Boden Document"*]

- On June 23, 2008, the Deputy Minister of Foreign Affairs of Russia delivered a letter with additional efforts to live with the peace initiatives launched earlier by the President of Georgia President Mikheil Saakashvili. Unfortunately, it was rejected in a response letter from President Medvedev on July 1. *See Annex A letters of President Saakashvili and President Medvedev*

- The European Union-organized peace talks on July 17-24, 2008 in which the separatists fail to appear. On July 22-24, the EU tried to hold talks in Brussels between representatives of the Government of Georgia and the South Ossetian proxy regime with the participation of the Russian Federation. The separatists refused to participate, initially objecting to the title of Minister Yakobashvili – "Minister for Reintegration". In response, the Georgian Government set up for Mr. Yakobashvili as a Special Envoy for conflict resolution. The separatists once again refused to attend the talks on unspecified grounds.

- The Peace-Plan of the German Ministry of Foreign Affairs "Steinmeier German Plan" proposed "Contact Group or Friends meeting in June 2008. On July 18, the Abkhaz proxy regime and Russia rejected a German-mediated peace plan and refused to attend peace talks scheduled in Berlin in early August[21].

All the various peace proposals were designed in a way to ensure the full partition of the ethnic identity, human rights and self-preservation of all peoples residing or who had resided in these territories. These included a voluntary, secured and dignified return of all IDPs and refugees. The

[21] See footnote 23.

regions were offered the broadest possible autonomy and representation at the central government level. Despite efforts of International Community and of Georgia, the position of Russia and its proxy regimes made adoption and further realization of these initiatives impossible.

Legal Status of Treaties of Friendship and Cooperation with Abkhazia and with South Ossetia Respectively

The Treaties of Friendship and Cooperation, as well as subsequent agreements on Joint Actions for Protection of State Borders, concluded by Russia with Abkhazia and Tskhinvali Region/South Ossetia, do not have any legal significance whatsoever, as these treaties are per se illegal and cannot be considered to be covered by international law.

According to the Vienna Convention on the Law of Treaties (1969), "treaty" means an international agreement concluded between *States* in written form and governed by international law. The competence of the international law of treaties is the exclusive capacity of states and other subjects of international law to conclude treaties (Article 6 of the Vienna Convention). Since neither Abkhazia nor Tskhinvali Region/South Ossetia constitutes independent subject of international law, any agreement concluded by them shall be observed as null and void.

As those two regions form inseparable parts of the Georgian state, conclusion of the mentioned treaties with their constituent entities encroach upon Georgia's sovereignty and territorial integrity. This constitutes sufficient ground for their invalidity under international law. According to Article 53 of the Vienna Convention "a treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law.

Question *6: In the course of the conflict and in terms of responsibility under international law how would you describe the formal and informal relationships between the Russian military and South Ossetian and Abkhaz armed forces respectively prior to 17 September 2008 and nowadays? Please explain especially the respective command chain.

The relations between the Russian Federation and the Abkhazian and South Ossetian proxy armedias before the Russian invasion in mid-August 2008 are described above in the answer to Legal Question #1

The Abkhazian and South Ossetian proxy "regular military formations did not independently control, direct or implement any military operations during either the armed conflict or the occupation period. Rather, these proxy military formations acted as agents de facto organs of the Russian Federation and as such constituted a simple extension of the Russian Federation's armed forces. Acts perpetrated by the Abkhazian and South Ossetian (Ossetian) military formations were either directed and controlled by the armed forces of the Russian Federation, were facilitated by essential support from the Russian Federation, and/or were legitimated by the Russian Federation through a policy of tacit acquiescence. The entire scheme, strategy and policy pursuant to which the military operations were conducted derived from the Russian Federation as architect, controller, manager and overseer of the military operations. The reality of the relationship between the Russian Federation and the illegal auxiliary formations of South Ossetia and Abkhazia was that the complete dependence of the latter on the former, so that their establishment, existence and maintenance became possible only and exclusively through political, military, logistical and financial support provided by the Russian Federation. Indeed, during the August 2008 military operations, the proxy militias were headed by former Russian military officers.[1] These appointments enabled ease of communication, direction and control of South Ossetian and Abkhazian military formations by the Russian Federation.

In this way, South Ossetian and Abkhazian military formations acted as mere instruments of the Respondent State

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[1] Lieutenant-General Anatoly Khrulev, a Russian citizen who had served in the Russian Ministry of Defence, was appointed Minister of Defence of the South Ossetian Administration on 1 August 2008. Khrulev was succeeded by Major-General Mikhail Mayorov, a Russian citizen who had served in the Russian Ministry of Defence, on 15 August 2008. Mayorov was succeeded by Major-General Vitaly Gurulev, a Russian citizen who had served in the Russian Ministry of Defence, on 1 September 2008. Gurulev was succeeded by Major-General Anatoly Barankevich, a Russian citizen who had served in the Russian Ministry of Defence, on 1 October 2008. Barankevich was succeeded by Major-General Sergey Kozhemyakin, a Russian citizen who had served in the Russian Ministry of Defence, on 1 November 2008. Kozhemyakin was succeeded by Major-General Anatoly Khrapatyi, a Russian citizen who had served in the Russian Ministry of Defence, on 1 December 2008. 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There is a direct causal nexus between the support provided by the Russian Federation and the very existence of the proxy militias. The Russian Federation was the only state which, contrary to international agreements and resolutions of the UN Security Council, overtly provided military, economic and political support to the proxy regimes of Abkhazian region South Ossetia and Akhazia. As a result of their acts, including gross human rights violations, can be traced back to the Russian Federation.[2]

Eyewitness accounts indicate that the Russian armed forces and separatist militias did not act as separate entities, but rather their actions were coordinated and cohesive. According to Mr Teimuraz Jashvashvili, one Russian military assisted the South Ossetian illegal armed formations in the looting and burning of houses in Akhalgori village, Gori district:

> *On 11 August Russian military occupied the village on tanks and armored vehicles. The Russian military was followed by Ossetian militia and looters. Russian soldiers were shooting in order to prevent the Ossetians and the looters from attacking people. Georgian population left the village, they could not leave by car because the looters had taken away all the cars. Georgians had to leave the village on foot. Russian soldiers were shooting in order to prevent the Ossetians and the looters from attacking people. Georgian population left the village, they could not leave by car because the looters had taken away all the cars. Georgians had to leave the village on foot.*[3]

The testimony of Mrs Ana Datashvili shows that the proxy militias were brought to the villages by the Russian military:

> *Russian tanks with Russian white invaders arrived the village. They occupied the village and part of the area next to Tskhinvali. The same day the Russian soldiers entered Ergneti village together with Ossetians and Ossetians soldiers. North Ossetians looters. They began looting and breaking. Georgian houses were targeted. This continued for 6 days. On August 14 there arrived men in Mercedes cars in village wearing balaclavas. At least, one of them was Russian soldier and the other two were Ossetians. The Russian soldier started yelling in a loud voice to me but I couldn't understand since I don't speak Russian. Later on an Ossetian explained to me in Georgian that the Russian soldier had ordered me to leave the house since they were going to burn it down.... The Russian soldier forced me by physical abuse to leave the house. It was then an Ossetian soldier threw a grenade into the house and set it on fire. I was forced to leave my house without shoes.*[4]

Another witness, Mr Davit Bzhalava attests that the actions of the Russian military and South Ossetian proxy military formations in the village of Kvemo Achabeti were

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[2] Council of Europe, Report of Thomas Hammarberg, Council of Europe Commissioner for Human Rights following his visit to Georgia from 29 July to 1 August 2008, CommDH(2008)23, 1 October 2008, para 3.

[3] Witness statement of Teimuraz Jashvashvili

[4] Witness statement of Ana Datashvili.

coordinated:

> *The Georgian soldiers were accompanied by Ossetians wearing black and military green. I witnessed soldiers from the tank brigade in a uniform which was white with Russian soldiers' insignia. I then saw the tank crew who had run over the house return with the commander and set it on fire with petrol. After Russian soldiers finished by firing the house they set it on fire. Someone tried to put the fire out. The Russian soldiers used it. They threatened with the butt of their rifles and kicked those who tried to put the fire out. The Russian officers ordered the soldiers to kill everything that moved and prevent them from the work. I then saw my uncle who told me that Russian soldiers had killed my neighbour, Vardan Chaloyan. I walked my uncle there and then left him. My uncle told me that 15 minutes earlier I saw a group of Russian and Ossetian soldiers kicking and beating him. At that moment Russian soldiers suddenly lifted me by the back with the point of his rifle and threw me on the bus. He told me not to move and not to go with him. About 1 hour soldiers with some Ossetians came and ordered my uncle to go back to the house. Uncle and I started to walk to Tskhinvali on foot in the centre of a group of Russian and Ossetian soldiers. The number of soldiers varied between 5 and 10 when soldiers came and went. The leader was talking on phone with Russian Army*

The same eyewitness statement indicates that the prison where detained Georgian civilians were kept, was jointly guarded and manned by South Ossetian soldiers and the Russian military forces. Eight such military officials on both the Russian and South Ossetian sides had frequent and direct communication with each other and jointly interrogated the detainees.6

In Kekhvi, a village district, according to an eyewitness, Mrs Lizi Gvasheli, the Russian and the South Ossetian troops entered the village together after bombings and started looting and burning the civilian houses. She said that the "Russian soldiers watched the Ossetians burning down Georgian homes and did not react." This is corroborated by the statement of Mrs Nakusia Nikoleishvili, also from the village of Kekhvi in the Leningori district, who said:

> *Armed people entered the village and started burning down the houses of the Georgian population. They did not care if the owners were there or not. Ossetian gangs did arson attacks and house-burning, as the Russian soldiers, they watched the attacks and did not prevent or suppress the attacks against the Georgian population.*

That the Russian and South Ossetian military formations acted in concert is clear from the statement of Mrs. Khatia Khetaguri. Her testimony reveals that the looting and burning of houses were not simply acts perpetrated by the South Ossetian military gangs acting alone but

5 See witness statements of Irina Gabelia.

6 *Ibid.*

7 See witness statement of Nakusia Nikoleishvili.

rather more acts carried out with the advance agreement of the Russian military

> *Our house was located near to a building where the group from the Russian camp was staying. I had good relations with them. Russian soldiers frequently came to our house. I had given them food ... The Russians had hung pieces of white cloth on the buildings they were staying in for this reason. I was told that my house would be spared from the attack, which my house's position close to the buildings where the Russian soldiers were staying should not be burned. It is of course not clear that these buildings including our house would not be burned as long as Russians remained in the village.*[1]

[1] See affidavit of [illegible]

Question #7 : Which measures did you take to protect civilians and to prevent looting and mistreatment of civilians during and after the hostilities.

During the hostilities, earlier trainings in human rights, military police presence and clear instruction coming from the superior authority was to ensure, that all civilians in the area affected by the war were protected. It is noteworthy, that Georgian authorities have not been accused of looting or mistreatment of civilians. However, if any credible information becomes available to Georgian government it will be thoroughly investigated.

It is noted by the Human Rights Watch that Georgian military strictly followed the order of the President to "Protect Civilians":

> *The majority of witnesses interviewed by Human Rights Watch did not complain about other types of violations against them by the Georgian forces. Indeed, by their statements, in most cases the troops entering the villages did not deliberately cause physical harm to civilians. Several Ossetian interviewees said that Georgian soldiers told them they were under orders to look for and arrest Ossetian militias, but to spare women, children and elderly during the ground offensive.*[1]

> *Zarema L., from the village of Nuruskau, said that when the Georgian soldiers entered the village they told her husband that he had to leave. "Now, get it into your head, you're with Georgians, and we'll live in peace. Misha [Saakashvili] told us not to touch women and children. We're instructed to kill the young men [fighters] only. And that's what we'll do. You are not to worry." Another woman from the same village, Seniyat S., also said that the Georgian soldiers were telling the locals, "We have not killed any residents and we are not going to! Everyone is safe!"*[2]

It is also to be noted, that even after Russian occupation Georgian Government tried its best to maintain at least minimal police presence to provide some protection to the civilians. People were ordered not to leave the villages and towns after Russian forces arrive. For the sole purpose of providing moral support to civilian population and at least record if not to prevent the mistreatment and looting, police in Zugdidi (west Georgia) even agreed to be observed by occupational forces in exchange of the permission to stay.

However, it must be admitted, that no effective control was withdrawn from these efforts as human rights violations by Russian occupants as well as their proxy authorities and irregular forces, mistreatment, looting, robbing and destruction on ethnic grounds was a heavy burden on civil population of affected areas during the hostilities as well as afterwards.[3]

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[1] Human Rights Watch, Up to Their Ears: Human rights violations in the conflict over South Ossetia, 2008, page 2

[2] Human Rights Watch, Up to Their Ears: Human rights violations in the conflict over South Ossetia, 2008, page 2

[3] Text needed

Question 68: Which measures did you take to provide the relief and support to civilian population in the areas affected by hostilities and their aftermath?

Russian aggression created the need for a major relief effort in Georgia. The population directly affected by the hostilities increased daily starting from August 8th as Russian troops advanced deep into Georgia. till October 2008, when the EUMM deployment and return of Georgian police to areas at that time referred as "buffer zone" effectively stabilized the situation.

According to the Civil Registry of Georgia in total 138,193 persons were affected/displaced by war. After the partial de-occupation of Georgia 31,373 IDPs remain

Gender	0 - 4	5 - 11	12 - 17	18 - 59	60+	Total
Male	4198	7388	7459	38453	5780	63,278
Female	3695	6966	6417	37309	9626	67,963
Total	7893	14354	13876	75762	15553	**131,241**

During the actual hostilities, efforts of the Government were concentrated on providing:

Medical care to wounded and or Stricken populations in the villages occupied by Russian forces as well as those People from Russian controlled areas. This effort was coordinated by the Ministry of Health and Social Affairs with the assistance of the Civil Emergency Department of the Ministry of Internal Affairs. Evacuation of civilians as Russian troops advanced, as well as their transportation (first to Gori, after Russian take over of Kvashuri and eventually most of the IDPs from east were concentrated in Tbilisi, Rustavi, Mtskheta, Gardabani and IDPs from west - in Kutaisi) was handled jointly by the Ministry of Internal Affairs, Ministry of Health, Ministry for IDPs and Accommodation. Municipalities on duty provided means of transportation. International organizations also immediately mobilized to assist government of Georgia.

On August 8, at an ad hoc committee on coordination of the emergency response was created at the Ministry. Heads of 25 clinics of Tbilisi and other regions of the country attended the meeting. MoLHSA responded to the crisis in accordance with the action plan for state of emergency situations. These plans, being part of the National Response Plan under the overall nature of the Civil Emergency Department of the Ministry of Internal Affairs, have been worked out with the participation of line ministries and ensured detailed coordinated operations among different state bodies. The action plans were also shared with the key

hospitals, blood banks, pharmaceutical companies and other key constituents in the medical field to ensure proper coordination in the health sector in responding to natural or manmade disasters. A referral system was set up to adequately deal with the flow of people affected by the conflict.

A field hospital was established in the village of Tskhavi on 8th of August. 47 emergency vehicles and 14 coaster buses were moved from Mtskheta to Tskhavi, all staffed with appropriate personnel. The Tskhavi field hospital served as a triage point during the aggression. Rescue teams headquarters were also located in Tskhavi. The Mukhiani Hospital in Gori, having high quality emergency and intensive care units was the primary recipient of the heavily wounded population from the Tskhavi Field Hospital. Other wounded and those that could be transported were transferred from Tskhavi to Tbilisi's 2 medical centers – Gldanskhani Clinic and First Republican emergency center. The Natural Emergency Center was designated to receive patients evacuated from the west of Gori as well as from Upper Abkhazeti – Kodori Gorge.

Emergency vehicles were prompted in 3 groups. The 1st group would bring out the wounded from the conflict areas. The 2nd group would transport patients from Tskhavi to Gori Military Hospital and the 3rd group from Gori to Tbilisi Republican. 47 emergency vehicles throughout the country were involved in the emergency response.

A 24-hour hotline was established at the Ministry of Health and provided the information to the relatives on the location of the wounded. Hotlines were established at the Ministries of Interior, MIA and Reconciliation and Reintegration. Ministry also to receive information about, possible endangered, held hostage, imprisoned, including in the woods and in need of evacuation.

2,233 individuals were treated in 33 hospitals around the country, 30 patients hospitalized during the transportation. 3 people died in hospitals during surgeries. The rest were treated and released at appropriate times. 228 civilians were killed during the aggression. 2 doctors and 1 nurse were killed during the Russian bombardment of Gori. The Emergency Medical Center in Gori, with clear signs establishing it as a medical facility, parked emergency vehicles was hit directly by a rocket fired from an airplane killing one doctor and one nurse and heavily injuring the rest of the staff. The center was totally destroyed. A doctor was killed on the grounds of the hospital wearing medical uniform with a direct shot from a helicopter.

11 primary care clinics were affected during the conflict. A brand new state of the art primary care clinic in Karaleti was totally destroyed, the rest were looted and ransacked to various degrees. The Tkviavi primary care facility was completely looted with every single furniture piece destroyed. A modern hospital in Kaspi was completely destroyed as well as the one in the Kodori Gorge. Four emergency vehicles, with clear signs were fully or partially destroyed, three were completely pulled with buckets.

During the Russian occupation of Gori, doctors and nurses remained in the city, but the first few days no emergency vehicles were allowed to enter or leave the city, which created a great strain on the emergency response, since bombs were still exploding in Gori, and those killed and

wounded could not be transported to emergency clinics, because of the total blockade of Gori. The emergency crews could not replenish their medical stocks of medical supplies and medicines in the city. After a few days the emergency vehicles were allowed to go into Gori, but they were still refused to access the so-called "buffer zones" established by the Russian military. People in these "zones" lacked medicine and medical supplies and Georgian crews could not reach them until after the withdrawal of the Russian troops in October.

Housing, food and medical treatment was provided to thousands of IDPs arriving daily from the western and eastern parts of the country to different relatively more secure cities and villages. This action was coordinated by the Ministry of IDPs and Accommodation with the assistance of the GNA Emergency Department of the Ministry of Internal Affairs, Ministry of Education and Science (as most of the IDPs were temporarily sheltered in schools) as well as international organizations.

Once the population started moving the conflict area, the Ministry of Health responded by strengthening the capacity of primary and secondary centres, sending more doctors where necessary and distributing necessary medicines and medical supplies to those cities where the displaced were settled. In every collective centre where the population affected by the Russian aggression settled, the Ministry, through its network of primary clinics, established medical centres comprising doctors and nurses, which were given appropriate supply of medicines and medical equipment. The treatment both in primary and the secondary care facilities for all the population affected by the conflict was free of charge and paid in full by the Ministry. The medical points in collective centres remained until the local primary clinics located nearby restored full coverage of the population. During August 2008 – January 2009, 2,000 displaced received free medical care in hospitals.

As noted above, the number of IDPs increased daily during the first week. Therefore, the arrival of IDPs was not always organized. As Russian forces blocked the roads as well as the main East-West highway of Georgia, many IDPs had to walk for hours and even days to reach a location, from where their evacuation could be provided by the authorities. Many arrived to Tbilisi and found shelter with friends and relatives. Others initially endured registration problems.

The majority of IDPs came from South Ossetia and Upper Abkhazia and were placed in over 200 different locations in Tbilisi by the end of August. Most of these shelters (97%) were schools (public as well as private). Kindergartens, VET centres, special schools for the children with disabilities, research institutions, higher education institutions, student dormitories.

Provision of food and water to IDPs in these collective centres was coordinated by MoLHSA. Special care was given to mothers with infants and their special needs.

It has to be understood, and it has been reflected in observations of international expert visitors as well, that along with the state and municipal aid provided to new IDPs, a huge amount of support was taken by local communities. Every collective center was "adopted" by local private organizations. Individual citizens from the neighborhood providing food (including hot meals), cloth, blankets, toys for children and many other large and small donations. This was welcomed and to facilitate the hundreds of thousands willing to help, special "aid centers" were established throughout the city to register and allocate volunteers, donations, etc.

Rescue operations and evacuations (where still possible) and the maintenance of public order police was ready to manage panic and provide at least moral support to local population, even in occupied areas and even at the cost of surrendering police service weapons at Russian forces (the Zugdidi) was undertaken by the Ministry of Internal Affairs.

- Rescue brigades assisted medical personnel in retrieving over 200 wounded and dead civilians from the battle field.
- Approximately 300 civilians have been assisted to flee from Zemo Nikozi, Nuzedi, Tsitsami, Shindisi, Ergneti and Eredvi to Gori and Tbilisi.
- Over 1,000 civilians have been evacuated from Kodori by the ministry of Internal Affairs and then transported to Kutaisi by the Ministry for IDPs and Accommodation.
- 200 tones of Humanitarian assistance from 12 countries (61 containers) have been mobilized and distributed to IDP collective centres.
- 8 civilians were rescued from 2 flooded houses in Gori. 1 dead body and 2 dead children were retrieved from collapsed buildings.

Attention

Starting from September and nearly to the end December the Government of Georgia focused on providing durable housing and social protection for IDPs that could not have returned in mid and long term.

The principle of voluntariness has been met to the maximum possible extent during the return of IDPs to areas de-occupied by the Russians. Housing solutions have been also developed to provide alternative choice for those that could not move or choose not to return.

Alternatives: 1) housing in new or existing settlements near the highway and/or in town (more urban employment opportunity); 2) housing in new or existing settlement in rural area with agricultural land; cattle; per family for farming opportunity; 3) compensation instead of cost-free for those choosing to make own housing arrangements and also houses and flats in the buffer zone, destroyed and/or damaged as a result of Russian aggression have been rehabilitated by compensation provided.

- 3,979 houses were built and 1,543 flats renovated in existing, empty blocks mainly in Mtskheta-Tianeti, Kvemo Kartli, Kareli, Khashuri, Tetritskaro, Marneuli, Gardabani, Bolnisi districts
- 453 houses purchased by government throughout the country,
- In addition, 4,311 houses and flats were rehabilitated in so-called "buffer zone" villages
- 200 GEL lump sum were allocated as rental fee,
- Each family was provided with basic furniture and kitchen and other essential equipment.
- 1,078 IDP children have been sent for rehabilitation abroad, project will continue in 2009.

More detailed information about housing is provided in Annex 2 on housing situation as for December 31st 2008. All of the above mentioned was accomplished with budgetary resources.

Currently 420 flats are under building to benefit for foreign donors (260 houses provided by Germany and 160 by Turkey)

Police and medical personnel were sent to return to Gugeti and Tsveri as the Russian troops withdrew.

Medical Personnel was and still is supplied with free medicines and medical supplies. All medical personnel that lost their place of work remain on the payroll and are being instructed in faraway built settlements.

Every new settlement has access to a medical facility. Those primary care facilities that are nearby the settlements were strengthened by increasing their staff with more doctors and nurses as well as cars from the conflict areas. In large scale units like Tserovani a new clinic was built donated by the Czech government the same is planned for Kveda and other settlements.

In addition all displaced that are residing in newly built settlements are entitled to a medical insurance while those that are distributed to the population in poverty-hit areas provides them with full coverage of medical services.

12 police stations have been refurbished and 2 built in Gori, Kareli, Khashuri, Kaspi and Telavi affected by the war where population returned. The police presence was strengthened to deal with the feeling of insecurity within the local population.

51 pre-the schools damaged during the war have been rehabilitated

The children from IDP families have been enrolled in schools near their current settlement. In order to meet the new challenges of increased enrollment, the MoES provided extra help and support for these schools. They were equipped with additional school desks. 1,694 desks were distributed among 32 schools. Average walking distance to the nearest schools for refugee

students is 2.5 km on foot, 10 km maximum 20 km). To address the transportation problem, several schools were provided with school buses to serve refugee students.

In order to make sure that displaced children were also ready and equipped appropriately for starting the academic year, the MoES provided material support for their families. Each family with a school-age child was given a single time aid in the amount of GEL 100. The MoES also provided sets of school textbooks free of charge for all displaced children. GEL 258.8 thousand was spent for purchasing textbooks for grades 2 through 11 (textbooks for first graders are provided for free for all students by the MoES for 6011 specifically).

In 2009, the Ministry of Education and Science within the framework of its needs-based grants program awarded grants (tuition waiver) to students affected by the Russian armed intervention. Students have to meet the following criteria as well: Low-income and socially vulnerable students fall under the category. As a result, the state only covered tuition costs for 1,000 undergraduate and graduate students. A total amount of GEL 1.8 million was spent on this program.

In order to respond to the newly emerged need for integrating IDPs into the labor market, the Ministry of Education and Science offered vocational training opportunities. Various training programs are offered at centers located near the IDP settlements. Gori State University is developing education infrastructure and short-time training programs to meet the training needs of internally displaced persons.

Employment and provision of sustainable livelihood projects for IDPs currently is the biggest priority. Already during the consideration of IDP houses, first steps were made by providing each of them that had employment potential (or future opportunity) to employ IDPs on construction sites.

Currently, a number of policy level initiatives as well as some local projects are in pipeline, for instance a project by the Ministry of Agriculture and WB WFP, SAIL and other players. Most important steps for latter include:

- 500 livestock (cows) handed over to IDPs that have also received forage with farming land.
- 20 % of land (arable land) allocated to IDPs have been plowed and fertilizer applied.
- 3,000 tons of grain harvested
- 5,050 IDP families donated with 16 different seed materials (including potato) for seeds
- Each IDP families donated with 50 kg of nitrogen and minerals.
- Each IDP family received 50 sq. m. greenhouse.
- With the assistance of International organization, 1.5 mln has been allocated to families that have returned to "buffer zone" mainly for investment in local community, as main income of this families is livestock farming.
- A newly constructed manufacturing plant is currently being built on "second (larger) non-agricultural land" new settlement that will employ at least 650 IDPs.

- A paper manufacturing plant is also being built in Tserovani that will employ 150 IDPs
- A school, kindergarten and a supermarket are also being constructed in Tserovani (also for other settlements) employing IDPs

The Government of Georgia adopted the State Action Plan for Implementation of the National Strategy on IDPs on 30 July 2008 (Government Decree No. 389). The Georgia-Russian War and subsequent recognition of the Caucasian territories by the Russian authorities revealed a new flow of IDPs (or Georgian origin). This new challenge required an assessment of the existing Action Plan to new realities. Therefore, the Government of Georgia entrusted the Ministry of Refugees and Accommodation with the responsibility of the existing Action Plan (Decree No. 851 of 31 December 2008). The process is monitored by the *Action Task Force* represented by the existing governmental agencies and donor organizations.

The new Action Plan, apart from the post-August 2008 priorities will cover the issues aimed to promote IDPs socio-economic integration and stability in case of non-return. The Action Plan's first draft has been prepared. However, additional information is required with respect to target groups (beneficiaries), cost of goods and necessary financial allocations. Therefore, the Government of Georgia has entrusted relevant governmental institutions to take all necessary measures to finalize the process of drafting in the nearest future (see Decree No. 41 of 19 January 2009).

Persons displaced in August 2008 and subsequent occupation of the Georgian territory by Russian Forces, shall not be formally granted the IDP status before the first half of 2009. During said time, the Government has and continues to treat them as IDPs providing all necessary financial assistance.

At the same time, the Government considers that proper assistance and allowance should be paid to IDPs displaced in early 1990-ies. That is why the Government acknowledged the need to meet the new challenges along with the existing commitments towards IDPs in the framework of any order granted by the Georgian authorities.

In addition to steps taken by the Government of Georgia, we would particularly note that the Ministry of Refugees and Accommodation of Georgia just recently (March 30, 2009) signed a project with the United Nations High Commissioner for Refugees regarding capacity building and provision of durable solution to IDPs.

The Project set forth 2 main objectives encompassing IDPs from 1992-1993 as well as population displaced during the 2008 August events that are:

1. To support the Ministry in fulfilling its obligations deriving from the Decree #41 of January 2009 and pertaining to self-privatization of Collective Centers
2. To undertake a technical analysis of the remaining Collective Centers Georgia would

3. To conduct a survey of privately owned vacant IDPs that would like their current private dwelling solutions for this group.
4. To construct IDP camps planning exercise for the population that remains displaced with the August 2008 conflict.
5. To facilitate information sharing with the LDCs

1. The Georgian denunciation of the Sochi Agreement (we have controversial information on whether such a denunciation took place).

2. The Georgian declaration that the Moscow agreement of 14 May 1994 on a ceasefire and separation of forces in Abkhazia is null and void (of 18 August 2008).

- Georgian declaration that the Moscow Agreement of 14 May 1994 on a ceasefire and separation of forces agreement in Abkhazia is null and void

With respect to Moscow Agreement, the Government of Georgia argues that this agreement shall not be treated as an international treaty regulated by relevant rules of law of treaties. The Moscow Agreement as such represents a formalized commitment of the parties (Georgian and Abkhazian sides) to the cessation of hostilities and mutual use of force as expressed in respective communiqué on 15 January 1994. It formalized the separation of forces between those parties. Such agreements are being entered during or after armed conflicts (at the end of active phase of hostilities) and may contain mutual commitments of the parties to respect certain rules — in case of Moscow Agreement separation of the armed forces, precise demarcation of the territory for deployment of peacekeeping forces, etc. In line with such practice, the Moscow Agreement aims to excite confidence and secure protection to the population. It takes into consideration the contexts of non-action which assumed certain commitment by the agreement.

As for the mandate of the CIS Peacekeeping Forces that have been deployed in Abkhazia, Georgia, it is regulated by the Decision of the CIS Heads of States dated August 19, 1994 (CIS Decision)[1]. The Moscow Agreement of 1994 and Protocol operate as a reference to

[1] Compare: Human Rights Chamber for Former Yugoslavia, Decision on Admissibility and Merits, 11 December 1996, para. 68. The CIS Decision of 24 March 1994 (hereinafter the CIS Decision) was adopted by the Council of the Heads of State of the Commonwealth of Independent States. The CIS Decision of 24 March 1994 was subsequently amended by CIS Decision of 20 May 2008 (CIS Decision of 20 May 2008) and CIS Decision of 19 December 2008 (CIS Decision of 19 December 2008). The CIS Decision of 20 May 2008 was adopted by the Council of the Heads of State of the Commonwealth of Independent States. The CIS Decision of 19 December 2008 was adopted by the Council of the Heads of State of the Commonwealth of Independent States. The CIS Decision of 24 March 1994 (hereinafter the CIS Decision) was adopted by the Council of the Heads of State of the Commonwealth of Independent States. The CIS Decision of 24 March 1994 was subsequently amended by CIS Decision of 20 May 2008 (CIS Decision of 20 May 2008) and CIS Decision of 19 December 2008 (CIS Decision of 19 December 2008). The CIS Decision of 20 May 2008 was adopted by the Council of the Heads of State of the Commonwealth of Independent States. The CIS Decision of 19 December 2008 was adopted by the Council of the Heads of State of the Commonwealth of Independent States.

the CIS Decision of August 19, 1993. It shows the spirit of the whole international law related to the peacekeeping and the relevant practice that considers the consent of the state concerned as a necessary pre-condition for the operation paragraph 1 noted that the deployment of the Collective Peacekeeping Forces shall be *agreed with the parties* to the conflict in accordance with the requirements of the Cease-Fire Agreement. With regard to Georgia's declaration of leaving the Moscow Agreement, the Parliament of Georgia adopted Decree 263 (28 August 2008) regarding the Occupation of the Territory of Georgia by the Russian Federation. By this Decree, the Parliament instructed the executive branch of the Government to take relevant measures required for the termination of all relevant legal acts which provided the legal basis for the presence of the Russian Armed Forces on the territory of Georgia, as the objective of the said legal acts were abrogated by the Russian Federation itself through its illegal acts.

Respectively, the Government of Georgia issued Decree 592 (dated 29 August 2008) in relations to the measures to be taken within the context of occupation of the territory of Georgia by the Russian Federation. The respective Decree instructed the Government of Georgia to start immediate procedure of terminating the peacekeeping operations in Abkhazia, Georgia and South Ossetia, Georgia and ensure their peacekeeping forces withdrawal from the Georgian territories. In this respect

- The Minister of Foreign Affairs of Georgia was instructed to send a relevant letter to the Executive Committee of the CIS as a depositary of the CIS Council of Heads Decision of 2008 – the last CIS Decision dealing with the mandate of the CIS Peacekeeping Forces in Abkhazia Georgia[1];
- The Minister of Reintegration of Georgia was instructed to prepare the relevant letters on behalf of the Prime-Minister of Georgia on the name of the respective Presidents of CIS member States, informing regarding the aforementioned decision of Georgia. Similarly, the Minister of Foreign Affairs of Georgia was

[1] Note – must check it.

instructed to inform the Secretary Generals of the UN and CoE regarding the position of the Georgian Government.

These measures were respectively implemented by the Ministers thus withdrawing any consent of the Government of Georgia regarding the presence of the Peacekeeping forces in Abkhazia, Georgia.

Notably, this process took place in parallel with Georgia's decision to withdraw from the Commonwealth of Independent States (See Note Verbale No 7 228 19 and No 7 229-19) and should be considered separately from the withdrawal of the consent on deployment of the CIS peacekeeping forces in the Georgian territories. The Ministry of Foreign Affairs of Georgia withdrew its consent to the CIS Decision of 2008 thus even the hypothetical justification for the deployment of the Russian peacekeepers in Georgia has been abolished (as enclosed the Note Verbale No. 7 244 19 addressed to the CIS Executive Committee of 5 September 2018.[1]).

Both decisions of Georgia have met with an objection either by Commonwealth of Independent States or by the Russian Federation, who has dominance in the organization. Interestingly enough, the Ministry of Foreign Affairs of Russian Federation expressly supported the position to terminate the mandate of the Peacekeeping forces in Abkhazia, Georgia[2]. He further declined the withdrawal as an "unfortunate" decision of Georgia[3].

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[1] See Statement of the Ministry of Foreign Affairs of Georgia on the withdrawal from CIS [unofficial translation] [...]

[2] CIS Decision of the Ministry of Foreign Affairs of 9 October 2008 regarding the CIS peacekeeping forces in Georgia, which the Russian Federation has submitted to the CIS Executive Committee, in which the mandate of the peacekeeping forces in Abkhazia, Georgia was extended by 10 months [unofficial translation by Russian Federation] [...]

[3] Statement of the Ministry of Foreign Affairs of Russian Federation on the CIS Decision of Heads of States of Commonwealth of Independent States of 9 October 2008 [unofficial translation] [...]

Minister of Foreign Affairs of Georgia stated: "A decision has been taken to terminate Georgia's membership in the CIS in accordance with the procedure established by the United Nations. In addition to my letter addressed to the Secretary General of the United Nations, I addressed a letter regarding the withdrawal to the Secretariat of the CIS [...]

Consequently, the CIS Peacekeeping Forces mandate was not terminated by CIS Decision of Head of States of 30 October 2008, while the CIS Decision of the Ministers of Foreign Affairs of 9 October 2008 ruled over the termination of Georgia's membership[3]. However, it is Georgia's position that these declarations and the subsequent decisions are not necessary. Consequently, the Russian troops lost legitimacy immediately after Russia invaded Georgia.

The Government of Georgia takes note of the operative paragraph 2 in UN Security Council Resolution 1866 (2009) which *"calls on the parties that were at the origin of the fighting and on all concerned to implement fully the Agreement of Cease-fire and Separation of Forces signed on 12 May 1994 (S/1994/583), to be respected, pending consultations and agreement on a new security regime."* and notes that it would respect the aforementioned provision in good faith in line with the spirit of the UN Charter as a member of the United Nations[4].

- **Georgia's Denunciation of the Sochi Agreement[5]**

On 27 August 2008, the Parliament of Georgia issued Decree № 5 and subsequently on 29 August 2008, the Government of Georgia issued Decree 382 regarding termination of all relevant legal acts which provided legal basis for the presence of the Russian Armed

[illegible]

[illegible]

[3] See explanation 6.

[illegible]

[illegible]

Forces on the territory of Georgia, respectively, of the Sochi Agreement of 24 June 1992 (see *infra* detail information regarding the above-mentioned Decrees). Georgia considers that the unlawful intervention of the Russian Federation into the territories of Georgia which resulted into the military aggression of the Russian Federation, represented material breach of the obligations set forth within the Sochi Agreement regulating respective peacekeeping formats. Hence, the Government of Georgia relies on the customary rule of international law allowing the state to terminate a treaty for breach[1].

In this respect, the Ministry of Foreign Affairs of Georgia has officially announced regarding Georgia's position to the Ministry of Foreign Affairs of Russian Federation via the Diplomatic Note No 6 [illegible] of 1 September 2008 which further requested the immediate withdrawal of Russian "Peacekeeping forces" present on the territory of Georgia under the Sochi Agreement mandate.

[1] Gabčíkovo-Cs. (n 10), Reports 1997 (n 3), para 104.

Use of Force Issues Arising Out of The Russian Federation Invasion of Georgia, August, 2008

17th June, 2009

Executive Summary

On August 7th 2008, The Russian Federation launched a large scale invasion of Georgia's sovereign territory. This use of force was illegal and unjustified under International law. It constituted an egregious breach of Georgia's political sovereignty and territorial integrity contrary to Article 2(4) of the UN Charter and customary international law. It violated also the key principle of non-intervention in international law and relations, and its magnitude and scale made it an act of aggression.

None of the existing collective authorization, self defence, consent or purported Georgian intervention, protection of nationals, and protection of peacekeepers force in support of a legitimate self-defence against certain exceptions to this general prohibition justify or render lawful the Russian invasion.

There was no Security Council resolution authorizing such action indeed many members of the Council deplored the invasion) nor was there an armed attack or "imminent threat" of armed attack by Georgia against the Russian Federation capable

of asserting a right to exercise force in self-defence nor was Russia invited by the Georgian State to use force on Georgian territory.

As for the purported exceptions to the prohibition on force – its humanitarian use has shown that there is no right under international law to use unilateral, unauthorized force for humanitarian purposes. No such right was ever argued in state practice or in institutional settings and there are powerful policy arguments against supporting such a right. The Responsibility to Protect is concerned with the duties of sovereign states towards their own populations and with the role of the Security Council where such sovereign states fail in those duties. It does not envisage unilateral and vigilante uses of force. Along with the absence of legal ground of this nature, there is not even factual ground available of justifying Russia's use of force against Georgia in August 2008 even within the frames of this purported right for humanitarian intervention. Despite the significant escalation of the situation in Tskhinvali region, South Ossetia, the constant attacks on Georgian villages, and the casualties among Georgian peacekeepers, police and civilians, Georgia employed the utmost restraint and resorted to all available diplomatic measures to avoid use of force. Russia's claim about genocide committed by Georgians against ethnic Ossetians proved to be propaganda aimed at justification of Russia's illegal activities and encouragement of Ossetian proxy militants and other armed formations to commit brutalities against ethnic Georgians in revenge for the "genocide and mass killings."

The so-called right to protection of nationals abroad, which states under international law, investors, sought to be justified on these grounds, have generally been criticized by most members of the international community. Moreover, Russia

fails to meet the international legal test of nationality with respect to the civilian population resident in Tskhinvali region South Ossetia and Abkhazia as developed by the International Court of Justice in the *Nottebohm* case. After the ethnic cleansing of Georgians in these two regions in early 1990's, en masse distribution of Russian passports to the remaining civilian population represented a deliberate and well-constructed policy aimed at establishing a pretext of the military intervention of the Russian federation on the territory of Georgia.

There is no general right to use force to protect peacekeepers operating in foreign states nor do any of the agreements entered into between Georgia and the Russian Federation provide for such uses of force. Peacekeeping is aimed *not* at creating a pretext for aggression but at preventing the sort of war that Russia engaged in August. The Russian attempt to justify its use of force as a means of protection of peacekeepers is legally and factually ungrounded. Georgia's defensive operation started hours after the Russian invasion and no military clash between Georgian forces and peacekeepers had occurred before this. The first military clash between Russian peacekeepers and Georgian forces occurred at about 6 a.m. on August 8, while the large scale military deployment of the Russian troops started in the early morning of August 7. Moreover, the Russian peacekeeping base attacked by Georgian forces was directly participating in the hostilities and they no longer enjoyed the protection normally accorded to them under international law. It must once again be noted that not those peacekeeping regiments and infrastructure have been attacked by the Georgian forces, which directly participated in hostilities, whereas other Russian Peacekeeping posts continued to function throughout the hostilities and have never been subject to attack. It needs to be noted that the first casualties in the peace

keeping counterparts were incurred from the side of Georgian peacekeepers. Two Georgian peacekeepers Sholvin Loptidze and Vitali Tskitadze were killed and five wounded on August. At around 14:00 as a Georgian peacekeepers checkpoint was shelled with 120 and 122mm artillery from the proxy militias-controlled village Khetagurovo. A proxy militiam reported to superiors the fact of killing Georgian peacekeepers in a telephone conversation also intercepted by the Georgian Ministry of Internal Affairs on 07.08.2008. The transcript of this conversation can be found in annex 75 of the answer to question 1 of the military set of questions.

Finally, the Georgian response to the Russian armed attack was exercised entirely in its own sovereign territory, was consistently undertaken and was a proportionate, necessary and wholly justified exercise of its customary and Charter right to use force in self-defence.

Use of Force Issues Arising Out of The Russian Federation Invasion of Georgia, August, 2008

17th June, 2009

I. INTRODUCTION

In August 2008, the international community witnessed an unprecedented attack on the foundations of the international legal order. After many months of provocations and threats from the Russian Federation, Russian Federation military forces crossed the Georgian-Russian border and used military force against Georgia on Georgian territory.[1] This use of force was illegal and unjustified under contemporary international law. It constituted an egregious breach of Georgia's political sovereignty and territorial integrity contrary to Article 2(4) of the UN Charter and customary international law.[2] It violated also the key principle of non-intervention in international law and relations, and its magnitude and scale made it an act of aggression.[3]

[1] For background historical and legal detail see Ryan Mickelson, 'Precedents in the Movements, On the Parallels and Uniqueness of the Cases of Kosovo, South Ossetia and Abkhazia' (2009) 84 *Notre Dame Journal of International Law* 2; Michael Peterson, 'Post-Mortem on Europe's First War of the 21st Century' (2008) 167 *UFSI Policy Brief*; Cathy Wong, www.cwp.cn (last visited 12 June 2009); Nicholas Tenzin-Dorjee, 'Zone of Conflict: Clash of Paradigms in South Ossetia' (2009) 7 *UNSW Journal of International Peace and Law* 251-261; Derek Averre, 'From Pristina to Tskhinvali: the Legacy of Operation Allied Force on Russia's Relations with the West' (2009) 85 *International Affairs* 575-591; Marc Weller, 'Settling Self-determination Conflicts: Recent Developments' (2009) 20 *European Journal of International Law* 1-111-32; Noelle M. Shanahan Quirk, 'Cinderella Escapes the Gates' Russian Violations of International Law in the Georgia/Abkhazia Conflict' (2008) 40 *Case Western Reserve Journal of International Law* 281; Robert D. Sloane, 'On the Use of Force: Adjudicating the Resort to War in International Law, Statecraft, and Souderaft' (2009) 42 *Vanderbilt Journal of International Law* 35-52. Note that reference to these background readings does not, in any way, imply endorsement of the position taken therein.

[2] Article 2(4) states that '[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State'. On customary international law see See, eg. *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty*, GA Res 2131, UN GAOR, 1st Comm, 20th sess, 1406th plen mtg, UN Doc A/RES/2131 (21 December 1965); *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*, GA Res 2625, UN GAOR, 5th Comm, 25th sess, 1883rd plen mtg, UN Doc A/RES/2625 (24 October 1970); *Resolution on the Definition of*

The Russian use of force cannot be justified as an exercise of self-defence under Article 51 of the UN Charter or as a collective security action authorized by the UNSC under Chapter VII of the Charter or as a use of force by invitation on the territory of a consenting state. Non-defensive or uninvited armed force always depends on the prior authorization from the UNSC without exception.[4] Other possible justifications, relying on doctrines such as protection of its nationals abroad or humanitarian intervention or implied authorization arising from peace keeping operations have no foundation in international law and, in any event, would not apply in this case even if they were found to possess validity under international law.[5] For example, even if there was a right to 'humanitarian intervention' as a minority of scholars has argued, the Russian intervention was not an exercise of this so called right.[6] Indeed, the whole thrust of the *UN Charter* is in favour of resolving disputes using peaceful means and in promoting cooperation.[7] This paper will show that Georgia's use of force against the Russian forces penetrating into

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Aggression (A Res 3314, UN GAOR, 29th Comm, 29th sess, 2319th plen mtg, UN Doc A/RES/3314 (14 December 1974); International Law Commission, *Draft Code of Crimes against the Peace and Security of Mankind*, as contained in Report of the International Law Commission on the Work of Its 48th Session, 6 May – 26 July 1996, UN Doc A/51/10 (1996).

[4] *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v USA)* (Merits) [1986] ICJ Rep 14 (Nicaragua); *International Military Tribunal Trial of the Major War Criminals before the International Military Tribunal*, Nuremberg, 14 November 1945 – 1 October 1946 (1947) vol 1, 186 (the crime of aggression).

[5] Greig, 'The Role of the Use of Force at the Beginning of the XXI Century' *Journal of Conflict and Security Law* 1 – 3 (393 (2006).

[6] Brownlie & Apperley, 'Kosovo Crisis Inquiry: Memorandum on the International Law Aspects' (2000) 49 *ICLQ* 878.

[7] Even where scholars approve or accept 'form of humanitarian intervention they require a degree of consensus endorsement or pre-approval and only lacking in this case, see eg, Antonio Cassese, 'Ex Injuria Jus Oritur: Are We Moving towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community?' (1999) 10 *European Journal of International Law* 23. For recent views on humanitarian intervention, see especially Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (2000); Anne Orford, 'Muscular Humanitarianism: Reading the Narratives of the New Interventionism' (1999) 10 *European Journal of International Law* 679. The most important period prior to this followed the Israeli raid on Entebbe and a humanitarian intervention in the strict sense and the Vietnamese invasion of Uganda. Ian Brownlie, 'Humanitarian Intervention' in John Norton Moore (ed), *Law and Civil War in the Modern World* (1974) 217, Wil Verwey 'Humanitarian Intervention under International Law' (1985) 32 *Netherlands International Law Review* 357, Jean-Pierre Fonteyne, 'The Customary International Law Doctrine of Humanitarian Intervention: Its Current Validity under the UN Charter' (1974) 4 *California Western International Law Journal* 203.

[8] See eg, UN Charter arts 2(4), 33.

Georgian territory was justified both under Article 51 of the UN Charter as an act of self-defense in response to the Russian aggression, and as an aspect of Georgia's sovereign prerogative to use force within its own sovereign territory. Russia's use of force against Georgia, on the other hand, is a non-authorized use of force – an act of aggression - prohibited by UN Charter and customary international law as well as being in breach of the customary and Charter based duty to resolve disputes peacefully.[5]

II. INTERNATIONAL LAW ON USE OF FORCE

The UN Charter limits the right of states to use force internationally to cases of individual or collective self defense[6], to assistance in UN authorized or controlled military operations and to invitation.[7] Therefore, any state seeking to justify the use of force has to locate its use of force within one of these three exceptions.

Sovereignty, the use of force and non-intervention.

As a general matter, this overarching prohibition goes back to the principle of sovereignty and sovereign equality found in international law from the time of the Peace of Westphalia through to the UN Charter.[8] A sovereign state's borders are inviolable and a state has the right to decide the form and substance of its political institutions or, as the *Declaration on Friendly Relations* (1970) states,

[5] See, eg, UN Charter arts 2(3), 33
[6] Article 51 of the UN Charter
[7] Article 53 of the UN Charter
[8] Article 2(4), UN Charter.

"...armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are a violation of international law".[3]

Respect for territorial sovereignty, then, is an essential foundation of international relations.[4] Russia repeatedly recognized Georgia's territorial integrity in Resolutions before the war.[5] No state or group of states has the right to intervene, directly or indirectly, for any reason, in the internal or external affairs of any other state.[6] The principle of non intervention is part of customary international law and is closely allied to the prohibition on the use of force.[7]

The unauthorized, non-defensive and unprovoked use of military force by one state in another state's territory is the most obvious breach of this bundle of norms that lie at the heart of the international legal and political order. In the absence of strict adherence to these norms, the international order would become violent, chaotic and war-torn.

The blanket condemnation of intervention is embodied in article 2(4) of UN Charter:

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[3] GA Res. 2625 (XXV)

[4] *Corfu Channel Case (United Kingdom v. Albania)*, ICJ Reports 1949, p. 35 (Corfu Channel Case).

[5] Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1258; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1260; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1261; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1262; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1263; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1264; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1265; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1266; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1267; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1268; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1269; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1270; Roy Allison, 'Russian 'deniable' intervention in the Ukrainian crisis: Asymmetric responses and confrontation trajectories' (2014) 90 *International Affairs* 1255, 1271; P. Worsnip, 'U.N. Council Still Divided on Georgia Resolution', Reuters, August 11th, 2008.

[6] Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, Annexed to General Assembly Res. 2131 (XX) of 21 December 1965, 20 Years Suppl. No. 1 at 12, UN Doc. A/6220; Declaration on Principles on International Law, GA Res. 2625(XXV).

[7] Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States), ICJ Reports 1986, p.14, 106 (Nicaragua Case); J. Oppenheim's *International Law*, 334, Jennings & Watts eds., 1996, p. 388; M. Shaw, *International Law*, Cambridge University Press, 6th ed., p. 1039 (Shaw); A. Cassese, *International Law* 2nd ed., p. 51, 311.

"All members shall refrain in their international relations from threat or use of force against territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

The prohibition of use of force in Article 2(4) of UN Charter is a rule of universal validity.[1] It exists in customary international law and has been qualified by the International Court of Justice as norm of *jus cogens*.[4] This means that it is a norm of exceptionally high standing concerning which there is universal agreement in the international community. The relevant General Assembly resolutions reaffirmed the Charter dictum and asserted that the "use of force to violate the existing international boundaries [...] or as a means of solving international disputes"[5] is contrary to the international legal order and that "[n]o consideration of whatever nature may be invoked to warrant resorting to the threat or use of force".[6] The prohibition was designed to be absolute, and was concluded to give guarantees to smaller states and to have an unrestricted effect.[7]

[1] M. Malanczuk, Akehurst's *Modern Introduction to International Law*, 7th ed., 1997, p.310.

[4] *Nicaragua Case*, supra n.190.

[5] Declaration on the Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance With the Charter of the United Nations, G.A. Resolution 2625(XXV), Supp. No.28, U.N. Doc. A/8028 (1970) [Friendly Relations Declaration].

Declaration on the Enhancement of the Effectiveness of the Principle of Refrainment from the Threat or Use of Force in International Relations, G.A. Resolution 41/35, Supp. No.53, U.N. Doc. A/41/760 (1985), art.3.

[7] In the travaux préparatoires of the Charter, it seems that the phrase "against the territorial integrity or political independence of any state" was inserted in response to the desire of small States to emphasise their protection (see Amendments to the Dumbarton Oaks Proposals submitted on Behalf of Australia, 12 U.N.C.I.O. 343 (5 May 1945)). There was a concern to ensure that there were no potential loopholes (see e.g. Summary Report of the 11th Meeting of Committee 1/1, 6 U.N.C.I.O. 335 (1 June 1945); BROWNLIE, I., INTERNATIONAL LAW AND THE USE OF FORCE BY STATES 267 ff (1963); Brownlie and Apperley, "Kosovo Crisis Inquiry: Memorandum on the International Law Aspects", 49 I.C.L.Q. 878 (2000), p.885; ARBUTHNOT, A MODERN INTERVENTION OR ILLEGAL AGGRESSION (2nd edn., by Malanczuk, 1997); CHESTERMAN, JUST WAR OR JUST PEACE? HUMANITARIAN INTERVENTION AND INTERNATIONAL LAW, p.52 (2001).

The UN has expressly stated that such policies of intervention endanger the political independence of states and freedom of peoples thereby adversely affecting the maintenance of international peace and security.[22]

Allied to this norm as a general norm of non-intervention.

The 1965 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States emphasized this latter principle.

> [n]o state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state. Consequently armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements are condemned.

The ICJ explicitly held it as a violation that "cannot . . . find a place in international law"[23].

Importantly, it is generally acknowledged that an incursion into the territory of another state constitutes an infringement of Article 2(4), even if it is not intended to deprive that state of part of its territory and if the invading troops are meant to withdraw immediately after completing a temporary and limited operation ("in-and-out operations").[24]

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[22] UNGA 2131 (XXVI)21 December 1965)
[23] Corfu Channel Case, ICJ Reports, 1949, pp. 4, 35
[24] B. Simma ed., *The Charter of the United Nations: A Commentary*, Oxford University Press 2002, p. 121 (Simma, Commentary)

Acts of aggression

The threat or use of force against the territorial integrity or political independence of any state is prohibited under the UN Charter and customary international law.[25] In addition, any coercive incursion of armed troops into a foreign State without its consent or without the authorisation of the UNSC invades that State's territorial integrity and can amount to an act of aggression.[26] The crime of aggression is one of the most serious crimes in international law. Its existence dates back to the International Military Tribunal Charter of 1945 ('the Nuremberg Charter') where Article 6 gave the Tribunal jurisdiction over crimes against peace including the following:

> "planning, preparation, initiation and waging of a war of aggression or a war in violation of international treaties, agreements, or assurances…"

The Nuremberg Principles became part of general international law in 1946 with their universal endorsement by the UN General Assembly in Resolution 95(1) and have subsequently been reaffirmed at least three times by the Assembly in Resolution 2131 (1965), Resolution 2625 (1970) and, most importantly, in the authoritative Definition of Aggression Resolution 3314 (1974) where the General Assembly enumerated the acts that constituted acts of aggression.

These included:

[25] UN Charter art 2(4).
[26] See generally, INTERNATIONAL LAW: THEORY AND PRACTICE 113 (1991).

"The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack…"

The Russian invasion of Georgia in August 2008 falls squarely within this definition and therefore meets the requirements of the crime of aggression for which there is individual criminal responsibility.[37]

The right of self-defence

Article 51 of the UN Charter reserves the "inherent right" of self-defence as an exception to the prohibition of the use of force.[38] In relation to the scope of the self-defense all states agree that the existence of an armed attack against a state triggers the right to self-defence of that state[39]. What, though, constitutes an armed attack?

As the International Court of Justice observed in the *Nicaragua* Case: "action by regular armed forces across international border" is a form of an armed attack when the scale is greater than a mere frontier incident[40].

The target state of the armed attack in such cases has the inalienable and "inherent" (Article 51, UNC) right to use force in self defence. However, under international law the exercise of self-defence must be necessary and proportionate to the armed attack. The

[37] See e.g. *R v Jones* [2006] UKHL 16.
[38] UN Charter, Art 51
[39] Gray, P, 119
[40] Ibid; see, too, The 1974 Resolution on the Definition of Aggression, Article 3(a) (g) (d).

requirements of necessity and proportionality, though not mentioned in the UN Charter, represent part of customary international law[31]. In the *Nuclear Weapons Case*, the International Court of Justice considered necessity and proportionality to be applicable to all use of forces including that under Article 51 of the Charter[32].

Necessity and proportionality are to be evaluated in relation to a particular case. Having said this, there are some fundamental underpinnings. In general the following applies:

- defensive force ought not to be retaliatory or punitive;
- The aim of such defensive force should be to halt or repel the attack (so that the actions taken in self-defence do not amount in fact to reprisals);[33]
- The need for action in self- defence must be "overwhelming" (*Caroline Incident*).[34]
- There ought to be no practical alternative that would render a use of force unnecessary.

In its decision in the *Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America)* [35], the ICJ held that "The requirement in international law that measures taken avowedly in self-defence must have been necessary for that purpose is strict and objective, leaving no room for any "measure of discretion"".[36]

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[31] *Oil Platforms Case*, para. 43, 73 and 74; Gray, p. 121; The Caroline Case: "[it will be for ... Her Majesty's] Government to show a necessity of self defence, instant, overwhelming, leaving no choice of means, and no moment of deliberation" and the action must not be "unreasonable or excessive, since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it."

[32] *Legality of the Threat or use of force of nuclear weapons, advisory opinion* 1997, para. 41. The ICJ held in the Nicaragua case too that "the specific rule whereby self-defence would warrant only measures which are proportional to the armed attack and necessary to response to it" was "a rule well established under customary international law"

[33] Gray

[34] 29 B.F.S.P. 1137-1138; 30 B.F.S.P. 195-196

[35] *Case Concerning Oil Platforms (Islamic Republic of Iran v. United States of America)* (2003) ICJ.

[36] Ibid. at para. 73.

Necessity and proportionality will not redeem an otherwise illegal use of force. There is no need to examine the necessity and proportionality of force when that force is clearly illegal on other grounds.[37]

Other justifications for the use of force

UNSC authorization

The use of force is permissible when that force has been authorized or mandated by the Security Council acting under Chapter VII of the UN Charter. There has been no such authorization in this case.

Protection of nationals abroad

Before the UN Charter era, the use of force for the protection of nationals and property abroad had been regarded as lawful[38]. With the adoption of the UN Charter the position has changed. It seems clear now that protective action would directly infringe the "territorial integrity and political independence" of the state in question[39]. The two most famous examples of a use of force in purported exercise of the right to protect nationals abroad occurred at Entebbe Airport, Uganda, in 1976 and in Grenada in 1983. In these cases, the

[37] See contra, generally Nicaragua case, Similarly, in Oil Platforms case the Court did not engage in detailed discussion of the issue, with the exception of one aspect – nature of targets selected by the US for attacks while claiming the right to self defense

[38] Brownlie, *Use of Force*, p. 280

[39] This cannot exclude discussion where the state targeted has given explicit consent, for the presence of nationals state on its soil. Shaw, p. 1243

use of force by the intervening states (Israel and the United States respectively) was not widely endorsed in the international community. In the latter case, the use of force was condemned by the General Assembly and only a U.S. veto prevented a similar resolution from being passed in the Security Council.[9] Christine Gray has engaged in a comprehensive analysis of state practice in relation to the so-called protection of nationals doctrine. She concludes that very few states support such a right.[11] This position was endorsed by Ian Brownlie in his *Principles of Public International Law* (6th ed).[12] It is clear that the *Asylum Case* requirements for the formation of custom have not been met:

"The party which relies on custom...must prove that this custom is established...in accordance with a constant and uniform usage practised by the States in question...."[13]

In the case of the protection of nationals abroad doctrine, usage or, better, acquiescence, has been neither uniform or constant. Indeed, the opposite is the case.

Another argument sometimes advanced in favour of the right to protect nationals abroad would seem to be based on the right to self-defence (Bonzitti, 1985). According to this view, an attack on a state's citizens is equivalent or analogous to an attack on that state's territory and is therefore an attack on the state itself. There is some support for this position among scholars (though the scholarship is divided on the question) but there is an absence

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[9] C. Gray, "The Use of Force and the International Legal Order" in M. Evans, *International Law* (2nd Ed., 2006), 602-603, see too, on Grenada, *United Nations Yearbook* 1983, 211 and on Lockerbie, *United Nations Yearbook* 1976, 315. See, too, M.B. Akehurst, "Use of Force to Protect Nationals Abroad", *International Relations*, (1974), p. 3, discussed of the cases the Suez Intervention, the USA interventions in the Dominican Republic (1965), Grenada (1983) and Panama (1989) and the UK in Suez (1956) is found also, L. Harris, p.p. 909-915.

[11] C. Gray, *Use of Force*, 2000, 108.

[12] I. Brownlie, *Principles*, p. 705.

[13] *Asylum Case*, ICJ Reports (1950) at 276-7.

of state practice and *opinio juris* supporting the right and the textual material is contested.[11] It is clear that "armed attack" primarily has been understood to mean an attack on a state's territory.

However, even if such a right were to come into existence, it would have to be exercised in conformity with the background principles of self-defence (e.g. proportionality and necessity).

Ultimately, there are very good policy reasons for treating this so-called doctrine with great caution. As Christine Gray has noted:

> "All too often the protection of nationals is a mere pretext to mask the real intent of overthrowing the government".[12]

Use of force on humanitarian grounds (humanitarian intervention)

As has been stated, the UN Charter acknowledges a limited number of exceptions to the prohibition on the use of force. Some scholars and, to a much lesser extent, states have suggested supplementing the exceptions based on Security Council authorization and self-defence with a justification grounded in the right to protect vulnerable or abuse populations abroad. This doctrine, often termed humanitarian intervention, has many adherents but suffers from three very signal flaws. First, it has *never* been incorporated into any universal international treaty. Second,

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[11] Gilbar Tuggy, International Law (2006) at 588. See, eg, I Brownlie, *International Law and the Use of Force*, 2011; Derek Bowett, *Self-defence in International Law*, 87.
[12] Ibid

there is only negligible support for the doctrine in state practice. Third, it clashes with an existing *jus cogens* norm prohibiting the use of force, and given the *jus cogens* character of the prohibition of use of force, it would take a new norm of that quality to override it.[47] Hence a norm "accepted and recognised by the international community of states as a whole"[48] would be required. Such recognition has not been forthcoming.

On the second point, although some States have invoked the doctrine of 'humanitarian intervention' as a justification for the use of force,[49] these interventions have gained very little support from the wider community with the majority of interventions receiving condemnation rather than approval.[50] In any event, most so-called "humanitarian interventions" were not justified on humanitarian grounds in the first place. The Tanzanian invasion of Uganda, the Vietnamese intervention in Cambodia and the Indian action in East Pakistan were all either exclusively or primarily justified as acts of self-defence.

Furthermore, even where there have been interventions inconsistent with a given rule, these acts, according to the ICJ, should be treated as breaches of that rule, not as indications of the recognition of a new rule.[51] As Professor Brownlie states: "[T]he partisans of humanitarian intervention either ignore the conditions for the formation of new principles of customary law or, on occasion, propose that the requirement of *opinio juris* be relaxed."[52]

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[47] Chinkin, 'NATO's Kosovo Intervention: Anticipatory Humanitarian Intervention in Kosovo', 93 *AJIL* 834 (1999) p.837.

[48] VCLT Art.53.

[49] Christine Gray, *International Law and the Use of Force* 2nd ed (Oxford University Press, 2004) at 35.

[50] Ministerial Declaration of the 53rd Annual Meeting of the Ministers for Foreign Affairs of the Group of 77 (24 September 1999), ¶69 at [illegible]

[51] Nuclear Tests, p.98 ¶186.

[52] Brownlie, *Principles*, supra note 2 at 732.

In recent years, there have been efforts to re-establish a principle or doctrine of humanitarian intervention. These efforts have taken three forms. In the first case, scholars have appealed to the UN Charter or international human rights law to assert a right to intervene for humanitarian purposes. They argue that because human rights obligations lie at the heart of the UN system and the International Bill of Rights, intervention in support of these obligations must be lawful. While the first part of this argument may be accurate, it is not at all clear that it leads to the conclusion sought by its proponents. The human rights system is designed to encourage and persuade states to improve their treatment of nationals and non nationals but nowhere in this body of law is there even an implied right to unilaterally use force to enforce such obligations. Meanwhile, though it is true that respect for human rights constitutes one of the main goals of the UN, the maintenance of peace and security and the prohibition of unilateral, unauthorised force is as great, if not greater, a value.[52]

In the second case, some commentators have argued that the NATO intervention in Kosovo represents the establishment of a new norm of humanitarian intervention. This example, though, must be approached with caution. Most NATO states did *not* argue that the intervention was justified on humanitarian grounds. Instead, they relied on the existence of several Security Council Resolutions characterising the situation as a "threat to the peace" to argue for an implied right to use force. Scholars, meanwhile, were equivocal in their approach to the intervention. Professor (now Judge) Simma's position in the *European Journal of International Law* was representative. For him, the intervention was unlawful (even if morally or politically desirable).[53] Its legitimacy (outside law), in any case, was grounded in its multilateral nature and (qualified)

[52] CHESTERMAN, *supra* note 76, p.45; DANIEL S. WAR, AGGRESSION AND SELF-DEFENCE 89 (1988); GARDAM, HUMANITARIAN LAW 333 (2nd edn., 2005).
[53] Bruno Simma 'NATO, the UN and the Use of Force: Legal Aspects', 10 *EJIL* 1 (1999).

institutional authority and not on any freestanding right of humanitarian intervention.[51] This distinguishes it from the Russian invasion of Georgia.

The third process that might be said to support some sort of developing right to humanitarian intervention is often described as R2P (the "Responsibility to Protect" doctrine). In 2000, the International Commission on State Sovereignty, a Canadian-sponsored group of elite policy-makers and lawyers, published a document outlining a "Responsibility to Protect" (ICISS, 2001). This idea received further elaboration and status at the Secretary-General's *High Level Panel on Threats, Challenges and Change* in 2004 and was endorsed by Kofi Annan himself in his major reform statement, *In Larger Freedom* (2005). The doctrine is grounded in two propositions. Advocates of a responsibility to protect argue that sovereign states have a duty to protect the human rights of their own citizens on their own territory (this seems self-evident given the slew of human rights conventions to which states have signed up) and that the Security Council has a right to authorise humanitarian interventions to protect acutely vulnerable people (this, too, is unremarkable given the language of Chapter VII and, in particular, Article 39). These two norms, of course, offer no justification for unilateral interventions. Indeed, the idea of unilateral humanitarian intervention is not endorsed by the High-Level Panel or in the Secretary-General's reform proposal. In any case as Roy Allison puts it in *International Affairs*.

> "Despite Russian claims of and considerable loss of life, there is no good evidence of mass atrocity crimes in the region or a realistic risk of them (a precautionary criterion for R2P)".[52]

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[51] Gerry Simpson, *Great Powers and Outlaw States* (2004), Chapter Seven.
[52] Roy Allison, "Russia resurgent? Moscow's Campaign to 'Coerce Georgia to Peace'" (2008) 84 *International Affairs* 1145–1171 at 1158.

It must be noted, too, that the Russian Federation constantly manipulated figures during the conflict as well as in its immediate aftermath.[55] The Russian authorities as early as August 9 and 10, 2008, were making inflated allegations of an egregious number of casualties, qualifying actions of the Georgian government as Genocide. It is clear that the numbers of deaths and injuries were grossly exaggerated in an effort to create a moral and legal justification for the intervention. Unfortunately and deplorably, according to some international human rights organizations (i.e. Human Rights Watch), these exaggerated claims may have had a direct and pernicious result in pretentious revenge killings. Subsequently, even the special Investigative Committee (Sledstvennyi Komitet Prosecutury, or SKP) documented deaths of 162 individuals instead of inflated figures claimed earlier.[56]

To conclude, there is little support for a doctrine of humanitarian intervention in international law. The weight of scholarly opinion, state practice and institutional development strongly suggests that the norm has no existing basis. There are very good policy and juridical reasons for this. "Humanitarian intervention" clearly is open to abuse and so far has only been invoked against weaker states[57] and although the doctrine may have received support from dominant States in pre-Charter law,[58] it is incompatible with the core principles of sovereign equality of States and non intervention.[59]

Protection of peacekeepers

[55] For more information see Human Rights Watch Report, "Up in Flames", pp. 46-53;
[56] For more information see Human Rights Watch Report, "Up in Flames", p. 5.
[57] Brownlie, Use of Force, supra note 14 at 340; Shaw, supra note 3 at 1036; Oppenheim, supra note 20 at 442-3.
[58] Shaw, supra note 3 at 1019.
[59] Brownlie, Use of Force, supra note 14 at 340

The discussion thus far has concentrated on the more familiar justifications for using force under international law (self-defence, collective security, humanitarian interventions). It has concluded that these exceptions to the *jus cogens* prohibition found in Article 2(4) of the UN Charter and in customary international law either have no application in the present circumstances (collective security, self-defence) or do not exist as exceptions in the first place (humanitarian intervention). There are two final, perhaps less orthodox, arguments that must be considered before moving onto the factual matrix. The first is the argument that a state has a right to use force in a foreign state's territory in cases where legitimate peacekeeping forces consisting of its own nationals are attacked by forces belonging to the host state.

This argument might be structured in three different (though intersecting) ways. First, it might be argued that action on behalf of national contingents is a genus of self-defence. Second, the sending state might argue that its action on behalf of threatened peace-keepers is justified by the consent of the host state to the initial peace-keeping operation. Third, a state might want to argue that the explicit institutional authorisation for the initial peace-keeping operation represents an implicit authorisation to use force in support of these peace-keeping units.

This part of the memorandum will consider each of these in turn.

Self-Defence and Peacekeeping

This question arising here is whether the peacekeepers deployed in the territory of a state based on bilateral agreement are considered as forces of the sending state in case of attack upon them and whether an attack on peacekeepers is considered as an attack on the sending state.

Are peacekeepers "forces of the sending state"? Much depends on the individual agreement or treaty or memorandum of understanding. In the case of the Sochi Agreement, there is a great deal of ambiguity. What is clear from the agreement is that the nature of the Russian Forces in Georgia underwent a transformation in 1992. The Agreement speaks of the "withdrawal of armed formations" from the relevant region and their replacement by forces attached to the Joint Control Commission. This might suggest that the Russian forces can no longer be considered as "forces of the sending state".

But even if the remaining Russian forces are to be regarded as "forces of the sending state" there remain two further questions: is an attack on military personnel an attack on the sending state? And is an attack on such peace-keepers an attack on the sending state? There are many views. What is clear, though, is that Article 2(4) of the UN Charter makes illegal uses of force against the "territorial integrity and political independence" of a member state. This suggests that the UN system is concerned with breaches of territorial inviolability or political self-determination rather than attacks on a state's interests generally. This would explain why the "protection of nationals abroad" doctrine has such an insecure basis under international law and it suggests a reading of Article 51 that excludes attacks on military forces abroad. If this is the case with attacks on military personnel abroad, it applies with even greater force to attacks on peacekeepers whose attachment to the sending state is qualified or conditioned by their status under the terms of peacekeeping agreements.

Any exercise of self-defence, of course, must be necessary and proportionate. Even *if* it is accepted that Russian contingents in the peacekeeping force are "forces of the sending state" and even *if* an attack on these forces can be regarded as an attack on The Russian Federation and

even *if* such an attack can give rise to a right to use force on behalf of those forces in a foreign territory, it remains the case that such force must not be disproportionate or unnecessary in order to meet requirements of Article 51 of the UN Charter. The Russian response to alleged attacks on peace-keepers was unnecessary (e.g. there was no effort to resolve the dispute by other means) and disproportionate (the large scale military invasion of a foreign state is not a proportionate response to an alleged attack on peacekeeping contingents of an unverified scale).[41]

In addition to legal analysis, the facts of 7th and 8th of August provided below, clearly show that at the time when the Russian military invasion started *no* military encounter with Russian peacekeeping forces had taken place. The argument based on the protection of peacekeepers on the ground was a spurious pretext for the Russian invasion.

Consent or Authorisation

The Sochi Agreement on Principles of the Resolution of the Georgian-Ossetian Conflict signed on June 15th, 1992 permitted the deployment of Russian peace-keeping contingents on Georgian territory in South Ossetia. This Agreement was designed to prevent further conflict in South Ossetia but its ancillary purpose was to explicitly prohibit the deployment of Russian forces outside the conflict zone. Article 2 of the Agreement also provided for the withdrawal of all Russian troops *and* part of the peacekeeping force from the conflict zone itself. In other words the Agreement did not provide for any use of force by regular Russian units in support of

[41] See Roy Allison "Russia re-asserts Military Campaign to Coerce Georgia to Peace" (2008) 84 *International Affairs* 1145, 1171 at 1157: "... [protection] offers grounds for Russian emergency assistance or evacuation of its peacekeepers from foreign soil, *not the level of the Russian response, let alone the open-ended use of force*".

peacekeeping activities. Nor did the Sochi Agreement authorise a unilateral use of force by Russia on Georgian territory. Indeed, the Sochi Agreement, read in its proper context, places dispute resolution in relation to peace-keeping in the hands of the Joint Control Commission and not the individual states (Article 5). All of this makes the Russian argument rather hard to sustain.[57]

Equally, nothing in general international law suggests that contributing nations have a right to use force in self-defence when peace keepers are attacked. The essence of peacekeeping lies in its consensual character; the deployment of peacekeeping forces on a host state is dependent on that state's consent. As Kirgis puts it:

> "It is a key principle that the operation must not interfere in the internal affairs of the host countries and must not in any way favour one party over another."[58]

The specific agreement in this case does not envisage a use of force by the Russian military in such circumstances. Indeed, the whole thrust of the Sochi Agreement points in the other direction, the Agreement was specifically designed to prevent such escalations. There is nothing in the Agreement that would imply Georgian consent to such activities. In the absence of such agreement, there are general norms applying to peacekeeping, which make it clear that such force is not permitted. Yoram Dinstein makes the point succinctly:

> "The two special attributes of a peacekeeping force are that (i) it is established and maintained with the consent of all the states concerned; and (ii) it is *not authorized* to take military action against the state." *(asserted features)*[61]

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[57] See, too, Roy Allison, "Russia resurgent? Moscow's Campaign to 'Coerce Georgia to Peace'" (2008) 84 *International Affairs* 1145 - 1171 at 1152.

[58] J. Kirgis, *International Organizations* 1993 - 717

The limits on peacekeeping are further elaborated in the *Certain Expenses* Case, the first ICJ judgment to consider the nature of peacekeeping. Here, the ICJ, in a judgement concerning the first peacekeeping mission in Egypt, clarified the role of peacekeepers:

> "...not, moreover, should the Force have military functions exceeding those necessary to secure peaceful conditions."[6]

Of course, this was an opinion concerning a specific operation at a particular time. Nevertheless, it sets the terms for peacekeeping as a general concept. Such terms and the whole *raison d'être* of peacekeeping operations, as well as the individual terms of the Sochi Agreement and the fundamental tenets of the international order, strongly suggest that Russia's unilateral use of force finds support neither in an expanded doctrine of self-defence nor a discrete right to use force to defend national contingents in peacekeeping contexts.

III. FACTUAL CIRCUMSTANCES

Russian actions before the military aggression in August 2008

Russia's actions with regard to Abkhazia, Georgia and the Tskhinvali Region/South Ossetia took a qualitatively more aggressive turn at the beginning of 2008. Following the recognition of Kosovo, immediately prior to the declaration of Kosovo's independence and in reaction to this recognition, then-Russian President Vladimir Putin declared that Russia had "pre-

[6] Y. Dinstein, *War, Aggression and Self-Defence* (4th edition), 2001, 296
[6] *Certain Expenses* Case (1962) para 50.

designed plans".[96] Russian actions became more focused and intense, and consisted of a series of escalating but inter-linked interventions. These included: hostile political steps (*inter alia*, the establishment of official links with proxy regimes) accompanied by direct military actions and interventions (i.e. the shooting down of an unmanned, unarmed Georgian drone by a Russian fighter jet). Illegal deployment of new Russian troops in Abkhazia (i.e. paratroopers and railway troops) as well as construction of fortifications in eastern part of the province. Until June 2008, Russian actions were mostly focused on Abkhazia, Georgia.

The situation in the Tskhinvali Region/South Ossetia escalated significantly in the beginning of July 2008 – in parallel with the completion of offensive military infrastructure projects in Abkhazia – when a terrorist attack took place, aimed at the elimination of the Head of the Provisional Administration of South Ossetia, Mr. Dmitry Sanakoev. This act was accompanied by substantial increases in the scale and intensity of attacks by proxy militants on Georgian government controlled villages,[97] Georgian police and peacekeepers. These acts resulted in casualties and fatalities (mortars of 120 mm calibre, prohibited under then-existing agreements were used in the shelling for the first time since early 1990s). At the same time, the flow of mercenaries into the Tskhinvali Region/South Ossetia increased, as did violations of Georgian airspace by Russian military aircraft. In a symptomatic move, on July 9, four Russian military aircraft violated Georgian airspace on the eve of the visit of US Secretary of State

[96] See the record of Putin's speech [illegible]

[97] Georgian Government was aware that these were targeted attacks on the Georgian controlled villages aiming at maximum destruction. For example, the proxy 'Defence Minister Mikhail Mindzaev instructed his subordinate to wipe out a Georgian government controlled village. The intercepted and transcribed phone conversation can be found in annex 31 of the answer to question 1 of the military set of questions.

Condoleezza Rice to Georgia. This violation was confirmed by the Russian Ministry of Foreign Affairs.

Finally, there was a marked increase in the deployment of military hardware and units of the regular Russian army. Specifically a large number of Russian military personnel were mobilized close to the Russia-Georgia border for military exercises titled, "Caucasus 2008". During these exercises more 8,000 troops (including 58th Army, North Caucasus Military District, units of Airborne Troops, 4th Russian Air Army and air defence) and at least 760 of heavy equipment and 30 aircraft simulated an invasion of "a neighboring state". Although the exercises were completed on August 2, these forces did not re-deploy.

Pre-war deployment of Russian troops in the territory of Georgia

According to Georgian intelligence information, units of the separate reconnaissance battalion of the 19th Motor Rifle Division of the 58th Russian Army were reported to be deployed in Java district through the Roki Tunnel on August 3, 2008. On the night of August 4, 10 units of armor (4 T-72B3 and 6 T-72B3M vehicles) were brought into Tskhinvali Region/South Ossetia from the Russian Federation and distributed among the *de facto* regime's irregular forces. Two vehicles were handed over to the *de facto* regime irregular forces unit located in village Dmenisi, Tskhinvali district. On the same day, the head of South Ossetian proxy authorities, Eduard Kokoity, told the Russian media outlet "Caucasian Knot" that 300 "volunteers" (i.e. mercenaries) from North Ossetia, Russian Federation, had already arrived in South Ossetia and their number

would eventually increase to two thousand.[69] Later in the evening, a member of the Russian State Duma, Viktor Vodolatsky, officially promised support to the Tskhinvali proxy regime while the Commander of the second Don Cossack Forces, Nikolai Kozitsin, announced that he could send from 10 to 15 thousand "volunteers" (i.e. mercenaries) to South Ossetia.[70]

In the afternoon of August 8, 2008, approximately 150 additional mercenaries from the North Caucasus arrived in Tskhinvali as reported by the Russian media.[71] The flow of mercenaries from North Ossetia was continued by the Deputy Commander of Don Cossack Forces, Vladimir Voronin, in his interview with the Russian radio station "Ekho Moskvi".[72]

On the same day of August 8, 48 units of self propelled artillery and a reconnaissance battalion of the 42nd Motor Rifle Mountain Brigade from Buinaksk, Dagestan were deployed in Tskhinvali region/South Ossetia through the Roki Tunnel, in addition to that 30 artillery guns were brought into Java district of the region. Some units of the 58th Army were reported to be mobilized near the Roki Tunnel in North Ossetia, Russia, including the 135th Separate Motor Rifle Regiment from Prokhladnyy, Kabardino-Balkaria and the 693rd Motor Rifle Regiment from Zaramag, North Ossetia. The deployment of armor continued on the following day.

Large scale incursion of the Russian troops into Georgian territory

[69] Military Annex 51.
[70] Military Annex 52.
[71] Military Annex 53.
[72] Military Annex 38 (2:22).

In the early morning of August 7, 2008, the MIA of Georgia obtained the first communication intercept indicating that a Russian military unit that included tanks and military trucks loaded with soldiers had entered the Roki Tunnel.[6] At 0545 of the same morning, a large number of armored vehicles, tanks and military trucks of the Russian regular army streamed into the Roki Tunnel and deployed in Java district as confirmed by three mobile telephone conversations intercepted by the MIA of Georgia.[7] Numerous articles in the Russian press also confirm that Russian army units, namely parts of the 693rd and 135th motor rifle regiments of the 58th Army, had entered South Ossetia prior to August 8.[8]

In the evening of August 7, the Government of Georgia faced a qualitatively changed situation despite numerous attempts to decrease tension and a unilateral ceasefire implemented by the Government of Georgia. Georgian-controlled villages, police, and peacekeeping posts were under continuous fire. In this context, civilians in the already cut off enclave were defenseless and, for the first time, two Georgian peacekeepers were killed[9] as a result of targeted military attacks that afternoon. Commenting on the alarming and unprecedented rise in violence, proxy leader, Eduard Kokoity, threatened to "wipe out" the Georgian enclaves unless Georgian law enforcement personnel left the region. In addition to publicized reports on the influx of mercenaries into the region and initial human intelligence reports of a Russian army intrusion, the Government of Georgia obtained solid evidence that a large-scale Russian invasion

[6] Military Annex 39, 40
[7] Military Annexes 41-46
[8] Annex 47-67
[9] Two Georgian peacekeepers Shalva Tsapadze and Vitali Taliadze were killed and five wounded (see Annex 36 to the answer to question 3 of the military set of questions) on August 7 at around 14:00 as a Georgian peacekeepers checkpoint was shelled with 120 and 120mm artillery from the proxy regime-controlled village Khetagurovo. A proxy militant reported to superiors the fact of killing Georgian peacekeepers in a telephone conversation also intercepted by the Georgian Ministry of Internal Affairs on 07.09.2008. The transcript of this conversation can be found in annex 2a of the answer to question 1 of the military set of questions.

was in progress. On August 7, late in the evening, the Georgian government received multiple human intelligence reports that about 150 armored vehicles and trucks with Russian soldiers were approaching the Roki Tunnel from Russia and moving towards the Tskhinvali Region South Ossetia. Later, multiple signal intercepts of phone conversations among the *de facto* security and military officials that took place between 02:20 and 03:30 on August 8 confirm that Russian military columns were stretched from the Roki Tunnel to the village of Java.[76]

In response to these escalations, and consistent with his constitutional duty (Article 71 of the Georgian Constitution) to protect the sovereignty and territorial integrity of Georgia as well as the security of Georgia's citizens, at 23:35 on August 7, the President of Georgia issued an order to start a defensive operation.

Russian troop movement after the incursion

On August 8, at 00:20, incoming Russian troops passed the village of Java crossed the Gupta Bridge and advanced on the Dzari bypass road which is confirmed by a telephone conversation intercepted by the Ministry of Interior of Georgia.[77] Soon after that, two more columns of Russian troops entered the Roki Tunnel and advanced south by the Ocri-Dmenisi road. At 18:45, one column of Russian tanks, armored vehicles and trucks approached Tskhinvali by the Dzara road. Two more columns were stopped near the village of Dmenisi. Russian forces opened intensive fire on Georgian armed forces located in Dmenisi, in Tskhinvali and on the

[76] Military Annex 81, 86
[77] Military Annex 89

neighboring heights. By 22:00, Russian troops approached the Big Liakhvi valley from the north, but failed to enter it, suffering heavy losses caused by Georgian artillery fire, and also stopped moving on the Dzara road towards Tskhinvali.

On August 9, at 11:00, Russian forces, including airborne troops started to enter Tskhinvali from the north west and from village Ditsi. At 17:00, additional Russian troops entered Tskhinvali.

On the same day, in between 13:40 and 14:10, Russian military aircraft bombed the central government controlled villages in Upper Abkhazia Kodori Gorge, including the district's administrative center, Chkhalta. At 22:30, Russian aviation again bombed Upper Abkhazia Kodori Gorge.

On August 10, early in the morning, more than 300 Russian tanks and armored vehicles, together with more than 10 000 Russian troops, passed through the Roki Tunnel. On the same day, in between 09:00 and 11:30, Russian aircraft bombed Upper Abkhazia Kodori Gorge. The aerial attack on Kodori Gorge continued through the next day too. In the afternoon of August 11, 2008, the Russians obtained full control over Kodori Gorge Upper Abkhazia.

On August 11 2008 Georgian troops began a withdrawal and retreated towards Tbilisi to protect the capital from the ongoing movement of the Russian military.

On August 12, 2008, a French brokered cease-fire was agreed; however, Russian occupation of Georgian territories continued.

To date, Russia occupies Tskhinvali region South Ossetia, including the territories under the control of the central Government of Georgia before the August war, as well as Abkhazia including Kodori Gorge, which had not been under the Abkhaz/Russian control before the August 2008.

During the August war, all Georgian troop movements occurred on the territory of Georgia as established and recognized by international treaties and UN SC resolutions 1808, 1781, 1752, 1716, 1666, 1656, 1615, 1582, 1554, 1524, 1494, 1462, 1427, 1393, 1364, 1339, 1311, 1287, 1255, 1225, 1187, UNSC 1125, 1096, 993, 971, 937, 934, 906, 901, 896, 892, 881, 876, 858, 854, 849. These movements were conducted within constitutional limits, as an aspect of Georgia's sovereign rights over its own territory and in exercise of the right of self-defence as defined by Article 51 of UN Charter and in customary international law.

IV. RUSSIA'S USE OF FORCE AGAINST GEORGIA IS AN ILLEGAL ACT OF AGGRESSION

Russia invaded and occupied Georgia in the absence of an international legal justification of the action. Russia's use of force was not authorized by the United Nations Security Council and cannot be qualified as a lawful exercise of the right of self-defence. It is clear that Russian

Federation forces crossed Georgian-Russian border and invaded and occupied Georgian territory in violation of numerous international legal norms (*supra*). Nor is the Russian invasion justified under the terms of the so-called right to use force abroad to protect nationals: this right has no basis under international law, interventions in purported exercise of this norm have been roundly condemned by the international community and the use of this alleged justification is, most often as it is in this case, a pretext for an illegal intervention (*supra*). The Russian invasion cannot be justified as a "humanitarian intervention". The doctrine continues to enjoy very little support among states and commentators and, in any case, the Russian invasion does not meet the conditions necessary for the exercise of such a right. Finally, Russia cannot invoke protection of peacekeepers deployed in Tskhinvali region/South Ossetia for the reasons already stated above and because Georgian uses of force against peacekeepers was employed only after they lost the protection due to their direct participation in hostilities begun by the Russian Federation and the abrogation of the peacekeeping agreement by Russia.

The first two possible grounds of justification, i.e. UNSC authorization and the self-defense has not been contested by the Russian Federation and are clearly irrelevant; therefore, we refrain from the in-depth elaboration on those points.

Protection of its national

As mentioned *supra* international law and the post UN Charter legal order does not recognize the right of a state to use force in the territory of another state on the ground of the protection of its nationals. Moreover, Russia fails to meet the international legal test of

nationality with respect to the civilian population resident in Tskhinvali region/South Ossetia and Abkhazia as developed by the International Court of Justice in the *Nottebohm* case. *En masse* distribution of Russian passports to the remaining civilian population of the two Georgian regions represented a deliberate and well-constructed policy aimed at establishing a pretext of the military intervention of the Russian Federation on the territory of Georgia under the pretext of non-existing right of protection of nationals abroad.

There are several elements of the process of passportization of the remaining population in Tskhinvali region/South Ossetia and Abkhazia, which are relevant for the demonstration of the lack of genuine link between the Russian Federation and the population in Tskhinvali region/South Ossetia and Abkhazia:

- the process was not driven by individuals willing to accept Russian citizenship on ad hoc basis, it was designed and implemented *en masse* as part of specific policy of the Russian Federation;
- the process was neither sporadic, nor disorganized, it was well prepared and coordinated among various agencies of the Russian Federation;
- implementation of this policy had been conducted with complete disregard of the national legislation of Georgia, citizens of which were *en masse* granted Russian citizenship, thus clearly violating the sovereign rights of Georgia and principles of friendly relations;

Having pursued illegal passportization of Georgian nationals, Russia amended the relevant legislation in order to facilitate this process. Specifically, the Russian State Duma passed

amendments to the Law on Citizenship, which evoked a strong protest from Georgian President Eduard Shevardnadze.[8] This practice of the Russian authorities has been condemned by the international community. The European Union emphasized in its document that this action was a challenge to the territorial integrity and sovereignty of Georgia, constituting as a *de facto* annexation of those regions."[9]

Accordingly, any attempt to justify use of force for the protection of the nationals is groundless.

Humanitarian intervention

The principle of humanitarian intervention is not supported by state practice and *opinio juris* and there is no factual ground capable of justifying such force (*supra*).

Despite the significant escalation of the situation in Tskhinvali region/South Ossetia, the constant attacks on Georgian villages, and the casualties among Georgian peacekeepers, police and civilian described *supra*, Georgia employed the utmost restraint and resorted to all available diplomatic measures to avoid use of force (See *infra*).

Although Russian aggression had triggered a use of force in self-defence by Georgia, the Russian government's propaganda continued to assert that Georgia had committed genocide

[8] "Georgia Protests about Russian Citizenship Law Amendments" Reuters.ru [Moscow] 1800 GMT 10 June 2002, in BBC Monitoring.

[9] Declarations and Recommendations adopted by EU Parliamentary Cooperation Committee at its 3rd meeting on 18-19 June 2001, IRE/PCC/GE/KM/es. 27 June 2001, para. 27.

against the ethnic Ossetians.[86] Russian propaganda served two goals, first, to justify Russia's illegal activities and second to encourage Ossetian proxy militants and other armed formations to commit brutalities against ethnic Georgians in revenge for the "genocide and mass killings." Human Rights Watch, in its report "Up in Flames", confirms that Russian claims of genocide committed by Georgians are not supported by any evidence.[87] Neither did the Council of Europe Parliamentary Assembly Committee on the Honoring of Obligations and Commitments by Member States, who visited Georgia and Russia in late September, support the allegation.[88] Subsequently, even the special Investigative Committee (Sledstvennyi Komitet Prokuratury, or SKP) documented deaths of 162 individuals instead of inflated figures claimed earlier.

Russian claim of humanitarian intervention is an attempt to disguise its real intentions and is not supported by facts and cannot be justified under contemporary international law.

Protection of peacekeepers

As the earlier argument made clear, there is no general right to use force in support of or for the protection of national peacekeeping contingents. Indeed, the status and (other forms of) protection accorded to peacekeepers under international law are valid under international law as long the peacekeepers remain neutral: this status is removed and protection is lifted automatically when they participate in the hostilities.

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[86] Dmitry Medvedev statement of August 10, 2008, see SKP RF Opened a Criminal investigation into the Killings of Russian citizens in South Ossetia, Kommersant Online August 14, 2008.

[87] Up in Flames, p. 71-72.

[88] PACE, Committee on Legal Affairs and Human Rights, "The consequences of the war between Georgia and Russia" opinion by Rapporteur Christos Pourgourides, Doc. 11732, rev. October , 2008

The argument in support of the use of force for the protection of peacekeepers is weakened by the fact that Georgia's defence operation started hours after the Russian invasion and no military clash between Georgian forces and peacekeepers had occurred before this. On the contrary, before the large scale Russian invasion, Georgian peacekeepers deployed in Tskhinvali region/South Ossetia and their checkpoints had been attacked during a week before August 7 (see *supra*).

As regards the participation of peacekeepers in the hostilities[24], as early as 00:23 on August 8, the Commander of the Joint Peacekeeping Forces, Marat Kulakhmetov, in a phone conversation with the Commander of Georgian peacekeepers Mamuka Kurashvili, admitted that Russian peacekeepers were providing coordinates of the positions Georgian armed forces to the South Ossetian proxy regular militants' artillery.[25] On August 8, at around 06:00, Georgian Ministry of Internal Affairs special forces equipped with "Cobra" type armored vehicles and reinforced by several tanks from the Ministry of Defence of Georgia, moved from the village of Zemo Nikozi towards the outskirts of Tskhinvali. The Ministry of Internal Affairs Special Forces encountered sniper and massive armored vehicle cannon fire from the Russian peacekeeping headquarters "Verkhniy Gorodok" located on the southwestern edge of the town and were compelled to return fire and ask for tank support. In addition to the attack from the base, the roof of the main building of "Verkhniy Gorodok" was used for correcting their artillery fire against Georgian armed forces, which is confirmed by an article in the South Ossetian and Russian press.[26] It must

[24] See answers to Q3 on Humanitarian Issues, Q5 on Legal Issues and Q5 on Military Issues.
[25] Annexes 87.A and B for the telephone conversation and its transcript.
[26] Military Annex 90. See also [illegible]

once again be noted that *only* those peacekeeping regiments and infrastructure have been attacked by the Georgian forces which directly participated in hostilities, whereas other Russian Peacekeeping posts continued to function throughout the hostilities and have never been subject to attacks.

Thus, the Russian attempt to justify its use of force as a means of protection of peacekeepers is ungrounded: First there is no general right to use force in support of or for the protection of national peacekeeping contingents. Second the military clash between Russian peacekeepers and Georgian forces occurred at about 6 a.m. on August 8, while the large scale military deployment of the Russian troops started in the early morning of August 7. Moreover, the Russian peacekeeping base attacked by Georgian forces was directly participating in the hostilities and they no longer enjoyed the protection normally accorded to them under international law.

V. GEORGIA ACTED IN SELF-DEFENSE

Georgia's military operation started at 23:50 of August 7, 2008 was an act of self-defence *in its own territory* authorized by customary international law and Article 51 of the UN Charter:

Georgia acted on its own territory against the invaded Russian troops.

- The Russian invasion had already materialized when the order on the use of force was issued by the Commander in Chief;
- An "armed attack" as required under international law was present;

- Georgia's actions were directed at the protection of its sovereignty, territorial integrity as well as the civilian population on its own territory.

The resort to force was necessary to halt the ongoing Russian aggression and was inevitable. Georgia was resorted to all available political and diplomatic means to avoid armed confrontation. However, all these efforts turned to be in futile.

Despite the diplomatic and preventative measures taken, including announcement of unilateral cease fire by the Georgian Government, shelling of Georgian villages as well as movement of Russian troops into the Georgian territories continued and the use of force in self defence became inevitable.

Georgian forces acted in defense of their homeland. Their actions were a legitimate and wholly lawful response to an egregious breach of the UN Charter and customary international law norms of non-intervention and non-interference. Georgia's use of force against the invading Russian army was necessary and proportionate.

To conclude, the Russian invasion of Georgia represents an unlawful use of force contrary to the UN Charter and fundamental norms of international law. None of the exceptions to this general prohibition, actual (self-defence, collective authorization) or purported (humanitarian intervention, protection of nationals, and protection of peacekeepers) can justify the Russian invasion. The Georgian response to the Russian armed attack was a

proportionate, necessary and wholly justified exercise of its customary and Charter right to use force in self-defence.

First set of questions to the Governments of the Russian Federation and Georgia,
related to humanitarian issues

1. Concerning allegations of genocide, please explain who, in your view, committed genocide, and if so, when and, also, please mention the facts permitting to conclude that the elements of the crime of genocide, in particular the destruction of a protected group and the intent to destroy that group in whole or in part, were present.

2. Why did persons leave their places of residence between 1989 and 2008, in particular in August-September and October 2008, and what incidents led to return? How are the property rights of displaced persons protected? Were they duly compensated for such property?

3. What targets were attacked during the military operations, including the steps undertaken to ensure that the targets were situated between 7 and 12 August 2008? Were those targets considered to be military objectives? Did the expected incidental deaths of civilians, injury to civilians or damage to civilian objects fail to be excessive in relation to the concrete and direct military advantage anticipated? Did the actual effects correspond to the expected effects? If not, why? Were precautionary measures taken to reduce the risk to the attacker and to provide protection to civilians? Did the defender take all feasible steps to separate the civilian population from military objectives? Did these precautions duly reduce incidental casualties? If not, why?

4. What is your legal position regarding the prohibition of Human Rights Law as to the use of force? Was the use of force against civilians in South Ossetia and Abkhazia directed against civilians and civilian objects as well as against military targets (in particular in densely populated areas)? What armed units were involved and did each of them comply with the laws of war?

5. In what way did your forces or affiliated armed groups, in particular, during the 2008 hostilities, treat members of groups of the adverse party captured, wounded, or otherwise hors de combat, burned or destroyed dwellings? What civilian goods were taken by the forces of the party controlling the area and why were such confiscations?

6. Did any of the persons fleeing from 2008, which were persons who fell into the power of your party or into the power of the adverse party, receive asylum? On what legal basis was this accepted? How were the rules pertaining to asylum applied? What might be why? Which were their reasons?

7. Were persons detained on being prosecuted by the adverse party after the end of hostilities in 2008 discriminated against in conformity with the principles of international law? What measures were taken against such practices?

8. What steps did your party and the adverse party take to clarify the fate of persons reported missing since 1990 by the ICRC, their families, or by the party to which they belong? To which cases were these steps successful? If they were not, why?

9. What investigations and prosecutions have been launched since 1990 by your judicial authorities against members of your forces, members of adverse forces, members of both forces and against civilians in relation with crimes committed in relation to the conflict? In which cases did such prosecutions lead to convictions or acquittals? Please provide copies of the relevant decisions. If prosecutions did not lead to convictions nor to acquittals, why did they not succeed?

10. If crimes or persons under your control, committed any violation(s) of International Humanitarian Law or Human Rights Law, did the victims obtain reparations? Were other measures of restorative justice adopted? If not, why? How could the victims obtain such reparations?

Question #1: Concerning allegations of genocide, please explain who, in your view, committed genocide, and if so, when. If so please mention the facts permitting to conclude that the elements of the crime of genocide in particular the existence of a protected group and of the intent to destroy that group in whole or in part.

Georgia does not conclude that the crime of genocide have been committed by either party to the conflict during and after the 2008 hostilities.

At the same time, Georgia notes that the Russian Federation has on several occasions declared that the crime of genocide was committed by the Georgian side as the legal justification for their intervention into the territory of Georgia. For this matter, we address the question posed in two parts:

- First, Georgia submits that no crime of Genocide has been committed by the Georgian side, as neither has existed the enemy of the said crime nor the facts commonly known as, apart this, a situation as it is necessary subjective side.

- Second, we submit that while Georgians were subjected to effectively ethnic cleansing committed either directly by Russian armed forces or through their tacit consent by South Ossetian militias for the purposes further enhancing Russian control. Detailed information on the issue is provided in the materials submitted to the Commission in March, namely, the Application of Georgia against the Russian Federation under the CERD, the Request for Provisional Measures, the supplemental statements of August 13, 2008, the Amended Request of Georgia for the application of provisional measures of August 25, 2008, the Annexes thereto, as well as the oral pleadings of Georgia at the International Court of Justice.

The Russian Federation from the very beginning of the conflict exercised systematic attacks primarily through large scale aerial bombardment against the civilian population of Georgia. The numbers of deaths as a result of Russian and South Ossetia armed actions at the beginning of the conflict varied from 1 000 to 2 000 persons[1].

Russian President Dmitry Medvedev instructed the Investigative Committee of the Prosecutor Service of Russian Federation (SKP) to investigate the fact of genocide in South Ossetia[2]. Leaving aside the question of whether the Russian Prosecutor's service was authorized to exercise jurisdiction in this matter already on August 12, 2008, the SKP announced deployment of more than 200 investigators and 29 experts to coordinate an investigation in South Ossetia[3]. Notably, unlike the SKP every international humanitarian organizations were not given access to the territory up to August

[1] [illegible]

[2] [illegible]

[3] [illegible]

14-20, 2008[1]. As such, during the first stages of evidentiary gathering, the SKP was not solely dealing with questions of presence on the ground.

In this context, the SKP announced on August 21, 2008 the deaths of 133 individuals, on October 10, 2008 – 159 individuals and on December 24, 2008 – 162 individuals[2]. Interestingly enough, the high level Russian authorities prior to the deployment of the SKP as early as August 9 and 10, 2008 were making bold statements regarding a gruesome number of casualties, which, without however question marks as to the reliability of such information. Thus, the numbers were seriously exaggerated to create a moral justification for the intervention. Indeed, according to some international human rights organizations (for Human Rights Watch), these exaggerated figures may have had a direct and persuasive result in promoting overwhelming willingness (See Annex).

As for Russia's action regarding the course of persecution, by September 25, 2008, the SKP reported that the evidence-gathering phase was completed and they came to unequivocal conclusion that Georgia's goal was to provide for the national purity of Ossetians residing in the Tskhinvali Region/South Ossetia. However, it is of primary importance to point out that the SKP has not given any legal explanation as to how the acts allegedly committed by Georgian soldiers amounted to war crimes by Georgia. In addition, the SKP has not corroborated each of its findings with relevant evidence, nor has it substantiated its allegations with objectively detailed facts. Specifically:

- the SKP investigative files are not publicly available[3];
- the SKP findings are not supported by any international or independent institutions (but Russia only)[4];
  The SKP employed inaccurate terms by which were characterized by Human Rights Watch on specific types of legally subjected to extermination – one of the cases proved to be true?
  The request of the HRW to provide the names of the witnesses who could confirm the stories of eyewitnesses was not fulfilled by Russian side.
  The SKP report contained statements regarding death or injuries, without giving further details – whether the persons named as victims (dead or injured) were civilians or combatant legitimate military targets, as well as lacked any circumstantial evidence on the supposed deaths (place of incidents, time of hostilities, or specific);
  Interestingly, even the number of dead persons (civilians) officially declared by the Russian authorities poses questions marks as to whether the list includes only civilians or also representatives of South Ossetian militias. What do they consider as legitimate military targets.

[1] [illegible]
[2] [illegible]
[3] Human Rights Watch Report, [illegible]
[4] Parliamentary Assembly, Committee on Legal Affairs and Human Rights, Report, Consequences of the War between Georgia and Russia: A Legal Analysis, Including Issues Relating to International Humanitarian Law, International Responsibility and the Right to Property, Rapporteur: Mr Christos Pourgourides, Cyprus, EPP/CD, Doc. 11742, 23 October 2008

The last provision is particularly important as the witnesses in South Ossetia quite often reference to the South Ossetian proxy militant men as "civilian". While being combatants and thus legitimate target for an attack if such was place.

According to publicly available evidence (press statements), not only genocidal intent but even discriminatory intent was missing among the Russian soldiers during the ground operations.

In particular, the Georgian troops entering the villages did not deliberately cause physical harm to the civilian population. Several Ossetians interviewed by the HRW said that Georgian soldiers told them they were under *orders to look for and punish Ossetian militia and gunmen, without mentioning civilians*.[1]

Russian propaganda – the already prepared scenario was initiated immediately after the illegal invasion of Georgia – has purposefully several main goals: first to justify Russia's illegal activities and second to demonize Ossetian proxy militants and other armed formations to create such brutal images among Georgians as to deter the Georgian military from killing. HRW in its report[2] points out, that Russian claims of genocide committed by Georgians is not supported by any evidence.[3] Neither the Council of European Parliamentary Assembly Committee on the Honoring of Obligations and Commitments by Member States of the Council of Europe and Russia at the end of September reported about any.[4]

With regard to crimes committed against ethnic Georgians, Georgia argues that we distinguish the act of genocide from the act of ethnic cleansing, as the latter act aims to render an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. Neither can this act as a matter of policy be render an act "ethnically cleansing" nor the operations that may be carried out to implement such policy can as such be designated as genocide. The latter act characterizes genocide as "to destroy, in whole or in part" a particular group, and destruction or dissolvement of the members of a group, even if effected by force, is not necessarily equivalent to destruction of that group, unless such destruction aims at the elimination of its displacement.

It goes without saying that ethnic cleansing can not constitute genocide, if it reaches the specific intent of the crime – *destruction of the group* in connection with the intent of the *removal of the group to a region*.

Georgia argues that the expulsion of ethnic Georgians from certain regions of Georgia through the acts committed and steps taken by the Russian federation along with South Ossetian proxy militants is equal to the act of ethnic cleansing. Georgia considers ethnic cleansing "as an extreme form of racial discrimination under article 1 of the Convention on Elimination of All Forms of Racial Discrimination".

[1] [illegible]
[2] [illegible]
[3] [illegible]
[4] [illegible]

ethnic discrimination has been one of the key aspects of the conflicts in Abkhazia and South Ossetia in 1990's as expressly recognized by the Declaration on the Elimination of the Racial Discrimination (CERD)[1]. The situation has escalated since August 2008, when up to 192,000 the ethnic Georgians were forcibly displaced from their homes due to the Russian invasion. Although Georgia considers that this dispute had its genesis prior to August 2008, the issue of the forcible expulsion of several hundred thousand ethnic Georgians in 1990's should not be subject of the discussion to this question and can be viewed for consideration in *Application Dispute* presented by Georgian side Submission to the International Court of Justice[2] to the Fact Finding Commission on March

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[1] CERD, 71st Sess., 77 & 78th Mtgs., Concluding Observations of the Committee on the Elimination of Racial Discrimination, para. 15, U.N. Doc. CERD/C/GEO/CO/4 (2008); CERD, 2nd Sess., 1st & 2nd Mtgs., Concluding Observations of the Committee on the Elimination of Racial Discrimination, para. 3, U.N. Doc. CERD/C/RUS/CO/19 (2008); Oral Hearings, Request for the Indication of Provisional Measures, Request of Georgia, CR 2008/23, para. 5

Question #2 :Why did persons leave their place of residence between 1990 and 2008, in particular in August, September and October 2008, and what hinders them to return? How are the property rights of these persons protected?

Ethnic Georgians and other ethnic minorities have been ethnically cleansed from Abkhazia and the Tskhinvali region/ South Ossetia as a result of the war in 1992-1993 in Abkhazia and in 1991-1992 in the Tskhinvali region/ South Ossetia when the Russian Federation took direct part in hostilities on side of the separatists and later occupied these territories.

As a result of the ethnic cleansing, Georgians and other ethnic minorities (i.e. Greeks, Estonians, Ukrainians, Jews, etc.) left Abkhazia (Georgia) and the Tskhinvali region (the Georgian population started to return, however they have been subjected to oppression and violence since then). In the Tskhinvali region/ South Ossetia primarily Georgians were ethnically cleansed. After the expulsion of ethnic Georgians, the Russian occupation took on the formal character of peacekeeping, however in reality, the Russian Federation established and supported its proxy regimes in both regions.

In August 2008, the Russian Federation invaded and occupied Abkhazia and the Tskhinvali region/ South Ossetia resulting parts that had been under the central government control before the August invasion. During and after the armed hostilities, Russian forces in harmony with irregular proxy armed groups ousted Georgian villages in the territories under their control and expelled ethnic Georgians thus ethnically cleansing them. As a result of this campaign more than 30 000 civilians have fled. Almost 20 000 civilians from the Tskhinvali region/ South Ossetia and the Kodori Gorge (Upper Abkhazia) are still unable to return.

Despite the public statements of the Government of Georgia, the ethnic Georgian populations were denied the right to return *and they were instead were made to be legal (de facto & de jure) stateless*. Russia is directly responsible for the denial of the right of return of the IDPs and refugees on the territories under its effective control.

- ***Property rights of IDPs***

The persons evicted from Abkhazia and the Tskhinvali Region/ South Ossetia are denied the right to enjoy their property. Some of them have filed cases at the European Court of Human Rights to vindicate their rights.[1]

Moreover, in March we have provided information in the answers to the "List of questions on legal issues to the Governments of Georgia and the Russian Federation" concerning the illegal disposal of the property of IDPs and their protection by Russian officials and companies.

As regards the issues raised by the conflict in August 2008, please see below.

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[1] Judgments in the cases of Loizidou and Others filed against Turkey and Cyprus and Xenides-Arestis against Turkey are available at the European Court of Human Rights website: http://www.echr.coe.int/ECHR/EN/Header/Case-Law/HUDOC/HUDOC+database/

Independent international organizations like Human Rights Watch (HRW), Amnesty International, the OSCE mission as well as eyewitness testimonies and satellite imagery obtained has confirmed the extensive destruction of various settlements invaded and occupied by the Russian Federation.[1]

International humanitarian agencies estimate that some 30,000 to 50,000 persons in the Russian proclaimed "buffer zone" were displaced by the conflict and that about 2,000 houses were destroyed or otherwise damaged in the course of the conflict.[2]

- ***Impediments to displaced persons to return to their 'Homes':***

Associated forces Russian occupation in August 2008 led to the displacement of tens of thousands of people residing in the Tskhinvali region/South Ossetia. The HRAM interviewed a number of displaced persons who reported being forced from their homes as a result of the ethnic harassment of their villages by Russian forces or because they feared ethnic persecution by advancing forces. In Prevdi, Kekhvi and Nuli, for example, the population began to flee as the bombs began to fall. Other villagers fled as Russian and armed pro-separatist forces under Russian control began to arrive in their villages, for example in Avnevi, Ergneti, Mereti.[3]

In Prevdi, according to villagers, groups of armed pro-separatist forces under Russian control in military uniforms told the villagers they had to leave. At least one, but in these pro-separatists told the villagers that: "If you don't leave, you will be killed." Another villager from Prevdi reported to the HRAM that one old couple was fired at and killed by Russian and Ossetian soldiers as they tried to leave.[4]

For the other hundreds of the ethnic Georgians who fled their villages in the Tskhinvali region/South Ossetia during the conflict and its immediate aftermath, have not been able to return. Mr. Kokoity, the leader of separatist Ossetia reportedly made a statement in mid-September that Georgian "refugees" [who] are South Ossetian citizens have the right to return to their former places of residence. Displaced Georgians will be allowed to come back if they are ready to renounce Georgian citizenship and acquire South Ossetian citizenship."[5]

Other *de facto* South Ossetian officials have expressed similar views. The *de facto* Minister of Interior, for example, told the HRAM that he has found records of 1,000 ethnic Georgians living in South Ossetia who had been issued weapons since 2004 and that all those are potential terrorists. They would be prosecuted. Others, he said, would only be allowed to return if they renounce their Georgian citizenship. The Deputy Chairperson of the *de facto* Council of Ministers (*de facto* Deputy Prime Minister) told the HRAM: "If a Georgian who decides to return to South Ossetia, does not meet our expectations, they will be expelled. ... I don't want Georgians to return to the northern villages of Tamarasheni and others, and they won't be able to." The Commandant of the

[1] Amnesty International, [illegible]

[2] Among Many others, Russian peacekeeping Buffer Zone. The following figures are from the Deputy Prime Minister of the Russian Federation, Sergei Ivanov, Moscow, Interfax, Russian Defense Ministry Daily, 26 August 2008, reported in Russian Defense Ministry Daily, 26 August 2008, pp. 3-24. Available at [illegible]

[3] OSCE/ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia, Report, 27 November 2008, p. 24

[4] OSCE/ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia, Report, 27 November 2008, p. 27

[5] OSCE/ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia, Report, 27 November 2008, p. 48

[6] OSCE/ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia, Report, 27 November 2008, p. 18

Russian Armed Forces in South Ossetia told the HRAM that it is too early to speak about the return of displaced persons.[1]

Many displaced ethnic Georgians told the HRAM that they were unable to return to their former places of residence. A displaced person in the village of Disevi, for example, told the HRAM that she tried to return to Disevi but was prevented from doing so by Russian soldiers. Another interviewee in a separate interview that it is impossible to get through the Russian-Ossetian check points[2] and that it was not safe to return to their fields.

A displaced couple from Variani told the HRAM they have not been able to return to their home because of security problems and uncertainty. A Variani resident who tried to return to South Ossetia said he was turned back at a checkpoint after being told he should apply for a Russian passport and citizenship if he wanted to return to the village. Other villagers told they were afraid to go back to their villages after their experiences there. A Tbeti from Ditsi said she would not return as the Russians are there. A displaced person from Tsitsagiri said she had no means to return to her village even if she wanted to, but in any event she had been told that all the houses in the village were destroyed, so it would be impossible.

Since the provisional regime of the Tskhinvali region/South Ossetia and the withdrawal of the Russian troops explored to the region, thousands of ethnic Georgians have left the region. More than 5,100 individuals had left Akhalgori by October 2008. As mentioned earlier, a resident told the HRAM that there were just 40 students in the school this year, compared to 170 last year, and there were only half as many teachers as previously. The HRAM was told that some people are selling their homes and others are negotiating deals, others have stated they return temporarily to assess the situation and to make a decision whether to sell their homes and move permanently to another region of Georgia. Georgians are leaving Akhalgori because of the strong presence of Russian and Ossetian military and the fear of Russian control and believe that fighting may break out.[3] To date, no training of police officers in Akhalgori has commenced. Their rights and freedoms are limited: they are forced to accept Russian or so-called Ossetian passports and to cut links with the rest of Georgia.

Human Rights Watch researchers spoke with several members of the armed proxy militias under Russian control who openly admitted that the troops were being trained by their associates, explaining that the objective was to ensure that ethnic Georgians would not have the chance to return.[4]

- ***The right of IDPs to dispose their property freely***

The Constitution of Georgia recognizes the right to property. The right of property of IDPs over their property left behind in Abkhazia is regulated correspondingly to the evolutionary situation. The Parliamentary Decree (2007) restricted the right to property of IDPs and the implementation of the provisions that caused the displacement of those individuals. This restriction is not about the

[1] OHCHR, Report on Rights in the Occupied Territories of Georgia, 15 October – 15 December 2008, p. 18
[2] OHCHR, Report on Rights in the Occupied Territories of Georgia, 15 October – 15 December 2008, p. 18
[3] OHCHR, Report on Rights in the Occupied Territories of Georgia, 15 October – 15 December 2008, p. 19
[4] OHCHR, Report on Rights in the Occupied Territories of Georgia, 15 October – 15 December 2008, p. 20
[5] Human Rights Watch, HRW [illegible]

general recognition of the property right but about the special regime for the restoration of the property lost/left in the parts of Abkhazia that remain beyond the control of the central government.

According to the general legislation on the registration of property, land identification documentation and cadastre, information should be presented to the Public Registry. Identification documents as well as cadastral data[1] on the property located in Abkhazia have been remained there or were destroyed during the conflict. In the light of the above-mentioned in order to conduct the valid registration of the property in the territory of Abkhazia, it is inevitable to conduct on-spot verifications. Without on-spot verification, especially behind the background that privatization of property as such has never been conducted in Abkhazia, mere regular procedures for registration may create violation of the rights of third persons. Conversely, the risk that a person who claims ownership over the property may not be the real owner is unavoidable. Through negative registration, the rights of potential buyers of the property are also under the risk. Therefore, the Government of Georgia takes very seriously the issue of property restitution in the parts of Abkhazia beyond the control of the central government.

However, in order to ensure the fair balance between the interests of different individuals the Public Registry considers a preliminary registration. The preliminary registration means that the Public Registry conducts registration of property rights on the basis of satellite photos taken by the Government and the valid documentation/documents submitted by applicants.

This procedure is regulated within the framework of the Presidential Program "My House".[2] It is aimed at recording the real estate and registering the rights on it in the all fields of Georgia controlled by the Georgian Government. The program sets the formation and executes the preliminary registration of the property rights of the persons that had their real estate on the territory of Abkhazia prior to armed conflict and who as a result of it was forced to leave their property and change their place of residence. Preliminary registration of property rights in Abkhazia creates a basis for legal struggle after the restoration of the jurisdiction of Georgia. It is important to mention that the preliminary registration is a manifestation of ownership over the property in question, however the owner is temporarily restricted in his/her right to sell or otherwise alienate the property.

Pursuant to Decree No 124, in order to have preliminary registered property rights on the real estate/property in Abkhazia – not only and "legal" persons exist – it is a special declaration form indicating the information concerning the real estate that was in their possession on the territory of Abkhazia. Afterwards the data indicated will be compiled into declarations together with the satellite scenes to be used for creation of a geo-information system of the Autonomous Republic of Abkhazia. All this provides the necessary requirements and gives the possibility to exercise preliminary registration of property rights of physical and legal persons in the territory of Abkhazia. For the implementation of these tasks a special department of land and other property-related issues of IDPs has been created in the Ministry of Refugees and Accommodation of Georgia.

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[1] Cadastral data includes information about land parcels, buildings and other real estate objects.

[2] The program is set out by the Presidential Decree No 124 of January 15, 2007 on Urgent Measures to Ensure Registration of Rights to Immovable Property Owned by Internally Displaced Persons Living in the Territory of Georgia and the Order of the President of Georgia No 365 dated August 2, 2007 on Approval of the Procedure for Preliminary Registration of Immovable Property Owned by Internally Displaced Persons Living in the Territory of Georgia.

Among others, the project "We House" aims at ensuring the identification of "persons" who are entitled to claim their rights to own, enjoy, or real estate (persons who possess the real estate) in the *de facto* territories and protection of the civil rights and interests. Upon restoration of the *de jure* jurisdiction of Georgia over Abkhazia, Georgian citizens will have legally valid and technically approved documents in Georgian and Abkhazian languages on real estate confirming the rights to their property (the real estate's recording certificate instead of the land plot or the basis on which property relations issues will be regulated and resettlement of IDPs in their habitual residences will be organized.

The Public Registry will be able to conduct full-scale and normal registration of the property in the parts of Abkhazia, beyond the control of the central Government only after verification of the archival documents locally and private verification of location, boundaries, functional purpose of the property.

In order to show Georgia's commitment to restore the IDPs' right to property they have been expelled from the Autonomous Republic of Upper Abkhazia, South Georgia is worth mentioning. As soon as the central government of Georgia regained necessary control over Upper Abkhazia in 2008, the Ambrolauri Public Registry Office has been opened. First registered its property over that territory and accordingly the title-holders were effectively restored their property rights.

- ***Property Rights in Tskhinvali region/South Ossetia***

The Law on Restitution was adopted on December 26, 2006. The aim of the law is to provide property restitution, adequate immovable property in place or compensation for the material (property) damage to the victims who sustained damage as a result of a conflict in the former Autonomous District of South Ossetia. Currently, the steps are taken for the implementation of the Law on Restitution.

Question #3: What targets were attacked on what day by forces not controlling the place where these targets were situated between 7 and 12 August 2008? When these targets were situated in towns and villages what was the evaluation of expected incidental death of civilians, injury to civilians or damage to civilian objects? Did the actual effects correspond to the expected effects? If not why? What precautionary measures were taken in such attacks by the attacker and by the defender to avoid and minimize incidental death of civilians, injury to civilians or damage to civilian objects? Did those precautionary measures succeed? If not why?

Georgian forces attacked all predetermined military targets, including Russian military convoy moving south, which legitimate military targets identified in the course of the hostilities.

Georgian forces during [illegible] period [illegible] response to Russian invasion and bombing of certain government controlled villages on 28 [illegible] August 7-8/08 started [illegible] predetermined military targets [illegible] and continued [illegible] 8 August 8, 2008 in Tskhinvali and [illegible].

Predetermined military targets, including Russian military convoy moving south:

1. Ammunitions convoy on [illegible] roads of Dzara and Ksani
2. Gupta bridge;
3. So called "reinforcement center" at Tskhinvali (barracks on 2,500 servicemen);
4. So called Ministry of Defense, Ministry of Interior, Ministry of Security (KGB Special Service HQ (GAFON and Presidents security guards) in Tskhinvali;
5. HQ of pro-ossy militants in so called "Nkra Gori" settlement in Tskhinvali;
6. Platoon fortified position reinforced with tanks in the vicinity of the former asphalt factory in Tskhinvali;
7. Company fortified position reinforced with tanks in Ekakhmi heights;
8. Platoon fortified position reinforced with 3-5 armored vehicles in the vicinity of the former Textile factory in Tskhinvali;
9. Platoon fortified position reinforced with 3-5 armored vehicles in the vicinity of the former cement factories in Tskhinvali;
10. One battalion of the enemy artillery located in the vicinity of villages Dangeleti and Monastiri.
11. Grad rocket unit in the vicinity of village Kvemo Nikozi;
12. Artillery positions in the vicinity of village Khetagurovo;
13. Platoon fortified position reinforced with mortar and 120mm mortars in the vicinity of Ukani.
14. MT Lazy base in Tskhinvali.

It must be noted, that the Georgian military command limited list of targets for artillery and for the ground troops in the city of Tskhinvali and vicinity of populated villages to minimum. The list of predetermined targets included only places of heavy concentration of the enemy's manpower and military assets. Georgian military command did not use any MLRS systems inside populated areas. Finally, the command was informed by daily open sources and by Intelligence on massive evacuation of civilians from pro-ossy-controlled territories, including from the city of Tskhinvali.

Specifically, the evacuation of non-Ossetian Georgians in the Russian Federation region on 23 of August 2008.[1] At 15:55 the proxy regime announced the evacuation of civilian population from Tskhinvali and from the separatist-controlled villages of the region. The evacuation continued through to August 2008.

This fact is further confirmed by the statement of Anatoly Bibilashvili, then National Security Council Secretary of the proxy regime:

> *Since August 1 positions on Tskhinvali have started to be more focused on the Georgian there were single Georgian volunteers that tried to proceed for first contact. Then Prime Minister Ivanishvili with Mr Kokoity has decided to evacuate people to make an ethnic cleansing. And the civilians were attacked with children, and women, and old men. Up to thousand persons were taken out from there. — On August 8 we have completely cleared the city.*[2]

On 7 August, after more than two days of heavy attacks on Georgian-controlled villages in the vicinity of Tskhinvali, President Saakashvili ordered a unilateral ceasefire and announced a peace initiative.[3] However, the so-called 'Ossetian militias' and Russian forces continued their attacks on Georgian villages. At 20:00 on 7 August, Georgia declared a unilateral ceasefire to allow remaining civilians to leave the conflict area in the southern direction from Tskhinvali towards Imereti.[4]

(b) Legitimate military targets identified in the course of the hostilities

Georgian armed forces distinguished military objectives from civilian objects at all times and directed the attacks accordingly. Along with the predetermined military targets, force was used against the objects identified as military targets during the military operations. Armed formations of the Russian Federation and Russian military forces extensively used civilian objects for clear military purposes as human shields, by that violating principle of distinction as well as depriving these objects of their protection and transforming them into the legitimate military targets. Georgian armed forces attacks were directed specifically against firing positions of the adversary. Statements of seven Ossetian OMON fighters (Georgia's Annex [illegible]) are illustrative:

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[1] See the Order of the Commander of the Joint Group of Russian Forces on the Evacuation of the Population from the Territory of South Ossetia and Adjacent Areas of Georgia, 23 August 2008, Annex [illegible] to Georgia's Application.

[2] Statement of Anatoly Bibilashvili, Former National Security Council Secretary of the Separatist Regime, Annex [illegible] to Georgia's Application.

[3] Statement of the President of Georgia Mikheil Saakashvili, 7 August 2008, available at http://www.president.gov.ge/index.php?lang_id=ENG&sec_id=69&info_id=3782.

[...] "The Georgian tanks shot at those tents in front where the occupants [sic] were sleeping [...][1]

Neutralization of these targets, from which shelling of Georgian civilian villages as well as subsequent bombardment of Gori, firing against Georgian armed forces was carried out, was required by military necessity and aimed at obtaining concrete military advantage.

In cases when there was a doubt about the nature of the object, it was treated as a civilian object. *"Such objects are presumed to be civilian objects so that they are protected from targeting under international law; <u>but as described before, at least some of these buildings were used as defensive positions or other posts by South Ossetian forces</u>, including volunteer militias, which rendered them legitimate military targets."*[2] Georgian soldiers received training that all enemy civilian buildings, including schools, kindergartens and nurseries, banks, and were forced to attack them, especially in Tskhinvali. This has also been verified by FFM[3].

Numerous witnesses interviewed by Human Rights Watch, including members of South Ossetian militias, confirmed that South Ossetian forces were not only present in Tskhinvali and targeted military targets, but also actively participating in the fighting, including by launching artillery attacks against Georgian forces. <u>The witnesses also made it clear that South Ossetian forces set up defensive positions or headquarters in civilian infrastructure,</u> thus turning them into legitimate military targets.[4]

<u>These targets</u> included some administrative buildings hit by the Georgian artillery, <u>such as</u> the Ossetian parliament building, <u>as well as</u> several schools and nursery schools. Two residents who also told Human Rights Watch that militias had been set positions in School No. 12 in the southern part of Tskhinvali, which was seriously damaged by the Georgian fire. Another witness said South Ossetian fighters were stationed in the basement of Tskhinvali School No 6, where they were fired upon by Georgian tanks. No resident casualties resulted.[5]

Several members of the Ossetian militia interviewed by Human Rights Watch confirmed that <u>many of the school and nursery school buildings were used as gathering points and defense positions by the militias.</u>[6]

The Lieutenant Senior Sergeant Shavlokhov began with his subordinates to be occupied and based by a platoon on a favorable [illegible] on the Vladikavkaz – Tbilisi highroads of streets of Lenin and Kreminovka in Tskhinvali.[7]

[1] [illegible]
[2] Human Rights Watch, [illegible], p. 41
[3] [illegible], p. 56
[4] [illegible], p. 51
[5] [illegible], p. 51
[6] Кокоева Ф.А. [illegible]

As stated by the Lieutenant of the 58th Army Mikhail Mikhalchik, they have led the heavy armor into the yards of the private citizen and use as "cover" houses, fences, walls of houses for organizing the defense.

Performance in *Sovetskaya*[1] quoted by Georgian Intelligence shows testimony of Russian servicemen confirming that Secondary School № 1 in Tskhinvali was used as a military base.

The interview with the former Secretary of the Security Council of the self-proclaimed Republic of South Ossetia, Anatoly Barankevich[2] makes it clear that the houses located near the Russian battalion of peacekeeping forces as well as other houses were used as military objectives.

> [...] We have gone to the northern part of the city. We have decided to move to the headquarters of the peacekeepers. We came there and lived Kulakhmetov. It is necessary to take cover there and stand there until the Russian army comes [...]
>
> [...] Well, I have decided it is necessary to evacuate ourselves to peacekeepers' town called "Verkhniy". We have started to occupy houses near the headquarters and to fortify the nearest crossroads. Youngsters took shots, did not arrive. What to do? There was not a battle, there was disorganization. Supreme Commander has left, "We will not leave anybody," the Chief of KGB remained with peacekeepers.[3]

It is clear from the statement of the then *de facto* NSC Secretary Barankevich that the houses nearby the Russian peacekeeping forces were occupied by the fighters for the military purposes. Therefore, Georgian forces had the right under the relevant international humanitarian law to use force against such targets.

Collateral damage to civilians and civilian objects

It is legally established that in the conduct of war, civilian persons and objects may be inadvertently affected by an attack directed at a legitimate military objective referred to as "collateral casualties" or "collateral damage".[4] Civilians may be victims of unintended but inevitable side effects of an attack on a legitimate target in their vicinity. According to the principle of proportionality, those civilian casualties and damages are lawful under treaty and customary law only if they are not excessive in relation to the military advantage anticipated.

Against the fact that military objectives were often located by Russian military and there is no legal information on close proximity to civilians has been verified by the HRW,

> *In one of th[e] villages, [name] Khetagurovo, Human Rights Watch was told that the positions of Ossetian militias were in close proximity to the civilian homes but no*

[1] [illegible] Dmitry Sorokin, "[illegible]," *Sovetskaya* [illegible] Russian servicemen [illegible] See Article 57 (Precautions in attack) of Additional Protocol I of the Geneva Conventions of 12 August 1949.

[4] Collateral casualties and damage are not defined in the Rome Statute of the International Criminal Court, but are considered in the Statute's definition of the war crime of intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be excessive in relation to the concrete and direct overall military advantage anticipated.

this the worst conflict Georgia has seen that I have spoken to in the past. Killing people.[1]

The Government of Georgia submits that it has satisfied the requirements for the collateral damage to be justified, i.e. it has acted in accordance with the principle of proportionality and applied precautionary measures wherever circumstances allowed.

It must be also highlighted, that Georgian military have strictly followed the order by the President to protect civilians:

> *The majority of witnesses interviewed by Human Rights Watch did not complain about the type of collateral damage caused them by the Georgian forces. Judging by their statements, in most cases the troops entering the villages did not deliberately cause physical harm to civilians. Several Ossetian interviewees said that Georgian soldiers told them that it was safe for them and that Georgian soldiers, <u>had to spare women, children and elderly during the ground offensive</u>.*[2]

> *Zarema A., from the village of Satskhi, said that when Georgian soldiers entered the basement where she was hiding with her husband, they told them, "Now you'll live with us with Georgians, and we'll live in peace. Misha [Saakashvili] <u>told us not to touch women and children</u>. We've come not to kill the peaceful people, but that's what you do. You are not to worry." In their account from the same village, Nodar S. also said that the Georgian soldiers were telling the residents, "We have not <u>killed any residents</u> and we are not going to. Everyone is safe!"*[3]

> *Madina M. from Kekhvi said that she was in the yard when Georgian troops entered the village, but to her surprise they were "polite" and did not harass her. She said:*
>
> *They were going from yard to yard and telling people, "Hey, all of you have one hour to leave, a second ultimatum. I was so frightened — I thought they'll be doing cruel things to women and to the elderly. We decided the first one, look to [sic]? But they were ... polite really. <u>They kept saying that they had an order not to touch women, children, and old people, and we had nothing to fear from them</u>."*[4]

During a hearing before a Georgian parliamentary commission study the causes of the August war, several high-standing officials (including Chief of General Staff, Ministers of Defence, Minister of Internal Affairs, Secretary of the National Security Council) stated that President Saakashvili gave three orders at 11:35 pm on August 7: 1. Stop all military movement from Russia to Georgia; 2. Suppress firing positions from which Georgian peacekeeping forces and civilians were being attacked; 3. Protect the civilian population. In implementing these orders, Georgian officials further asserted that it was not a target per se, but first it was necessary to suppress firing positions in

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[1] Human Rights Watch, *Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia*, 2008, p. 31

[2] Human Rights Watch, *Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia*, 2008, p. 31

[3] Human Rights Watch, *Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia*, 2008, p. 31

[4] Human Rights Watch, *Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia*, 2008, p. 61

Tskhinvali and the Georgian forces acceded to take control of Tskhinvali to evacuate civilians located in villages to the north of Tskhinvali."

Despite the precautions taken by the Georgian government and the armed forces, civilian infrastructure damage was unavoidable. However, it is difficult to have accurate assessment of the damage caused exclusively by the Georgian forces, as Russian forces represented dominant military power and used heavy air and artillery bombardment on the same area in the same period of time.

The Grad multiple rocket launching system in Tskhinvali and other villages was used by the armed forces of the Russian Federation. It becomes known by the statement of the operators of installation "Grad", the senior sergeant of the 292nd command service of the self-propelled artillery regiment of the 19th Motorized Division Vasily:

> "[...] Russian forces were moving towards Ring Tskhinvali. It was difficult to take the shot. It was necessary to occupy the city."[2]

The use of Russian Grad bombardment on Tskhinvali is so veritable. Caught of the shot would be identified on spot. While assessing the damage to the city, it must also be borne in mind that Tskhinvali has suffered diverse as a result of hostilities in 1991 as well and has not been repaired thereafter. As Georgian authorities have not been able to undertake proper investigation in the territories, we provide a mixed video as an illustrative example based on the analysis of the open source video – Georgian statements that the infantry combat vehicle and shell proves Russian military hardware to be Russian peacekeepers 2nd in Nginvali.[3]

Issue of Peacekeepers needs to be highlighted due to its own Russian Federation has extensively used the argument of "peacekeeping" its peacekeepers, as a yet another justification for its military action in Georgia. However, many facts confirm the political, rather than "humanitarian" nature of the Russian invasion. *How to understand, as please explain to the Russian Military Journal, such a military objective objects as pro-Russian peacekeeping troops?*

Georgia confirms its commitment to the standard that directing an attack against protected and objects involved in a peacekeeping mission in accordance with the established principles, as long as they are entitled to the protection given to civilians and civilian objects under international humanitarian law is prohibited.[4] However, as stated above, any civilian object can lose its protection in case it is used in such a way that it loses its civilian character and qualifies as a military objective and, as such, it is liable to attack. The Government of Georgia repeatedly submits that peacekeeping forces and their buildings that were used for military purposes were rendered a legitimate target, therefore, lost the protection. It must once again be noted that only those peacekeeping regiments and infrastructure have been attacked by the Georgian forces, which directly participated in

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[1] Human Rights Watch, [illegible] Russian Federation [illegible] Conflict in Georgia, (New York, 2009), p. 93.

[2] October 14, 2008, Russian Defense Ministry [illegible] Grad multiple rocket launching system [illegible] Tskhinvali, [illegible].

[3] Video Available at: [illegible]

[4] [illegible] Georgia's Investigation Report to Support Its Claim that the Conduct of Russian Armed Forces Violated the Convention on the Prevention and Punishment of the Crime of Genocide, (Tbilisi, 2009), p. 11, Para 33.

positions, whereas other Russian peacekeeping posts continued to function throughout the day. Only the Russian battalion was subjected to attack.

The peacekeepers' forces were involved in the war and assisted the irregular Ossetian forces through different means. The Georgian Ministry of Internal Affairs corroborated the information stating that the base of the Russian peacekeeping forces was used by the separatists per both the artillery shelling of the Georgian positions and adjustment of fire:

> *On August 7 the lieutenant of Odessa was carrying out a battle order to neutralize the positions and weapons of the artillery [...] was unable to see his direct commander, though Oleg's Commander told us that without the order has told him to which could deal with this situation. Later, the observant post was situated on a roof of the building of the Russian peacekeeping battalion on southern outskirts of the city [...] at that time it might have caused [...] it was the most dangerous place in the city since the Georgian team [...] first of all, aspired to destroy the peacekeepers. Oleg has not left a fighting post and remained [...] of our groups, despite the attempts [...] that roof. However, eventually, the opponent has established his aim and has started to shoot at the observation post [...] by Oleg has got the hardest wounds. The Russian peacekeepers also [...] him [...] the control with, however, heavy [...] explained to us as well. Everything was burning around [...] there was no water or food among peacekeepers. The month [...] that was crucial [...] what is also believed up [...] finally, we decided [...] Oleg [...] that we [...] to be dragged [...] on chairs [...] there was no place and [...] was [...] decide for [...] Oleg Guledani was lost, saving [...] receipt and [...] on a [...] post Guledani Oleg is posthumously presented for the title of "the Hero of Russia".*

The very first encounter with the Russian peacekeepers took place on August 8, at around 06:00, Georgian Ministry of Internal Affairs special forces equipped with "Cobra" type armored vehicles and reinforced by several tanks from the Ministry of Defence of Georgia moved from the village of Avnevi-Nikozi towards the outskirts of Tskhinvali in order to suppress the fire opened at that village by the de facto regular forces located in the southwestern part of the town, the so-called "Shanaurian district". The Ministry of Internal Affairs Special Forces started sniper and grenade launcher fire from the Russian peacekeeping headquarters "Patsatsia Gorodok" located on the southwestern edge of the town and were ordered to return fire and ask for tank support.

According to the above-mentioned it is clear that the Russian battalion of peacekeeping forces turned into a military objective and therefore a legitimate military target, since it was directly involved in the military endeavors of the enemy. Not only did it take an active part in the military operations due to its inclusion in the military dispositions of the adversary, but directly attacked Georgian militaries. Professor Schmitt noted that [illegible] Commander of the JTF Operation Allied Force with the Head of the Georgian peacekeeping contingent Kvashali submitted that the Russian peacekeepers had been providing individuals [illegible] to the enemy military.[1] In particular, the above took place well before any Russian claims of alleged Georgian

[1] Notes on [illegible] per [illegible] with [illegible] Professor Michael Schmitt, Charles H. Stockton Professor and Chair of the Stockton Center for International Law, U.S. Naval War College, 20 August [illegible] (on file with author).

[2] Notes on [illegible] with the answer to the Question [illegible] the Military Net [illegible] Georgia to [illegible] [illegible] [illegible]

[illegible] peacekeepers. Furthermore, at #2(f) in the minutes of the August 8, Russian Deputy Foreign Minister Grigory Karasin telephoned his Georgian Minister of Foreign Affairs Gregory Vashadze and informed [illegible] Russia will respond on lands to the death of its peacekeepers in Akhalgori. About [illegible] Russian ambassador to Georgia Vladislav Kvesitadze visited Georgia's Military Institute. Minister of Defense Davit Kezerashvili [illegible] Georgian forces and Russian peacekeepers took place at the [illegible] from Georgian Kvesitadze's statement.

In spite of the overwhelming evidence of the direct participation of the peacekeepers in the hostilities, Georgia's armed forces could not cope with more than the occupation and were [illegible] after the hostile activities were initiated by peacekeepers or persons or vehicles wearing peacekeepers identification, see footnote on the morning of August 9, at 12:00-13:00 in the 31st Battalion of the 4th Infantry Brigade of the Georgian armed forces was moving on the territory of Akhalgori to engage in conducting the MIA special forces, immediately before they entered the town a chain of armored vehicles and trucks of armed persons appeared. The Chief of the Battalion ordered the troops to allow the chain of vehicles and trucks to come [illegible] and they reached Akhalgori's administrative center to control their [illegible]. Soon it became known that the [illegible] armored vehicles and trucks [illegible] were of Russian Peacekeeping forces (PKF). [illegible] Battalion refused to allow the [illegible] allow the peacekeepers to pass. The column penetrated deep into the territory and [illegible] the Georgian armed forces' ammunition depot. The Chief of the Battalion refused to allow the [illegible]

Question d: What is your legal position regarding the international humanitarian law as to the issue of Grad multiple rocket launchers and/or cluster munitions used and against which targets (in particular in densely populated areas)? What measures were taken to mark and clear explosive remnants of the war?

At the time of the international armed conflict between Russia and Georgia in August 2008, Georgia was not party to any of the international legal instruments expressly prohibiting the use of Grad Multiple Rocket Launching systems or cluster munitions. Moreover, there was no rule of customary international law applicable to Georgia, prohibiting the above. Furthermore, the types of weapons used, including Grad Multiple Rocket Launching systems or cluster munitions, had been used in full compliance with applicable rules of international humanitarian law, in particular the principles of distinction and proportionality.

Cluster munitions, specifically the GRAD-ARC-80 missile system and the MK-1-ARC-80 type missiles with M-85 cluster bombs, have been used exclusively against military vehicles and equipment now occupying the territory of Georgia. The use of the mentioned munitions was based on a Georgian analysis of the military necessity and the military advantage it could give to the Georgian army in the given situation. The necessity of military necessity was to limit the advancement of Russian military personnel and equipment into Georgian territory. The attack was directed specifically at military personnel and objects and the use of the GRAD-ARC-80 missile system and the MK-1-ARC-80 type missiles with M-85 cluster bombs impeded the advancement of the Russian Army into Georgian territory for several hours, thus giving the Georgian Army, which at numbers was several times less than the advancing Russian troops, a military advantage which created the opportunity to form the safe evacuation of civilians from the war theatre.

The Armed Forces of Georgia used GRAD rockets only against clear military objectives and not against civilians.

In conclusion, the Government of Georgia would like to underline once more that the means used in the case of Grad Multiple Rocket Launching systems and cluster munitions as well as the modalities of their use were in full compliance with the applicable rules of IHL. The military advantage achieved by the use of the mentioned type of weapons clearly justified the unfortunate as well as unintentional damage to civilian objects or loss of civilian life or injury to civilians and was fully justified by the military necessity.

- *Measures Taken to Mark and Clear Explosive Remnants of War*

The August 2008 conflict caused a critical humanitarian situation in the country. The Explosive Remnants of War (ERW) were discovered in many cities and regions of Georgia. Based on the extensive and ongoing risk education activities have been undertaken. Although these activities are not carried out in the occupied areas of the Tskhinvali region/South Ossetia and in Abkhazia, Georgia because of the leadership of Russian occupation forces continues to block access of deminers to these territories.

The bombed and mined areas of Georgia include:

- *Tskhinvali and Eskhuvski region South Ossetia* (mines, missiles, rockets, cluster bombs, artillery and tank shells).
- *Gori and Gori region* (air bombs, cluster bombs, pellet bombs, landmines, tactical rockets, missiles, light explosive bombs, time mechanism bombs).
- *Ni, Khi, ri and Gori region* (air bombs, pellet bombs).
- *Mtskheta Region* (artillery).
  Gl. Igdoskheuri (air bombs).
- *Poti bil* (armaments).
- *Senaki region* (ground by War explosives).
- *Upper Abkhazi* (shrapnels, missiles, rockets).
  Poti (air bombs, tactical rockets).
  Senaki, and Senaki region (air bombs, land mines).
- *Kvemo Kartli* (bombs).
  Khashuri and Gori (air bombs).
- *Ku Dzuli region, Tskhinvali region* (mines).

In order to urgently improve the situation on Mine Actions and Understanding on "Humanitarian Mine Action Assistance" were signed with the Ministry of Defence of Great Britain (UK) and (2) "Norwegian Peoples Aid" (Norway) correspondingly on the 8th and 12th of September.

These Memorandums comprise the following activities: (1) assessment survey on Abkhazia, the Gali reduction; (2) Explosive Remnants of War clearance activities – the Memorandum is extend on the whole territory of Georgia; (3) Note that they are not carried out in the Tskhinvali region/South Ossetia and in the Autonomous Republic of Abkhazia, Georgia as per as the leadership of Russian occupation forces do not agree to allow de-mi ers access to those regions. Data management efforts are needed.

In addition, Estonia has sent a 5-pers on group from the Explosive Ordnance Destruction Centre of the Estonian Ministry of Interior to provide with Georgian Engineering Brigade demolitions. The group has successfully carried out Explosive Remnants of War activities during a three-week period (6-28 September) in several specific areas.

In J-5 Department of the Joint Staff of Georgian Armed Forces a Division has been created and tasked to coordinate Explosive Remnants of War activities. For this purpose on October 9, 2008, the Ministry of Defense of Georgia signed a Memorandum of Understanding "Mine Action Assistance" with UNMAS (USA). The Memorandum provides technical, programmatic, resource and management and advisory support for the development of sustained Service. The Service has already access to, and the information gathering and coordination functions.

The entire engineering supplies were demolished during the Russian aggression in Georgia, which led to the paralyzation of the re-deployment of the Georgian Armed Forces Engineering Brigade, infrastructure rehabilitation and preventive training. Representatives of "DynCorp" (USA) are in Georgia to evaluate the type and amount of damage caused.

Marking of the Explosive Remnants of War (ERW) was performed by the "Halo Trust".

With regards to fishing activities, a Memorandum of Understanding on Humanitarian Mine Action Assistance has been also signed with the Government. This memorandum encompasses the development of national capacities in view of clearance assistance and training of counterparts personnel related to mine activities.

The same issue was brought to the attention of the NATO Maritime and Supply Agency (NAVSUP) Oversight, assistance is planned to be widely known to the

Question 5: In areas that your forces or adverse forces gained control over during 2008 hostilities, what kind of groups or persons were summarily executed, raped, or ill-treated civilians and pillaged, burned or destroyed buildings? What measures were taken by the forces of the party controlling the area to stop and repress such violations?

1. No such acts have been committed by Georgian forces, as also verified by international organizations.

2. *As to the acts by the adverse party, please see bellow:*

Right to life

The attacks against civilians that were committed from late July 2008 to 12 August 2008 and thereafter were in violation of the right to life due to the following reasons: (a) these attacks were intentional and deeply orchestrated attacks that were perpetrated either directly by the forces of the Russian Federation, and/or indirectly by proxy militants under Russian control; (b) were intentionally imposed against the ethnic Georgian population. Hundreds of civilians lost their lives or had their lives seriously threatened as a result of the attacks.

Breach of obligation to distinguish during the armed conflict. The Russian Federation was the dominant military force during the war in August 2008 and it directly coordinated Ossetian armed groups who acted as proxy militants under Russian control. Therefore the Russian Federation is responsible for the orders it gave to its armed forces and the manner in which they and its proxy militants under their control conducted their operations. The Russian Federation was therefore obliged to conduct its military operations, including those of the proxy forces, in a planned and controlled manner so as to minimize the risk to life. The Russian Federation has failed to meet this duty by indiscriminately bombing and shelling areas which were not legitimate military targets, and by utilizing means of warfare such as landmines and cluster bombs in a manner which fails to avoid or distinguish between civilians and combatants. The use of force was not one made only if absolutely necessary, nor was it lawfully undertaken.

There is no evidence that there were legitimate military targets nearby in the numerous areas which were the subject of indiscriminate shootings, tank attacks, artillery attacks and aerial bombings by the forces of the Russian Federation and/or the proxy militants acting under their control[1]. Such attacks included but were not limited to the following acts:

> The aerial bombing of two civilian convoys on the road near the village of Tkviavi killing 60 civilians. Tkviavi and Marisa Kashetia-v.i.t. on 8 August 2008[2]

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[1] See ANNEX 1 Human Rights Watch, *Publication*, pp. [illegible] See also ANNEX [illegible] Amnesty International, *Publication*, pp. [illegible] See also ANNEX [illegible] Human Rights Watch

Two aerial bombing and shelling of the village of Kvemo Khviti from 6 to 9 August 2008, resulting in the destruction of the village school and killing three villagers;

An aerial bomb attack on the village of Tkviavi on 8 August 2008;[1]

Aerial bomb attacks on the villages of Kvemo Achabeti on 8 August 2008;[2]

An aerial bomb attack on the village of Kvemo Nikozi, Nitzuli Bridge, on 9 August 2008;[3]

An aerial bomb attack on the village of Karbi, killing a civilian, Mrs Tsiala Bibilashvili, and wounding several others, on 9 August 2008;[4]

A bomb attack on a civilian house in Tamarasheni on 9 August 2008;[5]

An aerial bomb attack on the village of Ditsi on 11 August 2008;[6]

The killing of Georgians, Mikheil and Nodar Meiturishvili, Levan Mikeladze, Nodar Batsari, Kakha Lezhava, Irakli Shavadze, Lasha Bakradze, Soso Gabashvili and Jaba Iobashvili, during looting operations in the village of Ditsi on 12 August 2008;[7]

An aerial bomb attack on the radio square of Gori, killing 8 and injuring 25 civilians, on 12 August 2008;[8]

A helicopter attack with rockets on Gori military hospital, killing one emergency room physician, Giorgi Vekua, on 12 August 2008;[9]

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[1] See ANNEX 1.1 Human Rights Watch, "Publication Publication Publication

A rocket attack on the village of [illegible] killing several civilians and injuring dozens of others on 12 August 2008;[*]

An aerial bomb attack on the village of Variani killing 3 civilians on 12 August 2008;[**]

The shooting of civilians in which several people at the scene including Nikoloz Nikolaishvili, Givi Mgeladze and Mr. Mamuka Mgeladze, on 12 August 2008;[***]

A rocket attack on the village of Akhaldaba on 12 August 2008;[****]

A tank attack on a taxi in Tskhinvali, killing five civilian passengers, Dmitri Gorshenin, Stanislav Kochiev, Nina Arabashvili, on 12 August 2008;[*****]

The arrest by shooting of Vasiko Zaalishvili in the village of Kurta on 12 August 2008;[******]

The killing of a civilian during a security operation in the village of Eredvi, to the east of Tskhinvali;[*******]

The shooting to death of Mr and Mrs Vakhtang Gurgenidze;[********]

The shooting of three civilians, including the Ossetian Leseladze and the Georgian Zaqaidze, in the direction of Zemo Nikozi, killing 2 civilians and wounding a child, on 12 August 2008.[*********]

These attacks failed to properly distinguish between combatants and civilians as the injured parties in these incidents were civilians who were not taking direct part in hostilities. It is incumbent upon the Russian Federation to produce evidence justifying these attacks, including whether any of the attacks' locations or civilian victims were legitimate military targets.[**********]

[illegible]

[*] [illegible]

[illegible] Human Rights Watch, Up in Flames: Humanitarian Law Violations and Civilian Suffering in the Russia-Georgia Conflict, August 2008, Vol. 20, No. 7(D), August 2008, pp. 118-119.

[illegible] ANNEX [illegible] Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Volume II, September 2009, pp. 102-103.

[illegible] pp. 112-113.

[illegible] p. 113.

[illegible] ANNEX [illegible] Witness Statement [illegible].

[illegible] ANNEX [illegible] Witness Statement [illegible].

[illegible] ANNEX [illegible] Witness Statement [illegible].

Even if there was a legitimate military target inside the civilian villages which were shelled and bombed, the Russian Federation and/or the proxy militants under their control failed to employ methods and means of attack designed to limit collateral damage to civilians and civilian objects. The Russian Federation knew or should have known that the indiscriminate were likely to hit civilians or civilian objects.

Throughout the armed conflict the Russian Federation, in conjunction with proxy militants under their control, conducted indiscriminate and disproportionate attacks. This was documented by several objective non-governmental organisations, including Human Rights Watch[1] and Amnesty International.[2]

The manner in which landmines and cluster bombs were used is a further example of the Russian Federation's failure to take sufficient precautions to protect the lives of the civilian population.[3] Although the Russian Federation has denied the use of cluster bombs, objective accounts have documented the aerial dropping of cluster munitions and its effects by its forces on the civilian villages of Variani,[4] Kvemo Khviti, Tkhinvali, Eredvi, Plavismani, Nikozi, Ruisi[5] and Akhalubani, as well as Gori City[6] and several villages just south of Gori.[7]

Breach of substantive duty during occupation.

The violation and disregard of the right to life did not stop after the cessation of hostilities. On the contrary, the most rampant clinically motivated violence took place after the ceasefire. As an occupying power, the Russian Federation had a duty to prevent arbitrary executions carried out by its own, or by proxy militants under their control, in order to ensure the well-being of the civilians in the areas under its control. Some examples of such violations include:

The shooting to death of Mr Ivane Lolashvili by Ossetian Militia in Kekhvi village on 7th August 2008;[8]

[1] ANNEX 1: Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia", 23 January 2009, pp. 98-108, available at http://www.hrw.org/en/reports/2009/01/22/up-flames-0

[2] ANNEX 2: Amnesty International, "Civilians in the Line of Fire: The Georgia-Russia Conflict", 22 January 2009, pp. 28-31, available at http://www.amnesty.org/en/library/info/EUR04/001/2009/en

[3] ANNEX 3: Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia", 23 January 2009, pp. 98-108, available at http://www.hrw.org/en/reports/2009/01/22/up-flames-0

[4] ANNEX 4: Amnesty International, "Civilians in the Line of Fire: The Georgia-Russia Conflict", 22 January 2009, pp. 28-31.

[5] See ANNEX 5: Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia", 23 January 2009, pp. 98-108.

The killing of Viktor Grigoryev in the village of Ergneti in mid-August 2008;[1]

The torture and killing of 70-year-old Mrs Ofa Khaladze during the burning of the village of Megvrekisi on 28 August 2008;[2]

The killing and maiming of Mrs Nadyn Gabaryev-Mikeladshy [illegible] disappeared elderly woman on 28 August 2008;[3]

The shooting and death of a 28-year-old woman, Nona Kvinikadze, in the village of Variani-Kedi on the border of South Ossetia on 6 September 2008;[4] and

The severe beating (and resultant death) of a 70-year-old man, Givi [illegible] in the village of Kurchanet on 5 November 2008.[5]

Georgia can provide examples of at least 67 other killings by means of arbitrary execution by Russian forces and/or separatist proxies acting under their control.[6] Indeed, Human Rights Watch has also documented numerous other attacks against civilians by cross-militants under Russian control and armed criminals in areas under Russian control during the period of occupation.[7]

The manner in which land mines and cluster bombs were used during the armed conflict by the Russian and/or proxy militants under their control has resulted in widespread deaths during the post-conflict period. For example, mine blasts killed a woman in Gori and seriously injured a man in Tskhinvali on 24 August 2008.[8] Further, Veliko Bedlatas and Elene Nikitina aged 10 died in the village of Zemo Nikozi when a sub-munition emanating from an unexploded cluster-munition exploded on 24 August 2008.[9] A team carrying crude but exploded ordnance [illegible] and Zemo Nikozi, 5 miles west of Gori.[10] Large areas of the conflict zone, including villages, graveyards and

[1] See ANNEX 5 [illegible] Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, September 2009, Vol. II, pp. 15-16 and 22-23 (hereinafter "IIFFMCG Report").

[2] See ANNEX 6 [illegible] Report.

[3] See ANNEX 7 [illegible] Report.

[4] See ANNEX 8 Human Rights Watch, [illegible] Report, 22 January 2009, pp. 15-16; and see also Human Rights Watch, Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia, Vol. 20, No. 1(D), January 2008, pp. 22-23 (hereinafter "HRW Report").

[5] See ANNEX 9 [illegible] Report.

[6] See, for example, ANNEX 10 [illegible] Report; ANNEX 11 [illegible] Report; ANNEX 12 [illegible] Report; ANNEX 13 [illegible] Report; ANNEX 14 [illegible] Report; ANNEX 15 [illegible] Report; ANNEX 16 [illegible] Report; ANNEX 17 [illegible] Report; ANNEX 18 [illegible] Report; ANNEX 19 [illegible] Report; ANNEX

harvesting areas remain littered with unexploded ordnance including rockets, landmines and bomblets.

Torture, inhuman and degrading treatment

The mistreatment of Georgian civilians (including beatings and beatings aimed forcing people to watch their homes burn) allowed to detention in the hands of the authorities of the Russian Federation and the *de facto* authorities of the separatists acting under their control, can properly be categorized as torture and/or inhuman and degrading treatment.

Unlawful killing

Beatings and torture. The beatings of civilians by proxy militants acting under the control of the armed forces of the Russian Federation was a common feature in the 2008 armed conflict. Objective evidence from organizations such as the Office for Democratic Institutions and Human Rights (ODIHR) to which forced migrants from many displaced civilians documented some examples of this treatment, including:

> The beating of a man to death by "Ossetians" in Avnevi village of Tskhinvali;[1]
>
> The beating of two civilians in Gori by "Ossetians";[2]
>
> The beating of three villagers who attempted to return to Kekhvi after having fled the village;[3]
>
> The beating of a woman from Tamarasheni by several Ossetian women while she was tied to a tree and attacked;[4]
>
> The beating of a woman's face with an iron rod in Eredvi village of Kaspi district;[5]
>
> The beating of a 61 year old farmer with the breaking of his jaw with a blow from a gun;[6]
>
> The beating of an 89 year old man, Tskhinvali Khrushchev district, causing a bleeding open wound on his head;[7]
>
> The beating of an 81 year old man (causing him to lose consciousness) in the village of Koshka, Achkheti on 11 August 2008;[8]
>
> The beating of a 78 year old man in the village of Ruisi on 15 August 2008;[9] and

[1] ANNEX 37 Letter for the Secretary-General from the Human Rights Officer of Georgia, Annex to the Letter dated 27 November 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General, UN Document A/63/539-S/2008/772, 28 November 2008, p. 3.

[2] Amnesty International, EUR 04/010/2008, Civilians caught in conflict, 2 September 2008.

[3] ANNEX 37 Letter for the Secretary-General from the Human Rights Officer of Georgia, Annex to the Letter dated 27 November 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General, UN Document A/63/539-S/2008/772, 28 November 2008, p. 3.

[4] Ibid, p. 21

[5] Ibid, p. 3

[6] Ibid

[7] ANNEX 37 Letter from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General, UN Document A/63/539-S/2008/772, 28 November 2008, p. 3.

[8] ANNEX 3 "Report on Rights Violations Committed by Russian Federation Armed Forces and Occupation Regime in the Conflict Zone" dated 30 January 2009, para. 150, available at http://www.mfa.gov.ge/files/239_6647_22_Report.pdf

the beating of an 83 year old man in the village of Kekhta on 16 November 2008.[1]

Human Rights Watch also documented numerous attacks and threats against civilians by Ossetian militias and armed criminals both during the armed conflict and the subsequent period of occupation.[2] Furthermore, a Tbilisi-based NGO specializing in assistance to victims of torture reported identifying at least 50 incidents of torture arising out of the conflict.[3]

Rape: The Office of the Prosecutor General of Georgia has confirmed that while there is no evidence of systematic rape during the conflict, there were several rapes by members of the armed forces of the Russian Federation and/or proxy militias under their control against civilians. Such incidents included:

> The gang rape of a girl in late July, Marian Chanturia was abducted from a minibus near Gori city on 14 August 2008;[4]
>
> The rape of [illegible] in her family's home during a look-out operation;[5]
>
> The rape of a woman detained at the border by four people;[6]
>
> The gang rape of a woman who was [illegible] a checkpoint in Gori;[7]
>
> The repeated rape of a woman who was held in custody in Tskhinvali by her guards;[8]
>
> The rape of a girl kidnapped in Gori;[9] and
>
> The rape of a male soldier.[10]

Forcing people to watch their homes burn down: There was a widespread and systematic practice of the Russian and proxy militias under Russian control to force civilians to watch their homes being burned down while preventing them from putting the fire out. Reports of this practice include:

> Documented cases by OSCE HR Unit [illegible] were provided to people from Ossetian villages under threat of being killed.[11]

[illegible]

[1] [illegible]

[2] [illegible]

[3] [illegible]

[4] [illegible]

[5] [illegible]

[6] [illegible]

[7] [illegible]

[8] [illegible]

[9] [illegible]

[10] [illegible]

[11] [illegible]

- the shooting of a man from Divnoye who he tried and executed Cossack for armed men set his house on fire;[77]

- documented cases by HRW of civilians being forced to watch their homes burn to the ground.[78]

It is notable that when a delegate from Amnesty International asked a Russian army officer during the conflict why they were not taking action to extinguish fires set by proxy militants under Russian control, his answer was "that's the policy".[79] This exchange illustrates that the Russian military failed to prevent ongoing acts of destruction which were carried out by the proxy militants under their control.[80]

Poor treatment in detention: Approximately 160 civilians were held in detention by the *de facto* South Ossetian authorities believed being transferred to the Georgian authorities between 19 and 21 August 2008.[81] Amnesty International delegates spoke to a number of the first group of detainees to be released on 21 August 2008. From their accounts of detainees, it appears that the majority were elderly civilians who had been taken captive after the end of active hostilities on 13 August 2008. They reported frequent verbal abuse and even beatings, without medical treatment and without basic necessities provided.[82] The relatively younger detainees were taken from the police station during the day, beaten and made to work on the removal of debris from the streets of Tskhinvali with no pay and of compensation.[83]

Human Rights Watch confirmed that many civilians were held at the basement of the *de facto* Ministry of Interior building in Tskhinvali for approximately two weeks in conditions that amounted to physical ill-treatment.[84] Such conditions included overcrowding, little food or water, no sanitation, verbal abuse, forced labour without compensation, beatings and insufficient medical facilities.[85]

Georgian police officers were also held in detention from 8 to 12 August 2008 at several locations in Tskhinvali where they were severely beaten by Russian and proxy militias under Russian control. Before prior to being transferred to the Ministry of Interior building in Tskhinvali.[86]

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[77] Ibid, p 21.

[78] See ANNEX 29, Human Rights Watch, "Civilians Pay High Price in South Ossetia War", Human Rights Watch Briefing Paper, 22 August 2008, available at http://www.hrw.org/en/news/2008/08/22/civilians-pay-high-price-south-ossetia-war, p 1.

[79] Interview with ANNEX 4, Amnesty International Delegate, 21 August 2008, p 4.

[80] See ANNEX 1, Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Suffering in the War over South Ossetia", January 2009, p 17; ANNEX 29, Human Rights Watch, "Civilians Pay High Price in South Ossetia War", 22 August 2008, available at http://www.hrw.org/en/news/2008/08/22/civilians-pay-high-price-south-ossetia-war

[81] ANNEX 5, Human Rights Watch, "Civilians Detained in South Ossetia and Under Medical Care in Georgia", 21 August 2008, available at http://www.hrw.org/en/news/2008/08/21/civilians-detained-south-ossetia-and-under-medical-care-georgia

[82] Ibid, p 1.

[83] Ibid, p 2.

[84] See ANNEX 1, Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Suffering in the War over South Ossetia", January 2009, p 17; ANNEX 29, Human Rights Watch, "Civilians Pay High Price in South Ossetia War", 22 August 2008, available at http://www.hrw.org/en/news/2008/08/22/civilians-pay-high-price-south-ossetia-war

[85] Ibid, pp 17-18.

Unlawful detention of civilians

Approximately 160 civilians, including 29 women,[1] were captured by the armed forces of the Russian Federation and/or proxy militants acting under their control and detained in areas under their control. During their detention, they were subjected to unlawful deprivation of their liberty. The detained individuals, who were primarily ethnic Georgians who had not fled during the conflict, were captured by Russian occupying forces, together with their Tskhinvali region/South Ossetia counterparts. A small number were detained on 10 August 2008 shortly after the Georgian forces' retreat, but the majority of detainees were captured on 15 August 2008 or thereafter during the "clearing of the villages". Most of these civilians were held in the basement of the Ossetian Ministry of Interior building in Tskhinvali/Tskhinval. Detainees were prevented from communicating with the outside world and were subjected to degrading treatment before being transferred to the Georgian authorities between 19 and 27 August 2008. These measures have been documented by independent human rights organizations, such as Human Rights Watch,[2] Amnesty International,[3] and the OSCE/ODIHR.[4]

The statements of former detainees clarify the circumstances in which they were taken captive. Mrs Dali Batsvadzé recalls:

> *Then [Russian and Ossetian soldiers] that entered the village Tamarasheni were in Tskhinvali and got to us [...]. I was there with 200 Georgians, most of them were elderly, even men and women. I was placed in a cell which was about 30 square meters. There were 40 of us in a cell together with me in the cell, 23 women were amongst the Georgians in jail. They were beaten, every morning and [...] during the day. Most of the Georgians in jail had [...] injuries.*[5]

Dinara Batumidzé describes the police station in Tskhinvali where they were kept:

> *I estimate that there were more than 200 hostages in the prison, including a significant number of women. When the number of hostages had grown so large that there was no way to see [...] the cells that kept prisoners in the corridor as well. It was also put to use as a cell for hostages. The Ossetians [...] were counting on us all that we were hostages and would be held until the war was over.*[6]

Another female detainee, Gulnara Jabidze-Gadze recounts:

[1] See ANNEX 21 [redacted] Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Suffering in the War over South Ossetia", January 2009, Vol. 21, No. 1(D), p. 1 (hereinafter "HRW Report"). See also ANNEX 22 [redacted] Amnesty International, "Civilians in the Line of Fire: The Georgia-Russia Conflict", November 2008, EUR 04/003/2008, p. 1 (hereinafter "Amnesty International Report").

[2] See ANNEX 20 [redacted] Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Suffering in the War over South Ossetia", January 2009, Vol. 21, No. 1(D), p. 1 (hereinafter "HRW Report"). See also ANNEX 3 [redacted] Human Rights Watch, "Publication of Russian Prisoner of War Video Violates Geneva Conventions", 22 January 2009, [redacted] (last visited 22 January 2009).

[3] ANNEX 21 [redacted] Amnesty International, "Civilians in the Line of Fire: The Georgia-Russia Conflict", November 2008, EUR 04/003/2008, p. 1 (hereinafter "Amnesty International Report").

[4] [redacted] OSCE/ODIHR Report, p. 42, para. 111.

[5] See ANNEX 23 [redacted] Witness Statement of Dali Batsvadzé, 10 November 2008, para. 5 (hereinafter "Witness Statement of Dali Batsvadzé"). See also ANNEX 24 [redacted] Witness Statement of Dali Batsvadzé, 10 November 2008, para. 5 (hereinafter "Witness Statement of Dali Batsvadzé").

[6] See ANNEX 25 [redacted] Witness Statement of Dinara Batumidzé.

[7] See ANNEX 26 [redacted] Witness Statement of Gulnara Jabidze-Gadze.

> *Then we met with a person dressed in a military uniform who said we should follow him to the Police station where they would register us and let us go. All men were sent to the police office, they took our documents, cell phones, money and other belongings. The police officers were Ossetians. Then the group was divided into the detention centers.*

The direct involvement of Russian troops in the detentions is attested to by at least one former detainee. **Enver Bubutsidze** recalls how he and his neighbours were beaten by Russian soldiers who entered their village and were subsequently taken to Tskhinvali:

> *Vagiz and I started out for Tskhinvali as part of the crowds of Russian and Ossetian soldiers. The number of soldiers varied between 5 and 20, some soldiers were armed, others not. The place was filled with Russian troops. Without speaking to Tskhinvali, the soldiers took control of my neighbours' standing, over their heads. The soldiers detained these people and put them into a van of Pepsi brand. After we were detained for a while, an officer stepped out of the Russian headquarters and ordered Vagiz and me to get into the van. Two Ossetian soldiers were in the van. One said "we are going to kill these Georgians". I prepared myself to be killed. However, the other Ossetian soldier said that we should not kill us instead they have to [illegible].*

He testifies to the extensive presence of Russian soldiers involved in the detention centers and indicates that the majority of interrogations / detentions were conducted by Russian officers. Furthermore, he recalls that the *de facto* South Ossetian proxy regime Minister of Interior, Mikhail Mindzaev (who remains a Colonel in the Russian armed forces) gave orders to people including ordering hostages to be taken to different places. He further describes seeing Mr Mindzaev speaking with the commander of the Russian peacekeeping force, General K. Kashnikov, in plain view of the detainees.[1]

Non-governmental organizations, such as Human Rights Watch, also note the direct involvement of Russian soldiers in detentions.[2]

At least nine Georgian civilians were held by Russian military forces in a Gori police station that appeared to be a Russian field base before being handed over to the *de jure* Ossetian Ministry of Internal Affairs.[3]

Additionally, the OSCE ODIHR has documented the direct involvement of Russian Federation military in the interrogation and supervision of detainees at the Tskhinvali detention centre.[4]

Looting

[1] See ANNEX 33: witness statement of [illegible] Bubutsidze

[2] See ANNEX 32: human rights watch report

[3] [illegible]

[4] See ANNEX 31: "Report on the human rights situation in the aftermath of the armed conflict in Georgia", September 21, 2008, available at [illegible]

[5] ANNEX 34: "Civilians Bear the Brunt of Russian Military Operations in Georgia", 26 August 2008, available at [illegible]

Human Rights Watch has documented the systematic looting and burning of civilian homes by proxy militants under Russian control in the villages of Tamarasheni, Zemo Achabeti, Kvemo Achabeti, Kurta, Tkviavi, Tirnyauzi, Dvani, Koshka, Megvrekisi, Nikozi, Karaleti, Knolevi, Avlevi Tsgrovisi, and Koshvi.[1] By way of example, in Koshvi a woman saw her house being looted by a group of "Ossetians" wearing military uniforms with white armbands. The men also stole her car and loaded it with furniture from a neighbour's house before driving away. As soon as the villagers saw "Ossetian" soldiers, they were being protected by Russian forces and were pillaging shops and other houses.[2]

Amnesty International has also noted Russian forces' failure to stop proxy militants under Russian control and armed individuals looted and destroyed civilian villages and documented one abused the residents remaining there.[3] This practice continued on a large scale for several weeks after the formal cessation of hostilities with the Russian authorities failing in their duty to prevent human rights abuses being carried out by proxy militants under Russian control.[4] One prominent example of this took place in the village of Ditsi on 26 August 2008,[5] where Amnesty International representatives witnessed ongoing looting by armed men while Russian military equipment continued to move through the village and Russian checkpoints controlled entry to and exit from the village. A person who appeared to be a Russian army officer from North Ossetia asked the representatives why they had not left the village. When asked why they were not taking action to investigate looting in the village, he answered "that's the police's job, let them do it".[6]

The OSCE's ODIHR also reported pervasive looting and burning of civilian villages, such as Kurta, Variani, Ditsi, Shindisi, Satkhereti, Kekhvi, Eredvi, Nuli, Tkviavi and Zemo Nikozi. Residents described the looting in these areas to the OSCE Human Rights Assistance Mission (HRAM) as occurring in some occasions just after the fighting ceased and on other occasions after the cessation of 12 August 2008. The pattern of looting would typically involve Russian tanks arriving in the village and proxy militants under Russian control, together with Ossetian civilians arriving. Houses and shops, threatening the villagers in the event of protest, securing furniture and livestock that, returning to get the remaining [illegible].[7] Witnesses recalled that the Russian forces either "let them" or looted together with the proxy militants under Russian control,[8] sharing the plunder from houses

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[1] See ANNEX 5 Human Rights Watch (HRW) [illegible] See also ANNEX 6 [illegible] See also ANNEX 7 [illegible] See also ANNEX 8 [illegible] See also ANNEX 9 [illegible] See also ANNEX 10 [illegible] See also ANNEX 11 [illegible] See also ANNEX 12 [illegible] See also ANNEX 13 [illegible] See also ANNEX

and humanitarian assistance could not be taken.[56] Members of the OSCE's HRAM witnessed looting in the villages of Avnevi and Nuli, as well as in villages to the south of Tskhinvali, where Russian police officers and occupants of Russian military vehicles made no attempt to intervene to stop the looting that was underway.

Destruction of property

Independent international expert analysis, eyewitness testimony and satellite imagery confirm the extensive destruction inflicted on the areas of South Ossetia invaded and occupied by the Russian Federation.[57] This destruction resulted from the intentional burning of property and the indiscriminate bombing and shelling of property.

Satellite images from 19 August 2008, which were analysed by experts at UNOSAT,[58] identify 996 possible structures which were likely to have been destroyed or severely damaged.[59] By way of example, in Eredvi-Ksani, UNOSAT's experts identified a total of 117 buildings destroyed or severely damaged, accounting for almost half of the buildings in the village. In Avnevi, Akhalgori District, 87 destroyed and 28 severely damaged buildings; in Zemo Achabeti, 86 destroyed and 21 severely damaged buildings; in Kurta, 116 destroyed and 21 severely damaged buildings; in Nuli, 169 destroyed and 44 severely damaged buildings; in Kemerti, 58 destroyed and 20 severely damaged buildings; and in Dzartsemi, 29 destroyed and 10 severely damaged buildings.[60]

The satellite evidence indicates clear patterns of widespread intentional burning of civilian buildings inside the "self-declared region of South Ossetia, rather than damage caused by armed hostilities."[61] As such, the images corroborate the evidence gathered by human rights non-governmental organisations working in the region.[62] Among the images publicly available from the UNOSAT website is a map containing satellite-recorded active fire locations in the villages of Tskhinvali on 10, 12, 13, 17, 19 and 22 August 2008.[63] The map shows active fires in three villages on August 10; 12, 13, 17, 19 and 22 after active hostilities ended on the night of August 10.[64] Moreover, the images strongly indicate that the widespread destruction in four of the villages – Eredvi-Ksani, Kekhvi, Avnevi, Zemo Achabeti and Kurta – was caused by intentional burning.[65]

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[56] See ANNEX 24: UNOSAT Report.

[57] See ANNEX 25: Human Rights Watch, [illegible]

[58] See ANNEX 24: UNOSAT Report.

[59] Ibid.

[60] Ibid.

[61] Ibid.

[62] See ANNEX 25.

[63] Ibid.

[64] Ibid.

International humanitarian agencies estimate that some 200 to 500 horses in the Russian-protected "buffer zone" above were killed directly by mines and that about 2000 horses were otherwise damaged in the course of the conflict. [illegible] members of the OSCE HRAM counted approximately 160 recently burnt homes during their travels in the "buffer zone", none of which showed traces of combat activity. In all of the cases observed both within and outside of the buffer, the homes appear to have been looted of valuables before being set on fire. Schools were also reported to have been deliberately burned in Ghara-Bulak and Nidi.

Human Rights Watch reported that the villages of Tsnadaleti, Zemo Achabeti, Kvemo Achabeti, Karaa, Kvadevi, Disevi, Vanati, Avlevi, Nuli, Berula, Sveda, Atsiri, Shevi and Disevi had been almost completely looted by burning.

The Commander of the Russian armed forces in the Tskhinvali region, South Ossetia, admitted that the armed forces were aware of cases of looting and looting but claimed that they could not stop the looters. However, eyewitnesses told a different story. In Nuli village one witness reported that Russian troops were accompanying proxy militants under Russian control to loot and burning them. In Kvemo Nikozi, according to villagers, Russian troops and tanks stood by while "Ossetians" set fire to most of the houses in the village. Finally, a displaced person from Kvemo Khviti reported that Russians participated in the arson which resulted in all but five houses being set on fire.

Displaced persons witnessed the deliberate burning of their homes in the villages of Megvrekisi, Tirdznisi, Ditsi, Disevi, Zemo Nikozi, Kvemo Nikozi, Satsikhuri, Atsiskhuri and Avlevi.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible]

They recalled that the fires were often started by the proxy militants under Russian control who put a flammable substance on the beds and then setting it ablaze.[1] The civilian villages north and east of Tskhinvali, such as Kekhvi, [illegible] Kvemo Achabeti, Zemo Achabeti, Eredvi, Ergneti, Kemerti, Berula and Disevi suffered heavy damage in this way.[2]

According to the HRAM, some houses were also destroyed as a result of local householders or small arms fire.[3] Members of the HRAM observed that the villages of Dvani, Kvemo Nikozi, Zemo Nikozi, Zemo Khviti, Megvrekisi, and Ergneti were missing those whom members of the HRAM saw damaged houses from bombs or small arms.

A survey of shelter in the "Not in Zone" by the Government of Georgia on 10 and 11 November 2008 recorded 663 homes hosting 1,706 displaced and 115 in the Kareli district.

Many displaced persons witnessed the deliberate burning of their homes as well. In Megvrekisi village, for example, witnesses reported that 15 houses were burned. In Dzevsi village, 170 houses were burned. Among the worst affected villages was Ergneti, where displaced persons reported that about 160 houses were completely destroyed by fire and another 30 were damaged. One displaced person described seeing proxy militants under Russian control and Russian soldiers "in masse on Ergneti" and then setting it ablaze. Zemo Khviti, another of those whose majority of houses are reported to have been destroyed, suffered heavy damage. Several houses and apartment buildings in the village of Kareli were burned down as well.

In Tskhinvali, UNOSAT's experts counted a total of 1,107 buildings destroyed or severely damaged, accounting for almost 20% of the buildings in the town. In Kvemo Achabeti, there are 87 destroyed and 28 severely damaged buildings (115 total); in Zemo Achabeti, 56 destroyed and 21 severely damaged buildings (77 total); in Kekhvi, 178 destroyed and 21 severely damaged buildings (144 total); in Nikozi, 169 destroyed and 41 severely damaged buildings (198 total); in Sarabuki, 58 destroyed and 26 severely damaged buildings (178 total); and in Dzevsi, 70 destroyed and 10 severely damaged buildings (80 total).[4]

The HRAM visited Disevi and confirmed extensive damage to the village. Many witnesses described how the fires were often started by public or flammable substances on the beds and then setting it ablaze. The [illegible] of the village from deliberate action was so complete that one

[illegible]

1 Ibid, pp. 11

2 Ibid, pp. 12

3 Ibid, pp. 14 [illegible]

4 [illegible]

[illegible]

[illegible]

[

displaced persons commented that "now, there is no village called Tredvi." Displaced persons from village after village recounted similar experiences of deliberate destruction of their villages by proxy militants under Russian control who followed the arrival of Russian armed forces.[1] Looting and arson attacks appear to have been concentrated in the three-plus-majority villages to the east of Tskhinvali. In particular, the villages of Kekhvi, Kvemo Khviti, Kvemo Achabeti, Zemo Achabeti, Tamarasheni, Ergneti, Kemerti, Berula and Nuli sustained heavy damage.[2]

Displaced persons interviewed by the HRAM told of intensive and destructive bombing raids on many villages by the Russian Air Force during the conflict. Among the building destroyed by bombs in Kekhvi was the kindergarten in Kurta, the home village of Dimitri Sanakoev, the former Head of the Temporary Administrative Unit of Tskhinvali Region.[3] Most severely bombed, particularly in the neighborhood of Mr. Sanakoev's home, Dvitiby also fell on Achabeti, Tamarasheni, Ergneti and Nuli. Other villages reported to be heavily destroyed by aerial bombing included Zemo Achabeti, Kvemo Achabeti, Dzartsemi, Khviti, Avnevi and Ossetia. The South Ossetian *de jure* authorities confirm the destruction of seven villages during the conflict: six Ossetian and Russian "sites."[4]

After the bombing, South Ossetians in uniform as well as Ossetian civilians "of mixed race" followed the Russian forces' advance to systematically loot and burn civilian buildings in villages populated predominantly by ethnic Georgians. A man from a Fredvi house told the HRAM how "Ossetians" forced his wife's elderly parents out of their house and then burned it down before their eyes. Several other displaced persons from the same village provided nearly identical accounts of their own experiences and of the intentional destruction of the village.[5]

The village of Disevi was among those almost totally destroyed by arson, according to several individuals who provided detailed accounts. In the village of Kurta, which had suffered heavy bomb damage, the destruction was reportedly completed by army volunteers under Russian control. In Variani, according to a villager, Russian troops and tanks stood by while "Ossetians" set fire to most houses in the village. Tamarasheni village, according to eyewitness individuals, had so many burning houses that it was impossible to count them. In Kekhvi, a witness told the HRAM all but about five houses were deliberately set alight.

Nekhvi village, according to a former resident, was "burnt to the ground" by the time she left. In Sarkhoneti, a former resident said, only three houses were left standing. Nuli village was also systematically burned; one witness reported that Russian forces were accompanying proxy

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[1] HRAM Field Interview Report, Displaced Persons from Tredvi, 17 October 2008, pp. 1-2.

[2] The information in this paragraph is drawn from interviews with displaced persons from villages in Gori District, Shida Kartli, conducted by HRAM staff between 15 and 17 October 2008.

[3] HRAM Field Interview Report, Displaced Persons from Kurta, 17 October 2008, pp. 1-2.

[4] Dmitry Sanakoev and Zaur Gobozov, "Report on the Results of the Work of the Commission Established by Decree of the President of the Republic of South Ossetia No. 1 of August 9, 2008 'On the Establishment of the Commission for the Investigation of Facts of Genocide of the Ossetian People Committed by the Georgian Armed Forces in the Period from August 1 to August 10, 2008,'" 2008, p. 3.

[5] HRAM Field Interview Report, Displaced Persons from Tredvi, 17 October 2008, pp. 1-2.

[6] HRAM Field Interview Report, Displaced Persons from Kekhvi, 17 October 2008, p. 1.

[7] HRAM Field Interview Report, Displaced Persons from Sarkhoneti, 17 October 2008, p. 1.

[8] HRAM Field Interview Report, Displaced Persons from Nuli, 17 October 2008, p. 1.

militants under Russian control and helping to set the fires. The HRAM visited all these villages and confirmed the destruction.[1]

A villager from Variata described extensive damage from fire in Beloti, Satskhenets and Atrishkevi. A villager from Kurta reported that as he drove along the main road through Achabeti and Tamarasheni to Tskhinvali, every house along the road had been burned. The HRAM found that Atsi was heavily damaged and the others were largely destroyed.[2]

Importantly, the HRAM observed that in villages some houses had apparently been razed by bulldozers or other heavy tracked equipment. The *de facto* leadership of South Ossetia has reportedly acknowledged deliberate destruction of civilian homes in order to impede the return of the ethnic Georgian population.[3]

Many other villages also suffered house burnings and other wanton destruction, including Kvemo Achabeti and Zemo Achabeti. Schools were reported to have been deliberately burned in Ghogaant, Beloti and Nuli.[4]

The Commander of the Russian armed forces in South Ossetia maintained that the armed forces were aware of cases of looting and burning but said that the army could not effectively stop the looters.[5]

[1] ANNEX 141 (HRAM, Human Rights in the War-affected Areas of Georgia (Oct. 2008)), at page 45.
[2] ANNEX 141 (HRAM, Human Rights in the War-affected Areas of Georgia (Oct. 2008)), at page 45.
[3] ANNEX 141 (HRAM, Human Rights in the War-affected Areas of Georgia (Oct. 2008)), at page 46.
[4] ANNEX 141 (HRAM, Human Rights in the War-affected Areas of Georgia (Oct. 2008)), at page 45.
[5] ANNEX 141 (HRAM, Human Rights in the War-affected Areas of Georgia (Oct. 2008)), at page 46.

First set of questions to the Governments of Georgia and the Russian Federation related to humanitarian issues

Question 6: During or following the hostilities in 2008, when were the persons who fell into the power of your party or into the power of adverse party arrested? On what legal basis where they arrested? How were these persons treated? Were they tried? When they were released?

Regarding the mistreatment of Georgia born ex combat soldiers at the hands of the Russian Federation:

The practice of mistreatment against Georgian soldiers who were no longer taking an active part in hostilities has been widely documented. As many as 30 soldiers who were detained during and after the conflict experienced torture and ill-treatment, including being beaten with rifles, burned with cigarettes and cigarette lighters, and subjected to electric shocks.[1]

Amnesty International and Human Rights Watch documented the cases of at least 14 soldiers who suffered injuries from severe beatings and failure to notify their detentions by proxy regular militia and police forces between 8 and 19 August 2008.[2] The injuries ranged from loss of the soldiers' right ears and teeth down to the bone. These former captives also reported summary executions of at least three of their soldiers who had been detained with them. Many of the former neutral soldiers continue to suffer severe trauma as a result of their experiences. The Russian and proxy regime in Tskhinvali/region/South Ossetia did not reply to questions addressed to them by Amnesty International regarding the number and treatment of POWS.

It is clear that the Russian Federation did not act consistently with the principles of IHL during the armed conflict and subsequent occupation of Abkhazia Georgia and the Tskhinvali region/South Ossetia. The armed forces of the Russian Federation and the proxy militants under their control did not ensure that their attacks were limited to lawful military targets and were discriminate and proportionate in nature. They did not take the means and methods of attack to limit collateral damage (both physical and psychological) to civilians and civilian objects and failed to pay due regard to the principle of humanity in their dealings with civilians and Georgian soldiers who were no longer taking active part in hostilities.

As a result of the mistreatment described above by the forces of the Russian Federation and proxy militias under separatist control, the injured parties have suffered severe psychological distress and experience severe anguish to the present day. The Russian Federation has been put on notice of these complaints by the reports of international institutions and non-governmental organisations. Despite this, no or no reasonable investigation appears to have been carried out into these complaints.[3]

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[1] See for example: [illegible]

[2] Human Rights Watch, "Up in Flames": Humanitarian Law Violations and Civilian Suffering in the Georgia-Russia Conflict (New York: Human Rights Watch, 2009), pages 185-187; Amnesty International, Human Rights Under Attack: Civilians and the Conflict in South Ossetia, Georgia (London: Amnesty International, 2008), pages 23-24.

[3] Amnesty International, Civilians and the Conflict in South Ossetia, Georgia (London: Amnesty International, 2008), page 24.

[4] ANNEX 2: Council of Europe Parliamentary Assembly, Committee Report, The humanitarian consequences of the war between Georgia and Russia, 11 December 2008, AS/Mon (2008) Rep 11, paragraph 42. See particularly the report of the Committee of the Council of Europe on the right of refugees and displaced persons to return to their homes in Georgia.

Persons detained by Georgia

- Russian military personnel held as POWs, [illegible]
  Members of separatist illegal armed formations, mainly from [illegible] Note that these are all those [illegible] Georgian citizens who, for any age detained during the course of hostilities.
- Abkhaz autonomy [illegible] (Russian citizen)
- All those [illegible] held prior to the war were exchanged for the 159 Georgian civilians and 30 POWs held under Russian authority:
  - 5 POWs
  - 32 members of separatist illegal armed formations
  - Eighteen servicemen
    Six convicted criminals requested by Russia at the time. [illegible] Note that these people were serving sentences in Georgian prisons for criminal convictions before the armed conflict and the war.)

ICRC visits

The ICRC was afforded unimpeded access to carry out its activities. The ICRC visited all the 5 POWs. Two other servicemen were taken prisoner during the war. The ICRC visited facilities maintained by the Ministries of Defence and Justice on a number of occasions, inspecting the conditions in which not only the POWs were detained, but also those of the detained members of separatist illegal armed formations.

Visits to the Russian Embassy were limited to [illegible] the Russian POWs. However, they failed to [illegible]

Detaining authorities, facilities and conditions

Persons detained by Georgia during the conflict were held in the premises formerly used by the Ministries of Defence, Interior and Internal Affairs:

- Tbilisi Temporary Detention Isolator
  Gori Temporary Detention Isolator
- Kutaisi Temporary Detention Isolator
- Batumi Temporary Detention Isolator
- Ministry of Defence
- Prison #8, Gldani District, Tbilisi
- Central Prison Hospital

The ICRC visited Ministry of Defence and Prison #8 and expressed satisfaction with the conditions in which detainees were held.

[illegible] Abkhazia [illegible] Georgia [illegible] Russia [illegible] [illegible] [illegible]

All of the facilities used to hold detainees meet or exceed international standards. Gldani Prison №8 is a newly built penitentiary establishment that meets international standards and is the best facility in Georgia. Those detained in the context of the conflict were placed separately from other prisoners. They had three meals a day and unlimited access to medical services when needed or requested.

Six of the 16 detention facilities are either newly constructed or recently renovated. In general, these facilities have cells for 2–4 persons detainees, ranging in size from 12m² to 16m². In no case did the number of detainees assigned to a cell exceed its capacity. In every case, detainees – whether POWs or members of illegal armed formations – were held apart from those held in connection with ordinary crimes.

Although conditions vary among facilities, all cells are equipped with beds, mattresses, bedding, water and sanitary facilities.

In all the facilities, food is served three times daily, meeting accepted nutritional requirements. Some facilities are served by an on-site kitchen; others are served by outside caterers. One facility shares a canteen with the adjacent Border Main Police Unit. There were no restrictions on access to water.

Detainees in need of medical care received such care.

Safeguards

In facilities monitored by the Ministry of Internal Affairs, the Main Unit for Monitoring and Protection of Human Rights provides internal monitoring, including announced and unannounced visits. Moreover, the ICRC was granted unlimited access to our facilities, visiting two of them.

The detention facility at the Vaziani military base is newly constructed, according to materials and standards. The detention facility is under control of the Military Police of the Ministry of Defence of Georgia.

Moreover, the ICRC was granted unlimited access to Vaziani, and its representatives inspected all parts of the facility in which POWs or members of illegal armed formations were held. All detainees held by the Ministry of Defence were visited by the ICRC, which interviewed them in private and afforded them the opportunity to make telephone calls to their families.

To date, no complaints or allegations of abuse of detainees have been received. However, the Prosecution Service of Georgia will investigate any adverse information that it may receive through public channels, including information from international organizations.

Question 7: Were persons perceived as being associated with the adverse party after the end of hostilities in 2008 discriminated against and/or deprived of the enjoyment of some human rights? What measures were taken against such practice?

In the case of Georgia there was not seen a single example of ethnically motivated violence or other discriminatory acts against ethnic Ossetians or Russians residing in the territory of Georgia. To note there are approximately 38,000 ethnic Ossetians residing in Georgia outside the Tskhinvali region/South Ossetia. The State Ministry on Reintegration of Georgia regularly visits regions populated by ethnic Ossetians to monitor the situation including Ergneti, Nuli, Akhalgori, Kvemo Khviti/Zemo Khviti, Tsnelisubani, Berbuki and etc.

The OSCE presented a Report on The Situation of Ossetians in Georgia Outside the Former Autonomous District of South Ossetia in February 2009 – after the war with Russia in August 2008, The Report notes:

> *"Contrary to initial concerns shared by human rights and humanitarian actors, the August 2008 war did not lead to a change of the situation of ethnic Ossetians in Georgia; forcibly displaced persons or new large-scale displacement is not significant today. The population of ethnically mixed villages in the affected areas of the Akhalgori District/Leningori has of the former Autonomous District of South Ossetia has not raised any concerns over discrimination. On the contrary, positive reports testify to mutual support among neighbours of different ethnic background during wartime. Ethnic Ossetians in mixed villages talked to OSCE staff also did not raise concerns over discrimination either. The Representative of the UN Secretary General on the Human Rights of IDPs, who visited Georgia in October 2009, met with persons of Ossetian ethnic origin among IDPs, usually from mixed marriages, and received no specific concerns related to their ethnic origin. Inhabitants of the area in question in the former Tskhinvali/Autonomous District of South Ossetia have indicated that there were no inter-ethnic problems between Georgians and Ossetians, be it in the areas controlled by Tbilisi or Tskhinvali/Tskhinvali controlled areas. Even the cases of mixed marriages."*[1]

As regards the treatment of ethnic Georgians after the hostilities, the violence and targeting still continues. The list of incidents is provided bellow:

August

- On 13 August, armed proxy militants under Russian control detained the representatives of "Caritas Rus'" in the town of Gori and took away their Ford expedition vehicle.
  On 13 August, at about 13:00 five Russian speaking soldiers assaulted Ka Vachtang Nadiradze (b. in 1979, resident of Ditsi) in the town of Gori, taking away his Jeep Pajero vehicle and other belongings.
- On 13 August, seven armed proxy militants under Russian control assaulted Vano Elizbarashvili (b. in 1964, resident of village Ditsi, Gardabani district) in village Nadaleti and took away his Opel Vectra vehicle.
  On 13 August, several armed proxy militants under Russian control robbed Temuraz Tsintsadze (b. in 1956, resident of Ditsi) by taking his Volkswagen Golf vehicle.

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[1] OSCE, Report on the Situation of Ossetians in Georgia Outside the Former Autonomous District of South Ossetia, p. 15.

- On August 14, two individuals assaulted Irakli Chegelidze (b. in 1982, resident of Gori), wounded him and stole his Opel-Vectra vehicle No. AMA-805.
  On August 15, near village Shavshvebi, armed individuals in military uniforms assaulted Malkhaz Natiashvili (b. in 1961, v. Kvemo Khviti resident), and during his Opel-Astra vehicle No. BO 7585.
- On 15 August, two Russian-speaking soldiers stopped a minibus in Gori, robbed 16-year-old Mariam Dzneladze (b. in 1963, resident of The City of 3500 Gori), and took away his Mercedes-Benz minibus.
- On August 15, armed criminals attacked Lemar Lakobestashvili (b. in 1957, resident of v. Kvemo Khviduretis Ubani v. Ogni Degharo) on a central highway. Lakobashvili was driving his Opel-Vectra No. [illegible]903. Lemar Lakobashvili has been injured and treated.
- On August 13, in village Bakhtaani, v. Nr. unidentified armed Ossetian criminals hijacked a jeep Cherokee (AHM 896), property of a Georgian company "Autoimpex".
  On August 13, "UAZ" type vehicle No. [illegible]85 belonging to Gori Emergency Service (driver [illegible]95), was stolen from the Gori Military Hospital area.
- On August 14, the house of Medea Shishashvili, resident of village Kvemo Khviti, was burned.
  On 15 August, six Russian-speaking soldiers assaulted Nikoloz Khmaladze (b. in 1967, resident of Gori), in village Rekha, Gori District and took away his Vaz-2105 vehicle.
- On 16 August, armed proxy militants under Russian control stopped Vazha Kvaratskhelia (b. 1980, resident of village Dvani, Kareli district) in village Zveli, Kareli District and took away his Vaz-2105 vehicle.
- On 16 August, armed Russian speaking soldiers robbed Lamar Nadiashvili (b. in 1958, resident of Tbilisi) near village Mereti, Gori District, taking away his Vaz 2105 vehicle.
  On August 16, a fire was robbed in Gori on Tsereteli St. no. 2, which belonged to Sergo Bitadze (b. in 1969, resident of Gori).
  On August 18, a orchard in village Dzevera, belonged to Nona Gochiashvili (b. in 1969, resident of Nikozi) was burned down.
  On August 18, armed proxy militants under Russian control assaulted Nazar Gamgetsli (b. in 1965, resident of v. Kekhvi, Gori District) abducting his Opel Astra vehicle No. HYJ 687.
  On August 20, a shop was robbed in Nikozi region (v. Petsi, which belonged to Armaz Khakhiashvili (b. in 1962).
  On 24 August, Russian soldiers stopped a Nissan car in Petsi, which belonged to the Caucasus Bureau of Associated Press. Unidentified group of men (David Dgvinashvili (citizen of Georgia) and Raul Gallego (Head of Spain) Agent negotiations between Russian officers and Georgian police. They were released.
- On August 24, armed proxy militants under Russian control and Russia robbed a shop in Gori, Vologda district.
  On August 24, Nikoli Makashidze registered at Mokhetiskvili st. in Gori was killed by the unit's explosion near the military base in Gori, surveillance area.
  On August 24, a Russian-Ossetian group stole a car "Gaz-53" (HM 895). Car belonged to Jambul Kakhidze (b. in 1979, v. Kvitiri resident) in village Rekhi, from Badri Kutelashvili's household.
- On August 11, in village Koshka, Abe Gobozov, resident of v. Khelvachauri shot and injured 2 residents of village Koshka (Giorgi Imedashvili (b. in 1938) and Arkadi Tsiklauri (b. in 1963).
- On August 25, near the railway station in Khashuri, on Road of Zestafoni-Tskhinvali in 1981, the resident of v. Kvemo Khviti, Kareli region, has been found the body had traces of several heavy injuries.

- On August 25, armed proxy militants under Russian control in military uniforms injured Georgia Ravadze (b. in 1941, v. Ditsi) resident.
- On August 25, Nodar Kordzaia (b. in 1968, v. Tkviavi) resident, stepped on a bomb that exploded. He was taken to the hospital where he was provided with corresponding treatment.
- On 25 August, Russian soldiers insulted and beat up Georgian police officer Ramaz Jvania (b. in 1969) in Poti. Ramaz's health is now getting medical treatment.
- On August 26, an unidentified dead body of a male was found in village Shrosha, Gali district.
- On August 26, Zaza Lashkhi (b. in 1982, v. Ergeti) resident declared that he was injured by armed proxy militants under Russia's control near the village of S. Amtkakheti.
- On August 26, armed proxy militants under Russian control released Tamaz Sordiladze's children who were kidnapped during the war. The children were minors and because Tamaz Sordiladze is the resident of village Vartsikhe, Gori district.
- On August 28, armed proxy militants under Russian control took cattle, which belonged to Mikheil Gamrekeli in 1949 v. Mosakhlo resident).
  On 30 August, armed proxy militants kidnapped four Georgian beekeepers from a beekeeping farm at the Dzirula river. Two Turkish citizens are still unknown.
- On 30 August, armed proxy militants under Russian control stopped Nugzar Gurgenidze (b. 1986 - resident of village Kvitseli - Gori district) in village Nikozi, Gori district and took away his Opel-Astra vehicle.

September

- On 1 September four armed proxy militants under Russian control attacked the house of the Kvinikadze family in the village Atsnous Kveda Kareli district, 8 Petre Nesti Kvinikadze (b. 1936), together his son Giorgi Kvinikadze (b. 1967) and his grandson Rati Kvinikadze (b. 1988).
- On 1 September, unidentified individuals injured Nodar Barkemashvili (b. in 1953, v. Shindisi resident).
  On 1 September, a cow that belongs to Zurab Maisuradze (b. in 1943, resident of v. Muraki) was stolen.
  On 1 September, two Russian soldiers and four armed proxy militants under Russian control, driving an armored vehicle, approached the Georgian police checkpoint in the village Mosadkom, Gori district. They threatened the Georgian police officers Basha Gegidze, Temur Gabunghadze, Kakhaber Metreveli, Murtaz Meisuradze, Nugzar Nebieridze, Ivane Dolashvili, Irakli Mosashvili and Levan Gigauri and forcefully took their rifles and Makarov pistols. They also destroyed their fourth police vehicle and fired vehicle after passed by Ilia Mindiashvili (b. 1984, resident of village Variani).
- On September 5, unidentified individuals stole cattle belonging to Tamaz Bogveli, resident of village Disevi, Gori district.
- On 8 September Russian soldiers and proxy militants under Russian control detained two Georgian TV journalists Dachiko Bokhashvili and Murtaz Meskhishvili, as well as Gela Gelashvili from Gori. They took away their cameras and car. On 9 September, they were released.
- On September 8, Nodar Tatishvili (born in 1990, v. Plavismani resident) was wounded with a bullet in the forearm. The accident took place in Plavismani.
  On September 9, Zviadi Dvalishvili (b. in 1988, the resident of v. Brotsleti), was injured after a bomb exploded in his orchard in v. Brotsleti, Gori district.

- On 31 September, Lasha Gelbakhiani's armed proxy militants under Russian control opened fire from the Russian checkpoint at Karaleti, wounding one Georgian police officer Kakha Tsetniashvili, who later died at the hospital.
- On September 10, Zaza Pavlenishvili, (b. in 1975, a Dzveli resident) was injured in his village.
  On September 10, Vasil Javakhishvili, (b. in 1938, a Kvemo resident) was injured by Ossetians in his village.
- On September 11, armed proxy militants under Russian control beat up Mikheil Tsabadzeli (b. in 1938, a Disevi, Gori district) and armed proxy militants under Russian control robbed him and burned his house down.
- On September 11, a "Ford" private vehicle was stolen in Gori, parked at Stalin Street.
- On 12 September, armed proxy militants under Russian control burned nine houses of ethnic Georgians in the village Pkhvlevi, in the Leleti Lekhva Valley.
- On 13 September, armed proxy militants under Russian control beat up Vasil Javakhishvili, another Georgian living in the village Kvemo Khviti.
- On 14 September, armed proxy militants under Russian control, kidnapped 6 residents of villages Disevi and Kvemo of Gori district, put a plastic bag on them and pretended to burn them alive if they did not abandon their villages.
  On 13 September, armed proxy militants under Russian control opened fire towards the village Ghamarshvili, Zagari district, killing one Georgian police officer Davit Khachapuridze.
  On 15 September, at 13:45, seven armed proxy militants under Russian control stopped a Georgian minibus near village Mereti, Gori district, beat up the driver and his companion, vandalized the vehicle and threatened to obtain the bus together with its passengers. (Event is under investigation).
- On 15 September, armed proxy militants under Russian control looted and then burned down the houses of Nodarishvili in village Ditsi, Gori district and Jimsher Gersamia in village Zemo Nikozi, Gori district.
- On 16 September, armed proxy militants under Russian control opened fire towards workers of the village Kveshi, Gori district, who were working in their orchards and due to fear left to their houses. Fortunately, no one was hurt.
- On September 16, Irakli Mosulishvili, (b. in 1958, a Ditsi resident) was beat injured by armed proxy militants in his village.
- On 16 September, at 13:30 six armed proxy militants under Russian control entered the village of Ditsi, Gori district, robbed the house of Jimsher Markozashvili, started the car to frighten the local residents and severely beat up one of them – Levan Mikeladze (age: 53).
- On 16 September, at 20:00 armed proxy militants under Russian control devastated the farm owned by Gia Kvirkvelia in the village of Kveshi, Gori district, stealing its livestock.
- On 17 September, armed proxy militants under Russian control robbed the farm owned by Goga Gvinianidze in the village of Kveshi, Gori district, assaulting its guard and stealing its livestock.
- On September 18, two cows were stolen by armed proxy militants under Russian control that belonged to Sasha Chkuaseli, (b. in 1961, resident of v. Knolevi).
- On 18 September, at 17:00-18:00 five armed proxy militants under Russian control robbed the houses of Tamaz Kapanadze and Gocha Kotashvili in the village of Ditsi, Kareli district and then put these and several other houses on fire.
  On September 19, near the village of Megvrekisi, two armed proxy militants under Russian control hijacked Opel Nova (KOJ-598) belonging to Revaz Chkhikvadze, (b. in 1971, resident of Gori, Gorgasali str. 7). The Ossetian criminals stole his and his passenger David Chkhindzel's (b. in 1970, resident of Gori, Sashishvili str. 63) cell phones. September 20,

Vepkhia Gegelashvili, born in 1974, a Khvedureti resident was injured by unidentified individuals.

On September 21, George Merkviladze, born in 1986, a Variani resident was injured by a bomb left by Russian occupants in his own garden. The bomb exploded on. He received major injuries.

- On 21 September, at about 19:00, armed proxy militants under Russian control opened fire towards the village of Khurcha, Zugdidi district, killing one Georgian police officer, Ramaz Kiria and wounding three more.
- On 21 September, armed proxy militants under Russian control burned four houses owned by ethnic Georgians in the village of Megiti, Znauri district.

On 23 September, two Georgian police officers were wounded as the result of a mine explosion in the village of Khurcha, Zugdidi district. Currently, they are undergoing medical treatment. The mine was apparently left there by armed proxy militants under Russian control, who withdrew from the village earlier.

- On 23 September, armed proxy militants under Russian control kidnapped 15 year old Nikoloz Lagazauri from the village of Zemo Nabakevi, Gali district and are demanding a ransom of 50 000 GEL for the kids family.
- On 12 September, Georgian police officers saw a Russian reconnaissance plane above the villages of Khurvaleti and Tsitelubani, Gori district, which was taking photos of the Baku-Supsa oil pipeline. The UAV was shot down.
- On 25 September, armed proxy militants under Russian control kidnapped four ethnic Georgians Papuna Nadiradze (b. 1980), Razman Pitia (b. 1980), Giorgi Kurkumeli (b. 1983) and Badri Mikadze (b. 1978) from the village Otkhara, Gali district. They were released on the next day only after the families paid a ransom demanded by the kidnappers.

On 25 September, at about 17:15, fifteen armed proxy militants under Russian control driving a UAZ type truck assaulted the workers of road building company "Ashpiuri" at a sand quarry near the village of Orakhovo-Akkhalsopeli district, taking away their working tools and the company's "Beach Loader" minibus.

On September 28, in the village of Kheti, armed proxy militants under Russian control robbed Zurab Gotsiridze, resident of the Kurbnisi, and stole 16 cows.

On September 29 a group of armed proxy militants of the Russian control entered the village of Variani (Leilasi settlement) and started to examine houses.

- On September 29, 5 armed proxy militants under Russian control dressed in military uniforms, driving a "Niva" entered the village of Zemo Nikozi. They were forcing local population, except Ossetian passports, otherwise they would be forced to leave the territory and their houses were promised to be burned.
- On September 29, armed proxy militants under Russian control robbed the houses of Sandro Bitsadze and Vazha Gelashvili in Akhalgori.

October

On 2 October, armed proxy militants under Russian control entered the village of Kere. They were conducting local population, taking machine guns and burned one house.

- On 3 October, in the town of Ural, nearby the military base, two teenagers, Vaja Bitsadze and George Meisuradze were injured by a mine explosion.
- On 4 October, at 10 o'clock in the morning, Russian militaries were disseminating provocations in the Georgian villages of Chorvashinji, Pkhvenisi and Orbeti of Gali district.
- On 5 October, Russian militaries occupied the premises of the village of Tsikhisi school, started digging trenches and mining the adjacent territories. The study process has been ceased in this school.

- On 4 October, in the villages of Magyrakiet and Frgneti, an Ossetian group headed by so-called "Kipiani" (other details are not known) were looting and searching houses. They were using a Mitsubishi Pajero and UAZ cars with no number plates.
- On 5 October at 3:50, one police officer was injured after fire was opened from the direction of the Russian checkpoint in the village of Variani.
- On 6 October, Russian militaries were dismantling electrical fence on the Ossetian territory in the village of Nida of Gori district. They installed the members of this family and shot Mamuka Gogiberashvili to death.
- On 6 October at 01:50, in the village of Pakhulani of Dzelegkhevi community, 3 mortar shells (82 mm) were dropped near the highway, fired from the territory of Abkhazia. At 07:40, 2 shells of the same calibre were dropped in the centre of the village of Pakhulani, 200 m east from river Liakhi.
- On 6 October at 8:20, in the adjacent area of Frgneti (Java), a Russian army "Ural" type heavy truck drove in the direction of the village of Ditari, where the LEMAC armoured fighting vehicle caused by an explosion.
- On 6 October, armed proxy militants under Russian control pried 9 BTVM mortars, who were overlooking their positions in 2 vehicles and 3 Belgian journalists. Their personal belongings, money, equipment and mobile phones were stolen.
  On 6 October, armed proxy militants under Russian control beat Otar Kasradze, the resident of v. Frgneti, who was taken to the Gori hospital.
  On 9 October, in the village of Mosabruni of the Akhalgori district, the servicemen of the so-called Ossetian Ministry of Defense separate mountain battalion Dzala Besoiti in the command of Gennadi Gagloev and robbed the house of a local resident.
- On 10 October, the residents of the village of Sakorintlo (Akhalgori district) again noticed the above mentioned vehicle. The explosive locating equipment mounted by the ICMP was been stolen.
- On 11 October, 3 Russian fighters violated Georgian airspace. For half an hour, they were flying over the territories of Gori, Kaspi and Akhalgori.
- On 12 October at 10:30, in the village of Zemo Nikozi, 2 mines with time mechanisms exploded at 15 min interval.
- On 12 October, armed proxy militants under Russian control looted the house of Meliko Kvitia's family in the village of Tbeti of Akhalgori district.
- On 13 October, Russian planes violated Georgian airspace twice, at 09:07, 2 planes crossed the border near Stepantsminda at 10:09, 3 military planes entered Georgian airspace and flew over the territories of Gori, Kaspi, Akhalgori and Kazbegi.
- On 14 October, near the village of Dzaghnati armed proxy militants under Russian control kidnapped a 12-year-old boy and were requesting ransom.
- On 15 October, in the village of Nuliskhevi a local resident was killed after the explosion of a mine left over by the Russian occupants. Another civilian Giorgi Kikutadze received serious injuries.
- On 16 October at 12:50 a Russian MiG-29 fighter jet entered from the direction of Greni valley, flew over the villages of Mejvriskhevi and Tseronis Mindori (Akhalgori).
- On 15 October, in the villages of Kveshi, Kurta, and Akhalgori Ossetian forces divided the property owned by Georgians and are harvesting their crops.
- On 16 October, armed proxy militants under Russian control kidnapped a herdsman and his cattle from the village of Zemo Nikozi.
- On 16 October, proxy militants stole cattle from the village of Kvemo Achabeti (Akhalgori district).

- On 16 October, armed proxy militants under Russian control detained two local Georgians while they were cutting woods near the village of Akhmaji, Akhalgori district. The armed proxy militants stole their two "ZIL-131" vehicles and electric saws.
- On 16 October, at the administrative territory of the village of Zemo Khvitiri of Gori district four armed proxy militants under Russian control attacked inhabitants of the village – Givi Lazarashvili (b. in 1943), Giorgi Gogishvili (b. in 1953) and Archil Tigiashvili, they hijacked Lazarashvili's vehicle "Mitsubishi Montero" (VIN: JMBLJV54W00100106) and stole 56 sows; Lazar Mzetamtsveli, Gogishvili and Tigiashvili were released.
  On 16 October, armed proxy militants of Russia under Russian control entered the villages of Andreantsminda and Ergneta-Nikozi of Gori district and burned fire-arms during battles.
- On 17 October, at about armed proxy militants under Russian control opened fire from automatic rifles at the village of Nikozi, Gori district.
- On 18 October, in the morning, a Russian UAV was spotted over the village of Nikozi, Gori district. Later it left in the direction of Tskhinvali.
- On 18 October, armed proxy militants under Russian control shot down a water pipe of Gori-Tskhinvali-type towards Gori district. As a result, 17 villages of the Gori district were left without water.
  On 18 October at about 09:30 p.m., armed proxy militants under Russian control exploded the bridge of the village of Mereti, Gori district.
- On 18 October, the armed proxy militants under Russian control closed and took away an electric transformer from the village of Zemo Khviti, Znauri district, aiming to force the Georgian population out of the village.
- On 19 October, at 07:00 the fire-fighting team arrived from the Administrative Boundary Line to the village of Knunisi. One house of a local resident was significantly damaged.
- On 19 October, at 2:00 a.m., armed proxy militants under Russian control exploded the bridge connecting the village of Tagiboni of Gori district with the village of Shamgona-Zagalidi street.
- On 21 October, a Georgian police car was blown up by a narrow-directional mine in the village of Avlevi of the Kareli region, as a result one policeman Giorgi Petriashvili was wounded.
- On 21 October, 10 units of vehicles and several hundreds of Russian soldiers entered the territory of Akhalgori district from Tskhinvali.
- On 21 October, Russian occupants did not allow the pupils from the village of Saberio Gora cluster to go to school in Tsnelisubani. About 60 children were left without access to schools.
  On 21 October, a remote-control device of bomb exploded in a mass of the village of Chorchana. The building where the mass is located is used by Russian occupants. This mass was frequently visited by Georgian workers and presently the explosive targeted them. Two week working at this mass was injured.
- On 23 October, armed proxy militants under Russian control abducted Beka Kakhetsidze (b. in 1979) and Lasha Demetrashvili (b. in 1989), the residents of the village of Mugutsi, Znauri region. They were released later.
- On 23 October, in the village Khurvaleti, Gori district armed proxy militants under Russian control arrested a delegation from the Georgian Ministry of Education, which visited the local school. The armed proxy militants seized their vehicle and documents, belongings, but the locals helped the delegation.
- On 24 October, at 09:00 a.m., armed proxy militants under Russian control exploded the railway bridge connecting the villages of Shamgona and Tagiboni.

- On October 15, [illegible] a.m. and 9:00 a.m. mortar shells were launched from Abkhazian territories to the village of Mugava, they damaged the house of Omar Sabeilan
- On 25 October, when the governor of Tsalenjikha region Gia Meberia was inspecting the house which was attacked the night before, a mine exploded, killing him and wounding the owner of the house Omar Sabeilan and policeman Zviad Pagvilava. Omar Sabeilan also died of injuries
- On 26 October, armed proxy militants under Russian control appropriated two buses, belonging to Georgian drivers. Those buses were donated to Akhalgori for social purposes by the Georgian President.
- On 26 October, in the village of Atsveri of Dusheti region the representatives of the proxy militants under Russian control detained members of the Ecumenical Mission and later released them.
  On 26 October, armed proxy militants under Russian control arrested Givi Mamaradashvili together with his four family members and Avetisian Organi together with her two family members from their houses in the village of Ivlita of Akhalgori district for not speaking Ossetian language
- On 27 October, the body of 19-year old Mika Kaurtsiashvili was found in the well in the village of Gugutiantkari of Gali district. According to the testimonies of the witnesses, Kiurtsiashvili was stopped by Russians at the checkpoint and severely abused for carrying Georgian ID. Later he was found murdered.
- On 27 October, Russian occupiers demanded from local population to clean the territories of Ergneti occupied by them to place military installations
- On 28 October, Russian occupiers and armed proxy militants under Russian control placed at the shores of the river Ergneti, which are used by local Georgians for economic and harvesting purposes controlled territories
  On 28 October, armed proxy militants kidnapped 6 inhabitants of the village of Zemo Nikozi from Gori municipality Tamaz Kirbaia for Gori district
  On 29 October, the security guard of school no 1 of Akhalgori Tamaz Vardanashvili found a bomb-shell in the schoolyard, which exploded in his hands. The injured man was taken to Tskhinvali Central Hospital.
  On 29 October, in the village of Ghurtubani of Gali region, 38-year-old Tamaz Shekiia exploded on a mine which was left over by the Russian occupants. As a result of the explosion Shekiia lost upper limbs
  On 30 October, armed proxy militants under Russian control opened fire at a Georgian police checkpoint in the village of Ergneti from Tskhinvali side the duration of 20 minutes
- On 31 October, armed proxy militants under Russian control exploded the bridge near Gori connecting two villages Kvesheti and Zemo Artsevi
- On 31 October, armed proxy militants arrested the journalists of Georgian Public Channel who were preparing the broadcast regarding the explosion of the bridge near Artsevi. Later the journalists were released.
  On 1 November, in village of Ergneti armed proxy militants under Russian control appropriated several sheep belonging to shepherd Nugza Shavgulidze, who resisted. Armed proxy militants under Russian control killed 6 remaining sheep using machine gun fire
- On 31 October, armed proxy militants under Russian control established a curfew restricting the movement of civilians and transport after 22:00. They check passports of local residents. 8 persons have been arrested for violating this regime

November

- On 1 November, Georgian police arrested Jemal Tskhvitaia, resident of the village of Disevi, for carrying a hand grenade.[1]
- On 2 November, Russian occupation forces exploded 3 bridges in Gali, near the villages of Khurcha and Nabakevi. The movement of the local population is restricted, as well as all the connecting routes to Georgian controlled territories is ruined.
  On 2 November the residents of Akhalsopeli, Nodar Dashtadze and Bidzina Sherozia, were detained in Psou town shop by Ossetians. They also opened fire at the shop, stole alcoholic drinks and food from the shop. Bashtadze was forced to move to Georgian controlled territory and ask the Georgian authorities for assistance.
  On 2 November, 6 Georgians were kidnapped from the forest near the village of Nabakevi, Gali district. On 11 November, they were released.
- On 3 November, the 19-year-old soldier Dalikashvili was kidnapped from the village of Kvemo Khviti, who has escaped the next morning.
- On 5 November, fire was opened from Abkhazian towards Georgian checkpoints near the village of Zemo Nikozi.
  On 5 November Nikoloz Gelovani, the resident of the village of Zemo Otsevi was killed by unidentified persons near village Korkotia.
  On 5 November, Russians robbed the house of Nino Tsintsadzeishvili. The resident of v. Khurcha, Mikheil Jorjoliani.
  On 5 November armed proxy militants under Russian control robbed the house of Givi Tsintsadze in village Ganakhleba, Akhalgori district. His wife has been beaten up and his cattle stolen.
- On 6 November, the house of Mukhran-Murtazali Gvenetadze – native Ossetian was robbed in Akhalgori by the head of the armed proxy militia under Russian control (police). His Kalashnikov rifle was taken away and murder using the stick belonging to Anzor Basiev (Mukhamed Shishani).
- On 6 November, 23:00, armed proxy militants under Russian control opened fire from the village of Dvani towards Georgian village Knolevi. The fire did not cause for casualties or loss.
- On 6 November armed proxy militants under Russian control arrested Zviadi Kobaladze in the village of Avtovki, Zugdidi district. The person is mentally unhealthy. Kobaladze was placed in isolated cell in Akhaldaba village building.
- On 6 November, 3 unfinished mines were found out in Georgian controlled village of Tagiloni in the village of Saberio in Zugdidi district.
- Georgian population of Gali is leaving their homes. From the 40 remained families of village Nabakevi, 10 have left within few days in the beginning of November.
- On 7 November, armed proxy militants under Russian control started seizing IDs, passports and other documents from Georgian population in Gali district.
  On 7 November armed proxy militants under Russian control demanded 500 USD for the release of a 19-year-old Dzadzamia, who was arrested while attempting illegally crossing so-called Abkhazian border.
- On 7 November, armed proxy militants under Russian control Giga Dvalishvili and Zviadi Tsotsoria were visiting their relatives in the village of Orsantia of the Gali district. They were seized of their Georgian passports and taken to Gali police.
- On 8 November, a group of 50 armed proxy militants under Russian control opened a checkpoint in the village of Perevi, Tsalenjikha district.
  On 8 November, armed proxy militants under Russian control started to collect food for Russian occupants from Georgian population of the villages of Chuberkilia and Sachere. The extortion was controlled by the head of Ivane Javakhishvili Anzor Kvitaliia and representatives of Russian Ministry of Defense. Local population is unable to resist.

- On 8 November, some 60 armed militants under Russian control arrested 8 Georgians and accused them of illegal crossing of border, carrying arms and narcotics. Border is closed and all the passes are controlled. Only the members of International Organizations and personnel working on Enguri part are allowed to enter Abkhazian controlled territories.
- On 10 November, at 07:15, in the village of Dvani, Kareli district 3 police men Irakli Kekiladze, Nikoloz Khutsishvili and Tornike Khutsishvili died of a mine explosion while patrolling the village. The mine was put there by proxy militants. The group of police officers arrived to the site for assistance, but this group also exploded on a remote controlled bomb. 9 police officers were wounded: Giorgi Shavishvili, Giorgi Nikolaishvili and Irakli Gvindava.
- On 11 November, the bus travelling to the village of Zemo Bargebi to Zugdidi has been stopped by armed proxy militants under Russian control. Here the drivers were called to proxy regime police and asked to pay permanent taxes for traveling to Zugdidi.
- On 11 November several residents of Gali District were arrested for illegally crossing Inguri river. Bridge is controlled by proxy regime police near village Tagiseuli. They were forced to pay 20 15 thousand rubles and those who were unable to pay were taken to Gali police.
- On 12 November, the Russian occupants (Chechen and Ossetian soldiers) beat up 3 Georgian young citizens from Gali district who were trying to go to Zugdidi.
- On 13 November, the proxy regime police officers of Tkvarcheli district started to seize Georgian IDs and mobile phones from Georgian population. They arrested 2 Georgian citizens who were taken to Tkvarcheli police.
- On 14 November, the mine explosion killed cattle in the village of Mukhuri, Ochamchire district.
- On 15 November, armed proxy militants under Russian control fired towards Georgian police patrolling near the village of Kvlaghe, close to Pashaliti. One policeman Zurab Tsulaia died of injuries. Fire was reopened when EU observers arrived to the site.
  On 16 November, armed proxy militants under Russian control arrested Georgian residents Tristan Gogatishvili and Vasil Sirtsiskaviliani near the village Lekukhona, Tsalenjikha district. They were released the next morning.
- On 16 November, a Russian UAV was downed over the village of Kheti, Gori district.
  On 17 November, another Russian UAV was downed in the village of Plavi, Gori district. Population called police and the proxy militants arrived at the site. After their arrival the area is controlled, mine attached to the UAV exploded and killed 2 civilians, Giorgi Skhvitaridze and Murad Nozadze. 8 more police officers were wounded as well as 1 10-years old girl who lived close to the site.
- On 18 November, in the village of Ivane Orbeli, Tskhinvali district, armed proxy militants under Russian control killed Roman Shashiashvili.
- On 20 November, at 06:35 am, two Russian armored vehicles entered the village of Ganmukhuri from Otobaia, followed by armed militants. They opened fire at the Georgian police checkpoint in Ganmukhuri from machine guns, mortars, grenade launchers and armored vehicles. The fire lasted for about 15 minutes. The fire damaged the house of local resident Giorgi Partsia. The occupants retreated the same from Ganmukhuri to Otobaia. The second incident occurred at 10:30 when Russians opened intensive fire from mortars to Georgian checkpoint in Ganmukhuri. Fire lasted 5 minutes. UAV monitors pictures of conflict in Ganmukhuri flying over Ganmukhuri at a lower altitude when they viewed the site of the accident.
- On 21 November, unarmed proxy militants under Russian control exploded the radio transmission tower and station in the village of Chorchana of Khashuri district. This station and tower were previously used for Baku-Supsa pipeline contact.

- On 23 November, at around 6:15 p.m., the Russian occupational forces stationed near the village of Odzisi, Akhalgori district opened fire as the motorcade of the President of Georgia Mikheil Saakasvhili and the President of Poland Lech Kaczynski was passing by.
- On 25 November, armed proxy militants under Russian control entered the village of Pakhulani; they tried to count the number of existing population.
- On 26 November, 2 Georgians were abducted from the village of Dirbi adjacent territories: Koba Khatashvili (b. in 1980) and Omar Mazmishvili (b. 1983). They were released after 1 week of detention.
- On 27 November, the resident of Gali Irina Mebonia was kidnapped. On December 3rd, her dead body was found near the village of Nabakevi.
- On 30 November, armed proxy militants under Russian control opened fired at Georgian positions in the village of Plavismani.

December

- On 2 December, fire was opened towards the Georgian village of Gugutiantkari, Gori district.
- On 5 December, at 8:15 a.m. armed proxy militants under Russian control fired from the village of Khelchua to Georgian police station in village Mereti. Separatists missed the target and damaged the premises of a neighboring house of a local resident.
- On 10 December, at 06:00 a.m., a remote controlled explosive device exploded on Pkhveni Bridge, near the village of Nikozi, Gori district, while the officers of Shida Kartli Patrol Police were patrolling of this area. There are no casualties as a result of explosion although the patrol police car was damaged.
- On 10 December, at 17:00 p.m. fire was opened towards the armored vehicle of the OSCE mission patrol. Fire came from the territory controlled by armed proxy militants under Russian control, not far from the village of Khviti, Gori district. The incident did not cause any casualties or injuries, although the vehicle was damaged.
- On 12 December, early in the morning, Russian military troops left the territory of the village of Perevi for 8 hours. In order to ensure security and order, Georgian police started taking positions in the village. Backed by one APC and a platoon, Russian military troops returned to Perevi approximately at 17:00 pm and regained the positions, which they left in the morning.
- On 13 December, at 09:00 am, Russian occupants, started reinforcing their positions in Perevi, they deployed around 300 airborne from 6 combat helicopters and moved mountain battalion to the village. Russian occupants, under the threat of opening fire to the units of Georgian Police deployed in the village, demanded from them to pull back from the village. Aiming to ease the rising tension, Georgian policemen had to withdraw from Perevi. EU monitors and observers from OSCE mission to Georgia, together with several EU ambassadors also witnessed the fact of re-entering Perevi village by Russian occupants.
- On 17 December, at 21:00, Georgian police checkpoint in the village of Khurvaleti, Gori region, came under fire from automatic weapons from Russian occupied territory. As a result, one police officer Shalva Simonishvili was heavily wounded and placed in Gori hospital.
- On 23 December, early in the morning, the family of Otar Gogokhia exploded on a mine (they were coming to Zugdidi in a horse carriage) near the village of Chuburkhinji. 4 persons were injured, two of them were brought to Zugdidi hospital, the other two were not allowed to go to Zugdidi by Russian soldiers. All the access roads, passes, bridges and other points are mined by Russians and armed proxy militants under Russian control, which threatens

Ossetian forces and Tskhinvali in case of approaching so called borderline between Abkhazia and Georgia.

- On 24 December, the heavy caliber artillery was noticed on Ossetian side near the village of Koshka. In the evening they shot several times at Georgian police positions, causing no damage or injuries.
- On 27 December, at 23:30, Georgian police checkpoint situated in the village of Kveshi, Gori District came under fire from the direction of Russian occupied territories. As a result the employee of Shida Kartli regional police of the Ministry of Internal Affairs, Davaadi Pavle Lazarashvili was wounded.
  On 30 December, at 21:00, the fire from automatic weapons was opened at a Georgian checkpoint in the village of Koshka. No body was injured.

January, 2009

- On 4 January, at 08:40 a.m. Georgian police checkpoint situated in the village of Ganmukhuri, Zugdidi District came under intensive fire from Russian controlled territories, mainly from village Pichori, Gali district. Machine-guns as well as mortars were used. As a result of firing no one was injured.
  On 6 January, the family of Nana Kiria, was terrorized by the residents of the village of Tsaishi, Gali district. Ms. Djeiran Kuria was kidnapped and found murdered on 9 January.
  On 8 January, at 05:30 a.m. Russians and armed proxy militants under Russian control opened fire from automatic weapons and grenade launchers towards the Georgian village of Ossetian. They fired more than 15 shells. The unexploded shells were found in the yard of Khetsia family. The incident did not cause any injuries or casualties.
- On 11 January, at 22:00 p.m. Ossetians and Russians opened fire at the police station in the village of Zemo Nikozi. Automatic weapons as well as grenade launchers were used. The incident lasted for 20 minutes. Nobody was injured.
- On 13 January, at 23:00 p.m. Russians and armed proxy militants under Russian control attacked Georgian police checkpoint in Rukhi, Gori. The duration of the attack lasted for 20 minutes and was launched using automatic weapons. The incident did not cause any injuries or casualties.
- On 14 January, at 17:30, One main police check point in the village of Koshka was attacked from the territory controlled by armed proxy militants under Russian control in close proximity of village Disevi. Attack was launched from grenade launchers and automatic weapons. Incident did not cause any injuries or casualties.
- On 16 January, approximately at 10:00 am as a result of firing from the Russian occupied territory, the employee of Shida Kartli Regional Police Main Division of MIA, Mamuka Kakhaberishvili (Born in 1982) was killed on the territory of Georgian police checkpoint situated in the village of Knolevi. According to the investigation, the bullet was fired from a sniper rifle with a silencer.
- On 18 January, at 05:00 am the Georgian Police checkpoint situated in the village of Rcheuli Zugdidi district came under fire from the Russian occupied territory. The firing was conducted with machine-guns as well as mortars, as a result of which, the employee of Second Division of Special Tasks Main Division of MIA was wounded and consequently transferred to the hospital.
- On January 19, at 11:00 pm a pickup police vehicle came under fire from the Russian occupied territories while patrolling near the Georgian police checkpoint situated in the village of Dvani, Kareli district. The intensive shelling from Russian occupied territory was conducted with machine guns and lasted for 20 minutes. As a result of firing, several

employees of the Ministry of Internal Affairs were shot and wounded, namely: Levan Gogiashvili and Nestoria Tanishvili who were transferred to Gori military hospital.

- On 24 January, early in the morning the resident of Gld. Zurgiz Akubardia tried to drive to Zugdidi from Gali in order to take his boy son to a doctor. He was requested to pay 300$ by armed proxy militants under Russian control in order to let him drive through the checkpoint. He could not pay the amount and drove his car to his wife waiting for him on the other side of Enguri bridge. Armed proxy militants under Russian control then opened fire that caused injuries to the passenger in Akubardia's car.

  On 24 January, in the afternoon, the fire was opened at the OSCE patrol monitoring the situation near Akhalgeli. The incident did not cause any injuries or casualties.

  On 25 January, close to afternoon 2 Russian MoI IS entered Georgian controlled airspace from Sochi and flew over Georgian police checkpoints in villages Khoshevi, Gorgeti, Dvanta, Nikozi, Tsiri, Khurvaleti and Perevi Tamarkana and Akhmaji in Akhalgori.

  On 24 January, the 14 year old Joseb Khotveli was injured in a result of a hand grenade explosion at the yard of school of the village of Kheboli. The boy got severe injuries and was hospitalized.

  On 27 January, at about 16 pm, fire was opened at Odzisi police checkpoint near the so-called administrative border with Akhalgori district. By incident time police officers of EUMM and OSCE were conducting patrol in the area.
- On 28 January, at 13:00 fire from automatic weapons was opened to Georgian police checkpoint on Enguri bridge, near the village of Rukhi. The fact did not cause any injuries or casualties.
- On 29 January, late at night, Russian occupiers were demanding from the Mayor to hand IDPs in the village of Nabakevi, Gali district. The members of the family, Kobe Melvers resisted and was killed at the gate of his house. The body was taken by the soldiers in order to hide evidences.
- On 31 January, at 11:00 an EUMM monitoring together with Palestinian journalists were visiting the village of Nabakevi in order to prepare a story about the explosion of the soldier in village Tagiskuri on the other side of Enguri River. Russians and armed proxy militants under Russian control shot several times from automatic rifles in the air, in order to disturb the journalists. The incident did not cause any injuries or casualties.

February

On 2 February, at 15:40 Georgian police checkpoint was attacked from automatic rifles in the village of Khoshevi from so-called South Ossetia. Incident did not cause any injuries or casualties.

On 7 February at 7:00 a.m. armed proxy militants under Russian control operating from the Georgian territory under Russian occupation assaulted a car that was on the main East-West highway and abducted Mikheil Backishvili – an official from the Georgian Football Federation. Mr. Backishvili was driving towards territories currently under Russian occupation in the stolen vehicle. The perpetrators demand ransom in exchange of the hostage. Backishvili was released on February 8, in the evening.

On 7 February, in the evening, Russian militaries and armed proxy militants under Russian control wounded Zaza Gobeshi near the village of Khurcha, who was trying to reach Georgia controlled territories from village Nabakevi. He was taken to Zugdidi hospital for treatment.

- On 9 February, at about 23:30, Georgian police station in the village of Mosiri was attacked from the Ossetian side. Automatic rifles were used during the attack. The incident did not cause any injuries or casualties.

On 19 February at around 20:40 two armed proxy militants under Russian control kidnapped two monitoring officers of the OSCE mission in Georgia near the village of Adzvi, Gori district. The monitoring officers were held on the Russian occupied territory in the town of Tskhinvali. Later they were released.

- On 20 February at around 15:40, Georgian journalists Irina Lagazi and Ia Antadze were detained by armed proxy militants under Russian control and released within less than an hour.
- On 21 February at about 12:00 p.m. Russian occupying forces deployed about 150 personnel and 15 APCs near the village of Kvemo Nikozi on Georgian controlled territories and blocked Georgian police checkpoint. They started building up fortifications.
- On 22 February at 20:00, the first confirmed shelling was reported at Georgian the village of Koda. Gori district, which was controlled by Russia and armed proxy militants under Russian control. Several houses were damaged. The shelling did not cause any injuries or casualties.
- On 23 February, in the morning, 3 improvised explosive devices exploded in Odzisi military base of a fake as a result of them received several injuries and one lady has died of injuries in Gori military hospital.
- On 25 February at 16:30, Georgian police station in the village of Knolevi has been attacked from the South Ossetian side by automatic weapons. Only the police station was damaged. The did not leave any one injured.
- On 26 February about 30 residents of Gali district were forced to leave their houses and move to Gamukhuri. The reason of the escape was the constant artillery bombardment by Russian military and armed proxy militants under Russian control, which were clearly visible from the village. Irakli Beselia, a resident of Gali, who was injured on 25th of February and evacuated to Zugdidi. By 9:00, Russian and armed proxy militants under Russian control, by eight armoured APCs in Otsiskvi and Nikozi, the village of the Gori district and the area. They started to force Georgian villagers to leave their houses. Irakli Beselia
- On 26 February, at about 17:30, three heavy calibre weapons were opened from the side controlled by Russia and armed proxy militants under Russian control towards the Georgian villages of Variani and Ergneti-Nikozi. The houses of civilians were damaged as well as one vehicle. The incident did not cause any injuries of casualties.
- On 27 February 2009, at about 16:30 p.m. armed proxy militants under Russian control attacked a car moving from the Tskhinvali direction to the village of Ditsi in the Kareli district near the so-called administrative border) abducted its passengers: David Sapanadze, Irakli Kapanadze, Demur Tchigladze and David Sadzaglishvili and drove them towards the Russian occupied territory. Later, Irakli Kapanadze and David Sazaglishvili were released. In exchange for the other two hostages Davit Kapanadze and Demur Tchigladze, which are since then held in the Tskhinvali prison, the Ossetian *de facto* authorities were at first demanding a ransom in the amount of 1000 US and later the release of Soner Ossetian criminals from Georgian prisons named Murat Dudaev (serving his sentence for the Beslan hostage crisis) or Georgi Zassev (serving his sentence for participation in the terrorist attack on police station in Gori on February 1, 2005).

March

- On 4 March, at 13:00 and 14:00 2 Russian helicopters Mi24 violated the airspace of the villages of Gamukhuri and Khurvaleti. They took positions of Russian peace keepers and flew back to Abkhazian controlled territory.
- On 5 March, 2009, the so-called State Security Committee (KGB) of South Ossetia detained two persons: Lamzir Okhanova, born in 1956, a teacher in Akhalgori school No 3, and Givi Chkhaseli, born in 1956, the chairman of the local executive council, for several weeks. They

were held in a temporary detention cell in Tskhinvali. The separatist authorities charged them with "state treason" acts because these persons have participated in the alternative South Ossetian presidential elections held on 12 November 2006.

- On 5 March, at 20:45 a.m. 2 Russian helicopters Mi24 violated Georgian airspace flying over the villages of Ergneti and Kurcha. They took pictures of Georgian police checkpoints and then flew back to Abkhazian controlled territories.
- On March 5, at 17:00 Russian soldiers dropped plastic objects in a water collector near the village of Ochiri, which supplies drinking water to several villages. The objects blocked water supplies, after the expertise stated that these objects were polyethylene granules and could cause no harm to villagers, water supply was restored.

  On March 6 at 10:00 p.m. 7 armed proxy militants under Russian control assaulted two policemen in the village of Kvemo Atoni and stole cattle. 2 cows. The attackers did not cause any casualties.
- On March 8, in the morning there was a heavy explosion in Akhalgori. It was caused by technical persons in a warehouse of "Grad" homing devices and shells. The incident caused injuries of several Russian soldiers.
- On 13 March, at about 23:30 the fire was opened at Georgian policemen near the police station in the village of Ovseti. Fortunately, all of the police officers survived with no injuries.
- On 13 March, armed proxy militants under Russian control looted and burned the houses of ethnic Georgians in the village of Tirkoli, Akhalgori district, namely the houses of Pataria and Mikadze families.
- On 26 March, at about 13:00, armed proxy militants under Russian control opened fire at the villagers working in the fields close to village Disi. The incident did not cause any injuries or casualties.

  On 27 March, at about 16:45, armed proxy militants under Russian control opened fire from automatic guns towards the village of Mereti and then redirected fire at the Georgian police outpost. The incident did not cause any injuries or casualties.
- On 27 March, armed proxy militants under Russian control detained U.S. citizen Christopher Chivers, the correspondent of New York Times newspaper in Georgia, and later released him.

  On 29 March, at 08:00 in the Georgian village of Dvani a Georgian police pick-up truck accompanying a routine patrol, was hit by a remote controlled explosive device. As a result of the explosion four employees of the Special Tasks Main Division of the MIA were seriously injured, namely – Otar Mshvenieradze, David Berkishvili, Avtandil Megrelishvili, Levan Berdzenishvili and Beqa Beshkenadze, who died in the hospital. In order to assist the injured two officers of Shida Kartli police, Vasil Darsavelidze and Zviadi Durglishvili, immediately arrived at the place of incident and also received severe injuries due to the explosion of another remote controlled explosive device. Consequently, the injured police officers were transferred to Gori district hospital.

April

- On 6 April, in the village of Ukliso a 14 year old teenager Giorgi Maisuradze found an unexploded shell in the local church yard. The shell exploded in his hands and the boy received serious injuries.
- On 17 April, in the village of Adzvi, Akhalgori district, three members of the armed proxy militants under Russian control robbed a local school, taking away 4 computers, and assaulted the guard Lavrenti Khomasuridze.

- On 21 April, armed guys and tanks under Russian control detained two OSCE monitoring officers for "border violation" and later released them.
- On 22 April, in the evening hours, a mine explosion on a cargo field near the village of Knolevo, Kashi District, No one was injured.
  On 23 April, at 06:30, armed proxy militants under Russian control opened fire at the Georgian police checkpoint near the village of Ditsi, Gori district. No one was injured.

Question 8: What steps did your party and the adverse party take to clarify the fate of person reported missing since 1990 by the ICRC, their families, or by the party to which they belonged? In which cases were those steps successful? If they were not, why?

The Government of Georgia is party to the main international agreements of humanitarian law, among them the Geneva Conventions of August 12, 1949 and their two optional protocols of June 8, 1977. These mechanisms envision the implementation of norms directed at the protection of the rights of families to be informed about the fate of missing relatives. Georgia is also member of the international human rights protection treaties, mainly the International Covenant on Civil and Political Rights dated December 16, 1966 and the European Convention on Human Rights and Fundamental Freedoms dated November 4, 1950.

With the ajm to fulfill its obligation in regard to the support of the families of missing persons, on March 6, 1996 the Commission was established according to the Presidents No 218 Degree. The commission was renewed by the N479 Presidents Decree dated 2004. In 2005 the amendments were added to the Decree, and in 2006 the Commission was transferred under the administrative authority of the Ministry of Refugees and Accommodation of Georgia.
The main achievements of the Commission are as follows:

1. The important information of Georgian nationals missing was gathered and organized;
2. The contribution was made in adoption of the law on supporting families of missing military personnel;
3. Based on the Statute, the different forms of support were offered to families of the missing military – provision with documents, financial aid, medical insurance etc.

Gathering and management of information on missing persons

For many years the commission has been gathering important information on missing persons: military investigation, approximate maps of possible places where the persons were buried complied by eyewitnesses, records from the work history etc. This information is properly stored in thematic and individual dossiers at the Tbilisi based office of the Commission. It should be noted that with the help of the ICRC the Commission managed to gather the "Ante-Mortem" data on all missing military and civil persons. The gathered data was added to Ante-Mortem data base. The database allows for identification of corpses by forensic experts. The Commission is conducting periodical meetings as well as humanitarian cooperation with the Abkhaz Commission and public and nongovernmental organizations working in this field.

Numbers and figures of missing persons missing as a result of the Conflict in Abkhazia

After the cessationof hostilities 165 mortal remains were transferred by the Commission from the Abkhaz controlled territory. 49 corpses were handed to Abkhaz side, but there are still many left unidentified.

- Support to the families of missing persons as a result of Conflict in Abkhazia

According to statistics, there are families of 1,763 missing persons living in Georgia, among them there are families of 795 soldiers and 968 civilians. According to the Commission, 1,427 families are internally displaced. In recent years the Commission has offered support to the families of

missing persons, mainly those going to Abkhazia and its nearby regions. The aid was allocated in accordance with Law No 865, which was adopted with the involvement of the Commission in 1996.

Numbers and figures of persons missing as a result of the conflict between Georgia and Russia (August 2008):

- Within the Structure of the Ministry of Internal Affairs

According to the statistics during the armed confrontation in the following parties, 28 employees of the MoIA were killed. Out of them 11 persons have been killed during the armed conflict. 5 police officers are still missing. 11 persons have been killed during the "Peace time". The remaining 12 persons died as a result of the conflict were after the active hostilities ceased for good.

Each family of killed or missing persons has received one-time financial aid of GEL 15 000 from the Government. Apart from that, the [illegible] missing persons was granted to the family fund "Temqveri" and their families were paid GEL 8,350 each as well. In addition, according to the internal decree of the Minister of Internal Affairs dated [illegible] December 17 families have received financial aid of GEL [illegible] each.

The MoIA has purchased apartments for all families of MoIA employees missing killed as a result of conflict. As for the social guarantees, the MoIA has facilitated the employment of the relatives of these families either in the MoIA or in other governmental structures, the children of these families were granted pensions in accordance with legislation. Missing persons are receiving the monthly salaries of their missing members from the MoIA.

- Within the Structure of the Ministry of Defence of Georgia

According to the basic statistics, a total 140 military persons employed in the structure of the Ministry of Defense of Georgia were armed are missing as a result of the armed conflict between Georgia and Russia. Out of the total amount, 97 were found and identified by the DNA and 10 military persons are still missing.

All families have received one-fold financial aid of GEL 15 000 from the Government and GEL 8,350 compensation from the state fund "Temqveri".

The Ministry of Defence has purchased apartments for all families of persons killed (majority of the so-called "Military Town" in Tbilisi). As for the social guarantees, the MoIA has also facilitated the employment of the members of these families either in the governmental structures, the children of these families were granted pensions in accordance with legislation.

- Civilians

According to the official statistics, 9 civilians are missing as a result of the armed conflict between Georgia and Russia. The families of these persons have been mediated by the MoIA and brought to the National Bureau of Court Expertise to undertake the DNA analysis with the aim of identification of corpses of their missing relatives. As a result, 2 missing persons were identified.

Question 9: What investigations and prosecutions have been launched since 1990 by your judicial authorities against members of your forces, members of adverse forces? Members of local forces and against civilians in relation with crimes committed in relation to the conflict? In which cases did such prosecutions lead to conviction or acquittals? Please provide copies of relevant decisions. If prosecutions neither lead to convictions nor to acquittals, why did they not succeed?

Question 10: If forces or persons under your control committed any violation(s) of international humanitarian law or human rights, did the victims of those violations obtain reparation? Were other measures of restorative justice adopted? If not why? How could the victims obtain such reparations?

On September 15, 1992, the acting Prosecutor of the Autonomous Republic of Abkhazia (Georgia) initiated a criminal case into the facts of grave violations of national equality directed towards the ethnic Georgian population of Abkhazia, including murders and other serious consequences.

The investigation was launched in response to the criminally motivated acts of violence happening on the territory of Autonomous Republic of Abkhazia, Georgia in August and September of 1992. The acts committed included but were not limited to killings, rape, grave personal injuries and kidnappings committed on ethnic grounds, exposure to destruction of state and private property, destruction of communications, etc.

An investigative brigade was created within the prosecutorial service which was tasked with separate investigative process for each district and city of the Autonomous Republic.

On September 28, 1993 the Prosecution Service of the Republic of Georgia initiated a criminal case into alleged fact of genocide against the ethnic Georgian population committed on the territory of Autonomous Republic of Abkhazia, Georgia (criminal case No. 7793806). The criminal case was initiated under article 65 (genocide) of the Criminal Code of the Republic of Georgia (then in force). The materials obtained in the course of the investigation lead by the Prosecution Service of Abkhazia, Georgia (existing up the order, photo, forced and autopsy) were attached to the criminal case as well. The investigation covered the facts (incidents of violence) against ethnic Georgians committed on the territory of Autonomous Republic of Abkhazia, Georgia since August 1992. Particular criminal cases initiated in response to specific incidents were joined into the criminal case No. 7793806.

A specific investigative group was created that directed investigative activities throughout the whole territory of Georgia that inter alia included interrogations of victims and witnesses, medical examinations etc.

Due to the continuing nature of the incidents of the crime alleged the criminal case also covers the acts of violence that have been committed after 1993. For example the massive attacks against the ethnic Georgian population of Gali district in May, 1998.

In the course of the investigation the crimes committed qualified additionally as ethnic cleansing or illegal under Article 6[illegible] of the Criminal Code of Georgia, in force at

A number of persons have been indicted, however, they have always been outside the control of the central government. Moreover, Georgia in its political decision not to pursue investigation and to its close to total lack of evaluation of the evidence

The investigation was launched concerning the violations committed in the course of the Russia-Georgia war in August 2008. Namely, on 9 August 2008, a couple of days after the Russian invasion of Georgia, the Office of the Prosecutor launched an investigation including under Articles 411 (the former violation of humanitarian law provisions during internal and international armed conflicts), Article 413 (other violations of international humanitarian law, including crime illegal acquisition or destruction of civilian property of the Criminal Code of Georgia. On August 11 another criminal case was opened on the basis of Article 323 of the Criminal Code of Georgia. These investigations were been merged. It is important to note that the investigation is not against anyone, but is launched on the facts and intends to shed light on the events that took place. Every person whose culpability is revealed in the course of the investigation will be subject to relevant legal proceedings. No charges have yet been made due to the decision has to gather sufficient evidence. In all statements taken persons of war, civilian hostages have been taken, forensic examinations have been conducted, and search and inspection of affected areas under Georgian control has been implemented. However, lack of access to the affected areas in the Tskhinvali region of South Ossetia is a substantial impediment for a results-oriented effective investigation.

Russia

- View on the conflict
- Chronology
- Military aspects -- questions and answers
- Military aspects – additional questions and answers
- International Law – questions and answers: additional documents
- Humanitarian Law and Human Rights – questions and answers
- Humanitarian Law and Human Rights – additional questions

View on the conflict

К общей оценке
августовского конфликта 2008 г.

Об агрессии Грузии против Южной Осетии в августе 2008 года

Агрессия режима М.Саакашвили против народа Южной Осетии в августе 2008 года стала беспрецедентным по своему безрассудству и жестокости событием в новейшей истории.

Использование термина "война между Россией и Грузией" неправомерно. Вероломное нападение Грузии на мирное население Южной Осетии и российских миротворцев, количество погибших в результате этого нападения, а также заявления политического и военного руководства Грузии, предусматривают агрессивный замысел грузинской стороны.

В этих условиях у России не осталось иного выбора, как использовать свое неотъемлемое право на самооборону, закрепленное в ст.51 Устава ООН. Действия российской стороны были оперативными и соразмерными масштабу нападения, преследовали единственную цель – защитить мирное население и российский миротворческий контингент от беспровокационной агрессии грузинской стороны и предотвратить вооруженное нападение на них в будущем. Российская сторона не совершала нападений на грузинское население или гражданские объекты. Применение силы российской стороной в порядке самообороны продолжалось лишь до тех пор, пока существовали обусловившие его обстоятельства. Заметим, что договоренности Д.Медведева-Н.Саркози от 12 августа и 8 сентября 2008 г. были выполнены российской стороной в полном объеме к октябрю 2008 г.

Соответствующее уведомление о действиях Российской Федерации в соответствии со ст.51 Устава ООН было направлено в Совет Безопасности. Непосредственно после начала Грузией военной операции в Южной Осетии Россия инициировала обсуждение этого вопроса в СБ ООН. Отстаиваемое положение рассматривалось в ночь на 8 августа 2008 г. на 5951-м и последующих заседаниях Совета.

Преступная политика грузинского руководства по насаждению конституционного порядка, с особым цинизмом предпринятая в день начала летней Олимпиады, в период которой исторически принято прекращать все военные действия, не может иметь оправдания. На тот момент существовало достаточно возможностей решить вопрос о территориальной целостности Грузии политическими путями. В деле мирного урегулирования грузино-абхазского и грузино-югоосетинского конфликтов существовали переговорные и миротворческие форматы с прямым участием международного сообщества, ООН и ОБСЕ. Россия добросовестно выполняла свои миротворческие и посреднические функции, стремилась содействовать достижению мирных договоренностей, проявляла выдержку и терпение перед лицом провокаций, не отойдя от своей позиции даже после односторонне провозглашенной независимости Косово.

Мы не раз предупреждали М.Саакашвили, что если он прибегнет к силовым методам, то это неизбежно обрушит переговорный процесс, приведет к признанию Россией независимости Абхазии и Южной Осетии. Он знал, на что шел и чем рискует. Однако режим М.Саакашвили предпочел кровавый путь, игнорируя не имеющий никаких перспектив, кроме одной – потерей власти для нынешних грузинских властей.

В этой ситуации удручает и тот факт, что наши предупреждения России о высокой вероятности подобного развития событий были проигнорированы международным сообществом. Более того, велись попытки не морального и материального поощрения авантюрных устремлений режима М.Саакашвили. Советы и поставки наступательных вооружений из Вашингтона, Киева, ряда европейских стран способствовали укреплению милитаристских тенденций в политике грузинского руководства.

Наши неоднократные призывы к подписанию соглашений о неприменении силы между Грузией и Южной Осетией, Грузией и Абхазией не нашли поддержки у наших западных партнеров. В то же время очень показательна антироссийская информационная кампания западных СМИ

после начала военных действий на более взвешенные и объективные оценки причин трагедии августа 2008 г. свидетельствуют о том, что в конечном итоге «устоял слишком на дорожке».

Агрессивным нападением на Южную Осетию в ночь на 8 августа 2008 г., повлекшим многочисленные человеческие жертвы, в том числе среди миротворцев и других российских граждан, подготовкой военной акции против Абхазии М.Саакашвили сам поставил крест на территориальной целостности Грузии. Пытаясь применить грубую военную силу против народов, которых, по его словам, он хотел видеть в составе своего государства, М.Саакашвили не оставил им иного выбора, кроме как обеспечивать свою безопасность и право на существование через самоопределение в качестве независимых государств. В этой связи Указы Президента Российской Федерации Д.А.Медведева о признании Российской Федерацией независимости Республик Южная Осетия и Абхазия стали единственной возможностью сохранить жизни людей и не допустить дальнейшего кровопролития в Закавказье.

Последовавший разрыв дипломатических отношений между Грузией и Россией, инициированный Тбилиси, еще более усугубил ситуацию в российско-грузинских отношениях, фактически «взорвал» их, перечеркнув традиционно добрососедские связи между нашими странами и их многовековое историческое родство. Для нас очевидно, что в агрессии против Южной Осетии виновен не грузинский народ, а именно преступный режим М.Саакашвили. Пропаганда официального Тбилиси и сегодня дезориентирует рядовых граждан страны. В то же время Россия, питающая искреннее чувство дружбы и симпатии к грузинскому народу, уверена, что рано или поздно он сам по собственной инициативе и без внешнего вмешательства обретет достойных руководителей, которые смогут по-настоящему заботиться о своей стране и развивать взаимоуважительные, равноправные, добрососедские отношения со всеми народами Кавказа, способствовать укреплению безопасности и региона.

On Georgia's aggression against South Ossetia in August 2008[1]

The aggression perpetrated by the Saakashvili regime against the people of South Ossetia in August 2008 became an unprecedented event in modern history both in terms of its recklessness and cruelty.

The term "Russian-Georgian war" is not appropriate in this respect. The treacherous attack launched by Georgia against the peaceful population of South Ossetia and the Russian peacekeepers, the number of casualties resulting from this attack as well as statements made by Georgia's political and military leadership demonstrated aggressive intent on the part of the Georgian side.

Against this backdrop Russia had no choice but to use its inalienable right to self-defence enshrined in Article 51 of the UN Charter. The actions taken by the Russian side while proactive in nature and commensurate to the scale of the attack were designed to achieve but one goal – to protect the civilian population and the Russian peacekeeping contingent from the unprovoked Georgian aggression and prevent such armed attacks against them in the future. The Russian side never attacked the local population or any civilian facilities. Russia continued to use force in self-defence as long as the conditions requiring the same persisted. It should be noted that the Russian side fully complied with the agreements reached between D. Medvedev and N. Sarkozy on 12 August and 8 September 2008 respectively.

The relevant notice detailing the rationale behind Russia's actions undertaken in accordance with Article 51 of the UN Charter has been submitted to the Security Council. Immediately after Georgia had launched the military operation in South Ossetia, Russia brought this issue to the table at the UN Security Council. The situation was discussed through the night on 8 August 2008 at the 5951st as well as subsequent meetings of the Council.

There may be no justification for the Georgian government's criminal attempt to "bring constitutional order" undertaken even so cynically on the opening day of the Summer Olympics when traditionally all military actions should be halted. At that time there were ample opportunities to address the issue of Georgia's territorial integrity in a civilised manner. Various negotiating and peacekeeping formats directly involving the international community, UN and OSCE had been created to find a peaceful solution to the Georgian-Abkhaz and Georgian-South Ossetian conflicts. Russia complied with its peacekeeping and intermediary obligations in good faith, while trying to help in reaching peace agreements, and demonstrated self-restraint

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[1] Unofficial translation by the Permanent Mission of the United Kingdom

and patience in the face of provocations, unfalteringly maintaining its position over after Kosovo's unilateral declaration of independence.

We warned Mr. Saakashvili a number of times that any attempt to resort to a forceful solution would inevitably undermine the process of negotiations and lead to Russia's recognition of Abkhazia's and South Ossetia's independence. He was aware of what was at stake as well as the risks involved. However, the Saakashvili regime favoured the aggressive bloodthirsty approach, which from the very outset was doomed to fail. The Georgian government bears the full brunt of responsibility for what happened.

Equally regrettable is the fact that all warnings issued by Russia pointing to the high probability of such a turn of events, were ignored by the international community. Furthermore, efforts have been made to lend moral and material support to Mr. Saakashvili's belligerent ambitions. Advisory help and offensive weapons provided by Washington, Kiev and a number of NATO member states contributed to strengthening militarist trends in policies conducted by the Georgian government.

Our frequent calls in favour of reaching an agreement to ban any use of force between Georgia and South Ossetia as well as Georgia and Abkhazia found no support amongst our Western partners. On the other hand, the fact that the anti-Russian propaganda characteristic of the Western Media during the initial stage of the military operation gave way to a more cautious and objective coverage of root causes behind the tragedy that took place in August 2008, goes to show that ultimately, "truth is valued more".

By launching an aggressive attack against South Ossetia on the night of 8 August 2008 causing massive casualties among the civilian population as well as Russian peacekeepers and other Russian nationals, and by harbouring plans to launch a similar attack against Abkhazia, Mr. Saakashvili singlehandedly reduced Georgia's aspirations to restore territorial integrity to zero. Constantly trying to use brutal military force against the very ethnic groups whom he purportedly wanted to see as a part of his state, Mr. Saakashvili left them with no other choice but to seek ways to ensure their security and the right to self-determination as independent nations. In this respect the Decrees issued by President Dmitry Medvedev of the Russian Federation recognising Abkhazia's and South Ossetia's independence offered the only opportunity to save the lives of people and prevent further bloodshed in the Transcaucasian region.

The fact that relations between Georgia and Russia were severed at the Georgian initiative further exacerbated the situation rendering those relations virtually "frozen", despite the traditionally close neighbourly ties between our countries deeply rooted in many centuries of history. It is apparent to us that it is not the Georgian people who should bear the blame for the aggression against South Ossetia but rather Mr. Saakashvili's criminal regime.

Tbilisi's official propaganda is trying to this day to dissociate ordinary citizens of this country. At the same time, Russia whose sentiments towards the Georgian people are truly amicable and warm, remains confident that sooner or later the Georgians at their own initiative and without any outside interference will be able to elect worthy leaders who would genuinely care about their own country and strive to develop equitable and friendly neighbourly relations based on mutual respect with all other nations in the Caucasus, thus developing strengthening security in the region.

Chronology

SHORT CHRONOLOGY,
Peacekeeping Operation to Force Georgia to Peace

7 August 2008

00.40-00.57 Georgian side opens cannon artillery fire on the SARABUKI and DMENISI area.

01.00 Georgian armed forces command takes a decision to muster militiamen.

02.13 Georgian artillery opens fire from the KERE area at TSKHINVALI.

09.40 UBIATI comes under mortar shelling.

14.30 Georgian officers leave the Combined Headquarters (CHQ) of the Joint Peacekeeping Force (JPKF) location. Duty stations abandoned by observers from the Georgian side.

14.45 Mortar shelling of NULI and AVNEVI.

15.43-16.15 Georgian armed forces units in AVNEVI fire from cannon artillery, tanks and IFVs towards KHETAGUROVO; fire attacks delivered on the SVERI and ZEMO-NIKOZI area and on the southeastern outskirts of TSKHINVALI.

19.00 Shelling of TSKHINVALI.

23.30 Commander of peacekeeping operations at the Joint Staff of Georgian Armed Forces Brig. Gen. MAMUKA KURASHVILI announces the start of combat operations against "Ossetian separatists."

23.40 A massive fire attack on TSKHINVALI begins.

8 August 2008

02.30 Georgian AF units capture MUGUTI and start an offensive operation in two directions: MUGUTI, AVNEVI and KHETAGUROVO and MUGUTI, ZEMO-NIKOZI and TSKHINVALI.

04.15 Firing on TSKHINVALI from multiple launch rocket systems begins. Georgian armed forces (tank units) fired by direct laying at the JPKF CHQ and peacekeeping battalion locations.

06.00 On the city's southern outskirts Georgian units assume the offensive.

07.40 Georgian air force delivers an air strike on the DZHAVA cantonment

and DIDI GUPTA Village.

11.00 Security Council of South Ossetia asks Russia for help.

11.20 General mobilization declared in Georgia.

11.54 In TSKHINVALI Georgian AF units, having seized the Yuzhny peacekeeping battalion cantonment, fought for the command Severny.
The Russian PKF battalion at Severny (upper) cantonment beat off 5 attacks and continued to fight. Its losses were: 2 men killed and 5 men wounded.
The Government House of the Republic of South Ossetia destroyed, and the state command center moved to the JPKF CHQ area.

14.30 Under these conditions the Russian Federation was forced to reinforce its peacekeeping troops within the JPKF (with units of the 693rd and 135th Motorized Rifle Regiments of the 19th Motorized Rifle Division) in order to carry out the peacekeeping tasks laid upon Russia, as well as to defend Russian citizens in South Ossetia.

22.00 Reinforcement units, 1/693rd MRR as it advances toward the Mocker peacekeepers in the JAVA-TSKHINVALI sector fights a battle with Georgian units (up to an infantry battalion with a tank company) 6 km northeast of TSKHINVALI; 1/135th MRR digs in on TSKHINVALI's northern outskirts.
The creation of a task force completed in the JAVA area (a motorized rifle battalion of the 693rd MRR, 147th separate tank battalion, a 239th separate reconnaissance battalion, and 292nd self-propelled artillery regiment of the 19th Motorized Rifle Division) to render assistance to (relieve) the peacekeeping battalion.

9 August 2008

00.00 Broadcasting of all Russian television channels on the territory of Georgia terminated. Voice of America radio doubles its broadcasting frequency.

01.25 The main force of the Georgian body of troops leaves TSKHINVALI and tries to dig in 2 km south of the city.

05.30 4 combat ships of the Black Sea Fleet move to the OCHAMCHIRA disembarkation area.

08.00 Martial law declared in Georgia for 15 days.

13.59 Artillery shelling of the city of TSKHINVALI.

15.00 Georgian artillery fires on columns of South Ossetian refugees as they move along the Zar Road and on reinforcement units of peacekeeping forces of Russia. Georgian units consisting of a mechanized battalion of an infantry brigade and a national guard battalion with artillery support undertook from the southern direction an assault attempt on the positions of the peacekeeping battalion of the 135th Motorized Rifle Regiment.

15.20 After regrouping, Georgian units undertook a new assault attempt on TSKHINVALI.
Suffered losses in the fighting and withdrew to the ZEMO-NIKOZI, TBETI, KHETAGUROVO AND PRISI areas.

17.10 5 Georgian Navy boats move from POTI Port towards the Port of OCHAMCHIRA.

19.12 As they closed with Black Sea Fleet ships, the approaching Georgian Navy boats did not respond to any signals and inquiries, and ignored the demands to leave the security zone. After warning shots the small antisubmarine ship Kasimov and the small missile boat Mirazh strike with their weapons at the violator boats, after which the latter left the security zone.

10 August 2008

01.07 Disembarkation of a battalion tactical group (BTG), 108th Amphibian Assault Regiment, 7th Amphibian Assault (Mountain) Division, from the large landing ship Tsezar Kunnikov completed.

03.34 Georgian artillery continues striking at columns of units of Russian armed forces advancing along the Zar Road.

06.30 Disembarkation of a BTG, 108th Amphibian Assault Regiment, 7th Amphibian Assault (Mountain) Division, from the large landing ship Saratov completed.

08.00 The 108th Amphibian Assault Regiment, 7th Amphibian Assault (Mountain) Division, concentrates in the TEPLICHNY KOMBINAT (Greenhouse Enterprise) area (8 km northeast of OCHAMCHIRA); a BTG of the 31st Separate Amphibian Assault Brigade moved to BABUSHARA Airport.

10.00 Georgian units firing on convoys with wounded, not allowing the Red Cross to conduct evacuation.

17.53 Ukrainian authorities warn that the Black Sea Fleet ships may be denied return to SEVASTOPOL.

20.10 Units of the 108th Amphibian Assault Regiment, 7th Amphibian Assault (Mountain) Division, raise the blockade of the bridge over the river INGURI.

During 24 hrs Formations and units of the Georgian armed forces (1st, 3rd, 4th and 5th infantry brigades, an artillery brigade, and a separate radio technical battalion) continued to conduct local operations for the capture of the territory of the Republic of South Ossetia.
Mobilization of Georgian national guard reservists continued.

11 August 2008

03.00 The last units of the 3rd and 4th infantry brigades of the Georgian armed forces leave TSKHINVALI.

05.00 US C-17A aircraft deliver 800 Georgian troops and 80 tons of cargo from AL KUT, Iraq, to NOVOALEKSEYEVKA Airport.

12.00 Formations and units of Russian armed forces start assuming control of a security zone.

15.20 Three Georgian Su-25 jets strike at areas of TLIAKANI, KVARNELI, KEKHVI, and ERISDVI Villages. One plane shot down.

15.30 Staff of the United Nations Observer Mission in Georgia (UNOMIG) withdrawn from Kodori Valley in Abkhazia. UN Assistant Secretary General Edmond Mulet reported

18.00 70th Motorized Rifle Regiment with a BTG of the 234th Amphibian Assault Regiment and 692nd Motorized Rifle Regiment with a BTG of the 104th Amphibian Assault Regiment reach the GORI area and assume the defensive along the SAKASHVILI, VARIANI and KARALETI LINE.
Units of the 108th Amphibian Assault Regiment and of the 526th and 558/131st Separate Motorized Rifle Brigades blocked ZUGDIDI.

21.40 Concentration of personnel of the 1st Infantry Brigade that had arrived from Iraq noticed at the Georgian armed forces' training center in GORI.

12 August 2008

06.00 Georgian AF start restoring the combat power of, and regrouping troops.
Sh.NAKI blocked by units of the 10th Amphibian Assault Regiment, 7th Amphibian Assault (Mountain) Division

07.00 Units of the 247th Amphibian Assault Regiment, 7th Amphibian Assault (Mountain) Division, start advancing from NABAKIEVI to occupy the passes TABARI, KHONI and KALAMARI-NUKI (east of Kodori Valley) on the routes of possible advance of Georgian units.

12.00 Georgian armed forces take up defensive positions, concentrating major efforts on holding GORI.

12.30 Russian armed forces units (70th Motorized Rifle Regiment with a BTG of the 234th Amphibian Assault Regiment and 693rd Motorized Rifle Regiment with a BTG of the 104th Amphibian Assault Regiment) reach the northern outskirts of GORI.

12.45 The President of the Russian Federation announces completion of the operation to force Georgia to peace

13.00 The leadership of the Russian Ministry of Defense takes a decision to suspend the further advance of Russian forces.

18.30 The Presidents of Russia and France voice the principles for resolving the conflict.

23.25 Small antisubmarine ship Suzdaletz spots a high-speed group target moving from the POTI direction. The target did not respond to an inquiry. A warning salvo was fired from an AK-630. The target lays smoke screens, turns back and disappears.

13 August 2008

Russian armed forces units conducted no combat actions: they pressed back a group of Georgian troops from the security zone and blocked the conflict area. Provided conditions for delivery of humanitarian aid to the civilian population.

03.00 Aircraft made air/radar reconnaissance and escorted truck convoys with humanitarian cargo.

09.00 In the Kodori Valley area Georgian armed forces units surrender their arms and withdraw from the valley. Abkhazian armed forces units conduct search operations there.

12.00 The President of Georgia agrees to the main items of the Russian-French plan for a peaceful settlement of the conflict. Georgian armed forces continued the withdrawal of troops (1st, 3rd and 4th Infantry Brigades) towards TBILISI.

14 August 2008

18.40 The US President announces the "beginning of a humanitarian mission to Georgia led by the US military," demanding the Russian side ensure that "all lines of communication and transport in Georgia remain open for the delivery of humanitarian assistance."
14 August 2008

14.08 A US C-17A military transport aircraft lands in TBILISI Airport with humanitarian cargo.

15.35 A part of the Georgian armed forces units are withdrawn towards MTSKHETA, the rest of the troops were taking up defensive positions near TBILISI.

21.00 US C-17A aircraft make five flights to TBILISI Airport delivering humanitarian and military cargoes.

15 August 2008

06.00 Georgian armed forces units continued regrouping with the aim of building up the group of troops in the TBILISI area; individual sabotage and reconnaissance groups and snipers operate on South Ossetian territory.

10.00 A defense circle being created around TBILISI and contiguous settlements. Defensive positions continue to be organized in the area of MTSKHETA.

15.00 NATO countries start rendering humanitarian assistance to Georgia.

17.00 Forward units of the 71st Motorized Rifle Regiment, 42nd Motorized Rifle Division, set up five peacekeeping posts to assume control of the security zone.

16 August 2008

10.50 18 posts sets up in the LASHE and KOSIRKA sector by efforts of the 429th Motorized Rifle Regiment, 19th Motorized Rifle Division.

13.00 693rd Motorized Rifle Regiment with a BTG of the 104th Amphibian Assault Regiment took up defensive positions with a forward edge along the left bank of the DIDI-RUI canal line so as to prevent a breakthrough of Georgian armed forces units towards KUTAISI and GORI. 70th Motorized Rifle Regiment, 42nd Motorized Rifle Division, in cooperation with a BTG of the 234th Amphibian Assault Division, 76th Amphibian Assault Division, took up defensive positions with a forward edge along the Lake Nalarbizevi line, elevation 755.6, 500 m. western elevation 751.4, western outskirts of NATSRETI, so as to prevent a breakthrough of Georgian armed forces units towards TBILISI and GORI.
To reinforce the group of troops in South Ossetia, the introduction of units of airborne forces (a separate special-purpose unit of a separate regiment, 45th special-purpose regiment; 2/104th Amphibian Assault Regiment; BTG, 331st Parachute Regiment, 98th Airborne Division) into the territory of the republic began.

17 August 2008

04.00 Sabotage groups of the Georgian armed forces attempted to commit acts of sabotage in the ROKI TUNNEL area.

09.00 1st Infantry Brigade from Iraq takes up defensive positions on the OAKMI and eastern outskirts of KASPI line; on the SAGURAMO and MTSKHETA line a Georgian Interior Ministry special purpose unit defends; a reserve (up to a unit battalion strong) is concentrated at DIGOMI.

10.00 7th Motorized Rifle Regiment, 42nd Motorized Rifle Division, increases the number of posts in threatened sectors. All in all, 36 posts are set up, including 16 on the western direction;
20 on the eastern direction.
To build up efforts of the group of forces in the Republic of South Ossetia, a reserve of manpower and equipment created in readiness for introduction into the conflict zone: 247th and 255th Motorized Rifle Regiments, 964th Self-Propelled Artillery Regiment, 20th Motorized Rifle Division in the ARDON area; 205th Separate Motorized Rifle Brigade at the place of permanent deployment.

21.15 A column of Russian peacekeepers moving from SINAKI fired on from grenade launchers 3 km south of the 30th Checkpoint.

The Georgian leadership actively searches for ways to restore the combat power of the armed forces.

22.00 Georgian armed forces remain deployed in the barracks; same applies to units stationed in GORI.

18 August 2008

During 24 hrs Formations and units of the Russian armed forces occupy designated areas, carry out search/reconnaissance actions and provide security for the civilian population in their zones of responsibility; units are also getting ready for withdrawal to their places of permanent deployment.

06.00 The French Foreign Minister declares the need to send international peacekeeping forces into the Georgian-Ossetian zone of conflict and to put pressure on the conflicting parties so as to get Russian troops withdrawn from the territory of Georgia.

12.00 South Ossetia objects to the presence on its territory of international observers and asks Russia to deploy a Russian military base in the region.

15.00 Georgian armed forces units continue carrying out measures to restore combat power and prepare defenses on the approaches to TBILISI and step up sabotage and terrorist activities on South Ossetian territory.

18.00 By decree of the President of Abkhazia, martial law canceled in a number of areas of the republic.

19 August 2008

06.00 The leadership of Georgian security agencies undertakes attempts to regain control over the motorroad between GORI and TBILISI.

09.00 Georgian armed forces are strengthening their defensive positions in the Tbilisi sector.
According to intelligence, the entry into the Black Sea is planned of: on August 22 – the ships from Poland (ORP General Pulaski), United States (USS Taylor) and Canada (HMCS Ville de Quebec); on August 24 – from the United States (coast guard cutter Dallas); in September – US Navy ship Pathfinder; on September 21 – the frigates from Spain (SPS Almirante Don Juan de Borbon) and from Germany (FGS Luebeck).

12.00 Units for reinforcement of the Russian peacekeeping forces occupy

designated areas and provide security for the civilian population in their zones of responsibility.
United Kingdom and United States submit to the emergency foreign ministers meeting of NATO a proposal to "suspend" cooperation with Russia in the area of ensuring joint security.

13.00 Information about demoralization of Georgian armed forces personnel confirmed. During a 4th Infantry Brigade marching drill review by the Georgian president at VAZIANI, personnel looked depressed, about 200 troops did not have a military uniform; up to 150 troops had left the mountain training center at SACHKHERE. US servicemen responsible for the training of Georgian armed forces noted the low fighting efficiency of the troops and their inability to resist Russia's armed forces.

17.00 By return fire after an attack on a group of Russian peacekeepers by armed persons in the SKHALTBA area one policeman was killed and one taken prisoner.

18.00 Mobile groups of Russian peacekeepers discovered and detained in the areas of POTI Port an armed group of 20; ZUGDIDI an armed group of 20 in 5 armored vehicles with the identification signs of the 2nd, 3rd and 5th Infantry Brigades of the Georgian armed forces.

21.00 Georgian special forces units try to intensify reconnaissance, sabotage and terrorist activities, for which purpose they continue to use unmanned spy planes. One such UAV was downed by an air defense crew on duty of the Russian reinforcement units 16 km south of TSKHINVALI.

20 August 2008

08.00 Formations and units of Georgia's armed forces continue regrouping and the restoration of combat power. A part of the forces take up defensive positions on the approaches to TBILISI.
1st Infantry Brigade defends on the OKAMI – eastern outskirts of KASPI line;
on the SAGURAMO – MTSKHETA line a special forces brigade of Georgia's Interior Ministry has taken up defensive positions, and an all-arms reserve of up to a tank battalion is concentrated in the DIGOMI area.
Work continues on the organization of positions in the KIROVI area (3 km southwest of KASPI).
4th Infantry Brigade concentrated at its VAZIANI place of permanent deployment; up to an infantry brigade in the KODIZORI area. Up to

800 Georgian troops, presumably up to two infantry battalions from among 2nd Infantry Brigade personnel are concentrated in the ONI area.
Georgian special purpose units try to intensify sabotage and terrorist activities on the territory of South Ossetia and in contiguous areas.

08.30 The SPS Almirante Don Juan de Borbon of Spain and FGS Lucheek of Germany start passing through the Dardanelles Strait.

11.30 A firing Georgian machine gun crew noticed 1-2 km from the Central Republican Hospital building in TSKHINVALI on a mountain slope. Russian peacekeepers open return fire for effect.

12.00 In Stavropol Territory FSB agencies detain on a charge of spying in Georgia's favor a senior Russian armed forces officer, M. Khachitze, who served in one of the military units in the North Caucasus.

13.00 Four surface ships and one submarine of the Turkish Navy noticed in Black Sea waters (submarine G[illegible], frigates Barbaros, TCG Gediz, Göksu and O.K.Peri).

14.35 Georgian armed forces command attempts to restore the system of communication and troop control.
Work of 10 Georgian armed forces communication centers on ultra-short-wave frequencies noted

16.00 Two portable launchers and nine antitank guided missiles discovered and removed in the area 2 km west of TAVATI.

21.00 The President of South Ossetia signs a degree lifting martial law.

21 August 2008

00.10 The Georgian leadership asks the US Defense Department to urgently return to places of permanent deployment the Georgian serviceman taking a course of training in American educational institutions. In addition, questions of supplies to Georgia of military purpose products are actively discussed with the US leadership.

06.00 Georgian armed forces units and formations are concentrated in the central part of the country, restore their combat power and prepare for further actions.
1st Infantry Brigade holds the OKAMI – eastern outskirts of KASPI line; the SAGURAMO-MTSKHETA line is held by Georgian Interior Ministry special forces, a reserve (consisting of up to a tank battalion)

is concentrated in the DIGOMI area.
4th Infantry Brigade at its place of permanent deployment (VAZIANI) Intelligence shows the Georgian side deployed additional manpower and equipment on the left bank of the river Ksani, concentrating in the AGAYANI area up to seven tanks and one armored personnel carrier, and in the KHURSKURI area -- up to five tanks and one armored personnel carrier, as also up to 20 units of special equipment.

08.30 Reinforcement units of Russian peacekeeping forces:
in the South Ossetia sector:
perform service at 30 peacekeeping posts and outpost supports in the GORI area and along the administrative border of South Ossetia (71st Motorized Rifle Regiment, 42nd Motorized Rifle Division, and 429th Motorized Rifle Regiment, 19th Motorized Rifle Division); terrain organization continues in the areas of concentration (70th Motorized Rifle Regiment, 42nd Motorized Rifle Division; and 693rd Motorized Rifle Regiment, 19th Motorized Rifle Division), protect important facilities on lines of communication; units of the 20th Motorized Rifle Division conduct loading work and advance on railway transport to the place of permanent deployment;
in the Abkhazia sector:
are in the areas of concentration west of SENAKI, provide security for the civilian population in the area of SENAKI and POTI (108th Amphibian Assault Regiment, 247th Amphibian Assault Regiment, and 31st Separate Amphibian Assault Brigade); control the pass KALAMARI-SUKI (2nd Amphibian Assault Regiment and 247th Amphibian Assault Regiment), make preparations to set up additional peacekeeping observation posts in the first (from the 526th Motorized Rifle Battalion, 131st Separate Motorized Rifle Brigade) and second (from 558th Motorized Rifled Battalion, 131st Separate Motorized Rifle Brigade) security zone lines; perform the tasks in protecting the administrative buildings in ZUGDIDI (15th Motorized Rifle Battalion, 15th Separate Motorized Rifle Brigade).

13.30 Based on the results of a "national gathering," Abkhazia and South Ossetia send to Russia the appeals of the presidents and parliaments of the republics to recognize the independence of their self-proclaimed states.

18.35 The SPS Almirante Don Juan de Borbon; of Spain and FGS Luebeck of Germany enter the Black Sea.

22 August 2008

08.00 The command of Georgian security agencies continues the conduct of

reconnaissance activities to find out the nature and focus of activities by Russian armed forces units and South Ossetian militias as well as the preparation of armed actions in the Georgian-Ossetian zone of conflict.

Formations and units of the Georgian armed forces are concentrated in the central part of the Republic, restore combat power and prepare for further actions. Engineering work is under way to create operational defenses.

Formations and units of the Russian armed forces, having suspended active combat actions, occupy designated areas, conduct search and reconnaissance actions and provide security for the civilian population in their zones of responsibility. Formations and units of the 20th Motorized Rifle Division, concentrated in the area 1.5 km northwest of ARDON, are occupied with movement to the place of permanent deployment by rail.

10.00 Small missile ship Mirazh returns to its base in SEVASTOPOL, with no hindrance on the part of Ukrainian authorities.

15.10 The frigate ORP General Pulaski Pulaski (Polish Navy) and the US destroyer McFaul pass through the Bosporus Strait.

17.30 Formations and units of the Russian armed forces complete setting up peacekeeping observation posts of the security zones in the South Ossetia sector (217th Parachute Regiment, 98th Airborne Division – eight first-line posts; 135th Motorized Rifle Regiment, 19th Motorized Rifle Division – ten second-line posts) and in the Abkhazia sector (526th Motorized Rifle Battalion, 131st Separate Motorized Rifle Brigade – eight first-line posts; 558th Motorized Rifle Battalion, 131st Separate Motorized Rifle Brigade – nine second-line posts).

18.00 Formations and units of the Russian armed forces that took part in the peacekeeping operation moved beyond the first line of peacekeeping observation posts. Start preparations for withdrawal to their places of permanent deployment from August 23, 2008.

Military aspects – questions and answers

[illegible]

First set of questions to the Government of the Russian Federation and Georgia,
related to military issues

1. Please, give a brief description of the chronology of the conflict in August 2008. What is your understanding of the circumstances leading to the conflict?

2. What was the rationale for Georgian operations in the Tskhinvali region on the 7th and 8th of August 2008? When did Georgia inform the Russian Federation and the Secretariat? What did they receive from the Russian Federation in response? What was the legal basis for the Russian [illegible] on the 8th of August 2008?

3. What were the military activities of the Russian side in the conflict, including [illegible] (please provide information on the number of personnel and equipment involved)? Did the Russian military forces [illegible] on the 8th of August 2008?

4. What was the [illegible] of the Russian Federation in the Upper Kodori Valley? Could it have been [illegible]?

5. What types of [illegible] were used by Georgia and the Russian Federation? Were any cluster munitions used?

6. What were the [illegible] of the civilian population during the conflict?

7. What were the [illegible] of the civilian objects and objects indispensable for survival?

8. What were the [illegible] to provide humanitarian assistance to the victims of the conflict? How did the [illegible] of humanitarian personnel and objects affect the ability to provide assistance? What did the Russian Federation do to ensure respect for human rights [illegible] during the conflict? How did Georgia ensure respect for human rights [illegible] during the conflict? Did any [illegible] during the night of the 8th of August 2008 amount to [illegible]?

9. What did they investigations commence after August 2008?

10. What [illegible] are available for the victims [illegible] to seek compensation? What is the [illegible] and the [illegible] of any such [illegible] in practice?

[illegible]

Ответы на вопросы по военным аспектам миссии Европейского союза по расследованию фактов, связанных с событиями на Кавказе в августе 2008 г.

Что послужило основной причиной грузинской операции в Южной Осетии 7-8 августа 2008 г.?

Грузинская агрессия против Южной Осетии явилась логичным продолжением политики режима М.Саакашвили, пришедшего к власти в Тбилиси при активном содействии США в результате так называемой «революции роз». Именно поэтому руководство Грузии на всех уровнях упорно уходило от взятых на себя обязательств о неприменении силы в разрешении конфликтов с Абхазией и Южной Осетией, подписанных соответствующих документов.

Чтобы оценить, что же послужило основной причиной грузинской операции в Южной Осетии 7-8 августа 2008 г., необходимо понять технологию тех руководителей (как в Грузии, так и за ее пределами), которые принимали решение о начале военных действий против Южной Осетии. 8 августа 2008 г. было Днем открытия Олимпийских игр в Пекине, а как известно, даже в древней Греции, во время олимпийского движения, когда начинались Олимпийские игры - прекращались войны и междоусобицы. Как говорится, о чем еще можно говорить? Ответ на вопрос, что послужило основной причиной грузинской операции в Южной Осетии, прост – военно-политическим руководством Грузии была реализована курс на присоединение Южной Осетии и Абхазии силовым путем в момент, когда агрессию никто не ожидал.

Обострилась в Южной Осетии существенно обострилась с начала августа 2008 г. В нарушение договоренностей о прекращении огня по всем периметрам соприкосновения сторонами с контролируемых ими территорий велись перестрелки из стрелкового оружия, в том числе снайперского, а также гранатометов и минометов. В течение 6 и 7 августа 2008 г. подразделения министерств обороны и внутренних дел Грузии, дислоцированные в зоне грузино-осетинского конфликта, а также в некоторых других районах Грузии, были приведены в высшую степень боевой готовности и приступили к выдвижению в районы оперативного предназначения.

В преддверии запланированных на 8 августа 2008 г. переговоров в формате Совместной Контрольной Комиссии, руководство Грузии, вероломно нарушив взятые на себя обязательства о прекращении огня и всем грузино-осетинском конфликте приступило к проведению силовой операции «по восстановлению конституционного порядка» на территории Республики Южная Осетия. Формальным поводом для нападения, по заявлению заместителя помощника госсекретаря США по делам Кавказа, Центральной Азии и Юго-Восточной Европы М.Бриза, послужил обстрел осетинами села Тамаранчин.

Помимо перечисленных выше оснований, можно отметить, что с момента прихода к власти М.Саакашвили к власти в 2004 году он нередко допускал необдуманные действия как во внутренней, так и во внешней политике, проявляя такие черты, как авантюризм и склонность к риску. Это также можно рассматривать в качестве одной из причин того, что Грузия необдуманно развязала крупномасштабную военную операцию.

Когда начался обстрел г. Цхинвали?

В 23.30 7 августа 2008 г. заместитель начальника объединенного штаба вооруженных сил Грузии по миротворческим операциям бригадный генерал М.Кураташвили объявил о начале ведения боевых действий против «осетинских сепаратистов», получив сообщение.

В 23.35 7 августа 2008 г. Грузия приступила к операции по установлению контроля над территорией Южной Осетии под условным наименованием «Чистое поле». Грузинской стороной был открыт ракетный огонь из РСЗО и ствольной артиллерии по г. Цхинвал и другим населенным пунктам. В результате этого налета были полностью разрушены 10 осетинских сел и деревень, а в г. Цхинвали - все государственные учреждения, большое количество жилых домов и городок миротворцев.

Когда российские войска вступили с территории Российской Федерации в Рокский тоннель? Когда началось их продвижение в Южную Осетию?

В 14.30 8 августа подразделения 693 мсп и 135 мсп 19 мсд в интересах выполнения возложенных на Россию миротворческих задач, а также для защиты российских граждан, находящихся в Южной Осетии, вступили с территории Российской Федерации на территорию Южной Осетии через Рокский тоннель и начали продвижение в Южную Осетию. Авиация и артиллерия начали наносить удары по грузинским военным объектам с целью воспрещения подхода резервов противника, нарушения его коммуникаций, вывода из строя аэродромов базирования, уничтожения складов и баз ГСМ и изоляции районов боевых действий.

Основанием для этого стали явные действия Грузии, которая в ночь с 7 на 8 августа 2008 г., нарушив имеющиеся договоренности о мирном урегулировании грузино-осетинского конфликта, попыталась решить

проблему территориальной целостности силовым (военным) путем, развязала агрессию против Южной Осетии.

В зону конфликта осуществлялась переброска подразделений ВС Грузии из внутренних районов страны. Началось выдвижение личного состава и техники подразделений 3 пехотной бригады из г. Кутаиси в район юго-западнее г. Цхинвал. В районе н.п. Гори сосредоточились подразделения реактивной артиллерии. В н.п. Хони начал погрузку на железнодорожный транспорт бронетанковый батальон 5-ой механизированной бригады.

В 6.00 8 августа 2008 г. введенные в бой на южной окраине г. Цхинвал грузинские воинские части попытались сходу овладеть городом. В ходе наступательной операции грузинской стороной продолжалось авиационное и артиллерийское поражение, в том числе объектов в пунктах дислокации миротворческого батальона (2 мсб 135 мсп) и Объединенного штаба Смешанных сил по поддержанию мира (далее - ССПМ).

В 7.40 8 августа 2008 г. грузинские ВВС нанесли авиационный удар по военному городку н.п.Джава и н.п.Диди-Гупта.

В этих условиях российские миротворцы в соответствии с Мандатом на проведение операции по поддержанию мира продолжали выполнять задачи на наблюдательных постах и контрольно-пропускных пунктах, контролируя основные дорожные направления и обеспечивая безопасность мирных жителей в зоне ответственности.

В 11.00 8 августа Совет Безопасности Южной Осетии обратился к России за помощью. К этому времени подразделения ВС Грузии в г. Цхинвал, захватив военный городок миротворческого батальона «Южный», вели бой за «Северный» городок. К 12.00 8 августа 2008 г., пытаясь сломить сопротивление миротворческих сил и югоосетинских вооруженных формирований, грузинские войска ввели в бой танковые подразделения. Российские миротворцы, которые находились в «Северном» (верхнем) городке, отразили 5 атак и продолжали вести неравный бой. **В этот момент появились первые потери у миротворцев (2 чел. убитыми и 5 чел. ранеными), что дало право руководству Российской Федерации на принятие решения о вводе войск в Южную Осетию.**

В сложившихся условиях, по просьбе правительства Южной Осетии, а также для защиты российских граждан, находящихся на ее территории, Российская Федерация была вынуждена принять меры по усилению своего миротворческого контингента и начать операцию по принуждению Грузии к миру. В соответствии с Конституцией Российской Федерации (согласно ст. 61 Российская Федерация гарантирует своим гражданам защиту и покровительство за её пределами) и федеральным законодательством **Президент Российской Федерации Д.А.Медведев 8 августа 2008 г. принял решение о защите жизни и достоинства российских граждан в Южной Осетии.** В период с 8 по 12 августа 2008 г. усиленные подразделения российских миротворцев провели операцию по принуждению Грузии к миру.

Развертывались ли и где именно в Южной Осетии какие-либо российские соединения до 7 августа 2008 г.?

Вплоть до 8 августа 2008 г. российские подразделения на территории Южной Осетии находились только в составе СПМ (мотострелковый батальон 135 уст численностью 456 чел. и миротворческий батальон от Республики Северная Осетия - Алания численностью 488 чел., схема дислокации российского воинского контингента в зоне грузино-осетинского конфликта по состоянию на 8 августа 2008 г. прилагается).

Каковы были в августе 2008 года роль и деятельность подразделений СПМ (имевших мандат в Южной Осетии), а также миротворческих КСПМ СНГ (имевших мандат в зоне грузино-абхазского конфликта)?

Смешанные силы по поддержанию мира в действовали в зоне грузино-осетинского конфликта с 1992 года. Мандат и условия их участия в урегулировании грузино-осетинского кризиса определены в Соглашении между Российской Федерацией и Республикой Грузия о принципах урегулирования грузино-осетинского конфликта от 24 июня 1992 г.

Коллективные силы СНГ по поддержанию мира задействованы в зоне грузино-абхазского конфликта с 1993 года. Правовой основой для их участия в конфликте являются:

Соглашение о прекращении огня в Абхазии и механизме контроля за его соблюдением от 27 июля 1993 г.;

Решение об использовании Коллективных сил по поддержанию мира в зоне грузино-абхазского конфликта от 22 августа 1994 г.;

Решение Совета глав государств Содружества Независимых Государств «Об утверждении мандата на проведение операции по поддержанию мира в зоне конфликта в Абхазии, Республика Грузия» от 21 октября 1994 г.;

Решение об уточнении и продлении мандата Коллективных сил по поддержанию мира в зоне конфликта в Абхазии, Республика Грузия от 26 мая 1995 г.;

Решение о продолжении операции в зоне конфликта в Абхазии, Грузия от 26 июля 2002 г. - 2 октября 2002 г.;

Решение о пребывании коллективных сил по поддержанию мира в зоне конфликта в Абхазии, Грузия и мерах дальнейшего урегулирования конфликта от 18 февраля 2003 г. - 2 апреля 2003 г.;

Решение о пребывании Коллективных сил по поддержанию мира в зоне конфликта в Абхазии, Грузия и мерах дальнейшего урегулирования конфликта от 25 июля 2003 г. - 19 сентября 2003 г.

Основные задачи Смешанных сил по поддержанию мира в зоне грузино-осетинского конфликта и Коллективных сил СНГ по поддержанию мира в зоне грузино-абхазского конфликта до 7 августа 2008 г. заключались в следующем:

обеспечение соблюдения грузино-российского «Соглашения о принципах урегулирования грузино-осетинского конфликта» от 24 июня 1992 г. и грузино-абхазского «Соглашения о прекращении огня и разъединении сил» от 14 мая 1994 г.,

блокирование района конфликта, обеспечение контроля за прекращением огня;

наблюдение за выводом войск (вооруженных формирований) и их разоружением, роспуском сил самообороны и обеспечение режима безопасности в зоне контроля;

охрана важных объектов и коммуникаций, сопровождение гуманитарных грузов;

наблюдение за выполнением сторонами достигнутых между ними договоренностей;

создание благоприятных условий для проведения переговорного процесса по урегулированию конфликтов;

создание условий для безопасного и достойного возвращения беженцев в районы их прежнего постоянного проживания;

содействие в восстановлении районов, пораженных конфликтом, в том числе в оказании гуманитарной помощи, проведении разминирования, восстановлении основных систем жизнеобеспечения населения.

В соответствии с «Положением об основных принципах деятельности воинских контингентов в групп зонных наблюдателей, предназначенных для нормализации ситуации в зоне грузино-осетинского конфликта», утвержденным Решением Смешанной Контрольной Комиссии по урегулированию грузино-осетинского конфликта «О Смешанных силах по поддержанию мира» от 6 декабря 1994 г., воинские контингенты имеют право вести боевые действия имеющимися на вооружении автоматическими стрелковыми средствами в соответствии с приказами Объединенного военного командования.

С началом боевых действий миротворческие контингенты перешли к самообороне, а также выполнения задач по охране важных объектов в зонах своей ответственности. С прибытием сил и средств усиления продолжили выполнение миротворческих задач до развертывания в соответствии с договоренностями «Медведев-Саркози» Многонациональной миссии Европейского союза в Грузии (1 октября 2008 г.).

10 октября 2008 г. миротворческие силы были реформированы.

Время начала развертывания операции в верхней части Кодорского ущелья? И чьи вооруженные формирования были вовлечены?

Власти Республики Абхазия внимательно отслеживали развитие ситуации в Южной Осетии. В рамках существующих договоренностей о взаимопомощи между участниками сообщества «За демократию и права народов» (Абхазия, Южная Осетия, Приднестровье), в случае начала боевых действий со стороны Грузии против непризнанной республики, абхазские вооруженные силы планировали проведение войсковой операции в верхней части Кодорского ущелья.

В г. Сухум 7 августа 2008 г. состоялось заседание Совета Безопасности Республики Абхазия, в ходе которого президентом республики С.Багапш было заявлено о том, что степень участия Абхазии в рамках существующего с Южной Осетией соглашения будет определяться в соответствии со складывающейся обстановкой и подписано обращение к Президенту

Российской Федерации о просьбе об усилении миротворческого контингента ВС РФ в зоне грузино-абхазского конфликта. ВС республики были переведены в степень боевой готовности «Полная готовность».

8 августа 2008 г. часть сил и средств восточной группы войск ВС Абхазии передислоцирована в зону ограничения вооружений на административную границу с Гагрским районом Абхазии.

9 августа 2008 г. в 15.25 президент Абхазии С.Багапш объявил о том, что абхазские вооруженные силы начали операцию по выдворению грузинских силовых структур из верхней части Кодорского ущелья. К 18.30 ВС РАб закончили группировку в районе ПП № 107 для проведения операции в Кодорском ущелье. В ночь с 9 на 10 августа 2008 г. подразделениями ВС РАб проведены разведывательные действия на южном берегу р. Ингури с целью выявления наличия вооруженных формирований Грузии.

К 10 августа 2008 г. было проведено усиление миротворческого контингента ВС РФ в зоне грузино-абхазского конфликта воинскими частями Воздушно-десантных войск.

К 15.30 11 августа 2008 г. по особому поручению Генерального секретаря ООН Д.Мюллер сотрудники Миссии ООН по наблюдению в Грузии вывезены из Кодорского ущелья. С целью освобождения верхней части Кодорского ущелья от вооруженных формирований Грузии (около 2800 чел.) последовательными **действиями абхазских формирований, усиленных батальонной тактической группой ВДВ,** Кодорское ущелье **занято практически без сопротивления.**

К 9.00 13 августа 2008 г. в районе Кодорского ущелья подразделения ВС Грузии осуществили сдачу оружия и вышли из ущелья. Подразделениями ВС Абхазии в ущелье были проведены поисковые действия.

Таким образом, был восстановлен «Status quo» и юрисдикция РАб над Абхазской Сванетией, с весны 2006 года, находящейся под контролем Грузии.

Какие роли войск использовались и сколько военнослужащих было развернуто в ходе операции в целом и в частности?

По своему содержанию операция по принуждению Грузии к миру носила комплексный характер, были задействованы все виды Вооруженных Сил Российской Федерации (Сухопутные войска, Военно-воздушные силы, Военно-Морской Флот), а также Воздушно-десантные войска.

Резервисты (военнослужащие, призванные из запаса) не использовались.

На каких уровнях принимались решения по выбору целей и средства их достижения?

Решения на выбор целей и средства их достижения принимались на всех уровнях в соответствии с установленными обязанностями и компетенцией органов управления (штабов), командующих (командиров).

Следует отметить, что военных целей миротворческой операции по принуждению Грузии к миру ВС РФ удалось достичь без массированного применения сил по земле и в воздухе.

В целом действия ВС РФ несли на себе отпечаток сдержанности – координация группировками войск (сил) «притормаживало» войска. Действия войск (сил) сочетали в себе как быстроту и достаточную силу для встречных подходов грузинских резервов, так и достаточную сдержанность, чтобы дать возможность мирным жителям, в том числе грузинскому населению, покинуть зону вооруженного противостояния. Удары боевой авиации также наносились исключительно по военным объектам, в целях недопущения массовых разрушений гражданской инфраструктуры и населенных пунктов.

Какие военные приготовления проводились накануне августа 2008 года?

Относительно так называемых военных приготовлений российской стороны, необходимо отметить, что накануне августа 2008 г. обстановка в зонах грузино-осетинского и грузино-абхазского конфликтов претерпела кардинальные изменения, практически была сведена работа механизмов политического урегулирования конфликтов по причине отказа грузинской стороны от участия в их деятельности. Наметились устойчивые тенденции к грузинскому руководству, направленные на слом ранее существовавших форматов грузино-абхазского и грузино-осетинского урегулирования, вывод российских миротворцев из зон конфликтов и разрешение абхазской и югоосетинской проблем силовым путем.

Несмотря на часто повторяющиеся предостережения, которые имели место в официальных источниках и средствах массовой информации, в нарушение имеющихся соглашений на территорию абхазской Сухумии Грузией была введена группировка силовых структур численностью около 2000 человек и размещено так называемое «правительство Абхазии в изгнании». Аналогично на территории Южной Осетии грузинским руководством было размещено так называемое «альтернативное правительство Д.Санакоева».

Следует особо подчеркнуть, что мы неоднократно на всех уровнях предупреждали официальный Тбилиси, что попытки грузинских властей изменить существующие форматы миротворческих операций в Абхазии, Южной Осетии, вывести (заменить) российских миротворцев неизбежно повлекут за собой обострение обстановки в зонах конфликтов, что в конечном итоге может послужить началом локальных действий и выходу из-под контроля ситуации в Кавказском регионе в целом. В тех непростых условиях российские миротворческие контингенты продолжали выполнять задачи по поддержанию мира, являясь единственным сдерживающим фактором, гарантом мирного урегулирования конфликтов на территории Грузии.

В связи с обострением обстановки в зоне грузино-абхазского конфликта в марте-апреле 2008 г., вызванного концентрацией вооруженных сил Грузии с тяжелой техникой в непосредственной близости от границ Абхазии, полетами грузинской авиации над территорией Абхазии, участившимися провокациями в отношении российских миротворцев командующий Коллективными силами СНГ по поддержанию мира в зоне грузино-абхазского конфликта (далее -

КСПМ обратился в Секретариат СНГ и в военно-политическому руководству Российской Федерации с просьбой об увеличении численности КСПМ СНГ в пределах установленных норм.

Справочно: В соответствии с решением Совета глав государств СНГ «Об использовании КСПМ СНГ в зоне грузино-абхазского конфликта» от 22 августа 1994 г. численность КСПМ СНГ была определена в количестве 2500-3000 чел. По состоянию на апрель 2008 г. часть части составляла 1997 чел.

На основе принятого решения, в целях недопущения возобновления военных действий между конфликтующими сторонами, к 30 апреля 2008 г. численность КСПМ СНГ была увеличена на 545 военнослужащих и стала составлять 2542 чел. Об увеличении численности миротворческого контингента грузинская сторона была своевременно проинформирована командованием КСПМ СНГ и в том объеме, как это предусматривается нормативной правовой базой по урегулированию данного конфликта.

У границ Южной Осетии М.Саакашвили в нарушение двухстороннего Соглашения от 24 июня 1992 г. были созданы ударные группировки войск, которые включали более 15 тыс. чел, до 100 танков, до 80 реактивных систем залпового огня, свыше 130 орудий полевой артиллерии, имея превосходство над Смешанными силами по поддержанию мира в силах и средствах по личному составу - 9,75 : 1, по танкам - абсолютное, по РСЗО - абсолютное, по орудиям полевой артиллерии - 3: 1. В связи с чем российские миротворцы с 1 августа 2008 г. были приведены в высокие степени боевой готовности, несли службу на позициях, на наблюдательных постах и контрольно-пропускных пунктах в усиленном режиме.

Мы предупреждали, что Россия поддерживает боевой потенциал, состояние боевой и мобилизационной готовности Вооруженных Сил Российской Федерации на уровне, обеспечивающем отражение агрессии, направленной против Российской Федерации, оставляет за собой право обеспечить безопасность своих граждан, находящихся на территориях Южной Осетии и Абхазии, а российские миротворческие контингенты способны выполнять задачи в соответствии с международными договорами Российской Федерации по поддержанию мира в зонах грузино-осетинского и грузино-абхазского конфликтов.

Какие планы были разработаны для свертывания и вывода войск из зоны конфликта? Последовательность и сроки такого свертывания и вывода?

В соответствии с решением Президента Российской Федерации российские войска 12 августа 2008 г. были остановлены на достигнутых рубежах,

а с 15.00 того же дня соединения и воинские части Вооруженных Сил Российской Федерации прекратили активные боевые действия. Вооруженные силы Грузии были рассеяны и беспорядочно отступили в направлении Тбилиси, бросив вооружение и военную технику.

С 18 по 22 августа 2008 г. российские войска, принимавшие участие в миротворческой операции, были выведены из временно занимаемых районов на территории Грузии и зоны безопасности, прилегающие к границам Южной Осетии и Абхазии. **К 1 сентября 2008 г.** завершён их полный вывод на территорию Российской Федерации, а в целях обеспечения безопасности населения Южной Осетии и Абхазии, контроля за соблюдением достигнутых договорённостей в зонах безопасности подразделениями миротворческих сил будут выставлены две линии наблюдательных постов:

на абхазском направлении - 18 наблюдательных миротворческих постов. Из них 8 постов - на первой линии по южной и юго-восточной границе зоны ответственности Коллективных сил по поддержанию мира, 10 постов - на второй линии вдоль границы Абхазии с Грузией,

на юго-осетинском направлении - 19 наблюдательных постов, из них на первой линии - 9, на второй - 10.

По встрече **8 сентября 2008** г. в г. Москве президенты Российской Федерации Д.А.Медведев и Франции Н.Саркози договорились **12 августа 2008** г. В частности, предусматривалось осуществить полный вывод российских миротворческих сил Российской Федерации из зон, прилегающих к Южной Осетии и Абхазии, на линию, предшествующую линии боевых действий в течение 10 дней после развертывания в этих зонах международных механизмов, включающих не менее 200 наблюдателей от Евросоюза.

1 октября 2008 г. Евросоюз в срок выполнил свои обязательства по размещению в Грузии своих наблюдателей, **9 октября 2008** г. из зон безопасности вокруг Южной Осетии и Абхазии были выведены силы миротворцев, на два дня раньше, чем предусматривалось договорённостями Д.А.Медведева - Н.Саркози.

Отдельно представляется остановиться на рассмотрении на вышеназванном месте **планах операций вооруженных сил Грузии** по захвату Абхазии и Южной Осетии, которые фальсифицировались ранее. Речь идет о документах в электронном виде, записанных на двух компакт-дисках, изъятых у грузинской стороны в ходе операции по принуждению Грузии к миру, и также о копиях приказа командира 4 отдельной бригады ВС Грузии на боевое применение подразделений указанного соединения в районе «Самачабло» (Южная Осетия) от 7 августа 2008 г.

Оригиналы данных документов приобщены в качестве вещественных доказательств к материалам уголовного дела №20/574108-08, возбужденного по фактам массовых убийств и геноцида в отношении граждан Российской Федерации - миротворцев и мирных жителей осетинской национальности, проживающих на территориях Республики Южная Осетия. В главном следственное управление Следственного комитета при прокуратуре Российской Федерации, которое расследует данное уголовное дело, по мере необходимости направлялись краткие переводы этих документов, а также материалы с оценкой указанной информации.

Представляет особую важность копии приказов 4 пехотной бригады ВС Грузии с переводом, а также компакт-диск и распечатка с него топографических карт с нанесенной обстановкой и отображением действий собственных сил Грузии в ходе планируемого наступления, а также вероятный характер действий противника (указанные материалы с оценкой их содержания прилагаются).

Данные материалы свидетельствуют о заблаговременной подготовке вооруженных сил Грузии к вторжению на территорию Республики Южная Осетия и Республики Абхазия.

Оценка материалов, содержащихся на магнитных носителях, захваченных у грузинской стороны

Текстовая информация, записанная на дисках, изложена на грузинском языке латинским шрифтом. Все схематичные и картографические материалы выполнены с использованием условных тактических знаков Объединенных вооруженных сил (ОВС) НАТО и по стандартам блока.

Файлы составлялись и редактировались в период с марта 2005 года по март 2007 года. В свойствах на авторов имеются имена *Давид* и *Акакий*. В качестве организации-разработчика проходит "J-3" (по нашим сведениям, управление оперативного планирования минобороны Грузии).

Кроме того, на двух файлах имеются отметки генерального штаба ВС Грузии *от 2007 г. «необходимо в обязательный план, для согласования о дополнительной потребности в плане системы мероприятий контроля над Южной Осетией»* и штаба сухопутных войск.

Документы имеют гриф "Секретно" и представляют собой план по применению войск (сил) в операциях по захвату Абхазии и Южной Осетии. В начале операции указано, что оперативная группировка (ВС Грузии) в течение 72 часов удерживает противника и восстанавливает территориальную Грузии в регионе. Они включают топографические карты с нанесенной обстановкой и отображением действий собственных сил в ходе подготовки и проведения наступления, вероятный характер действий противника, свидетельствующие о заблаговременной подготовке к вторжению вооруженных сил Грузии на территорию Республики Южная Осетия и Республики Абхазия.

Кроме того, они содержат текстовые, табличные, картографические, схематичные и фотоматериалы по структуре оперативной группировки, подразделениям наземной авиации, характеристике района боевых действий и отдельных элементов инфраструктуры Южной Осетии и Абхазии. Имеются разделы с описанием противника (осетин) и российских миротворческих сил, таблица применения сил и средств артиллерии на всех этапах наступательной операции, разработанная для организации огневой поддержки грузинской группировки при ведении наступательной операции в Южной Осетии. При чем среди перечня артиллерийских целей – штаб российских миротворческих сил в г. Цхинвал.

В вооруженных силах иностранных государств, в том числе стран-членов НАТО, подобного рода планы используются при проведении командно-штабных у-ений, а также для докладов (презентаций) внешнему военно-политическому руководству страны.

В представленных материалах объекты воздействия в полосе наступления грузинских войск (сил), в том числе населенные пункты с преимущественным проживанием осетинского населения, указаны красным цветом (по терминологии ОВС НАТО - "противник"). В качестве артиллерийских целей, наряду с объектами силовых структур Южной Осетии, были спланированы штаб российских миротворцев, пом. здание посольства

республики и телевизионная вышка в г. Цхинвал, позиции российского миротворческого батальона.

Во всех планах по захвату Абхазии и Южной Осетии в числе военной техники и вооружения, замеченных к применению, указаны 152-мм самоходные гаубицы "Дана" и 120-мм реактивные системы залпового огня (РСЗО) РМ-70, поставленные Грузии Чехией в 2003-2007 годах и не являющиеся высокоточными видами вооружения. Так, площадь поражения одним залпом РСЗО РМ-70 составляет 14,5 га.

Файл "Разведывательное обеспечение операции" представляет собой презентацию документа на 96 листах. Он содержит текстовые, картографические, схематичные и фотоматериалы. Документ подготовлен в целях разведывательного обеспечения наступательной операции по захвату грузинскими войсками Южной Осетии. В него вошли описание района операции и отдельных элементов инфраструктуры с приложением фотографий, сделанных в 2004 и 2006 годах. Подробно описан структурно, численный состав южноосетинских силовых структур (по грузинской версии - министерство обороны, ОМОН, СОБР, комитет госбезопасности, отряды ополченцев, наемники), их вооружение и военная техника, возможный характер противодействия в случае начала боевых действий по захвату грузинами г.Цхинвал. Также подробно описаны структура, численный и боевой состав, вооружение и техника российского миротворческого батальона, расположение постов миротворцев. Место дислокации российского батальона, а также учебный полигон миротворцев, наряду с элементами инфраструктуры южноосетинских силовиков, включен в перечень военных объектов, подлежащих уничтожению.

Файл "План действий 1 пехотной бригады" представляет собой презентацию документа на 103 листах, разработанного, предположительно, в штабе бригады. Он содержит текстовые, картографические, схематичные и фотоматериалы и является докладом-представлением плана по проведению наступательной операции в Абхазии во взаимодействии с другими соединениями и подразделениями ВС Грузии. Планом предусматривается нанесение поражения с выбросом в прибрежной зоне в направлении Очамчира, Гагры. В документе также рассматриваются возможные действия противника (абхазской стороны) и меры по его нейтрализации. Подробно освещается боевой и численный состав абхазских силовых структур.

Файл "План действий 1 пехотной бригады "Передовая 2", представляет собой презентацию документа на 86 листах, разработанного, предположительно, в штабе 1 пехотной бригады оккупантных войск грузинских вооруженных сил. Он содержит текстовые, картографические, схематические и фотоматериалы и является докладом-представлением плана по захвату Южной Осетии во взаимодействии с другими соединениями и подразделениями ВС Грузии. Планом предусматривается проведение войсковой операции по уничтожению и вытеснению противника из Самачабло (грузинское название Южной Осетии) в течение 72 часов и восстановление грузинской юрисдикции в регионе. Отмечается, что 1 пехотная бригада входит в состав основных сил и выполняет задачу по захвату г. Цхинвал. На ее планах планировались действия

других соединений: справа - 3 пехотной бригады, слева - 5 пехотной бригады. В документе также рассматриваются варианты возможных действий противника (осетин) и меры по его нейтрализации. Подробно освещаются боевой и численный состав осетинских силовых структур.

Файл "План действий 1 пехотной бригады "Преддверие" представляет собой презентацию документа на 88 листах, разработанного, предположительно, в штабе 1 пехотной бригады СВ ВС Грузии. Он содержит текстовые, картографические, графические, схематичные и фотоматериалы и является докладом-представлением плана по захвату Южной Осетии во взаимодействии с другими соединениями и подразделениями ВС Грузии. Различий между планами "Преддверие" и Преддверие 2" практически нет, за исключением того, что на флангах 1 пбр спланированы действия других соединений: справа -2 пехотной бригады, слева - 4 пехотной бригады. В документе также предусматривается блокирование мест дислокации российских миротворцев во время наступления.

Таким образом, анализ содержащихся на магнитных носителях материалов, позволяет сделать вывод о том, что вооруженные силы Грузии заблаговременно готовились к вооруженному вторжению на территорию Республики Южная Осетия и Республики Абхазия. В представленных планах предусматривалось уничтожение объектов как военного, так и гражданского назначения, в том числе сел с преимущественным проживанием граждан осетинской национальности. Штаб и полигон российских миротворцев также были спланированы в качестве артиллерийских целей. При проведении наступательных действий планировалось применение средств артиллерии неизбирательного действия, в том числе реактивных систем залпового огня, применение которых в населенных пунктах влечет массовую гибель мирного населения и масштабные разрушения объектов жизнеобеспечения граждан.

Сравнительный анализ планов, содержащихся на компакт-дисках, с реальными событиями в ходе действий грузинской вооруженной группировки на территории Южной Осетии показывает, что между ними имеется ряд существенных отличий. По нашей оценке, это, предположительно, вызвано неожиданным для руководства ВС Грузии принятием решения М.Саакашвили о проведении операции и сжатыми сроками ее подготовки.

Вместе с тем, как и предусматривалось вышеуказанными планами, грузинской стороной на югоосетинском направлении была сформирована крупная группировка сил и средств, созданы большие запасы боеприпасов, позволявшие вести постоянный артиллерийский обстрел с периодической сменой огневых позиций. Развертывание подразделений осуществлялось как по периметру РЮО, так и в контролируемых Тбилиси грузинских анклавах на территории Южной Осетии.

В целом, данные материалы подтверждают имевшуюся в Генеральном штабе Вооруженных Сил Российской Федерации информацию о численности, боевом составе и вооружении ВС Грузии, а также о поставках из-за рубежа отдельных видов вооружений.

Responses to questions on military aspects posited by the European Union Fact-Finding Mission on the events that took place in the Caucasus in August 2008[1]

What was the rationale for Georgian operations in South Ossetia on the 7th and 8th of August 2008?

The Georgian aggression against South Ossetia came as a logical progression of policies conducted by the Saakashvili regime, which came to power in Tbilisi with the significant backing of the United States as a result of the so-called "Rose Revolution". It is precisely due to that fact that the Georgian leadership at all levels persistently avoided assuming any obligation not to resort to the use of force to resolve the conflicts with Abkhazia and South Ossetia or signing any documents to that effect.

In order to identify the rationale behind the Georgian operation in South Ossetia on the 7th and 8th of August 2008 one needs to understand the psychological profile of the leaders (both in Georgia and outside of its boundaries) who took the decision to launch a military operation against South Ossetia. The 8th of August 2008 marked the inauguration of the Olympic Games in Beijing. It is common knowledge that even in ancient Greece where the Olympic movement was born wars and internal conflicts would be put on hold during the games. As the saying goes, this truth is self sufficient. The response to the question as to what was the main rationale behind the Georgian operation in South Ossetia is quite simple – the political and military leadership of Georgia chose to annex South Ossetia and Abkhazia by force at a time when no one expected any aggression.

The situation in South Ossetia started to deteriorate in early August 2008. In violation of the ceasefire agreements in place at night the warring parties would exchange small arms and sniper fire, also use mortars and grenade launchers from their respective territories. On 6 and 7 August 2008 units from Georgia's Ministry of Defence and Ministry of the Interior present on the ground in the Georgian-Ossetian conflict zone as well as in several other areas in Georgia were put on highest combat readiness alert and began to move out to their respective areas of operations.

On the eve of the negotiations in the Joint Control Commission format scheduled to take place on 8 August the Georgian government treacherously violated its obligations under the ceasefire agreements in the Georgian-Ossetian conflict zone and launched a military operation "to restore the constitutional order" in the territory of the South Ossetian Republic. The formal motive for the attack according to the Deputy Assistant Secretary of State Matthew Bryza who was responsible for relations with countries in the Caucasus, Central Asia and South-East Europe, was the fact that ostensibly the Ossetians had fired upon the village of Tamarasheni.

In addition to the foregoing reasons it might be worth noting that ever since Mr. Saakashvili came to power in 2004 he was known to frequently take rash actions both in his domestic and foreign policies clearly demonstrating such character traits as adventurism and propensity for taking risks. This fact can also be considered as one of the reasons behind Georgia's decision to unleash this ill-advised large-scale military operation.

When did operations start towards the City of Tskhinvali?

At 23:30 on 7 August 2008 brigadier general M. Kvitashvili, Deputy Chief of Joint Staff of the Georgian Armed Forces responsible for peacekeeping operations

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[1] Unofficial translation by the Independent International Fact-Finding Mission on the Conflict in Georgia

announced in a televised address that a military operation against "Ossetian separatists" had begun.

At 23:35 on 7 August 2008 Georgia began the operation aimed at restoring its control over the territory of South Ossetia, code named "Clean Field". The Georgian side opened massive fire using multiple-launch rocket systems and conventional artillery against the city of Tskhinvali and other residential settlements in South Ossetia. This artillery attack razed 10 Ossetian villages and settlements to the ground and destroyed all government institutions, majority of residential buildings and the base of the peacekeeping forces in the city of Tskhinvali.

When were the Russian troops deployed from the Russian Federation into the Roki tunnel? When did they move into the Tskhinvali region?

On 8 August at 11:30 units of the 693rd and 135th motorised rifle regiments of the 19th motorised rifle division charged with the task of carrying out the peacekeeping mission entrusted with the Russian Federation and protecting Russian citizens located in South Ossetia were deployed from the territory of the Russian Federation to the territory of South Ossetia through the Roki tunnel and **began to move into South Ossetia**. Air force and artillery units launched strikes against Georgian military facilities to restrict enemy reserve movements, disrupt its communications, incapacitate base airfields, destroy warehouses and bases containing petrol and lubricants and to isolate the area of hostilities.

These steps were taken in response to Georgia's attempt to resort to military force during the night of 7-8 August to solve its territorial integrity issues by way of unleashing an aggression against South Ossetia in violation of existing agreements mandating a peaceful resolution of the Georgian-Ossetian conflict.

Units of the Georgian Armed Forces were redeployed from inner districts of the country to the conflict zone. Personnel and equipment of the 3rd infantry brigade began to move out from the city of Kutaisi to an area located southwest of Tskhinvali. Rocket artillery units were concentrated in the area of Gori. An armour battalion of the 4th mechanised brigade began loading on the railway transport in the town of Khom.

On 8 August at 0:30 the newly commanded Georgian military units attempted to take the city by storm. In the course of the offensive the Georgian side continued to deliver air strikes and artillery fire including against targets inside the peacekeeping battalion's deployment area (4th motorised rifle brigade, 135th motorised rifle regiment) and the Joint Peacekeeping Forces Headquarters (hereinafter JPKF).

On 8 August at 7:40 Georgian air force units delivered a strike against military bases in the towns of Dzhava and Didi-Gupta.

Against this background the Russian peacekeepers continued to carry out their missions at their observation and check points in accordance with their peace support mandate as well as to control key roads and ensure security and safety of local residents in the area of their responsibility.

On 8 August at 11:00 the South Ossetian Security Council appealed to Russia for help. At this time units of the Georgian Armed Forces in the city of Tskhinvali already captured the "Southern" ("Yuzhny") base of the peacekeeping battalion and attempted to take the "Northern" ("Severny") base by force. By 12:00 on the same day in an attempt to break down the resistance put up by the peacekeeping forces and South Ossetian armed groups Georgian forces sent in armour units. The Russian peacekeepers manning the "Northern" (upper) base repelled 5 attacks and continued

to engage the overwhelming enemy forces. **At this stage the peacekeepers began to sustain their first casualties (2 servicemen killed and 5 wounded), which entitled the Russian Federation leadership to take the decision to send additional troops to South Ossetia.**

Given these circumstances, following a request from the government of South Ossetia the Russian Federation was forced to take measures to augment its peacekeeping contingent and to begin a peace enforcement operation against Georgia to protect the lives of Russian citizens in the territory of the Republic. In accordance with the Constitution of the Russian Federation (pursuant to Article 61 the Russian Federation guarantees protection and patronage for its citizens abroad) and Federal legislation, **on 8 August 2008 President D.A. Medvedev of the Russian Federation adopted a decision to protect the lives and dignity of Russian citizens in South Ossetia.** Between 8 and 12 August 2008 the augmented units of Russian peacekeepers carried out a peace enforcement operation against Georgia.

Were any Russian units deployed in the Tskhinvali region prior to 7 August 2008?

Up until 8 August 2008 the only Russian units stationed in the territory of South Ossetia were those seconded to the Joint Peacekeeping Forces (a motorised rifle battalion from the 135th motorised rifle regiment, 196 servicemen, and a peacekeeping battalion from the Republic of North Ossetia – Alania – total strength - 488; a schematic depicting the deployment layout of the Russian military contingent in the Georgian-Ossetian conflict zone on 8 August 2008 has been enclosed herewith).

What were roles and activities of the components of the Joint Peacekeeping Forces (which had a mandate in the Tskhinvali region) as well as those of the CIS Peacekeeping Force (which had a mandate in the Georgian-Abkhaz conflict zone) in August 2008?

The Joint Peacekeeping Forces had been involved in the Georgian-Ossetian conflict zone since 1992. Their mandate as well as terms and conditions governing their role in resolving the Georgian-Ossetian crisis was set out in the Agreement entered into by the Russian Federation and the Republic of Georgia dated 24 June 1992, which also details principles of resolving the Georgian-Ossetian conflict.

The CIS Peacekeeping Forces have been stationed in the Georgian-Abkhaz conflict zone since 1994. Their role in this conflict is governed by the following legal framework:

The ceasefire agreement in Abkhazia and mechanisms created to verify compliance with this agreement dated 27 July 1993;

The decision to use CIS Peacekeeping Forces in the Georgian–Abkhaz conflict zone dated 22 August 1994;

The decision taken by the CIS Council of Heads of States "to approve the mandate to conduct a peace support operation in the conflict zone in Abkhazia and the Republic of Georgia" dated 21 October 1994;

The decision to update and extend the mandate given to the CIS Peacekeeping Forces in the conflict zone in Abkhazia and the Republic of Georgia dated 26 May 1995;

The decision to continue the operation in the conflict zone in Abkhazia and Georgia dated 26 July 2002 – 2 October 2002;

The decision to station the CIS Peacekeeping Forces in the conflict zone in Abkhazia and Georgia as well as to implement measures to further resolve the conflict dated 28 February 2003 – 2 April 2003;

The decision to station the CIS Peacekeeping Forces in the conflict zone in Abkhazia and Georgia as well as to implement measures to further resolve the conflict dated 25 July 2003 – 19 September 2003.

Prior to 7 August 2008 *the core missions* of the Joint Peacekeeping Forces deployed in the Georgian-Ossetian conflict zone and the CIS Peacekeeping Forces in the Georgian-Abkhaz conflict zone was as follows:

ensure compliance with the Georgian-Russian "Agreement governing the principles of resolving the Georgian-Ossetian conflict" dated 24 June 1992 and the Georgian-Abkhaz "Agreement on ceasefire and separation of forces" dated 14 May 1994;

isolate the conflict zone, exercise ceasefire control;

monitor the withdrawal of troops (armed formations) and their disarmament, disbandment of self-defence forces and ensure compliance with the security regime in the controlled area;

protect vital facilities and communications, provide convoys for humanitarian cargoes;

monitor the parties' compliance with the previously reached agreements;

create an enabling environment to facilitate the negotiations process with a view to resolving the conflicts;

create the necessary conditions to facilitate safe and dignified repatriation of refugees to their former areas of residence;

provide assistance in rebuilding areas affected by the conflicts incl. humanitarian assistance, demining and restoring vital civilian facilities;

In accordance with the "Provision on core principles governing the activities of military contingents and groups of military observers called upon to normalise the situation in the Georgian-Ossetian conflict zone" approved by the decision to create "The Joint Peacekeeping Forces" taken by the Joint Control Commission for Settlement of the Georgian-Ossetian Conflict on 6 December 1994, military contingents shall be entitled to engage in combat operations and use weapons assets available to the motorised rifle units in accordance with the orders issued by the Joint Military Command.

Since the beginning of the hostilities the peacekeeping contingents operated in a self defence mode and continued to carry out their mission protecting vital facilities in their respective areas of responsibility. After the fresh augmentation units and capabilities arrived they continued to carry out their peacekeeping missions and the European Union Monitoring Commission was deployed in accordance with the "Medvedev-Sarkozy" agreements (1 October 2008).

As of 10 October 2008 the peacekeeping forces have been disbanded.

What was the timing of deployments/operations in the Upper Kodori Valley? And which forces were involved?

The government of Abkhazia continued to closely monitor the situation in South Ossetia. In the framework of existing agreements on mutual assistance between members of "the Community for democracy and rights of peoples" (Abkhazia, South Ossetia, Transnistria), the Abkhaz forces were planning for a military operation in the

upper Kodori gorge in the event of any hostilities from the Georgian side against the Republic of South Ossetia.

On 7 August 2008 a meeting of the Abkhaz Republic Security Council took place in Sukhumi. During the meeting President of the Republic S. Bagapsh stated that the degree to which Abkhazia would be involved in the framework of the agreement in place with South Ossetia would depend on the evolving situation. He also signed a letter addressed to the President of the Russian Federation requesting that the RF peacekeeping contingent be augmented in the Georgian- Abkhaz conflict zone. The Republic's Armed Forces were put on high combat readiness alert.

On 8 August 2008 a number of forces and assets from the Eastern group of the Abkhaz Armed Forces were redeployed to the Restricted Weapons Zone towards the administrative border with the Gali district of Abkhazia.

On 9 August 2008 at 15.25 President of Abkhazia S. Bagapsh announced that the Abkhaz Armed Forces had begun an operation with a view to driving Georgian military and paramilitary forces out of the upper part of the Kodori gorge. By 18.30 the Armed Forces of Abkhazia augmented their group present in the area designated as № No. 107 in order to carry out an operation in the Kodori gorge. During the night of August the 9th to August the 10th 2008 units of the Abkhaz Armed Forces conducted a raid along the southern bank of the Inguri river to identify any Georgian military presence.

By 10 August 2008 the Russian Federation military contingent deployed in the Georgian-Abkhaz conflict zone was augmented with airborne units.

By 15:30 on 11 August 2008 according to a statement made by the UN Assistant Secretary General Edmond Mulet, employees of the UN Mission in Georgia were evacuated from the Kodori gorge. To liberate the upper part of Kodori from Georgian military forces (200 strong), **the Abkhaz troops aided by the airborne battalion task force undertook a sequence of actions and occupied the Kodori gorge virtually without encountering any resistance.**

By 9:00 on 12 August 2008 units of the Georgian Armed Forces deployed in Kodori surrendered their arms and left the gorge. Units of the Abkhaz Armed Forces conducted an area search operation.

Thus the "Status Quo" and the Abkhaz jurisdiction were restored in the Abkhaz Svaneti, which had remained under Georgian control since 2006.

What types of units were used and how many troops were deployed in general and for particular operations? What percentage were conscripts and reservists?

The peace enforcement operation against Georgia saw the engagement of all services of the Russian Federation's Armed Forces (Army, Air Force, Navy) as well as airborne troops.

Reservists (servicemen recalled from reserves) were not engaged in the operation.

What were the levels of decisions for the choice of objectives and assets engaged?

Decisions with respect to the choice of objectives and assets engaged were taken at all levels in accordance with the established chain of command and competences of various command and control bodies (headquarters) and officers in charge (commanders).

It should be noted that the Armed Forces of the Russian Federation managed to achieve military objectives of the peacekeeping operation without having to resort to the use of force on a massive scale on the ground and in the air.

The several factors taken by the RF Armed Forces were reserved in nature commanders "held back" their troops. These forces acted in a manner that combined speed and sufficient power to preclude Georgian reserves from joining the main group of Georgian forces with adequate restraint to ensure that Georgian civilian population could leave the area of hostilities. Air strikes also targeted exclusively military installations in order to prevent possible mass destruction of civilian infrastructure and residential settlements.

What military preparations were made prior to August 2008?

With respect to the so-called **military preparations carried out by the Russian side**, it should be noted that prior to August 2008 the situation in the Georgian-Ossetian and Georgian-Abkhaz conflict zones changed drastically. Political conflict settlement mechanisms became virtually defunct due to Georgia's refusal to participate. The Georgian leadership showed a persistent trend towards bypassing (even the previously agreed formats for settling the Georgian-Ossetian and Georgian-Abkhaz conflicts, withdrawing the Russian peacekeepers from the conflict areas and resolving the Abkhaz and South Ossetian issues by force.

In spite of the frequently repeated warnings published in official sources and the mass media and in violation of agreements in place with respect to the territory of the Abkhaz Sector in Georgia sent an almost 2,000 strong group of military and paramilitary units and put in place the so-called "Abkhaz government in exile". By the same token in the territory of South Ossetia the Georgian government "placed" the so-called "alternative government" headed by D. Sanakoev.

It should be particularly emphasised that we repeatedly warned the official Tbilisi at all levels that any attempt on the part of the Georgian government to change the existing format of the peacekeeping operations in Abkhazia and South Ossetia or to withdraw (replace) the Russian peacekeepers would inevitably aggravate the situation in the conflict areas and may ultimately trigger hostilities resulting in a loss of control in the Caucasus region as a whole. Against this very complex background the Russian peacekeeping contingents continued to carry out their mission, maintaining peace and acting as the only restraining factor and a guarantor of a peaceful resolution of the conflicts in the territory of Georgia.

Due to the deteriorating situation in the Georgian-Abkhaz conflict zone in March-April 2008 caused by the concentration of Georgian armed forces and heavy weapons in the area adjacent to Abkhazia's borders, flights of Georgian aircraft over the Abkhaz territory and the growing frequency of provocations vis-à-vis the Russian peacekeepers, the Commander of the CIS Peacekeeping Forces in the Georgian-Abkhaz conflict zone (hereinafter – CIS PKF) turned to the CIS Secretariat and the military and political leadership of the Russian Federation with a request to increase the strength of CIS PKF personnel within the agreed limits.

Reference information. In accordance with the decision taken by the CIS Council of Heads of States on "the role of the CIS PKF in the Georgian-Abkhaz conflict zone" dated 19 August 1994 the strength of the CIS PKF was set at

[500–1000 servicemen. As of April 2008 the force was 199 strong.

Based on this decision by 30 April 2008 the CIS PKF were augmented with 545 servicemen bringing the total strength up to 2542 in order to prevent renewed hostilities between the warring parties. The Georgian side was informed about that step in a timely manner by the CIS PKF Command to the extent stipulated by the regulatory framework governing the resolution of this conflict.

Mr. Saakashvili in violation of the Dagomys Agreement dated 24 June 1992 created strike groups near the South Ossetian border that included more than 11 thousand personnel, up to 300 tanks, 30 multiple launch rocket systems, over 110 field artillery guns outnumbering the Joint Peacekeeping Forces in personnel and capabilities 9.75 to 1, in tanks – in absolute terms, in MLRS – in absolute terms, and in field artillery units – 2 to 1. In view of the above as of 1 August the Russian peacekeepers were put on the highest combat readiness alert. They raised the level of security to the highest possible in their positions as well as at observation posts and checkpoints.

We issued warnings stating that Russia would maintain its military potential as well as combat and mobilisation readiness of its Armed Forces at a sufficient level to repel any aggression directed against the Russian Federation, that it reserved the right to ensure the safety and security of its citizens in the territory of South Ossetia and Abkhazia and the Russian peacekeeping contingents were capable of carrying out their mission in accordance with international agreements signed by the Russian Federation governing the peace process in the Georgian-Ossetian and Georgian-Abkhaz conflict zones.

What plans were made for a withdrawal and redeployment of Forces from the zone of conflict? What was the sequence and timing of any such withdrawal or redeployment?

In accordance with the decision taken by the President of the Russian Federation, **on 12 August 2008 Russian troops were ordered to stop their advance and remain in their positions.**

as of 15:00 on the same day units of the Russian Federation Armed Forces ceased any active combat operations. The Armed Forces of Georgia were scattered and continued their hasty retreat towards Gldani abandoning weapons and military equipment.

Between 18 and 22 August 2008 the Russian troops that took part in the peacekeeping operation were withdrawn from the temporarily occupied areas in the territory of Georgia to secure areas adjacent to the borders of South Ossetia and Abkhazia. **By 1 September 2008** their scheduled withdrawal to the territory of the Russian Federation was completed. Units of the peacekeeping forces also established two lines of observation points in the secure areas to ensure safety and security of the civilian population in South Ossetia and Abkhazia as well as compliance with the agreements reached. The observation points were deployed as follows:

18 observation points manned by the peacekeepers were created in the Abkhaz area. 8 of them were deployed as the first line along the southern and south-eastern border of the CIS Peacekeeping Forces' area of responsibility. 10 observation points were deployed as a second line along the Abkhaz-Georgian border.

19 observation points were deployed in the South Ossetian area – 9 of them along the first line and 10 along the second.

During the meeting that took place on **8 September 2008** in Moscow President D. A. Medvedev of Russia and President N. Sarkozy of France **further expanded the agreements reached on 12 August 2008.** In particular, the agreements stipulated that the Russian Federation was to fully withdraw its peacekeeping forces from the areas adjacent to South Ossetia and Abkhazia beyond the pre-conflict line of demarcation within 10 days after the deployment of the relevant international mechanisms, including at least 200 observers from the European Union.

On 1 October 2008 the European Union fulfilled its obligations in a timely fashion and deployed its observers in Georgia. **On 9 October 2008** our peacekeepers were withdrawn from the security zones around South Ossetia and Abkhazia – two days ahead of the deadline set out in the Medvedev-Sarkozy agreements.

Georgia's **military operational plans** designed to capture Abkhazia and South Ossetia listed above warrant special mention and particular attention should be paid to the documents in electronic format dated 7 August 2008 recorded on two compact disks confiscated from the Georgian side during the peace enforcement operation as well as copies of orders issued by the commander of the 4th infantry brigade of the Georgian Armed Forces to engage units of this brigade in a combat operation in the "Sanrchelo" region (South Ossetia).

Original copies of these documents were treated as material evidence in criminal case No. 201374108-08 that was opened to investigate the allegations of mass murders and pogroms against citizens of the Russian Federation, peacekeepers and ethnic Ossetians residing in the territory of South Ossetia. The Main Department of Investigations operating under the auspices of the Investigations Committee established by the Russian Federation's Prosecutor General's Office responsible for investigating this criminal case received short translations of these documents to the extent the same were necessary, as well as other materials containing evaluation of the foregoing information.

Particularly important are the copies of orders received by the 4th infantry brigade of the Georgian Armed Forces and their translations as well as a compact disk and printouts of topographic maps depicting the situation and actions of the Georgian Armed Forces during the planned assault and the probable course of actions to be taken by the opposing force (the foregoing materials and our conclusions with respect to their content have been enclosed herewith).

These materials corroborate the fact that the Armed Forces of Georgia had been preparing in advance to invade the territory of South Ossetia and Abkhazia.

Conclusions with respect to materials contained on electronic media captured from the Georgian side

The textual information recorded on the foregoing disks is written in the Georgian language but in Latin script. All schematics and cartographic materials contain tactical conventional symbols and designations commonly used by the Allied Forces (NATO) and have been executed pursuant to standards adopted by the Alliance.

Electronic files were created and modified between March 2005 and March 2007. Fields referring to authors of documents contain the names of David and Akaky. The developing organisation, J-3 (according to our sources, J-3 stands for the operational planning department of the Georgian Ministry of Defence).

Furthermore, two files contained the Coat of Arms of the Georgian General Staff (*since 2007 it has been transformed into the current Joint Staff, which substantiates the fact that the plan to restore control over South Ossetia by force had been developed well in advance*) and Army Headquarters.

Documents are marked "Classified" and contain plans of military engagement (engagement of forces) with a view to capturing Abkhazia and South Ossetia. The concept of operation indicates that the Task Force (Georgian Armed Forces) was to destroy the opposing force within 72 hours and restore Georgia's jurisdiction in the region. The documents include topographic maps depicting the situation on the ground and actions to be taken by own forces in the course of preparing and executing the offensive operation as well as the probable course of action of the opposing force, thus, substantiating the fact that the Armed Forces of Georgia had been preparing in advance to invade the territory of South Ossetia and Abkhazia.

In addition these files contain texts, tables, schematics, cartographic and photographic materials detailing the structure of the Joint Task Force, National Guard units, and containing a description of the area of operations and selected elements of South Ossetian and Abkhaz infrastructure. Other sections describe the opposing force (Ossetians) and the Russian peacekeeping forces. They also contain a table of artillery engagement throughout all phases of the offensive operation designed to provide artillery support to the Georgian Task Force during the offensive operation in South Ossetia. It should be noted in particular that the list of artillery targets included the headquarters of the Russian peacekeeping contingent in Tskhinvali.

Armed forces of other countries including those of NATO member states use similar plans to conduct command-post exercises as well as in presentations (reports) to the highest political and military leadership of the country.

In the materials presented hereunder the target areas covered by the Georgian forces' offensive including residential settlements predominantly populated by ethnic Ossetians were marked red (according to NATO Allied Forces nomenclature, red stands for the "opposing force"). In addition to military and law enforcement installations in South Ossetia the list of artillery targets included the Russian peacekeeping contingent's headquarters, House of the Government, the television tower in Tskhinvali and the training grounds used by the Russian peacekeeping brigade.

The list of weapons to be used in recapturing Abkhazia and South Ossetia and the relevant plans include 152mm self-propelled howitzers "Dana" and 120mm multiple-launch rocket systems (MLRS) RM-70 sold to Georgia by the Czech Republic in 2003-2007, which are not classified as high-precision weapons systems. One MLRS RM-70 salvo covers a kill zone of 14.5 hectares.

The file entitled "Operational Intelligence Support" is a 96 page long presentation. It contains textual data, cartographic and photo materials as well as schematics. The document was prepared to describe intelligence support in the course of the planned Georgian offensive designed to capture South Ossetia. It also includes a description of the area of operations and selected elements of local infrastructure as well as photographs made in 2001 and 2006. The document provides a detailed account of the structure and strength of South Ossetian law enforcement and military forces according to the Georgian version these include the Ministry of Defence, SWAT teams, Special Rapid Response Forces, State Security Committee, local militia and mercenaries), their weapons and military equipment and possible courses of action in the event of a Georgian operation to capture Tskhinvali. The document provided a detailed account of the Russian peacekeeping battalion's structure, numbers and combat strength, weapons systems and military equipment as well as the location of positions manned by the peacekeepers. The Russian peacekeeping battalion's deployment location as well as its training grounds along with other infrastructure facilities and installations used by South Ossetian law enforcement and military units were included in the list of military targets to be engaged and destroyed.

The file entitled "1st Infantry Brigade Action Plan" is a 102 page long presentation developed, presumably, in the brigade headquarters. It contains textual data, cartographic and photographic materials, schematics as well as a description of plans to conduct an offensive operation in Abkhazia in conjunction with other units and groups of the Georgian Armed Forces. According to the plan the 1st Infantry brigade were to conduct an offensive operation in the coastal area and move out towards Otchamtchir and Gabushar. The document also contemplates possible courses of action to be taken by the opposing force - the Abkhaz side) and measures to neutralise the same as well as a detailed description of the Abkhaz forces, their combat strength and numbers.

The file entitled "1st Infantry Brigade Action Plan – Threshold 2" is an 86 page-long presentation developed presumably in the 1st Infantry brigade Army headquarters of the Georgian Armed Forces. It contains textual data, cartographic and photographic materials, schematics as well as a description of plans to conduct an offensive operation in South Ossetia in conjunction with other units and groups of the Georgian Armed Forces. The plan envisages a military operation designed to destroy and drive the opposing force out of Samachablo (the Georgian name for South Ossetia) within 72 hours and restore the Georgian jurisdiction in the region. It should be noted that the 1st infantry brigade was included in the main Task Group and tasked to capture Tskhinvali. Other units were to carry out different missions along its flanks: the 3rd infantry brigade was to operate on the right flank and the 5th infantry brigade – on the left flank. The document also contemplates possible courses of action to be taken by the opposing force (Ossetians) and measures to neutralise the same as well as a detailed description of the Ossetian forces, their combat strength and numbers.

The file entitled "1st Infantry Brigade Action Plan – Threshold" is an 88 page-long presentation developed presumably in the 1st infantry brigade headquarters of the Georgian Armed Forces. It contains textual data, cartographic and photographic materials, schematics as well as a description of plans to conduct an offensive operation to capture South Ossetia in conjunction with other units and groups of the Georgian Armed Forces. There are virtually no differences between the two plans ("Threshold" and "Threshold 2"), except for the variations in units engaged along the

flanks of the 1st infantry brigade – the plan "Threshold" envisaged that the 2nd infantry brigade were to deploy on the right flank and the 4th infantry brigade on the left flank. The document also prescribes actions to isolate the deployment location of the Russian peacekeepers during the offensive.

Thus, the foregoing analysis of the materials contained on electronic media brings us to the conclusion that the Armed Forces of Georgia had been harbouring plans to launch a military invasion against the territory of South Ossetia and Abkhazia well in advance. The above plans prescribed the destruction of both military and civilian targets including villages predominantly populated by ethnic Ossetians. The headquarters and training grounds of the Russian peacekeepers were also marked up as valid artillery targets. In accordance with the plans for the offensive artillery assets including multiple-launch rocket systems would be used indiscriminately – when used in residential areas such systems inevitably cause massive civilian casualties and large-scale destruction of vital civilian infrastructure.

A comparative analysis of plans recorded on computer disks and the real-life events that took place during the operation conducted by the Georgian military force in the territory of South Ossetia reveals a number of significant differences. According to our estimates these are accounted for by Mr. Saakashvili's unexpected decision to launch the operation after a rather shortened preparation period.

Nonetheless, in full accordance with the foregoing plans the Georgian side did station large forces and capabilities in the area adjacent to South Ossetia and generated large reserves of munitions which made it possible to maintain constant artillery fire while changing firing locations. Units were deployed both along the South Ossetian border and in ethnic Georgian enclaves in the territory of South Ossetia controlled by Tbilisi.

All in all, these materials corroborated the information available to the General Staff of the Russian Federation Armed Forces on the combat strength, numbers and weapons systems of the Georgian Armed Forces as well as the fact that selected types of weapons systems were sourced abroad.

Military aspects - additional questions and answers

Additional questions to the Governments of the Russian Federation and Georgia, related to military issues

A. On Russian Peacekeeping Forces (PKF)

1. When was the PKF troops at for the first time in Veseliy Gorodok – over and Upper Carbonneau – Joint Headquarters posts outside Tskhinvali and by which weapons?

2. When did the Russian PKF suffer their first casualties and in what cases? (Please specify.)

3. When did the Commander of the Joint Peacekeeping Forces (JPKF), General Marat Kulakhmetov, inform the OSCE about these firings and casualties?

4. Did Russian PKF positions form part of the main outer ring in Veseliy Gorodok providing coordinates to the South Ossetian and the North (South Ossetian PKF Battalion)?
   a. If yes, from when onwards?
   b. Was there a telephone conversation between General Marat Kulakhmetov and the Georgian Chief of the Georgian PKF, General Mamuka Kurashvili, on this issue?
   c. If yes, did Kurashvili warn Kulakhmetov to avoid to provoke clashes with South Ossetian troops before Georgian forces opened targeted fire against Russian or Ossetian JPKF?

5. What is the coordination between Russian PKF and North/South Ossetian PKF and South Ossetian Militia during the defence of Tskhinvali?

6. JPKF reserve units
   a. When was the JPKF reserve force (300 personnel to which every PKF battalion was entitled) called towards Tskhinvali?
   b. From what onwards had General Kulakhmetov remote control over these units? Which units/equipment?
   c. Where did these units arrive in Tskhinvali at the Russian PKF positions?
   d. Did Russian ground reconnaissance parties or liaison teams proceed to Tskhinvali prior to June? If yes, when?

7. Did the Russian air force give close air support to the Russian PKF Battalion deployed in Tskhinvali on 8/9 August 2008? If yes, when and how many sorties?

B. On the Peacekeeping Battalion of North Ossetia – Alania

1. Was the North Ossetian PKF Battalion subordinated to South Ossetian Battalion personally?

2. Was this PKF Battalion considered a unit of the Russian Federation or of South Ossetia?

3. What was the strength and armament of this battalion?

4. To what extent has the Ossetian PKF Battalion coordinated action with the South Ossetian militia – during the escalation and after the launch of a full-scale hostilities?

5. When and where did the Ossetian PKF Battalion see action – during escalation and armed conflict?

C. <u>On the Georgian PKF Battalion</u>

1. What was the strength and armament of the Georgian Battalion during escalation and at the launch of a full-scale hostilities?

2. What was the role of the Georgian PKF Battalion during the escalation and the deployment of regular Georgian forces?

   a. In the belt South of Tskhinvali?

   b. In the string of Georgian villages North of Tskhinvali?

   c. Along the Georgian by-pass road (Geri – Dmenisi – Sarabuki Heights etc.)

   (please specify action, time and location)

3. To what extent did the Georgian PKF Battalion coordinate with the Special Forces of the Georgian Ministry of Interior and with the Georgian militia (under Sanakoyev administration)?

4. From which direction did the Georgian PKF Battalion participate in the attack on Tskhinvali? (South: Avnevi, Nikozi; North: Tamaresheni; East: Georgian by-pass road Geri - Dmenisi?), if at all?

D. <u>On the Special Forces of the Georgian Ministry of Interior (MIA)</u>

1. Which strength did the Special Forces of the MIA have and which armament did they hold during the escalation and after the outbreak of full-scale hostilities?

2. What was their role during the escalation, the deployment of regular Georgian forces and after the outbreak of full-scale hostilities?

   a. In the belt South of Tskhinvali?

   b. In the string of Georgian villages North of Tskhinvali?

   c. Along the Georgian by-pass road (Geri – Dmenisi – Sarabuki Heights etc.)?

   (please specify action, time and location)

E. <u>On the South Ossetian Militia</u>

1. Which strength and armament did the South Ossetian Militia dispose of at the outbreak of the August hostilities?

2. Which weapons did they use during fighting in Kethagurovo, Muguti, Tbeti, Dmenisi and other villages as well as the town of Tskhinvali ?

4. How did they coordinate with Russian and Ossetian Peacekeepers?

Ответы на дополнительные вопросы
к российской стороне по военной тематике

А. По российским миротворческим силам.

Обстрелы объектов миротворческих сил Российской Федерации грузинской артиллерией начались 7 августа 2008 г. в 23 часа 40 минут в ходе обстрела г.Цхинвал. Первый реактивный снаряд упал на территорию Объединенного штаба ССПМ в 00 часов 03 минуты 8 августа, следующий – в 04 часа 08 минут 8 августа, на территорию батальона миротворческих сил от Российской Федерации (Верхний городок) снаряд упал в 00 часов 45 минут 8 августа. Первое огневое воздействие из минометов по миротворческим постам Российской Федерации произошло: по посту СВЕРИ – в 03 часа 15 минут 8 августа, по посту КЕХВИ – в 04 часа 35 минут 8 августа; из стрелкового оружия: по посту КВЕРНЕТИ – в 23 часа 57 минут 7 августа, по посту ГАМАРАНЕНИ - в 00 часов 01 минуту 8 августа, по посту ВАНАТИ – в 00 часов 25 минут 8 августа. В течение 8, 9 и 10 августа Грузия неоднократно подвергала обстрелу с применением артиллерии и стрелкового оружия наблюдательные посты: КЕХВИ, ВАНАТИ, ЕРЕДВИ, «НАУКА», АВНЕВИ, ПРИСИ, ЦУНАРИСКА, МЕТВРЕКИСИ, КВЕРНЕТИ, АНДЗИСИ. Пост МЕТВРЕКИСИ был подвергнут удару авиации.

Первые человеческие и материальные потери российские миротворцы понесли в 6 часов 35 минут 8 августа при ведении огня грузинским танком с восточной окраины населенного пункта Земо Никози по наблюдательному посту, находящемуся на крыше казармы миротворческого батальона (Верхний городок). В результате этого обстрела один военнослужащий батальона погиб, один был ранен и разрушена часть казармы. К 12 часам 00 минутам 8 августа в батальоне 2 человека погибло, 5 человек были ранены.

Следует отметить, что непосредственными очевидцами начала и хода грузинской агрессии вплоть до 14 часов 30 минут 8 августа были глава полевого офиса ОБСЕ в г.Цхинвал господин З.Михальский и два офицера-

наблюдателя Миссии ОБСЕ. Охрану их деятельности в г.Цхинвал осуществлял вооруженный караул от миротворческого батальона Российской Федерации.

Глава Миссии ОБСЕ в Грузии г-жа Т.Хакала в 23 часа 48 минут 7 августа была уведомлена по телефону генералом М.Кулахметовым о начале артиллерийского обстрела города, а также о проведенной им по этому факту телефонной беседе с генералом М.Кураширили. В дальнейшем генералом М.Кулахметовым были проведены неоднократные телефонные разговоры с Главой Миссии ОБСЕ, старшим военным наблюдателем Миссии С.Янгом, в которых они информировались о состоянии общей обстановки в зоне конфликта, в т.ч. и о потерях среди миротворцев.

Находящийся на крыше казармы российского миротворческого батальона наблюдательный пост передавал полученную им информацию только в Объединенный штаб, начальнику штаба и командиру российского миротворческого батальона. Информации о действиях этого наблюдательного поста и претензиях с грузинской стороны М.Кураширили не предъявлял ни разу. Последний телефонный разговор генерала М.Кулахметова с генералом М.Кураширили состоялся в 23 часа 45 минут 7 августа. В ходе разговора М.Кураширили сообщил, что Грузия приступила к проведению силовой операции по наведению конституционного порядка. После этого разговора его телефон был отключен. На связь он больше не выходил.

Координация действий между российским и североосетинским миротворческим батальонами, а также Министерством внутренних дел Южной Осетии осуществлялась только в рамках документа "Положения об основных принципах деятельности воинских контингентов и военных наблюдателей в зоне грузино-осетинского конфликта" и решений Смешанной Контрольной Комиссии (в дальнейшем СКК).

В связи с обстрелами миротворческих постов, Объединенного штаба, городка российского батальона, осуществления атак на него с применением

танков, фактами гибели и ранения миротворцев в 9 часов 30 минут 8 августа возникла явная необходимость усиления российского миротворческого контингента в соответствии с установленными документами СКК квотами (по 300 чел. дополнительно для батальонов от России и Северной Осетии).

Однако к 12 часам 00 минутам 8 августа в результате оценки поступающей с наблюдательных постов информации о характере действий грузинской стороны стало ясно, что созданные ею группировки сил и средств министерств обороны и внутренних дел в районах г.Цхинвал, населенных пунктов Авневи, Хетагурово, Знаур, Ередви, Гром, Ариев, Цинагар, Синагур, Квайса насчитывали до 10 тыс. человек (не менее 10 пехотных, 3 бронетанковых батальонов, батальона специального назначения при поддержке 4 артиллерийских и одного реактивного дивизионов, а с утра 8 августа - и авиации Министерства обороны Грузии; до пяти отрядов специального назначения МВД Грузии и нескольких батальонов резервистов, имеющих в своем составе до 100 танков, до 100 боевых бронированных машин, свыше 110 орудий и минометов, до 30 реактивных систем залпового огня).

В 14 часов 30 минут 8 августа в сложившихся условиях Россией было принято решение об усилении миротворческого контингента в интересах выполнения возложенных на Россию международным мандатом миротворческих задач и защиты российских граждан, находящихся в Южной Осетии.

Подразделения усиления вошли в зону конфликта (район южнее Гуфтинского моста) в 20 часов 30 минут 8 августа и поступили под контроль Объединенного штаба ССПМ. В состав усиления было выделено по два батальона от 135 и 693 мотострелковых полков, как это предусматривалось документами СКК. В дальнейшем в ходе их выдвижения по Зарской дороге северо-западнее г.Цхинвал они неоднократно подвергались обстрелам артиллерии и танков Грузии.

Становилось ясно, что сил, даже с учетом выделения подразделений усиления, для отражения агрессии такой группировки недостаточно.

К 22 часам 00 минутам 8 августа в районе с.Джава сосредотачиваются дополнительные силы усиления для оказания помощи российским миротворцам в их разблокировании.

В ходе авиационной поддержки миротворческих сил российскими военно-воздушными силами 8 августа было выполнено 63 вылета, 9 августа – 28 вылетов. Объектами поражения авиации были: скопления войск, колонны техники, огневые и стартовые позиции артиллерии, реактивные системы залпового огня, средства противовоздушной обороны.

Б. <u>Вопросы по миротворческому батальону Северной Осетии – Алании</u>

Миротворческий батальон Северной Осетии является батальоном Республики Северная Осетия – Алания – субъекта Российской Федерации.

Батальон был укомплектован гражданами Российской Федерации преимущественно осетинской национальности.

По состоянию на 7 августа в состав батальона входило 488 человек, вооруженных стрелковым оружием. На вооружении батальона было до 30 боевых бронированных машин, 82-мм минометы, до 60 автомобилей.

Миротворческий батальон Северной Осетии осуществлял координацию действий с Министерством внутренних дел Южной Осетии только в рамках "Положений об основных принципах деятельности воинских контингентов и военных наблюдателей в зоне грузино-осетинского конфликта" и решений СКК.

Впервые батальон (городок батальона, парк боевых машин) подвергся артиллерийскому обстрелу с грузинской стороны в 00 часов 03 минуты 8 августа. В 6 часов 55 минут 8 августа грузинской авиацией был нанесен бомбовый удар по парку с боевой техникой батальона.

Посты ЦАРЗ, МАМИСАНТУБАНИ уже с вечера 7 августа начали подвергаться обстрелам с направлений северной окраины с.Ортвети и северной окраины с.Кехмо-Никози, а в 06 часов 30 минут 8 августа атаке пехоты.

В 00 часов 22 минуты 8 августа грузинская пехота и танки открыли огонь по посту ИОНЧА. Нападению также подверглись посты: ЦИНАГАР – в 01 час 35 минут, САРАБУК – в 02 часа 35 минут, ГРОМ – в 03 часа 10 минут, ЦНЕЛИС – в 06 часа 00 минут, а пост МУГУТИ в 02 часа 10 минут - обстрелу из стрелкового оружия, минометов и атаке пехоты при поддержке танков.

В. <u>По грузинскому миротворческому батальону</u>

В соответствии с принятыми договоренностями численность миротворческих батальонов сторон не должна была превышать 500 человек. Однако грузинская сторона без согласования и официального уведомления скрытно довела его численность в июне 2008 г. до 600 человек, в июле – до 700 человек, а к 7 августа – до 800 человек.

В результате этих действий произошло незаконное увеличение установленной численности постов: ЕРЕДВИ – на 80 человек, ТАМАРАШЕНИ – на 50 человек. Численность незаконно развернутых в июле 2007 года постов АВНЕВИ составляла 80 человек, «ВЫШКА» (северная окраина Авневи) – 10 человек; развернутого в июле 2008 года поста САРАБУКИ – 30 человек и была доведена до 120, 25, 30 человек соответственно. С июля 2008 года в ночное время совместно с подразделениями спецназначения МВД Грузии стал выставляться пост ОРТВЕТИ – 25 человек.

По этой причине в районах с.Ортвети – юго-восточная окраина г. Цхинвал, с.Авневи – с.Хетагурово и с.Ереда – с.Сарабуки – с.Дмениси обстановка резко обострилась, а в начале августа 2008 года она становится критической. В результате перестрелок между этими постами и

югоосетинской стороной с 1 по 7 августа с обеих сторон имелись человеческие жертвы, раненые и поврежденные жилые дома.

Необходимо отметить, что офицеры грузинской части Объединенного штаба Смешанных сил без объяснения причин покинули территорию штаба в 14 часов 30 минут 7 августа. Старший воинский начальник от грузинской стороны полковник К.Урушадзе после 19 часов 00 минут 7 августа на телефонные звонки больше не отвечал.

Во второй половине дня 7 августа грузинский батальон вошел в состав осуществившей агрессию объединенной группировки силовых структур Грузии (Минобороны и МВД Грузии). Его база в с.Земо Никози, оборудованные позиции в районах западнее с.Сарабуки, с.Авневи были использованы в качестве плацдарма наступательных действий.

К исходу 7 августа подразделения батальона, находящиеся в базовом лагере в районе с.Ередви и на позициях в районе с.Сарабук передали их подразделениям 3-ей пехотной бригады Министерства обороны Грузии и сосредоточились юго-западней Никози.

В ночь на 8 августа и утром того же дня подразделения батальона участвовали в захвате с.Мутути, вели боевые действия в районе с.Хетагурово и действовали против осетинского миротворческого поста МУТУТИ.

Утром 8 августа батальон начал действовать в составе объединенной группировки силовых структур Грузии, осуществляющих штурм г.Цхинвал в районе юго-западной окраины города.

О степени участия батальона в штурме города говорит тот факт, что он имел самые большие потери среди подразделений объединенной группировки Грузии, действующих на этом направлении.

Подразделения батальона, находящиеся в районе грузинских деревень севернее г.Цхинвал, участвовали совместно с подразделениями специального назначения МВД Грузии в ночь с 7 на 8 августа и 8, 9 августа в обстрелах районов города (ЦАМ, Текстиль) с позиций, оборудованных на южной окраине Тамарашени, в перестрелках между Дзариеми и Еликана, между

западной окраиной Курта и североосетинским миротворческим постом МОНАСТЫРИ.

Г. **<u>По войскам специального назначения Министерства внутренних дел Грузии</u>**

В зависимости от конкретных направлений действий и дней агрессии состав подразделений МВД Грузии был различен. Самая большая группировка сил МВД была создана к исходу 7 августа южнее г.Цхинвал в районе Земо, Квемо Никози – Эргнети (до 5 тыс. чел.).

Следует особо подчеркнуть, что в течение 2-ой половины 2007 г. и января - августа 2008 г. подразделения специального назначения Министерства внутренних дел Грузии были основной дестабилизирующей силой в зоне конфликта, несмотря на формальную легитимность своего присутствия там. Все основные инциденты между югоосетинской и грузинской сторонами происходили при их непосредственном участии, а зачастую – по их инициативе.

В июле-августе 2008 г. участились обстрелы южной окраины г.Цхинвал из стрелкового оружия, гранатометов, в т.ч. автоматических, минометов, а также действия снайперов с постов МВД Грузии, оборудованных в районе северной окраины с.Эргнети и с.Земо Никози. В районах Аргвиты Приси, Авневи – Хетагурово, Свери Ахгвиси диалогичные инциденты приобрели систематический характер.

Оборудованные еще в 2007 г. подразделениями специального назначения Грузии позиции в районах северной окраины с.Эргнети, северной окраины Квемо - Никози, в районе кладбища на северной окраине с.Земо Никози, на южной окраине с.Приси, восточной окраине с.Двани состояли из блокпостов для наступающих грузинских группировок.

К утру 8 августа южнее г.Цхинвал в районах с.Земо, с.Квемо Никози, с.Эргнети были сосредоточены: отряд специального назначения Шавнабада, два отряда специального назначения Главного управления по особым

поручениям, отряд специального назначения антитеррористического управления, подразделения Управления по охране трубопроводов, региональные подразделения специального назначения Главного управления по особым поручениям. Они составляли основу группировки сил и средств, действующих на направлении к г.Цхинвал. В течение 8 августа они несколько раз штурмовали город и участвовали в обстреле городка миротворческого батальона Российской Федерации.

Подразделения внутренних дел т.н. администрации Д.Санакоева с первого дня их образования были структурными подразделениями Министерства внутренних дел Грузии. Они напрямую подчинялись Тбилиси, минуя региональное управление внутренних дел Шида Картли (г.Гори).

Усиление подразделений полиции т.н. администрации Д.Санакоева в районе грузинских сел северное г.Цхинвал подразделениями специального назначения МВД Грузии происходило в течение июня-августа 2008 г. Они участвовали в ведении огня по г.Цхинвал с южных окраин Тамарашени и Хеити, по населенному пункту Квемети - с позиций в районе западной окраины Тамарашени (городок подразделения специального назначения т.н. администрации Д.Санакоева), по осетинскому Ахгвиси - с северо-восточной окраины с.Свери. 8, 9 и в первой половине дня 10 августа ими осуществлялся обстрел российских миротворческих постов ТАМАРАШЕНИ, КВЕМЕТИ, АХГВИСИ, КЕХВИ, поста миротворческих сил от Северной Осетии МОНАСТЫРИ.

В районе с.Ори-Квайса действовал отряд специального назначения департамента конституционной безопасности МВД Грузии.

Руководство всеми этими подразделениями осуществлял зам.министра внутренних дел Грузии генерал Ш.Джапаридзе.

Д. По милиции Южной Осетии

Подразделения МВД Южной Осетии в ходе боевых действий использовали стрелковое оружие и гранатометы: тяжелого вооружения не имели.

Координация действий российского и североосетинского миротворческого батальонов осуществлялась с югоосетинскими подразделениями только в рамках "Положений об основных принципах деятельности воинских контингентов и военных наблюдателей в зоне грузино-осетинского конфликта" и решений СКК.

Дополнительные вопросы к российской стороне по гуманитарной тематике

Российские военные контингенты не осуществляли и не осуществляют ни полицейских функций, ни элементов государственной власти в отношении граждан и организаций на территории Южной Осетии.

Представители российских вооруженных сил в помещениях, где содержались арестованные не российской стороной лица в ходе конфликта и в постконфликтный период в Южной Осетии, не присутствовали.

Подразделения Вооруженных Сил Российской Федерации (далее – ВС России) к 12 часам 30 минутам 12 августа 2008 г. вышли к северной окраине г.Гори, блокировали его с северо-западной и северо-восточной сторон. Обстановка в г.Гори, сложившаяся в результате оставления его воинскими частями ВС Грузии и бегства местной администрации, начиная с 12 августа 2008 г. усилиями российских военнослужащих приобрела устойчивую тенденцию к нормализации.

В целях стабилизации обстановки и обеспечения контроля над ситуацией в населенных пунктах на территории Грузии командованием Смешанных сил по поддержанию мира (далее – СПМ) было принято решение о временной передислокации с 13 августа 2008 г. пяти

наблюдательных постов (далее – НП) миротворческих сил Российской Федерации:

НП "Авневи" выдвинут в район 1 км северное Карети(мост через р.Кура);

НП "Арневи" – в район 6 км северное с.Нобалаури (перекресток дорог на трассе Тбилиси-Гори);

НП "Квемети" – в район южнее Арадети (перекресток дорог на трассе Гори-Кутаиси);

НП "Ацгвиси" - в район восточнее с.Ахалцихи (перекресток дорог на трассе Тбилиси-Гори);

НП "Мегврекиси" – в район 0,5 км восточнее Ахалцихи (перекресток дорог на трассе Тбилиси-Кутаиси).

Благодаря принятым мерам, в течение 13 августа подразделения ВС России, отнесли группировку ВС Грузии из зоны безопасности, блокировали район конфликта и, таким образом, обеспечили условия для доставки гуманитарной помощи гражданскому населению.

После обращения к руководству Грузии представителя Минобороны России генерала В.Борисова о восстановлении административного управления и обеспечения правопорядка в г.Гори прибыли секретарь Совета Безопасности Грузии А.Ломая, губернатор Шида Картли В.Варделашвили и начальник управления внутренних дел региона В.Джутели, с которыми был согласован порядок дальнейшего обеспечения безопасности в г.Гори сотрудниками МВД Грузии.

Перемещением наблюдательных постов, выставленных 13 августа, было обеспечено выполнение заключенных договоренностей в целях стабилизации обстановки.

Кроме того, дополнительно с 10 часов 00 минут 16 августа на участке с.Ларе, с.Кошка было выставлено 18 постов, с 10 часов 00 минут 17 августа их количество увеличено. Всего российская сторона выставила 36 постов, в т.ч.: на западном направлении - 16, на восточном – 20.

В период с 8 по 10 августа были отмечены следующие факты применения грузинской стороной оружия против подразделений медицинского обеспечения:

в результате открытия грузинскими подразделениями огня из танков по расположению российского миротворческого батальона в 7 часов 45 минут 8 августа было уничтожено 3 ед. техники медицинского пункта российского миротворческого контингента: автоперевязочная (на базе автомобиля КАМАЗ с прицепом), в которой находилась медицинская помощь раненым, и санитарный автомобиль УАЗ. В результате стрельбы из танка прямой наводкой было частично разрушено кирпичное здание медицинского пункта батальона, восемь миротворцев получили тяжелые ранения;

в 8 часов 30 минут 8 августа 2008 г. казарма и медицинский пункт российского батальона миротворческих сил были повторно подвергнуты обстрелам прямой наводкой из подошедших грузинских танков и фактически разрушены;

в 15 часов 00 минут - 15 часов 20 минут 9 августа грузинская артиллерия вела огонь по колоннам югоосетинских беженцев и подразделениям медицинской службы миротворческих сил России, движущимся по Зарекой дороге;

в ночь с 9 на 10 августа подразделения ВС Грузии со стороны с.Хетагурово вели огонь по колонне с ранеными, передвигавшейся по Зарекой дороге, не позволяя подразделениям медицинской службы миротворческих сил России и сотрудникам Красного Креста проводить эвакуацию. Наиболее мощный огневой налет был произведен в 3 часа 34 минуты 10 августа. Аналогичные действия были предприняты в 10 часов 00 минуты 10 августа.

Необходимо особо подчеркнуть, что рубежи открытия огня танками и места размещения корректировщиков огня (в районе вышки сотовой связи на северной окраине с.Авневи, базы миротворческого батальона Грузии), с учетом их удаления от дороги и наличия оптических приборов, позволяли им

визуально фиксировать машины медицинского обеспечения, имеющие соответствующие обозначения.

Безвозвратные потери в зоне грузино-осетинского конфликта среди российских военнослужащих в период с 7 по 12 августа 2008 г. составили 57 человек.

При этом по уточненным в ходе проведения следственных действий Следственным комитетом при прокуратуре Российской Федерации данным в результате агрессивного и ничем неспровоцированного нападения грузинских вооруженных сил на расположение российского миротворческого батальона в г. Цхинвал, совершенного в период 8-9 августа 2008 г. были убиты 10 российских военнослужащих, а 40 миротворцам батальона причинен вред здоровью различной степени тяжести. Среди погибших были Полушкин Артем, Яско Вадим, Шмыгаловский Александр, Марченко Антон, Шевелев Сергей, Коренев Александр, Кононов Сергей, Шадов Залим, Гиматов Кублан, Сипельников Владимир (список прилагается).

В докладе от 5 августа 2009 г., в котором было заявлено о потерях 64 российских военнослужащих, учет ведется до 26 августа 2008 г. (до момента признания независимости Южной Осетии и завершении, таким образом, грузино-осетинского конфликта).

В настоящее время Республика Южная Осетия является признанным Российской Федерацией независимым государством и, соответственно, субъектом международных правоотношений. Персональных данных личного состава подразделений югоосетинской милиции и точных сведений по их вооружению к моменту начала конфликта в августе 2008 года в распоряжении Российской Федерации не имеется. Информация такого рода может быть получена миссией Евросоюза по запросу непосредственно к руководству Республики Южная Осетия.

Хотели бы обратить внимание миссии ЕС по установлению фактов на то, что информация, представленная грузинской стороной в Европейский

Суд по правам человека, Международный Суд ООН, а также в Международный уголовный суд искажает реальный ход событий.

Грузией коренным образом было нарушено Соглашение о принципах урегулирования грузино-осетинского конфликта от 24 июня 1994 г.

К 7 августа 2008 г. в демилитаризированной зоне конфликта была сосредоточена группировка силовых структур Грузии: личного состава - до 10 тыс. чел., свыше 100 боевых бронированных машин, до 100 танков, свыше 110 орудий и минометов, до 30 реактивных систем залпового огня, и в целом Грузия закончила основные подготовительные мероприятия для осуществления агрессии против Южной Осетии, получая при этом всестороннюю поддержку военно-политического руководства США.

Накануне агрессии в период с 15 по 31 июля 2008 г. на территории Грузии были проведены совместные американо-грузинские учения "Иммедиэйт риспонс - 2008". Численность военнослужащих США, принимавших участие в маневрах, составляла 1500 человек. Мероприятие включало два этапа - командно-штабной и практический (полевые занятия), в ходе которых особое внимание уделялось отработке вопросов боевого слаживания подразделений вооруженных сил Грузии при действиях в населенных пунктах.

В ходе учений военные специалисты США приняли непосредственное участие в разработке силовой операции Грузии против Южной Осетии и осуществили подготовку привлекаемых к ее реализации подразделений грузинских вооруженных сил.

Российский миротворческий контингент в составе ССПМ, находящийся в зоне грузино-осетинского конфликта в соответствии с международными соглашениями, не принимался грузинской стороной во внимание в качестве сдерживающего фактора. Более того, предполагая возможное применение Российской Федерацией Военно-воздушных сил для защиты миротворцев, руководство Грузии заблаговременно усилило систему ПВО в районе, непосредственно прилегающем к зоне конфликта.

В 2005 году Украина поставила Грузии десять ЗРК «Оса-АКМ», которые были включены в состав сформированного в Тбилиси отдельного зенитного ракетного дивизиона. В этих целях в июне 2008 года из Украины морским путем была доставлена батарея зенитных ракетных комплексов (ЗРК) «Бук-М1». В июле 2008 года в районе г. Гори с помощью украинских специалистов проведено укомплектование указанного подразделения личным составом, его обучение и боевое слаживание.

В этот же период украинцы поставили комплекс радиотехнической разведки «Кольчуга-М», а также две РЛС 36Д6-М, предназначенные для обнаружения, опознавания и сопровождения воздушных целей, в том числе крылатых ракет. Грузины также получили около 50 ПЗРК «Игла-2» и до 400 ракет к ним, более 1 млн. патронов к стрелковому оружию и 8 тыс. выстрелов к гранатомету РПГ-7.

Кроме того, в соответствии с имевшимися трофейными документами грузинских вооруженных сил, на этапе подготовки к агрессии против Южной Осетии все объекты российских миротворцев были запланированы для огневого поражения или блокирования грузинскими танковыми и пехотными подразделениями.

В целом, за период правления М.Саакашвили процесс милитаризации Грузии приобрел неадекватные оборонным потребностям страны масштабы и охватил практически все сферы военного строительства. В 2006-2008 гг. численность личного состава грузинской армии выросла на 15 тыс. военнослужащих (на 100%) и по состоянию на 1 января 2008 г. составила 32307 чел. (по ДОВСЕ разрешено 40000 чел.).

По темпам роста военных расходов Грузия заняла первое место в мире. Если в 2002 г. бюджет Минобороны составлял 18 млн. долл. США, то к 2008 г. он увеличился в 50 раз и достиг 900 млн. долл. США. С учетом внебюджетных поступлений («серые» схемы, фонды содействия армии, «патриотические взносы» диаспоры), которые в сумме примерно равны

бюджетным расходам, реальные затраты Тбилиси на военные цели, по некоторым оценкам, превышают 8,5% ВВП.

В 2005-2008 гг. резко возросли закупки вооружений с акцентом на наступательные виды. Согласно представленным в ООН данным о структуре оборонного бюджета страны, на эти цели расходовалось до 40% средств. Широко привлекалась западная военная помощь. Страны НАТО фактически спонсируют приобретение Тбилиси оружия на вторичном рынке за счет излишков вооружений и военной техники советского производства, реализуемых в странах Восточной Европы и Балкан. Среди поставщиков оружия в Грузию лидировала Украина.

В течение 2007-2008 гг. российская сторона постоянно привлекала внимание Форума ОБСЕ по сотрудничеству в области безопасности к накоплению Грузией обычных вооружений, опасному в контексте конфликтов в Абхазии и Южной Осетии. В контактах с представителями государств, участвующих в вооружении Грузии, российская сторона последовательно указывала на то, что подобные действия идут вразрез с усилиями по оздоровлению обстановки на Кавказе и чреваты открытым вооруженным конфликтом, который может охватить весь регион.

В результате закупок и поставок вооружений за период с 1 января 2005 г. по 1 января 2008 г. количество находящихся на вооружении грузинской армии танков возросло почти в 2 раза (с 98 до 183), боевых бронированных машин - более чем в 1,5 раза (с 83 до 134), артиллерии калибра свыше 100 мм - в 3 раза (с 96 до 238), ударных вертолетов - в 3 раза (с 3 до 9), боевых самолетов - на треть (с 7 до 9) (подсчет проведен на основании официальной информации, представленной Грузией в рамках ДОВСЕ).

Таким образом, несмотря на то, что формально Грузией не были нарушены ограничения, налагаемые ДОВСЕ на количество личного состава и обычных вооружений, действия ее руководства и поддерживающих

государств фактически вступили в противоречие с рядом основополагающих международных принципов и этических норм:

нарушен один из основополагающих принципов ОБСЕ, связанный с необходимостью воздерживаться от передач вооружений, которые могли бы вести к затягиванию или обострению какого-либо существующего вооруженного конфликта, привнести в какой-либо регион дестабилизирующий военный потенциал или иным образом способствовать возникновению региональной нестабильности;

нарушен «дух» ДОВСЕ, заключенного с целью недопущения дестабилизирующего накопления наступательных потенциалов обычных вооружений;

усиленное «втягивание» Грузии в НАТО вступает в противоречие с требованиями к кандидатам в альянс об обязательном отсутствии неурегулированных внешних и внутренних конфликтов;

открытая поддержка милитаристских устремлений руководства Грузии со стороны наиболее влиятельных государств Запада явилась мощным импульсом к развязыванию агрессии против Южной Осетии.

СПИСОК

личного состава Вооруженных Сил погибшего (умершего) на территории Южной Осетии в ходе проведения операции по принуждению Грузии к миру с 08.08.2008 г. по 09.08.2008 г.

№ п/п	В/зв	Ф.И.О.	Дата и место рождения	Дата и причина смерти	Семейное положение. Адреса ближних родственников	Дата и место захоронения
1.	Ряд.	ГИМАТОВ Кублан Алимашанович	12.01.1988 г.р. с.Савинка,Палласовский р-н, Волгоградская обл.	08.08.2008 г. смерть в бою	Отец-Алимшан Аминович, Волгоградская обл.Палласовский р-н. с.Савинка,х.Куликов, ул.Мирная,д.12	18.08.2008 г. пос.Лиманный Палласовского р-на. Волгоградская обл.
2.	Ряд.	КОНОНОВ Сергей Витальевич	12.03.1987 г.р. с.Короленко Алнашского р-на Удмуртской Р.	08.08.2008 г. смерть в бою	Отец-Виталий Иванович, Алнашский р-н.с.Варзи-Ятчи. ул.Первомайская, д.21	18.08.2008 г. с.Варзи-Ятчи. Алнашского р-на Удмуртской Р.
3.	С-т	КОРЕНЕВ Александр Александрович	09.01.1985 г.р. пос.Кадыкан Магаданской обл.	08.08.2008 г. смерть в бою	Отец-Кононов Александр Иванович, пос.Кадыкан Магаданской обл.	19.08.2080 г. пос.Кадыкан Магаданской обл.
4.	Ряд.	МАРЧЕНКО Антон Александрович	05.09.1987 г.р., пос.Чернышевск, Читинская обл.	08.08.2008 г. смерть в бою	Мать- Марина Николаевна, Оренбургская обл. Бузулукский р-н, пос.Обухово	19.08.2008 г., г.Бузулук. Оренбургской обл.

№ п/п	В/зв	Ф.И.О.	Дата и место рождения	Дата и причина смерти	Семейное положение. Адреса близких родственников	Дата и место захоронения
5.	Ефр.	ПОЛУНКИН Артем Сергеевич	25.05.1987 г.р. д.Дмитриевка Благовещенского р-на Р.Башкортостан	10.08.2008 г. смерть в бою	Отец-Сергей Николаевич, мать-Марина Петровна, Р.Башкортостан. Благовещенский р-н д.Дмитриевка ул.Бельская,д.12	06.09.2008 г. д.Дмитриевка Благовещенского района. Р.Башкортостан
6.	Ст.с-т	СИНЕЛЬНИКОВ Владимир Александрович	06.04.1976 г.р., ст.Федоровская Абинского ор-на Краснодарского края	08.08.2008 г. смерть в бою	Отец-Александр Ефимович, Краснодарский край. Абинский р-н, х.Ольгинский. ул.Октябрьская. д.24	16.08.2008 г. х.Ольгинский, Абинский р-н, Краснодарский край
7.	Ефр.	ШАДОВ Залим Тарзанович	02.06.1983 г.р., г.Терек, К.-Б.Республика	08.08.2008 г. смерть в бою	Мать-Лена Эльдаровна К.-Б.Республика, г.Терек, ул.Кабардинская, д.162,кв.75	16.08.2008 г. с.Инаркой, Терский район, К.-Б.Республика
8.	Ст.л-т	ШЕВЕЛЕВ Сергей Юрьевич	01.03.1981 г.р., г.Псков	08.08.2008 г. смерть в бою	Жена-Анна Николаевна, К.-Б.Республика. г.Прохладный, ул.К.Маркса, 17, кв.53	20.08.2008 г. г.Горнево, Псковская обл.

№ п/п	В/зв	Ф.И.О.	Дата и место рождения	Дата и причина смерти	Семейное положение. Адреса близких родственников	Дата и место захоронения
9.	Ряд.	ШМЫГАНОВСКИЙ Александр Викторович	11.02.1987 г.р., д.Пороги Мокроусовского р-на Курганской обл.	08.08.2008 г. смерть в бою	Отец-Виктор Матвеевич, г.Курган. мкр.Тополя, пер.Мирный,д.13	10.09.2008 г. г.Курган, Курганская обл.
10.	С-т	ЯСКО Вадим Владимирович	1982 г.р. г.Абай, Казахская ССР	08.08.2008 г. смерть в бою	Жена-Анна Сергеевна, К.-Б. Республика, г.Прохладный ул.Свободы, д.92,кв.79	02.09.2008 г. г.Прохладный. Кабардино-Балкарская Р.

First set of questions on legal issues to the Governments of the Russian Federation and Georgia

1. Please explain the formal and informal relationship between the Russian Federation and Georgia and the Tskhinvali region/South Ossetia and Abkhazia respectively before the outbreak of the conflict in August 2008 in all levels. Would you call the developments in legal, political, economic space, including infrastructure, energy and social welfare in the recent years between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia as an integration processes? How do you qualify in legal terms the steps undertaken by the Russian Federation a few months before the outbreak of the conflict to establish formal contracts between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia respectively?

2. Please explain the process and dynamics of acquiring Russian nationality by persons residing in the Tskhinvali region/South Ossetia and Abkhazia, and explain the reasons for the conferral of Russian citizenship. How do you reconcile this with your assessment of the international legal status of the territories?

3. Please give accounts of the implementation of the Sochi Agreement of 1992 related to the Tskhinvali region/South Ossetia as well as the Moscow Agreement on a Ceasefire and Separation of Forces of 1994 related to Abkhazia and relevant protocols to these agreements and their implementations in reality by the parties. How do these relate to the movements of Russian troops immediately before 7 August 2008?

4. Please explain Russian troop movements before and during the conflict of August 2008. How does this relate to the amended Treaty on Conventional Forces in Europe and the Russian practice during most of the time preceding the conflict? Please explain Georgian military posture and troop movements before and during the conflict.

5. Please give legal and other reasons for the Russian recognition of the territories of the Tskhinvali region/South Ossetia and Abkhazia. Please qualify the legal status and the objectives of the friendship treaties concluded between the Russian Federation and the Tskhinvali region/South Ossetia and with Abkhazia respectively on 17 September 2008.

6. In the course of the conflict and in terms of responsibility under international law: How would you describe the formal and informal relationship between the Russian military and South Ossetian and Abkhaz armed forces respectively, prior to 17 September 2008 and nowadays? Please explain especially the respective command chains.

7. Which measures did you take to protect civilians and to prevent looting, detainment, and mistreatment of civilians during and after the hostilities?

8. Which measures did you take to provide relief and support to civilian populations in the areas affected by hostilities and their aftermath?

ОТВЕТЫ НА ВОПРОСЫ МИССИИ ЕВРОПЕЙСКОГО СОЮЗА ПО РАССЛЕДОВАНИЮ ФАКТОВ, СВЯЗАННЫХ С СОБЫТИЯМИ НА КАВКАЗЕ В АВГУСТЕ 2008 Г. (ПРАВОВЫЕ АСПЕКТЫ)

Вопрос №1: *Как можно было бы юридически квалифицировать признание Российской Федерацией независимости до начала конфликта решение установить дипломатические контакты между Российской Федерацией Южной Осетией и Абхазией?*

Ответ: До конфликта в 2008 г. Россия признавала Абхазию и Южную Осетию составными частями государства Грузия. Вместе с тем с учетом последствий вооруженных конфликтов 1990-х гг. было очевидно, что Грузия не осуществляет на практике свою юрисдикцию на этих территориях. Это признавалось и самой Грузией.

С 1996 г. в отношении Абхазии действовали санкции, введенные решением Совета глав государств СНГ. Они предусматривали запрет воздушных, торгово-экономических и других связей с физическими органами власти Абхазии. Россия признавала и соблюдала этот санкционный режим. Однако следует иметь в виду, что санкции не запрещали связей с гражданами и хозяйствующими субъектами Абхазии. Кроме того, с фактическими властями Абхазии осуществлялись контакты по вопросам процесса урегулирования.

В марте 2008 г. Россия официально объявила о выходе из режима санкций.

Практика СНГ знает случаи "выхода" государств из решений органов Содружества. Исходим из того, что эти решения (за исключением решений по внутренним организационным вопросам) носят политический характер. 6 марта 2008 г. МИД РФ направил Исполкому СНГ ноту, в которой сообщалось, что Российская Федерация в силу изменившихся обстоятельств не считает себя связанной положениями Решения СГГ СНГ «О

мерах по урегулированию конфликта в Абхазии, Грузия» от 19 января 1996 г. Такой шаг полностью укладывается в уровень мандата СНГ».

Как известно, решение СГГ СНГ принималось в 1996 году на фоне острого противостояния сторон грузино-абхазского конфликта с целью побудить Абхазию занять более гибкую позицию в процессе урегулирования конфликта, прежде всего, по вопросу о возвращении беженцев, а также по дальнейшему укреплению доверия и безопасности в зоне конфликта. На момент отказа России от «мандата» решения СНГ ситуация кардинально изменилась. В Гальский район Абхазии вернулось большинство проживавших там ранее беженцев грузинской национальности, и абхазская сторона, в отличие от грузинской, стала проявлять готовность к конструктивным шагам по дальнейшему урегулированию конфликта.

Основой Российской оценки в отношении Абхазии идет и общепринятое установившегося в международной практике принципа постепенного снятия и отмены принудительных мер в случае выполнения их адресатами соответствующих требований международного сообщества. Поэтому в ноте МИД России содержалось предложение другим государствам-участникам СНГ предпринять аналогичные шаги и выйти из режима ограничений в отношении Абхазии, введенных в 1996 г.

В апреле 2008 г. Президентом Российской Федерации Правительству Российской Федерации были даны поручения, направленные на практическую реализацию решения о выходе из режима санкций и на всестороннюю защиту прав и интересов граждан России, проживающих в Абхазии и Южной Осетии. Правительству было поручено взаимодействовать с фактическими органами власти двух республик в торгово-экономической, социальной, научно-технической, культурно-образовательной областях. Предполагалось установить перечень документов, выдаваемых физическим лицам фактическими органами власти, которые признавались бы в России. Предусматривалось также признание правосубъектности абхазских и южноосетинских юридических лиц. Было санкционировано сотрудничество с

Абхазией и Южной Осетией в рамках правовой помощи. Органам МВД России в Краснодарском крае и в Северной Осетии поручалось осуществление отдельных консульских функций в интересах жителей Абхазии и Южной Осетии.

Эти решения не означали признания независимости Абхазии и Южной Осетии или установления официальных связей с их органами власти. Они были обусловлены особой ситуацией в этих регионах. Она характеризуется тем, что ввиду неурегулированности вооруженных конфликтов Грузия не осуществляет свою юрисдикцию на их территории. Осуществление фактическими властями Абхазии и Южной Осетии контроля и правового регулирования на этих территориях позволяет поддерживать элементарный порядок, осуществлять борьбу с преступностью, совершать коммерческие и бытовые сделки.

В международном праве признается, что незаконность того или иного органа власти не влечет автоматически недействительность любых актов такого органа. Считается, что те акты, которые являются позитивными условием реализации основных прав человека, являются действительными. Речь идет, например, о регистрации актов гражданского состояния. Их непризнание с очевидностью влекло бы весьма негативные последствия для жителей соответствующей территории. Этот тезис подтверждается судебной практикой государств, а также международных судебных органов. Поэтому было решено признавать определенные виды личных документов граждан.

Решение о запрещении взаимодействия с фактическими органами власти непризнанных республик вытекает из той же нормы международного права. Перечень областей, в которых предполагалось осуществлять такое взаимодействие, показывает преимущественно гуманитарный характер предполагаемых связей. Он в целом соответствует направлениям сотрудничества государств с другими непризнанными или квазигосударственными образованиями. В преамбуле резолюции 1808 (2008) Совет Безопасности подчеркивает необходимость «в срочном порядке

обеспечить экономическое развитие в Абхазии, Грузии». Исходили из того, что в условиях блокады Сухуми со стороны Тбилиси это положение резолюции могло быть выполнено лишь в прямых контактах с абхазскими властями.

Учитывая соображения, продиктованные также решением о признании правосубъектности абхазских и югоосетинских юридических лиц. Понятно, что сотрудничество с непризнанными республиками может находить свое конкретное воплощение в прямых связях граждан и юридических лиц. Без признания последних такое сотрудничество вряд ли могло бы осуществляться. Кстати, даже санкции 1996 г. имели не конкретные связи с хозяйствующими субъектами.

В отношении правовой помощи следует отметить, что Россия и Грузия являются участниками ряда конвенций СНГ и СЕ по этим вопросам. Российская сторона исходила из того, что эти конвенции являются действующими и по отношению к Абхазии и Южной Осетии. Однако власти Грузии на практике были не способны обеспечить реализацию таких международных договоров в отношении этих регионов и при этом препятствовали осуществлению Россией механизмов прямых контактов с ними. Исходя из этой неконструктивной позиции было принято решение о возможности прямого сотрудничества с фактическими органами власти непризнанных республик по вопросам правовой помощи.

Что касается консульских функций, то речь шла о деятельности российских органов власти на российской же территории.

В отношении рассматриваемых поручений Президента России следует иметь в виду, что они носили рамочный характер. Предполагалось, что по мере развития обстановки они могут найти выражение в конкретных нормативных актах. Вооруженный конфликт августа 2008 г. и признание независимости Абхазии и Южной Осетии по сути отменили данное решение.

Вопрос №2: *На каких основаниях предоставлялось российское гражданство жителям Абхазии и Южной Осетии?*

Ответ: Российское законодательство о гражданстве, несмотря на все произошедшие в нем изменения с начала 90-х гг., всегда характеризовалось либеральным подходом в отношении граждан бывшего СССР, а также лиц, имеющих родственные связи с российскими гражданами. Российское гражданство, если имелись подтвержденные правовые основания, предоставлялось жителям Абхазии и Южной Осетии исключительно на основе их добровольного волеизъявления. В этой связи мы с полным вниманием внимательно и в положительном ключе рассматриваем ходатайства российского гражданства указанным лицам, имеющим на это право в соответствии с законодательством Российской Федерации.

Вопрос №4: *Подтверждает ли заявление президента российских войск по и во время конфликта в августе 2008 года. Как это соотносится с положением Договора об обычных вооруженных силах в Европе и российской позицией в период времени, предшествующий конфликту? Подтверждает, рассматривали и выполняли ли российские войска это и во время конфликта.*

Ответ: Соглашение об адаптации ДОВСЕ не вступило в силу и в этой связи не налагает каких-либо обязательств ни на Российскую, ни на какую-либо иную сторону. Российская Федерация приостановила действие Договора об обычных вооруженных силах в Европе в отношениях с другими его участниками 12 декабря 2007 года на основании Указа Президента Российской Федерации от 13 июля 2007 года. Решение Президента было подтверждено Федеральным законом от 29 ноября 2007 года.

Таким образом, подтверждаем, что с 9 ноября 1992 года – с даты вступления в силу ДОВСЕ – до 12 декабря 2007 года Российская Федерация выполняла свои обязательства по этому Договору в полном объеме. Начиная с 12 декабря 2007 года Российская Федерация в соответствии со статьей 72 Венской конвенции о праве международных договоров освобождена от

обязательство выполнять ДОВСЕ и воздерживается от действий, которые могли бы помешать всеобщему осуществлению его действия.

Вопрос №5: Не могли бы вы дать определение правового статуса и режима договоров о дружбе, заключенных Российской Федерацией с Южной Осетией и Абхазией 17 сентября 2008 года?

Ответ: Признание Российской Федерацией Абхазии и Южной Осетии означает, что мы рассматриваем эти республики как субъекты международного права, наделенные правоспособностью заключать международные договоры. В этой связи договоры о дружбе, сотрудничестве и взаимной помощи, подписанные 17 сентября 2008 года, мы считаем международными договорами, регулируемыми международным правом. Их цели определены в преамбулах и состоят в том, чтобы, опираясь на исторически сложившиеся прочные связи, принципы дружбы и доброго общения своих народов, подтвердить, что:

- укрепление дружественных отношений, добрососедства и взаимопонимания между нашими странами отвечает коренным национальным интересам народов обоих государств, служит делу мира, безопасности и стабильности в Закавказском регионе;

- обе стороны руководствуются общепризнанными принципами и нормами международного права, прежде всего целями и принципами Устава ООН, а также особенно общепризнанными нормами в области прав человека.

Договоры подтверждают курс Российской Федерации на развитие всестороннего, равноправного по взаимному сотрудничества с республиками, исключающего милитаризованного, конфронтационного взаимодействия. В них содержатся обязательства Сторон предпринять скоординированные усилия для сотрудничества урегулированию региональных конфликтов.

Договоры создают правовую основу для пребывания на территории Абхазии и Южной Осетии российских воинских формирований. В них фиксируются обязательства Сторон оказывать друг другу помощь в случае

если одна из Сторон становится объектом нападения. Договоры предусматривают совместную охрану государственных границ республик.

В Договорах содержатся положения, предусматривающие сотрудничество по широкому спектру направлений в экономической, социальной гуманитарной сферах. Стороны также обязуются взаимодействовать в борьбе против организованной преступности, международного терроризма, незаконного оборота наркотиков.

Подтверждается, что граждане одной Стороны могут иметь гражданство другой Стороны. В целях урегулирования вопросов двойного гражданства разработано соответствующее соглашение.

Каждая из Сторон гарантирует лицам, проживающим на ее территории, независимо от их расы, пола, языка, религии, политических или иных убеждений, национального или социального происхождения, имущественного или иного положения, гражданские, политические, социальные, экономические и культурные права и свободы.

Стороны обязались принимать на своих территориях эффективные меры по защите лиц или групп населения, которые подвергаются или могут подвергнуться угрозам или актам насилия, дискриминации или враждебности по причинам их этнической, языковой, культурной или религиозной самобытности, а также по защите их собственности. Предусматривается, что Стороны будут обеспечивать защиту этнической, языковой, культурной и религиозной самобытности меньшинств на своих территориях и создавать условия для сохранения и развития такой самобытности. Стороны обязуются гарантировать право лиц, принадлежащих к национальным меньшинствам, индивидуально или совместно с другими лицами, принадлежащими к национальным меньшинствам, свободно выражать, сохранять и развивать свою культуру во всех ее аспектах, не подвергаясь каким-либо попыткам насильственной ассимиляции вопреки своей воле.

В соответствии с Договорами Стороны обеспечивают защиту прав и свобод лиц, принадлежащих к национальным меньшинствам, и гарантируют этим лицам право на равенство перед законом и равную защиту со стороны

канон без какой-либо дискриминации. Они будут создавать необходимые условия для эффективного участия лиц, принадлежащих к национальным меньшинствам, в культурной, социальной и экономической жизни, а также в ведении государственных дел, в частности в вопросах, их касающихся.

Вопрос №6: *В ходе дискуссии в ходе этого круглого стола прозвучало предложение о заключении Договора. Как Вы считаете, формальные и неформальные шаги российской стороны и возможности вооруженных сил, соответственно до 1 сентября 2008 г. и после этого срока? Необходимы ли какие-либо дополнительные согласования?*

До двустороннего конфликта речь может идти об отношениях сотрудничества между российским миротворческим контингентом и вооруженными силами Грузии, дислоцированными в пределах нормальных границ непризнанных государств, а также в других странах, на территории которых действуют миротворческие контингенты. Они перекликались мандатом этих миротворческих сил.

В частности, правовой основой для пребывания российских миротворцев в Южной Осетии служило российско-грузинское Соглашение о принципах урегулирования грузино-осетинского конфликта от 24 июня 1992 г. Данный документ представляет собой межгосударственный договор Российской Федерации и Грузии. Он учредил Смешанную Контрольную комиссию (СКК) из состава сторон, вовлеченных в конфликт, при которой создавался смешанные силы по согласованию сторон по установлению мира и поддержанию правопорядка (п. 2.3).

Нотой МИД Грузии в МИД России от 1 сентября 2008 года № 6/4141-10 Грузия уведомила о прекращении действия Соглашения 1992 г. «в связи с враждебными действиями Российской Федерации против Грузии, что проявилось в военной агрессии оккупации части страны, а именно на международно-признанных территориях Грузии – в Абхазии и Цхинвальском регионе и незаконном признании их г.г. независимости, чем Российская Федерация разрушила ранее существовавшие переговорные и

миротворческие формирования». Одновременно Грузия потребовала «немедленного вывода с территории Грузии миротворческих сил, находящихся на территории Грузии на основе указанного Соглашения».

Миротворческий контингент СНГ или Коллективные силы СНГ по поддержанию мира (КСПМ СНГ) введены на территорию Абхазии в соответствии с решением СГГ СНГ от 22 августа 1993 г., и ответ на соответствующую просьбу абхазской стороны от 15 мая 1994 г. и грузинской стороны от 16 мая 1994 г. Основу КСПМ СНГ составляет российский воинский контингент. Решением СГГ СНГ от 21 октября 1994 г. был определен Мандат на проведение операции по поддержанию мира в зоне грузино-абхазского конфликта.

Пребывание миротворцев и их мандат на территории Абхазии неоднократно продлевались решениями СГГ СНГ, в решением СГГ СНГ от 25 июня 19 сентября 2003 г. установлено бессрочное нахождение миротворцев СНГ в Абхазии до тех пор пока от одной из сторон не поступит с просьбой о прекращении этой миротворческой операции. В таком случае операция считается автоматически прекращенной, а Командование КСПМ на основе согласованного с грузинской стороной плана-графика обязано обеспечить вывод контингента и вооружения миротворческих сил в течение 1 месяца.

Нотой своего МИД № 7/244-10 от 1 сентября 2008 г. Грузия уведомила Исполнительный комитет СНГ о прекращении миротворческой операции и потребовала обеспечения установленных пунктом 2 Решения 2003 г. сроков.

Можем предположить, что в ходе военной операции между российской армией и вооруженными силами Грузии, с одной стороны, и абхазскими вооруженными силами осуществлялось определенное взаимодействие. Насколько оно, как мы понимаем, в современном ключе характерно для ведения данного конфликта. Детальных данных о взаимодействии не располагаем.

После признания Россией Южной Осетии и Абхазии в качестве полноценных государств отношения между российскими Вооруженными

силами и вооружением сил новых государств строится на основе международных договоров и двусторонних отношениях, развивается у российских вооруженных сил с вооруженными силами других государств, с которыми Россия на основе межгосударственных договоров осуществляет военное сотрудничество.

Сейчас Вооруженные Силы России находятся на территории этих двух государств в ходе проведения данного соглашения.

В соответствии с Указами Президента Российской Федерации от 26 августа 2008 г. № 1260 «О признании Республики Абхазия» и № 1261 «О признании Республики Южная Осетия» в связи с обращениями президентов Абхазии и Южной Осетии Минобороны России поручено обеспечить до заключения Россией с указанными республиками договоров о дружбе, сотрудничестве и взаимной помощи осуществление Вооруженными Силами Российской Федерации групп войск по поддержанию мира на их территории.

Договоры о дружбе, сотрудничестве и взаимной помощи подписаны в Москве 17 сентября 2008 г. на основании распоряжений Президента Российской Федерации от 15 сентября 2008 г. Они ратифицированы федеральными законами от 24 ноября 2008 г. Договор с Абхазией вступил в силу 23 декабря 2008 г., а Договор с Южной Осетией – 20 января 2009 г.

Статьями 5 обоих договоров предусмотрено: «В целях обеспечения безопасности Договаривающихся Сторон и также мира и стабильности в Кавказском регионе каждая из Договаривающихся Сторон будет предоставлять другой Договаривающейся Стороне право строительства, использования и совместного использования ее вооруженными силами военной инфраструктуры и военных баз (объектов) на своей территории. Условия и порядок реализации такого права в каждом конкретном случае будут определяться отдельными соглашениями».

Вопрос №2: *Какие меры вы предпринимаете для защиты российских лиц и для предотвращения убийств, захватов и ненадлежащего обращения с российскими лицами после ваших действий?*

Ответ: Вопрос имеет как минимум две составляющие: это деятельность непосредственно в зоне боевых действий для защиты гражданского населения от угроз, возникающих в связи с ними, и что делалось вне рамок боевых действий для защиты гражданского населения от грабежей, мародерства, плохого обращения и т.п. Во втором случае, несколько мы дочитаем, в большей степени имеется в виду исполнение полицейских функций.

Что касается вопроса гражданского населения в ходе боевых действий, то в ходе российской операции осуществлялись все указанные международным гуманитарным правом (МГП) необходимые меры для защиты гражданского населения. Российские Вооруженные силы достаточно хорошо осведомлены в области МГП.

Требования МГП и других применимых норм международного права в российских вооруженных силах изложены в Наставлении по международному гуманитарному праву, утвержденное приказом Министра обороны № 360 от 08.08.2001 г. Непосредственно для военнослужащих также изданы памятка по МГП. Уголовная ответственность за нарушение норм МГП предусмотрена ст.356 российского Уголовного кодекса.

Курс по МГП преподается в наших военных учебных заведениях и в войсках. С военнослужащими проводятся практические занятия по МГП.

В соответствии с упомянутым Наставлением при принятии решений о боевом применении тех или иных сил и средств в ситуации вооруженного конфликта командиры и начальники оценивают возможные последствия такого применения в контексте соблюдения норм МГП. Такая оценка на уровне войсковых соединений проводится с участием военных юристов. Российские военнослужащие хорошо осведомлены о том, какие меры надлежит принимать для защиты гражданского населения.

Если говорить о мерах по защите гражданского населения от преступных боевых действий от мародерства, грабежей и т.п., то здесь дело обстоит следующим образом.

Войска на территорию Грузии в ходе конфликта. Россия не являлась оккупирующей державой по смыслу МГП. Не всякое присутствие вооруженных сил на территории другого государства можно считать оккупацией. Переход регулируется согласно [illegible][1]

Определяющим фактором для применения режима оккупации в международном праве считается установление иностранным государством эффективного контроля над территорией государства и проживающими на ней гражданскими лицами.

Российские вооруженные силы вошли в самой Грузии, в Южной Осетии и Абхазии не подчинялись. Нормы вышеперечисленных актов, обязательных для местного населения, они не выполняли. Кроме того, численность российских войск в Южной Осетии и Абхазии (3700 чел. и 3750 чел., соответственно) не позволяет России на практике осуществлять эффективный контроль на территории, общая площадь которой составляет 17,9 тыс. кв.км. Напомним, что эффективный контроль во внутренней меньшей территории Северного Кипра (3,3 тыс.км.) осуществляется силами 30 тыс. турецких солдат. В период активной фазы вооруженного конфликта численность российских войск в Южной Осетии и Абхазии [illegible] максимум до 12 тыс. чел. Однако они все были заняты ведением военных действий, а не установлением эффективного контроля.[2]

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1 [illegible]

[illegible]

[illegible]

2 [illegible]

[illegible]

Исходя из этого, мы вправе оснований утверждать, что российская сторона в ходе грузино-южноосетинского конфликта осуществляла эффективный контроль над территорией Южной Осетии или Грузии и, соответственно, была установлен режим оккупации по смыслу МГП, как представляется, нет.

Исходя из вышеизложенного, что в Южной Осетии имеются свои органы государственной власти и местного самоуправления, осуществляющие эффективный контроль в этой стране и принимающие решения в вопросах поддержания правопорядка и обеспечения прав человека. Вместе с тем российские вооруженные силы, выполняющие исключительно боевые задачи на территории Южной Осетии, принимали меры для того, чтобы поддерживать правопорядок и пресекать правонарушения в тех местах, где они находились, в том числе и в самой Грузии, где вследствие бегства представителей грузинских органов власти получил открытый вакуум полицейской власти. При этом мы не можем отрицать власти Южной Осетии. Российские военные не патрулируют и не выделяются на территории Южной Осетии и Грузии комплексной обеспечения правопорядка, да и их численность для этого совершенно недостаточна. Тем не менее российскими войсками были задержаны свыше 250 лиц, подозреваемых в совершении мародерства и иных преступлений. Все они переданы властям для дальнейшего расследования и уголовного преследования.

В целях защиты гражданского населения Вооруженными силами Российской Федерации в Южной Осетии была проведена разведка районов ожидаемых боевых действий на предмет наличия ВПВ. Впоследствии проведена очистка местности от ВПВ в г. Цхинвал и его окрестностях, Знаурском районе, в населенных пунктах Хетагурово, Авневан, Земо-Прис, Прис.

Российскими войсками также была проведена очистка местности от ВПВ и в Грузии. По заявлениям местных жителей мероприятия по разминированию территории проводились в населенных пунктах Каралети,

Варнавин, Шатурский, Пожегодский, Арбажский, Аскизский, Зимо-Хавский, Зимо-Цыкский, Орловский, Тяжинский.

Вопрос №8: *Какие меры предпринимаются с тем, чтобы обеспечить необходимую гуманитарную помощь в зонах, которые крайне не доступны, а именно остров Октябрьский?*

Ответ: Начиная с 1993 года, Россия по запросам Правительства Грузии неоднократно оказывала гуманитарную помощь населению этой страны, в том числе по согласованию с грузинской стороной удовлетворялись также запросы Абхазии и Южной Осетии. Субъекты Российской Федерации также оказывали гуманитарную помощь этим регионам. При этом никогда не делалось различий между этническими грузинами и представителями других национальностей.

В целях оптимизации последствий гуманитарной катастрофы, сложившейся на территории Южной Осетии в результате нападения Грузии, Правительством Российской Федерации был сформирован Федеральный оперативный штаб, который осуществлял общую координацию действий федеральных органов исполнительной власти Российской Федерации по оказанию помощи пострадавшему населению непосредственно в регионе. В период с 8 по 10 августа 2008 г. были созданы значительные запасы материальных средств, продовольствия, питьевой воды, медикаментов, установок по очистке воды, портативных электростанций, палаток и т.д. Организована эвакуация из зоны конфликта более 25 тыс. человек, в том числе более 7 тыс. детей. Для приема беженцев на территории южного федерального округа Российской Федерации было развернуто 4 стационарных пункта временного размещения. В них оказывалась необходимая медицинская и психологическая помощь, предоставлялись питание, возможность бесплатных телефонных переговоров с родственниками. 12 августа 2008 г. автомобильной колонной из 86 машин в г. Цхинвал были переброшены два мобильных полевых госпиталя МЧС

России доставлено 58 тонн продовольствия, 32 электростанции, питьевая вода и более 200 спасателей для проведения поисково-спасательных работ в разрушенных районах.

12 августа 2008 г. вторая гуманитарная колонна достигла пункта назначения и установила по приказу воды в г. Цхинвал. В этот же день была направлена дополнительная группа психологов и врачей центра (36 человек). Участвовали, в общем 80 специалистов по реагированию.

По мере стабилизации гуманитарной ситуации и восстановления разрушенных объектов стали возвращаться беженцы в места своего постоянного проживания (к концу сентября возвратилось более 25 тыс. человек с территории России в Южную Осетию). Специалистами МЧС были проведены восстановительные работы газопровода. Продолжались работы по разбору завалов, было восстановлено энергоснабжение ряда административных зданий и более 30 жилых домов.

Россия не обращалась за международной помощью. Тем не менее, ряд государств и международных организаций, проявив свою солидарность и приверженность к гуманитарным принципам, оказали гуманитарную помощь, которая была принята в благотворительно (Белоруссия, Казахстан, Узбекистан, Украина, Норвегия, УВКБ ООН, Швейцария и др.).

Что касается проблем доступа к гуманитарной помощи, то каких-либо негативных фактов в данном отношении не было. Ее распределение осуществлялось с участием представителей гуманитарных НПО, красного креста и полумесяца, а также других стран, международных организаций (ВПП ООН и.

Почетные отзывы о гуманитарных усилиях Российской Федерации высказывались, например, Верховным Комиссаром УВКБ ООН, Президентом МККК и др.

ОТВЕТЫ НА ДОПОЛНИТЕЛЬНЫЕ ВОПРОСЫ МИССИИ ЕВРОПЕЙСКОГО СОЮЗА ПО РАССЛЕДОВАНИЮ ФАКТОВ, СВЯЗАННЫХ С СОБЫТИЯМИ НА КАВКАЗЕ В АВГУСТЕ 2008 Г. (ПРАВОВЫЕ АСПЕКТЫ)

Вопрос: *Каковы были правовые основания для применения силы Российской Федерацией в августе 2008 г.?*

Ответ: Непосредственно после начала Грузией военной операции в Южной Осетии Россия инициировала обсуждение этого вопроса в СБ ООН. Соответствующее положение рассматривалось в ночь на 8 августа 2008 г. на 5951-м и последующих заседаниях Совета.

Местью-либо нападения на вооруженные силы Российской Федерации, дислоцированные на территории Грузии на законных основаниях, и граждан Российской Федерации, которые погибли в результате этого нападения, а также заявлений политического и военного руководства Грузии, продемонстрировавшие враждебные намерения грузинской стороны вместе, позволяют с той, что мы имеем дело с незаконным применением военной силы против Российской Федерации. В этих обстоятельствах российская сторона была вынуждена использовать свое неотъемлемое право на самооборону, закрепленное в статье 51 Устава ООН. Применение силы российской стороной было соразмерным местью-либо нападения и преследовало единственную цель – защитить российский миротворческий контингент и граждан России от незаконных действий грузинской стороны и предотвратить вооруженные нападения на них в будущем. Российская сторона не совершала нападений на гражданское население или гражданские объекты. Российским военным подразделениям были даны соответствующие указания. Применение силы российской стороной в порядке самообороны продолжалось лишь до тех пор, пока существовали обусловившие его обстоятельства.

Соответствующее уведомление о действиях Российской Федерации в соответствии со ст.51 Устава ООН было направлено в Совет Безопасности ООН.

Вопрос: *На каком основании Россия применяла вооруженные силы на территории Южной Осетии?*

Ответ: Вооруженные силы применялись Российской Федерацией на территории Южной Осетии в целях подлежащей реализации возникшего у России в результате грузинского нападения права на самооборону по ст.51 Устава ООН и исключительно против грузинской военной инфраструктуры с тем, чтобы не позволить Грузии продолжать свои военные боевые действия.

Посколько то, что нападение с грузинской стороны на Абхазию не было, само дополнительных российских вооруженных сил на ее территорию был необходим, поскольку имелись веские основания полагать, что в отношении Абхазии после решения осетинского вопроса будет предпринято аналогичное по масштабу вооруженное нападение. Такие планы Грузии подтверждались информацией российских и абхазских спецслужб.

Вопрос: *Является ли Россия стороной вооруженного конфликта?*

Ответ: Россия являлась стороной вооруженного конфликта с Грузией в период с 7 (с момента начала вооруженных сил Грузии на российских миротворцев) по 12 августа. Исходим из того, что 12 августа вооруженный конфликт между Россией и Грузией прекратился. Сказанное, что можно говорить о том, что существовали два вооруженных конфликта: внутренний вооруженный конфликт (вооруженный конфликт немеждународного характера на территории Грузии, стороной которого Россия не являлась, и в условиях еще ныне сроки вооруженный конфликт международного характера, одной из сторон которого была Россия.

Вопрос: *Считаете ли Вы, что в действиях России присутствуют элементы международного гуманитарного права?*

Ответ: Да, поскольку между Российской Федерацией и Грузией существовал вооруженный конфликт. Соответственно, обе его стороны были связаны положениями гуманитарного права, относящимися к ситуации такого рода конфликтов. Кроме того, Грузия была связана обязательствами, вытекающими из права, применимого к вооруженным конфликтам немеждународного характера.

Вопрос: *В ходе и по итогам боевых действий в 2008 г., когда вам не удалось добраться для питания по всем своим сторонам? На каких правовых основаниях они были задержаны? Как с ними обращались? Интернированы ли они лицами? Когда они были освобождены?*

Ответ: На протяжении всего периода участия российских вооруженных сил в боевых действиях в Южной Осетии и Абхазии с 08 г. по 12 августа 2008 г. российскими вооруженными силами производилось задержание исключительно грузинских военнослужащих (после 12.08.2008 задержаний грузинских военнослужащих не было). Поскольку Россия участвовала в вооруженном конфликте немеждународного характера, данные военнослужащие рассматривались нами как комбатанты по смыслу МГП. Соответственно, после задержания они приобретали статус военнопленных. Насколько нам известно, по окончании конфликта после проверки военнослужащих на предмет возможного совершения ими военных преступлений 19 августа все они были возвращены грузинской стороне при посредничестве Комиссара СЕ по правам человека Г.Хаммарберга в присутствии делегатов МККК.

Обращение с военнопленными с российской стороны соответствовало требованиям МГП. Нареканий оно не вызывало.

Вопрос: *Какие обязанности применительно Российской Федерации осуществляющей свои боевые операции, вытекают из «гранд*

Ответ: В соответствии с пунктом 3 статьи 12 Уголовного кодекса Российской Федерации военнослужащие воинских частей Российской Федерации, дислоцированных за пределами Российской Федерации, за преступления, совершенные на территории иностранного государства, несут установленную ответственность по настоящему Кодексу, если иное не предусмотрено международным договором Российской Федерации.

Документы, определяющие условия пребывания российских миротворцев, входящих в состав Смешанных сил в Южной Осетии и Коллективных сил по поддержанию мира, не содержат положений о распределении юрисдикции между принимающим и направляющим государствами.

Таким образом, исходим из того, что если российские военнослужащие, находящиеся на территории Южной Осетии, Абхазии и Грузии, совершили преступление, предусмотренное законодательством Российской Федерации, то Российская Федерация осуществляет свою юрисдикцию и привлекает к такому военнослужащему к законодательству.

Насколько нам известно, в местах дислокации российских военнослужащих в составе миротворческих сил на постоянной основе находятся сотрудники органов военной прокуратуры Российской Федерации.

Вопрос: *Подпадают ли лица, причастные к совершению преступлений, не квалифицируемых этими органами действий 2008 г., преследованию и если да, то должна ли Грузия их арестовать? Какие меры она предпринимала для борьбы с такими нарушениями?*

Ответ: В ходе военных действий в августе 2008 г. по них и после них случаев дискриминации со стороны российских войск не отмечено. Российская Федерация не является оккупирующей державой и не осуществляет эффективного контроля над территорией вышеуказанной Южной Осетии. Обеспечение правопорядка в Южной Осетии и в Абхазии -

преобладающей этих государств. При этом Россия всегда подчеркивала необходимость соблюдения абхазскими и югоосетинскими властями общепризнанных принципов и норм международного права, в частности, прав и свобод человека. Соответствующие положения содержатся, например, в договорах, заключенных России с этими государствами.

Ряд российских военных предпринимались и иные действия, которые могут рассматриваться как ограничивающие те или иные права человека (к примеру, ограничение вполне свободу передвижения), но эти действия совершались для обеспечения жизни и здоровья гражданского населения, поддержания общественной безопасности, а также предотвращения и пресечения противоправных действий и обеспечения защиты граждан, независимо от их национальной или этнической принадлежности.

Кстати, в соответствии с этим принципом договоренностей Медведева-Саркози российские миротворческие силы, пока они еще находятся на территории Южной Осетии, могли предпринимать дополнительные меры безопасности до создания соответствующего международного механизма безопасности.

Вопрос: *Если силы или лица, находящиеся под защитой контингента нарушили МГП или МПЧП, подлежали ли наказанию они лично нарушения совершенные? Могли ли приняты иные меры по ним вместо наказания их лично? Если нет, то почему? Как потерпевшие могли бы получить компенсацию?*

Ответ: Нет вопрос России относится только Вооруженные Силы Российской Федерации. России не осуществляет какого-либо контроля (ни эффективного, ни фактического) в отношении военных и гражданских лиц Южной Осетии, а равно ее территории.

Насколько нам известно, российскими военными не были допущены нарушения МГП. Что касается возможных нарушений российскими военнослужащими прав человека, то хотели бы отметить следующее.

У пострадавших есть определенные правовые возможности для восстановления нарушенных прав. Во-первых, они могут подать иски в российские суды. О таких случаях нам, однако, не известно. Во-вторых, есть возможность обращения в Европейский суд по правам человека в соответствии с установленной процедурой. Как известно, на рассмотрении ЕСПЧ в настоящий момент находится жалоба «Грузия против России» по которой Судом вынесено решение о применении в отношении обеих сторон временных мер по соблюдению обязательств по ЕКПЧ. В этом контексте российская сторона намерена в дальнейшем строго соблюдать свои международно-правовые обязательства.

Россия с самого начала внутреннего противостояния грузинскими властями по созданию условий для перемещения беженцев и оказания гуманитарной помощи жителям Южной Осетии оказывала от их имени содействие и поддержку. Российские войска в тесном сотрудничестве с Православной церковью, ПКК и общественными движениями принимали меры для обеспечения свободного доступа к гуманитарной помощи.

Пострадавшим в результате боевых действий жителям Южной Осетии российской стороной из федерального бюджета были выплачены компенсационные выплаты. Было предусмотрено несколько видов таких выплат: 1) всем пострадавшим от боевых действий мирным жителям Южной Осетии произведена единовременная выплата в размере 1000 руб.; 2) отдельные выплаты производились пенсионерам; 3) возмещен ущерб, потерпевшим в результате боевых действий имуществу, выплачивалось до 50 тыс. руб.

RESPONSES TO QUESTIONS POSITED BY THE EUROPEAN UNION FACT-FINDING MISSION ON THE EVENTS THAT TOOK PLACE IN THE CAUCASUS IN AUGUST 2008 (LEGAL ASPECTS)[1]

Question No. 1: *How do you qualify in legal terms the decision taken by the Russian Federation a few months before the outbreak of the conflict to establish formal contacts between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia respectively?*

Response: Prior to the 2008 conflict Russia recognised Abkhazia and South Ossetia as constituent entities of Georgia's. At the same time, taking into consideration the consequences of the armed conflicts in the 1990s, it was obvious that in practice, Georgia did not exercise its jurisdiction over these territories. Georgia itself recognised that fact.

In 1996 the CIS Council of Heads of State (CIS CHS) imposed sanctions on Abkhazia banning any military, commercial, economic and other ties with the de facto government of Abkhazia. Russia recognised and observed this regime of sanctions. However, one should also bear in mind that that these sanctions imposed a ban on relations with Abkhaz civilian and economic entities. In addition, contacts were maintained with the official Abkhaz authorities to further the peace process.

In March 2008 Russia officially announced its withdrawal from the sanctions regime.

In the CIS, countries are known to resort to such "withdrawals" from decisions taken by bodies of the Commonwealth. We based our approach on the premise that these decisions (except those dealing with domestic administrative issues) were of a political nature. On 6 March 2008 the Russian Foreign Ministry sent a note to the CIS Executive Committee stating that due to a change in the circumstances the Russian Federation no longer considered itself bound by the provisions set out in the CIS CHS Decision "to implement conflict resolution measures in Abkhazia and Georgia" dated 19 January 1996. This step was in full accordance with the "CIS Law".

It is well known that the decision was taken by the CIS CHS in 1996 against the backdrop of an acute confrontation between the parties of the Georgian-Abkhaz conflict, to prompt Abkhazia to adopt a more flexible stance in the conflict management process, primarily vis-à-vis the return of refugees as well as to further strengthen trust and security in the conflict area. By the time Russia "withdrew" from the foregoing CIS decision, the situation had radically changed. The majority of ethnic Georgian refugees had returned to the Gali district of Abkhazia and the Abkhaz side as opposed to Georgia had started to demonstrate readiness to undertake constructive steps towards further resolving the conflict.

Russia's decision to abolish sanctions against Abkhazia dovetails with the commonly practised international principle whereby enforcement measures are gradually relaxed and lifted if the subject meets the relevant demands of the international community. Therefore, the note submitted by the Russian Foreign Ministry also contained a proposal addressed to other CIS member states to undertake similar steps and withdraw from the restrictive regime vis-à-vis Abkhazia. Proposal

[1] Unofficial Translation by the Independent International Fact-Finding Mission on the Conflict in Georgia

back in 1996.

In April 2008 the President of the Russian Federation instructed the Government of the Russian Federation to implement practical steps to withdraw from the sanctions regime and ensure comprehensive protection of rights and interests of Russia's citizens residing in Abkhazia and South Ossetia. The Government was instructed to cooperate with the de facto authorities of both republics in economic, commercial, social, scientific, technical, cultural and educational areas. A proposal was put forward to establish a list of documents to be issued to physical persons by the de facto government authorities. Such documents were to be recognised in Russia. The proposal also implied that the legal standing of Abkhaz and South Ossetia legal persons was to be recognised. Cooperation with Abkhazia and South Ossetia was authorized in the area of legal assistance. Russia's Foreign Ministry offices in the Krasnodar region and North Ossetia were instructed to provide specific consular services for the benefit of residents of Abkhazia and South Ossetia.

These decisions did not amount to recognition of Abkhazia's and South Ossetia's independence, nor did they imply that official ties were established with their respective government authorities. These decisions were predicated on the specific situation in these regions, which was characterised by the fact that Georgia was unable to exercise its jurisdiction over these territories because of the unresolved military conflicts. Control and legal regulation exercised by the de facto authorities of Abkhazia and South Ossetia enabled them to maintain basic law and order, combat crime, and carry out commercial and day-to-day transactions.

It is recognised in International Law that the unlawful nature of a specific government body does not automatically imply that acts adopted by this body would be deemed unlawful as well. It is believed that if such acts are an indispensable precondition for protecting basic human rights, they should be recognised as valid. This applies to such documents as civil registration acts, for example. Failure to recognise them would bring about obvious negative consequences for residents of this territory. This premise is validated by the judicial practice of various states and international judicial authorities. Therefore, a decision was made to recognise certain types of 'personal' identity papers carried by citizens.

The decision to establish cooperation with the de facto authorities of both unrecognised republics was also predicated on the very same norms of international law. The list of areas envisaged for such cooperation shows that these ties were to be predominantly humanitarian in nature. By and large this approach was similar to the one used by other states when cooperating with unrecognised nations or quasi-state entities. The language of the Preamble of Security Council Resolution 1808 (2008) stresses the need to "urgently support economic development in Abkhazia and Georgia". We presumed that against the backdrop of a blockade imposed by Tbilisi against Sokhumi this provision of the Resolution could only be implemented through direct contacts with the Abkhaz authorities.

The foregoing rationale also accounted for the decision to recognise the legal standing of Abkhaz and South Ossetian legal persons. Understandably, cooperation with the unrecognised republics could manifest itself specifically in direct ties between private and legal persons. If the latter had not been recognised this cooperation would have been hardly possible. Parenthetically, even the sanctions imposed in 1996 never affected ties with economic entities.

With respect to the question of legal assistance, it should be noted that Russia and Georgia are parties to a number of CIS and Council of Europe conventions governing these issues. The Russian side noted based on the premise that these

conventions were in effect and applied specifically to Abkhazia and South Ossetia. However, in practice the government of Georgia was unable to ensure compliance with these international treaties with respect to these regions and obstructed the mechanism of direct contacts with them proposed by Russia. Because of this non constructive position a decision was made to potentially establish direct cooperation with the de facto governments of these unrecognised republics on issues of legal assistance.

As for the consular functions, these were exercised by Russian government authorities inside the territory of Russia.

With respect to the instructions in question issued by the President of Russia, we should bear in mind that their purpose was to provide guidance. It was assumed that as the situation continued to develop these instructions could be translated into specific regulatory acts. The armed conflict that occurred in August 2008 and the subsequent recognition of Abkhazia and South Ossetia in essence invalidated the decisions taken in April.

Question No. 2*: Please explain the process and dynamics of acquiring Russian nationality by persons residing in South Ossetia and Abkhazia.*

Response: Russian citizenship laws, despite all of the amendments adopted in the early 1990s have always been characterised by a liberal approach towards citizens of the former USSR as well as persons related to Russian citizens. Wherever relevant legal grounds existed, Russian nationality was granted to residents of Abkhazia and South Ossetia exclusively where they willfully chose to apply for it. In this respect we see nothing that would warrant criticism for granting Russian citizenship to the aforementioned persons who were entitled to it in accordance with legislation of the Russian Federation.

Question No. 4*: Please explain Russian troop movements before and during the conflict of August 2008. How does this relate to the amended Treaty on Conventional Forces in Europe and the Russian practice during most of the time preceding the conflict? Please explain Georgian military posture and troop movements before and during the conflict.*

Response: The Agreement to adapt the CFE Treaty has not entered into force and in this respect does not create any obligations for the Russian side, nor for any other side. The Russian Federation suspended the Treaty on Conventional Forces in Europe in its relations with other parties thereof on 12 December 2007 following a Decree issued by the Russian Federation President dated 13 July 2007. The presidential decree was approved and translated into the Federal law dated 26 November 2007.

Thus, we hereby confirm that between 9 November 1992 – when the CFE treaty came into effect – and 12 December 2007 the Russian Federation fully met all of its obligations under this Treaty. As of 12 December 2007, pursuant to Article 22 of the Vienna Convention on the Law of Treaties, the Russian Federation has been released of its obligation to comply with the CFE Treaty and refrained from any actions that could hamper its renewed entry into force.

Question No. 5*: Please qualify the legal status and the objectives of the friendship treaties concluded between the Russian Federation and South Ossetia and with Abkhazia respectively on 17 September 2008.*

Response The recognition of Abkhazia and South Ossetia by the Russian Federation means that we treat these republics as subjects of international law endowed with a legal capacity to enter into international treaties. Therefore, we consider the treaties on friendship, cooperation and mutual assistance signed on 17 September 2008 to be international treaties, i.e. treaties between states governed by international law. Their goals and objectives set out in the preambles reiterate the following premises rooted in historically strong ties and traditions of friendship and good relations between the respective peoples:

- Improved friendly relations, neighbourhood policies and mutual assistance between our countries meet the core national interests of all nations and their populations, foster the cause of peace, security and stability in the Transcaucasian region;
- The commonly recognised principles and norms of international law and primarily, goals and principles enshrined in the UN Charter as well as commonly recognised human rights norms must be observed and adhered to.

These treaties reiterate the policy adopted by the Russian Federation and aimed at developing comprehensive long-term cooperation and multi-level interaction with these republics. They contain obligations assumed by the Parties to use their coordinated endeavours to facilitate resolution of regional conflicts.

The treaties created a legal basis for Russian military presence in the territory of Abkhazia and South Ossetia. They also reflect the obligation assumed by the Parties to come to each other's assistance in case of an armed attack against one them. The treaties also provide for joint arrangements to protect the borders of these republics.

Provisions of these treaties envisage cooperation in a broad range of dimensions including economic, social and humanitarian aspects. The Parties also undertook the obligation to join efforts in combating organised crime, international terrorism and drugs trafficking.

It is also reiterated that citizens of one Party have the right to be simultaneously citizens of the other Party. A separate agreement is being developed to address the issue of dual nationality.

Each Party guarantees that all persons residing in its territory, regardless of their race, gender, language, religion, political or other affiliations, ethnic or social background, financial or other standing shall be afforded all civil, political, social, economic and cultural rights and freedoms.

The Parties also assumed the commitment to undertake effective measures within the confines of their borders to protect persons or groups of population that may be subjected to a threat or acts of violence, discrimination or hostile attitudes based on their ethnic, linguistic, cultural or religious identity as well as to protect their property. It is envisaged that the Parties shall protect the ethnic, linguistic, cultural and religious identity of ethnic minorities on their territories, as well as seek to establish conditions to preserve and develop that identity. The Parties shall furthermore guarantee persons belonging to ethnic minorities, individually or jointly with other persons qualified as ethnic minorities, the right to freely express, preserve and develop their culture and all aspects thereof without any danger of intimidation, forced assimilation,

In accordance with these Treaties the Parties shall protect the rights and freedoms of ethnic minorities and guarantee their equality before the law and impartial protection under the law against any discrimination. The Parties also undertook to create the necessary conditions to enable ethnic minorities to take part in the cultural, social and economic life as well as in the affairs of the state and in particular with respect to issues that directly concern them.

Question No. 12 *In the course of the conflict and in terms of responsibility under international law: How would you describe the formal and informal relationship between the Russian military and South Ossetian and Abkhaz armed forces respectively prior to 7 September 2008 and nowadays? Please explain especially the respective command chains.*

Prior to the conflict in August one could only speak of cooperation between the Russian peacekeeping contingent and South Ossetian and Abkhaz military units wherever peacekeeping forces may be present within parameters commonly accepted in similar situations in other countries. These relations were governed by the mandate of the peacekeeping force.

In particular, the Russian-Georgian Agreement on the principles governing the resolution of the Georgian-Ossetian conflict dated 24 June 1992 provided the legal basis for the Russian peacekeeping presence in South Ossetia. This document is an international treaty entered into by the Russian Federation and Georgia. Pursuant to this document a Joint Control Commission (JCC) was set up to include representatives of the parties engaged in the conflict. Under the auspices of the Commission "the Joint Forces" were created to "facilitate coordination between the parties with a view to building peace and maintaining law and order" (page 3).

In note No. 6 4 1 4 1-10 submitted by the Foreign Ministry of Georgia to the Foreign Ministry of Russia on 1 September 2008, Georgia notified [the Russian Federation] that the Agreement reached in 1992 was terminated "due to the hostile actions of the Russian Federation against Georgia that manifested themselves in an armed aggression, partial occupation of the country, ethnic cleansing in internationally recognised territories of Georgia — Abkhazia and Tskhinvali district and unlawful recognition of their so-called «independence». These actions by the Russian Federation invalidated previous negotiating and peacekeeping formats". At the same time Georgia demanded "immediate withdrawal of peacekeeping forces stationed in its territory pursuant to this Agreement".

The CIS peacekeeping contingent of the CIS Peacekeeping Forces (CIS PKF) were deployed in the territory of Abkhazia in accordance with a decision taken by the CIS CHS on 22 August 1994 in response to the relevant requests from the Abkhaz and the Georgian side dated respectively 15 and 16 May 1994. The core of the CIS PKF was made up by the Russian military contingent. In its decision taken on 21 October 1994 the CIS CHS approved the peacekeeping operation Mandate in the Georgian-Abkhaz conflict zone.

The presence of the peacekeeping force and their mandate in the territory of Abkhazia have been extended a number of times by decisions of the CIS CHS. Pursuant to another decision taken by the CIS CHS on 25 July the peacekeeping forces were to remain in Abkhazia indefinitely as of 19 September 2003 until one of the parties would file a request to terminate the peacekeeping mission. In such an event the operation would be deemed as automatically terminated and the CIS PKF Command would be mandated to ensure the withdrawal of the contingent and its arms

within 1 month pursuant to a schedule agreed upon with the Georgian side.

In note No. 7 244-10 dated 1 September 2008 Georgia acting through its Foreign Ministry notified the CIS Executive Committee that the peacekeeping operation was terminated and demanded that the timelines set out in paragraph 2 of the Decision dated 2003 be observed.

We can presume that in the course of the military operation there was a certain degree of interaction between the Russian, South Ossetian and Abkhaz armed forces. It came about as we understand in an ad-hoc fashion as the conflict evolved. We have no further detailed knowledge of this interaction.

Since Russia recognised South Ossetia and Abkhazia as independent states the relations between the Russian Armed Forces and those of the newly independent countries have been evolving based on international agreements similar to the ones in place between the Russian Armed Forces and those of other nations with which Russia cooperates pursuant to international agreements.

Currently, the Russian Armed Forces are stationed on the territory of these two countries at their request and with their consent.

Pursuant to Presidential Decrees No. 1260 "On Recognising the Republic of Abkhazia" and No. 1261 "On Recognising the Republic of South Ossetia" both dated 26 August 2008 and following the respective requests from the presidents of Abkhazia and South Ossetia, the Russian Ministry of Defence was instructed to "ensure the Armed Forces of the Russian Federation to perform peacekeeping functions" in the territories of these republics until Russia enters into agreements on friendship, cooperation and mutual assistance with them.

The foregoing agreements on friendship, cooperation and mutual assistance were signed in Moscow on 17 September 2008 pursuant to executive orders issued by the President of the Russian Federation on 15 September 2008. These agreements were ratified as Federal Laws on 24 November 2008. The Agreement with Abkhazia came into effect on 23 December 2008 and that with South Ossetia on 20 January 2009.

Article 5 of both Agreements stipulates the following: "In order to ensure the security of the Parties as well as peace and stability in the Transcaucasian region, each of the Parties to this Agreement shall extend to the other Party's armed forces the right to build, use and improve military infrastructure and military bases that exist in its territory. The terms and procedures governing the exercise of this right shall be determined in separate agreements in each specific case."

Question No. 2: *Which measures did you take to protect civilians, and to prevent looting, detainment and mistreatment of civilians during and after the hostilities?*

Response: This question has at least two dimensions: measures taken during the hostilities to protect the civilian population from threats posed by these hostilities and those taken outside the scope of hostilities to protect the civilian population from looting, pillaging, abuse etc. What is meant in the second case as far as we understand is essentially a police function.

As for the efforts to protect civilians during the hostilities, the Russian side undertook all necessary measures prescribed by international Humanitarian Law (IHL) to protect the civilian population. The Russian Armed Forces received sufficient training in matters of IHL.

Requirements set out in IHL and other applicable norms of international law have been summarised in the International Humanitarian Law Guidelines approved by

Order of the Minister of Defence No. 760 dated 08.08.2001. A pocket IHL Handbook has been published specifically for the military. Article 356 of the Russian Penal Code provides for criminal liability in case of any violations of IHL norms.

A course on IHL is taught in higher military education institutions and at the grass-roots level in the Armed Forces. Practical classes on IHL are organised for servicemen.

Pursuant to the aforementioned Handbook, when confronted with the decision whether to use specific means and capabilities in an armed conflict commanders and leaders analyse potential consequences of such actions in the context of IHL norms. At the level of military formations this analysis is performed jointly with military lawyers. Russian servicemen are well aware of the measures that they are called upon to take to protect the civilian population.

As for the measures taken outside of combat to protect civilians against looting, pillaging etc., the situation appears as follows:

Despite having crossed into the territory of Georgia in the course of the conflict, Russia was not an occupying power in terms of IHL. The presence of an armed force in the territory of another state is not always construed as occupation.[2]

The determinative factor in international law necessary to recognise a military presence as an occupation regime is whether the invading state has established effective control over the territory of the country in question and its population.

The Russian Armed Forces never replaced the lawful governments of Georgia or South Ossetia. No regulatory acts mandatory for the local populations have been adopted by them. Furthermore, the number of Russian troops stationed in South Ossetia and Abkhazia (3700 and 3750 servicemen respectively) leaves not allow Russia in practice to establish effective control over these territories that total 12.5 thousand sq. kilometres in size. To draw a parallel – effective control over a much smaller territory of Northern Cyprus (3.4 thousand sq. kilometres) comprises the presence of 30 thousand Turkish troops. During the active phase of the military conflict the maximum size of the Russian contingent in South Ossetia and Abkhazia reached 12 thousand personnel. However, all of those forces were engaged in a military operation and not in establishing effective control.[3]

Based on the foregoing, there are no sufficient grounds to maintain that the Russian side exercised effective control over the territory of South Ossetia or Georgia

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[2] For instance, Article 42(2) of the Hague Convention provides that territory is considered occupied when it is actually placed under the authority of the hostile army. It extends to territory where such authority has been established and can be exercised. Similarly, Article 4 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) provides that protection of the Convention ceases one year after the general close of military operations; however, the Occupying Power is bound for the duration of the occupation, to the extent that such Power exercises the functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143. Article 6 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) provides that in the territory of Parties to the conflict, the application of the present Convention shall cease on the general close of military operations; however, the Occupying Power shall be bound, for the duration of the occupation, to the extent that such Power exercises functions of government in such territory, by the provisions of the following Articles of the present Convention: 1 to 12, 27, 29 to 34, 47, 49, 51, 52, 53, 59, 61 to 77, 143. Article 2 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) provides that the Conventions shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Conventions shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance. Although one of the Powers in conflict may not be a party to the present Protocol, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Protocol in relation to each of the Powers which is not a party, if the latter accepts the provisions thereof and applies them; the Protocol is binding upon the Parties as regards the application of the Protocol is binding upon the Parties as regards the application of the Protocol is binding upon the Parties as regards the application of

during the Georgian-South Ossetian conflict and that an occupation regime was established in the sense contemplated in IHL.

South Ossetia had and still has its own government and local authorities that exercise effective control in this country, maintain the rule of law and protect human rights. At the same time, the Russian military contingent was deployed to carry out purely military tasks in the territory of South Ossetia. To the best of their abilities tried to maintain law and order and prevent any offences in the areas of their deployment, including Georgia proper where due to the flight of Georgian government authorities an apparent vacuum of police presence ensued. The Russian military force could not substitute the government of South Ossetia. The Russian military have never been granted the jurisdiction to maintain the rule of law in the territories of Georgia and South Ossetia, not to mention that their sheer numbers are insufficient for that task. Nevertheless, the Russian troops apprehended more than 250 persons on suspicions of looting and other crimes. All of them have been handed over to the authorities of South Ossetia for further investigative and criminal prosecution.

In order to protect the civilian population, the Armed Forces of the Russian Federation in South Ossetia performed reconnaissance in areas of intense military action to search for explosive remnants of war. Subsequently, areas were cleared of explosive remnants of war in Tskhinvali and its surroundings, as well as Znauri Sky District and the settlements of Ditsi, Avnevi, Zemo-Prisi and Prisi.

Russian servicemen also cleared areas of explosive remnants of war in other localities in Georgia. In response to information from local residents, de-mining operations were performed in the settlements Karaleti, Variani, Shindisi, Pshaveti, Arsheda, Akhaldaba, Zemo-Khviti, Zemo-Nikozi, Ergneti and Ekvtvani.

Question No. 8 *"Which measures did you take to provide relief and support to civilian populations in the areas affected by hostilities and their aftermath?"*

Response Since 1993 in response to Georgia's requests Russia provided humanitarian assistance to the population of this country on numerous occasions. Russia also responded to similar requests from Abkhazia and South Ossetia in coordination with the Georgian government. Constituent entities of the Russian Federation also provided humanitarian assistance to these regions. No distinction has ever been drawn between ethnic Georgians and other nationalities.

In order to contain the consequences of a humanitarian disaster caused by Georgia's attack against the territory of South Ossetia, the Government of the Russian Federation formed a Federal Operational Staff whose task was to coordinate the activities of Russian federal executive authorities in helping the affected population of this region. Between 8 and 10 August 2008 significant quantities of food, water, medications, water purification facilities, diesel power plants, tents and other material resources were provided. More than 35 thousand people were evacuated from the conflict area including more than 7 thousand children. Four stationary temporary camps were deployed in the Southern Federal district of the Russian Federation to accommodate the refugees and provide them with psychological and medical assistance, food and free telephone calls to their families. On 11 August 2008 a column of 86 trucks transported two mobile hospitals provided by the EMERCOM of Russia to Tskhinvali as well as 58 tons of food supplies, 21 power generating stations, potable water and more than 200 rescue workers to conduct search and rescue operations in destroyed buildings.

On 12 August 2008 the second humanitarian column delivered food supplies

and water purification units to Leningrad. On the same day an additional group of psychologists and doctors (36 in total) was dispatched from the centre as well as 2 ambulance vehicles and 50 demining specialists.

As the humanitarian situation continued to stabilise and destroyed infrastructure was being rebuilt, refugees started to return to their homes. By late September more than 25 thousand people returned from the territory of Russia to South Ossetia. EMERCOM specialists repaired a gas pipeline. Other efforts were taken to clear the debris and restore power supply to a number of administrative buildings and more than 30 residential buildings.

Russia never requested international assistance. Nevertheless, a number of countries and international organisations in a show of solidarity and commitment to humanitarian principles provided humanitarian assistance, which was received with gratitude (Belarussia, Kazakhstan, Uzbekistan, Ukraine, Jordan, UNHCR, Switzerland and other countries).

There have been no negative incidents or problems in terms of humanitarian assistance access. Humanitarian aid was distributed jointly with representatives of humanitarian NGOs, the Red Cross movement as well as leading international organisations (UN, WFP).

Russia's humanitarian efforts received positive mention from the UN High Commissioner for Refugees, President of the ICRC and others.

RESPONSES TO ADDITIONAL QUESTIONS POSITED BY THE EUROPEAN UNION FACT-FINDING MISSION ON THE EVENTS THAT TOOK PLACE IN THE CAUCASUS IN AUGUST 2008
(LEGAL ASPECTS)

***Question**: Please explain the legal grounds for the Russian Federation's use of force in August 2008?*

Response Immediately after Georgia began its military operation in South Ossetia Russia brought the issue before the UN Security Council. The situation was discussed on the night of 8 August at the 5951st and subsequent meetings of the Security Council.

The scale of attacks directed against the Russian Federation military contingent lawfully deployed in the territory of Georgia and citizens of the Russian Federation, the number of casualties that resulted from these attacks as well as statements made by the political and military leadership of Georgia that demonstrated aggressive intentions on the part of the Georgian side, proved that we were dealing with the issue of unlawful use of military force against the Russian Federation. Under such circumstances the Russian side was forced to resort to its inalienable right to self-defence enshrined in Article 51 of the UN Charter. Russia's use of force was commensurate with the scale of attack and intended to achieve only one objective: protect the Russian military contingent and citizens of Russia against illegal actions of the Georgian side and prevent any military attacks against them in the future. The Russian side never attacked the civilian population or civilian facilities. Russian military units received pertinent instructions to that effect. Russia's use of force for purposes of self-defence continued for as long as the circumstances that mandated the

same existed.

The relevant notification detailing the actions taken by the Russian Federation in accordance with Article 51 of the UN Charter was submitted to the UN Security Council.

***Question**, Please explain the legal grounds for the Russian Federation's use of force outside of South Ossetia?*

***Response**:* The Russian Armed Forces were deployed outside of South Ossetia to properly exercise Russia's right to self-defence that arose as a result of Georgia's attack, pursant to Article 51 of the UN Charter, exclusively against the Georgian military infrastructure to prevent Georgia from engaging in further hostilities.

Despite the fact that the Georgian side never attacked Abkhazia, the deployment of additional Russian troops in its territory was necessary since there were compelling reasons to believe that an attack similar in scale was to be launched against Abkhazia once the Ossetian issue was resolved. The assumption that Georgia harboured such plans was confirmed by the information gathered by Russian and Abkhaz intelligence services.

***Question**: Was Russia a party to this military conflict?*

***Response**:* Russia was a party to the military conflict with Georgia between 7 August (when Georgia attacked the Russian peacekeepers) and 12 August. We presume that the armed conflict between Russia and Georgia was over as of 12 August. We also believe that we should refer to two armed conflicts – a domestic one (an armed conflict that was not international in nature) in the territory of Georgia in which Russia was not a party, and an international armed conflict that occurred on the aforementioned dates in which Russia was a party.

***Question**: Do you believe that Russia's actions were governed by International Humanitarian Law?*

***Response**:* Yes, because an armed conflict existed between the Russian Federation and Georgia. By extension, both parties were bound by humanitarian law provisions governing such situations and conflicts. Furthermore, Georgia was bound by obligations arising from the law governing domestic (non-international) conflicts.

***Question**: During or following hostilities in 2008 when were persons who fell into the power of your party or into the power of whereas party arrested? On what legal basis were they arrested? How were those persons treated? Were they tortured? When were they released?*

***Response**:* Throughout the entire period during which Russia's armed forces took part in the military operation in South Ossetia and Abkhazia between 8 and 12 August 2008, the Russian military processed Georgian military personnel only (as of 2.08.2008 no other Georgian military were detained). Since Russia took part in an

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[1] The relevant section of the report is available at [illegible] Resolution of the [illegible] was submitted to the UN.

armed conflict that was international in nature, these detainees were treated as combatants in accordance with IHL. Therefore, once detained they received the status of prisoners of war. To the best of our knowledge after the conflict ended and the prisoners of war were cleared of any potential military crimes, on 19 August all of them were handed over to the Georgian side in the presence of ICRC delegates with the Council of Europe Commissioner for Human Rights T. Hammarberg acting as a mediator.

The Russian side treated these prisoners of war in accordance with the requirements set out in IHL. They were never subjected to torture.

***Question**. To what extent does the Russian Federation exercise its jurisdiction over its military personnel deployed abroad?*

***Response**:* In accordance with paragraph 3 Article 12 of the Russian Federation Penal Code, "Russian Federation military personnel, deployed outside of the Russian Federation shall be subject to criminal liability for any crimes committed on the territory of a foreign state in accordance with the present Penal Code unless otherwise provided by an international treaty that the Russian Federation is a party to".

The documents governing the presence of the Russian contingent deployed as a part of the Joint Peacekeeping Forces in South Ossetia and the CIS Peacekeeping Forces contain no provisions whereby jurisdiction would be divided between the host nation and the deploying state.

Therefore, we presume that if the Russian military personnel deployed in the territory of South Ossetia, Abkhazia and Georgia committed a crime punishable by laws of the Russian Federation, the Russian Federation shall exercise its own jurisdiction and apply its own laws with respect to such personnel.

To the best of our knowledge, representatives of the Russian Federation Military Prosecutor's Office were deployed together with the Russian peacekeeping contingent on a permanent basis.

***Question**: Were persons perceived as being associated with the adverse party after the end of hostilities in 2008 discriminated against and or deprived of the enjoyment of some human rights? What measures were taken against such practices?*

***Response**:* During, before and after the hostilities that took place in August 2008 no instances of discrimination on the part of the Russian troops were identified. The Russian Federation is not an occupying power and does not exercise effective control over the territory and or population of South Ossetia. Maintaining law and order in South Ossetia and Abkhazia is an exclusive right vested with the governments of these countries. Russia has always stressed the need to ensure that the governments of Abkhazia and South Ossetia observe commonly recognised principles and norms of international law and human rights and freedoms in particular. Provisions to that effect have been included in agreements reached between Russia and these states.

In selected cases the actions of Russian military personnel may be deemed as an infringement of specific human rights (for instance, restricting the freedom of movement), these actions were taken to protect the lives and health of the civilian population, maintain public safety, prevent and preclude any unlawful actions and protect citizens regardless of their nationality and or ethnic background.

Parenthetically, pursuant to the 6th principle of the Medvedev-Sarkozy agreements the Russian peacekeeping forces while still deployed in the territory of

South Ossetia, were entitled to take additional security precautions until a relevant international security mechanism was put in place.

***Question**: If the forces or persons under your control committed any violations of International Humanitarian Law or Human Rights, did the victims of those violations obtain reparation? Were other measures of restorative justice adopted? If not why? How could the victims obtain such reparations?*

Response. Russia exercises control over the Armed Forces of the Russian Federation only. Russia exercises no degree of control (effective or actual) over South Ossetian military personnel, civilians or territory.

To the best of our knowledge, Russian military personnel never committed any violations of International Humanitarian Law. As for the potential violations of human rights committed by Russian servicemen, we would like to point out the following.

Victims of such violations have specific legal options to obtain reparations for such violations. Firstly, they can file lawsuits with Russian courts. However, we are not aware of any such cases. Secondly, they have the option to resort to the European Human Rights Court pursuant to applicable procedures. We know that currently, the European Human Rights Court is reviewing the claim "Georgia v. the Russian Federation" pursuant to which the Court ruled to apply to both parties temporary measures to ensure their compliance with their obligations under the European Human Rights Convention. In this context the Russian side intends to continue to rigidly meet its international obligations.

Since the very beginning of the armed confrontation Russia has made efforts to create conditions to facilitate refugee movements and humanitarian aid delivery to residents of South Ossetia regardless of their nationality and ethnic background. Russian troops in close cooperation with the Orthodox Church, NGOs and civic associations took measures to ensure unrestricted access to humanitarian aid.

Residents of South Ossetia who suffered as a result of the hostilities received compensation pay-outs of the Federal budget. Several types of such compensation were envisaged: 1) all civilian victims residing in South Ossetia received a one-time payment in the amount of 1,000 roubles; 2) separate payments were earmarked for retirees; 3) finally, residents who had lost their property during the hostilities were paid up to 50 thousand roubles.

СООБЩЕНИЕ ДЛЯ СМИ

О поручениях Президента России Правительству Российской Федерации в отношении Абхазии и Южной Осетии

Президент России В.В.Путин дал поручения Правительству Российской Федерации относительно регулирования отношений России с Абхазией и Южной Осетией. Поручения направлены на реализацию заявления о курсе российского руководства на оказание в соответствии с нормами международного права дружественной поддержки всего двух республик, проживающих в них российских граждан, в том числе с учетом состоявшегося ранее выхода России из Решения СНГ 1996 года, ограничивающего связи с Абхазией по государственной линии, а также рекомендаций, высказанных Государственной Думой.

Выполнение поручений Президента позволит создать механизмы всесторонней защиты прав, свобод и законных интересов российских граждан, проживающих в Абхазии и Южной Осетии. Правительству Российской Федерации поручено в этих целях взаимодействовать с фактическими органами власти Абхазии и Южной Осетии, включая организацию сотрудничества в торгово-экономической, социальной, научно-технической областях, в сфере информации, культуры и образования, в том числе с привлечением российских регионов.

Устанавливается перечень документов, выдаваемых в Российской Федерации документов, выдаваемых должностными лицами фактических органов власти Абхазии и Южной Осетии. Признается правосубъектность юридических лиц, зарегистрированных в соответствии с законодательством Абхазии и Южной Осетии, которое рассматривается в качестве аналога законодательства таких юридических лиц. Федеральным органам исполнительной власти поручено осуществлять сотрудничество с Абхазией и Южной Осетией в рамках правовой помощи по гражданским, семейным и уголовным делам. Территориальные органы МИД России в Краснодарском крае и в Республике Северная Осетия – Алания будут в случае необходимости осуществлять отдельные консульские функции в интересах лиц, постоянно проживающих в Абхазии и Южной Осетии.

Предусмотрена подготовка долгосрочных предложений по ряду конкретных направлений дальнейшего взаимодействия с Абхазией и Южной Осетией в интересах социально-экономического развития этих республик, защиты прав проживающего в них населения, в том числе российских граждан.

Главным мотивом всех этих действий на этом направлении является забота об интересах населения Абхазии и Южной Осетии, в том числе проживающих там российских граждан. За годы затянувшихся конфликтов жители этих непризнанных республик оказались в бедственном положении. Они фактически

были лишены возможности реализовать универсальное право на достойную жизнь и устойчивое развитие. Их положение усугубляется действиями Тбилиси, который игнорирует возможности существующих механизмов для налаживания нормальных экономических отношений, решения социальных проблем в Абхазии и Южной Осетии. Руководство Грузии отказывается от заключения с Сухуми и Цхинвали обязывающих документов о непримении силы и невозобновлении военных действий, наращивает по разным каналам свои наступательные вооружения и демонстрирует агрессивность намерений, в частности, в верхней части Кодорского ущелья, в нарушение резолюций СБ ООН. На этом фоне пытаемые руководством Грузии «новые мирные инициативы» не могут восприниматься серьезно.

Наше решение перейти к оказанию более прагматичной практической помощи населению непризнанных республик не расходится с намерениями международного сообщества. В этом плане показательно, что в принятой 15 апреля с.г. резолюции 1808 Совета безопасности ООН (о продлении мандата Миссии ООН по наблюдению в Грузии) прямо указывается на необходимость экономического развития Абхазии, улучшения условий жизни пострадавшего от конфликта населения.

Наши действия в отношении Абхазии и Южной Осетии не означают, что Россия делает выбор в пользу конфронтации с Грузией. Мы — за снятие всех санкций и ограничений, мешающих еще полно-кровному развитию региона. Это подтверждается возобновлением воздушного и морского сообщения с Грузией, грузом шагом, который составляет позитивную альтернативу курсу нынешнего грузинского руководства.

Реализация всех указанных мер будет способствовать укреплению безопасности и стабильности в Кавказском регионе.

16 апреля 2008 года

PRESS RELEASE[1]

on the mandate conferred by the President of the Russian Federation to the Government of the Russian Federation with regard to Abkhazia and South Ossetia

The President of Russia V. V. Putin has commissioned the Government of the Russian Federation with regard to regulating the relations of the Russian Federation with Abkhazia and South Ossetia. The assignment is directed towards implementing the course announced by the Russian leadership on providing, in accordance with the norms of international law, objective support to the population of the two Republics and of the Russian citizens living in them, taking into account, in so doing, the earlier withdrawal of Russia from the CIS Resolution of 1996 that had limited state-level relations with Abkhazia, and also considering the recommendations expressed by the State Duma.

Fulfilling the mandate of the President shall allow for the creation of mechanisms designed for the all-round protection of rights, freedoms, and legitimate interests of the Russian citizens living in Abkhazia and South Ossetia. To attain these objectives the Government of the Russian Federation has been mandated to co-labourate with the actual organs of power in Abkhazia and South Ossetia, among other things, in the organization of co-operation in the concrete-sectoral economic, social, scientific-technical domains and in the spheres of information, culture, and education with the involvement, for instance, of the Russian regions.

A list of documents issued to the physical persons by the factual organs of power in Abkhazia and South Ossetia and recognized by the Russian Federation, is in the process of being drawn up. Recognition of their quality as legal entity has been accorded to juridical persons registered in accordance with the legislation of Abkhazia and South Ossetia, the legislation being considered as enjoying the force of private law for these juridical persons. The federal organs of the executive power have been commissioned to implement co-operation with Abkhazia and South Ossetia within the scope of legal assistance in terms of civil, family, and criminal affairs. In case of necessity, the territorial organs of the Russian MFA in the Krasnodari Region and in the Republic of South Ossetia – Alania shall carry out separate consular functions in the interests of those persons permanently residing in Abkhazia and South Ossetia. The preparation of additional proposals on a series of concrete issues is being planned for the continuation of collaboration with Abkhazia and South Ossetia in the interests of the socio-economic development of these Republics and the protection of the rights of the population living on their territory, including those of the Russian citizens.

All of our actions in this sense are primarily motivated by our concern for the interests of the populations of Abkhazia and South Ossetia, including those of the Russian citizens living there. After years of drawn-out conflict, the inhabitants of these unrecognized

[1] Unofficial translation by the Independent Documentary Unit Dialog, Moscow for the Conflict in Georgia

Republics have found themselves in a miserable situation. In reality, they have been deprived of the possibility of enjoying the universal rights of dignified life and sustainable development. Their situation has deteriorated due to the actions of Tbilisi with its disregard for the possibilities provided by the existing mechanisms to establish normal economic relations and to solve the social problems in Abkhazia and South Ossetia. The Government of Tbilisi refuses to conclude binding documents with Sukhumi and Tskhinvali on renouncing the use of force and the non-renewal of military actions. By various channels, it enhances its arsenal of offensive weaponry and demonstrates the aggressiveness of its intentions, in particular in the upper part of the Kodori Valley, in violation of the resolutions of the UN Security Council. Against this background, the "new peace initiatives" put forward by the Government of Georgia cannot be taken seriously.

One decision to proceed to the provision of more effective, practical assistance to the populations of the unrecognized Republics is not at odds with the dispositions of the international community. In this sense, it is indicative that Resolution 1808 adopted by the UN Security Council on 15 April of this year (on extending the mandate of the UN Observer Mission in Georgia) directly points to the urgent need of economic development in Abkhazia and the improvement of the living conditions of the population suffering from the conflict.

Our actions with respect to Abkhazia and South Ossetia do not mean that Russia is making a choice in favour of confrontation with Georgia. We stand for the lifting of all the sanctions and restrictions that are impeding the socio-economic development of the region. This is confirmed by the resumption of air and sea traffic with Georgia, along with other steps that represent a positive alternative to the course being taken by today's Georgian Government.

The realization of all of the measures indicated will enable the consolidation of security and stability in the Caucasus region.

16 April 2008

ОБРАЩЕНИЕ
СОВЕТА ФЕДЕРАЦИИ
ФЕДЕРАЛЬНОГО СОБРАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ

**к Президенту Российской Федерации Д.А.Медведеву
о признании независимости Южной Осетии и Абхазии**

Уважаемый Дмитрий Анатольевич!

Совет Федерации Федерального Собрания Российской Федерации,

всецело поддерживая политику в отношении Южной Осетии и Абхазии, проводимую Президентом Российской Федерации,

подчеркивая, что на протяжении многих лет Россия участвовала в поиске мирных путей урегулирования грузино-югоосетинского и грузино-абхазского конфликтов,

отмечая, что отказ Грузии от подписания соглашения о неприменении силы и последовавшие в начале августа 2008 года ее агрессивные действия, в результате которых погибли тысячи мирных жителей Южной Осетии и обострился грузино-абхазский конфликт, окончательно лишили грузинское руководство права претендовать на то, чтобы народы Южной Осетии и Абхазии зависели от его авантюристической политики, приведшей к гуманитарной катастрофе,

приветствуя стремление народов Южной Осетии и Абхазии к независимости, миру и стабильности,

принимая во внимание неоднократные обращения Южной Осетии и Абхазии о признании их независимости, в том числе поступившие 22 и 24 августа 2008 года,

предлагает признать независимость Южной Осетии и Абхазии.

Совет Федерации
Федерального Собрания
Российской Федерации

Москва
25 августа 2008 года
№ 296-СФ

APPEAL
of the Federation Council of the Federal Assembly of the Russian Federation[1]

to the President of the Russian Federation D. A. Medvedev on recognition of the independence of South Ossetia and Abkhazia

Dear Dmitri Anatolevich!

The Federation Council of the Federal Assembly of the Russian Federation:

- fully supporting the policy conducted by the President of the Russian Federation with respect to South Ossetia and Abkhazia;
- underlining the fact that over the course of many years, Russia has been participating in the search of peaceful means to resolve the Georgia – South Ossetia and the Georgia – Abkhazia conflicts;
- making the observation that the refusal of Georgia to sign an agreement renouncing the use of force and its subsequent aggressive actions in early August 2008 resulting in the death of thousands of peaceful inhabitants of South Ossetia and the aggravation of the Georgia-Abkhazia conflict, have definitively deprived the Georgian government of the right to claim that the peoples of South Ossetia and Abkhazia should remain dependent on its policy of adventurism that has led to a humanitarian disaster;
- applauding the efforts being made by the peoples of South Ossetia and Abkhazia towards independence, peace, and stability;
- taking into consideration the repeated appeals of South Ossetia and Abkhazia for recognition of their independence, including those announced on 22 and 24 August 2008,

proposes that the independence of South Ossetia and Abkhazia be recognized

Moscow, 26 August 2008
N° 296-FC

Federation Council
of the Federal Assembly
of the Russian Federation

[1] Unofficial translation by the Independent International Fact-finding Mission on the Conflict in Georgia

ГОСУДАРСТВЕННАЯ ДУМА
ФЕДЕРАЛЬНОГО СОБРАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ
ПЯТОГО СОЗЫВА

ОБРАЩЕНИЕ
ГОСУДАРСТВЕННОЙ ДУМЫ

К Президенту Российской Федерации Д.А.Медведеву о необходимости признания Республики Южная Осетия и Республики Абхазия

Уважаемый Дмитрий Анатольевич!

Государственная Дума Федерального Собрания Российской Федерации выражает однозначную и консолидированную поддержку смелым и решительным действиям российского руководства, обеспечившим защиту Южной Осетии от вооруженного нападения Грузии.

Депутаты Государственной Думы воздают дань уважения личному составу российских вооруженных сил, позволившему остановить агрессию и сохранить жизнь населению Южной Осетии, в том числе гражданам Российской Федерации.

В ходе этой героической операции Россия оказалась один на один с «единым мировым сообществом», в частности оно было единодушно в желании агрессора, задумавшего стереть с лица земли вместе с городами и жителями детей, женщин, стариков население Южной Осетии.

В результате спровоцированного преступным режимом Саакашвили кровавого вооруженного нападения погибли сотни мирных жителей и

российские миротворцы. Десятки тысяч людей остались без крова и средств к существованию. Огромные потоки беженцев и массовое разрушение инфраструктуры Южной Осетии привели этот регион к гуманитарной катастрофе.

Депутаты Государственной Думы скорбят обо всех погибших и пострадавших в этой страшной трагедии. Родители убитых противником солдат Грузии вряд ли смогут забыть и простить эти чудовищные преступления, совершенные по приказу Саакашвили.

В своем заявлении от 31 марта 2008 года Государственная Дума отметила, что в случае возможного вооруженного нападения Грузии на Абхазию или Южную Осетию необходимо принять все меры для защиты граждан Российской Федерации, проживающих в Абхазии и Южной Осетии.

К сожалению, высказанные депутатами Государственной Думы опасения подтвердились. Только своевременное вмешательство и адекватные действия Российской Федерации позволили предотвратить развязывание кровопролитной войны на Кавказе, включая аналогичную агрессию и геноцид в отношении Абхазии, где все последние годы в Кодорском ущелье по приказу Саакашвили осуществлялась подготовка к войне против абхазского народа.

Военная операция режима Саакашвили в отношении Южной Осетии не предпринята в нарушение международных обязательств Грузии. Эти грубейшие агрессии и одновременно геноциды пресечены лишь благодаря своевременным и миротворческим усилиям России и других миролюбивых

[illegible] Генеральным секретарем Организации Объединенных Наций [illegible] другой Грузии государств направленные на обеспечение территориальной целостности Грузии. Отдавая должное [illegible] возникновения на территории политическим путем мирного конфликта, [illegible] эту новую реальность должно рано или поздно признать все мировое сообщество, всегда отстаивавшее так же, как и Россия, [illegible] принципы международного урегулирования.

Южная Осетия и Абхазия, провозгласившие в 1992 году свою независимость в результате вооруженного вмешательства и поступившие на вполне [illegible] демократическое государство со всеми атрибутами [illegible] власти имеют гораздо больше оснований претендовать на международное признание, например, Косово.

Обращения народов Абхазии и Южной Осетии, переданные через их законно избранные органы власти 20, 21 и 22 августа 2008 года, о признании их республик в качестве самостоятельных, суверенных и независимых государств депутаты Государственной Думы считают [illegible] обоснованными и морально оправданными. Такое признание [illegible] позволит им обеспечить гарантии безопасности и защиты их населения от [illegible] угроз. Укрепление международного мира и [illegible] стабильности в соответствии с целями и принципами Устава Организации Объединенных Наций и положит начало процессу международного [illegible] Южно-Осетинского и Абхазского государств.

В связи с вышеизложенным Государственная Дума обращается к Сов.

Президент Франции Николя Саркози, с просьбой рассмотреть вопрос о признании Российской Федерацией Республики Южная Осетия и Республики Абхазия в качестве самостоятельных, суверенных и независимых государств.

Также вопрос о скорейшем проведении переговоров с руководством Республики Южная Осетия и Республики Абхазия в целях создания правовой основы межгосударственных отношений, обеспечивающей регулирование всех аспектов сотрудничества и взаимопомощи, включая вопросы безопасности.

Москва,
26 августа 2008 года

State Duma
of the Federal Assembly of the Russian Federation
of the Fifth Convocation

APPEAL

of the State Duma

to the President of the Russian Federation D. A. Medvedev on the necessity of recognizing the Republic of South Ossetia and the Republic of Abkhazia

Dear Dmitri Anatolevich!

The State Duma of the Federal Assembly of the Russian Federation expresses its unequivocal and consolidated support for the requisite and decisive measures of the Russian government that have ensured the defence of South Ossetia against the armed aggression of Georgia.

The deputies of the State Duma pay a tribute of respect to the exploit accomplished by the Russian soldiers that made it possible to put a stop to the aggression and genocide, and to defend the people living in South Ossetia, including the citizens of the Russian Federation.

In this dramatic situation, Russia turned out to be the only defender of the peaceful population. With great urgency, it was compelled to cut short the aggressor whose intent was to wipe from the face of the earth – together with the cities and villages – the children, women, the aged, the entire population of South Ossetia.

As a result of the treacherous armed attack carried out by the criminal Saakashvili regime, hundreds of peaceful inhabitants and Russian peacekeepers perished, and tens of thousands of persons were left without shelter and the means of livelihood. The huge flow of refugees and the

Unofficial translation by the Independent Internal Commission on the Conflict in Georgia.

massive destruction of infrastructure in South Ossetia have transformed this region into a humanitarian disaster.

The deputies of the State Duma mourn for all those who have perished and who have been victim to this horrible tragedy. The parents of the children killed by the Georgian troops shall never be able to forgive and forget the monstrous crimes perpetrated upon the order of Saakashvili.

In its Declaration of 21 March 2008, the State Duma pointed out that in the event of Georgia's possible armed attack on Abkhazia or South Ossetia, it would be indispensable to undertake all measures to defend the citizens of the Russian Federation living in Abkhazia and South Ossetia.

Unfortunately, the fears expressed by the deputies of the State Duma have been confirmed. Only the timely intervention and the commensurate actions of the Russian Federation made it possible to prevent the unfolding of a large-scale war in the Caucasus, including a similar aggression and genocide with respect to Abkhazia where, upon the order of Saakashvili, preparations for a war on the Abkhaz people have been going on all these past years in the Kodori Valley.

The Saakashvili regime's military operations in connection with South Ossetia were undertaken in violation of Georgia's international commitments. This barbarian aggression instantaneously nullified the fifteen years of diplomatic and peace-building efforts of Russia and of the other states belonging to the "Friends of Georgia" group created by the Secretary General of the United Nations, efforts that were aimed at safeguarding the territorial integrity of Georgia. Henceforth, the question of a possible re-establishment of its integrity by political means has become devoid of all future prospect. Sooner or later, the entire global community – that, just as Russia, has always rejected violent scenarios of post-conflict resolution – shall have to acknowledge this new reality.

South Ossetia and Abkhazia, having announced their independence in 1992 as a result of the expression of the will of the general population, and having built up during the past years democratic states with all of the attributes of legitimate power, have far more grounds to lay claim to international recognition than does, for instance, Kosovo.

The deputies of the State Duma deem that the appeals launched by the peoples of Abkhazia and South Ossetia for recognition of their republics as autonomous, sovereign, and independent states – and transmitted via their legitimately elected organs of power on 20, 21, and 22 August 2008 – are legally well-founded and morally justified. This recognition will create the bases for ensuring guarantees of the security and the protection of their peoples from external threats, and for the strengthening of international peace and regional stability in accordance with the objectives and principles of the United Nations Charter. This recognition will launch the process of international recognition of South Ossetia and Abkhazia as States.

In connection with the foregoing, the State Duma addresses its request to you, dear Dmitri Anatolevitch, to examine the issue of recognition of the Republic of South Ossetia and the Republic of Abkhazia by the Russian Federation, as autonomous, sovereign, and independent states, along with the question of most urgently holding negotiations with the government of the Republic of South Ossetia and the Republic of Abkhazia with the objective of creating the legal basis for inter-state relations that would ensure the regulation of all aspects of cooperation and mutual assistance, including issues of security.

Moscow
25 August 2008

First set of questions to the Governments of the Russian Federation and Georgia,
related to humanitarian issues

1. Concerning allegations of genocide, please explain why, in your view, committed genocide and if so when. If so, please mention the facts pertaining to conclude that the elements of the crime of genocide, in particular, the existence of a protected group and of the intent to destroy that group, in which or in part, were present.

2. Why did persons leave their places of residence between 1990 and 2008, in particular in August, September and October 2008, and what incentives exist to return? How are the property rights of such persons protected? May they dispose of such property freely?

3. What targets were attacked on what day by forces not controlling the place where these targets were situated between 7 and 12 August 2008? When these targets were situated in towns and villages, what was the evaluation of expected incidental death of civilians, injury to civilians or damage to civilian objects? Did the actual effects correspond to the expected effects? If not, why? What precautionary measures were taken in such attacks by the attacker and by the defender to avoid or minimize incidental deaths of civilians, injury to civilians or damage to civilian objects? Did these precautionary measures succeed? If not, why?

4. What is your legal opinion regarding the use by Russian forces, during the conflict, of Grad missiles, rocket launchers and cluster munitions, in general? Why were Grad Multiple rocket launchers in order as they are inaccurate and against which targets, in particular in densely populated areas? What measures were taken to check and clarify these facts as facts of war?

5. To mean that your forces or adverse forces gained control over during the 2008 hostilities, what kind of groups or persons were summarily executed, raped, or ill-treated, civilians and pillaged, burned or destroyed buildings? What measures were taken by the forces of the party controlling the area to stop and repress such violations?

6. During or following hostilities in 2008, when were persons who fell into the power of your party or into the power of the adverse party arrested? On what legal basis were they arrested? How were those persons treated? Were they fined? When were they released?

7. Were persons perceived as being associated with the adverse party after the end of hostilities in 2008 discriminated against or even deprived of the enjoyment of some human rights? What measures were taken against such practices?

8. What steps did your party and the adverse party take to clarify the fate of persons reported missing since 1990 by the ICRC, their families, or by the party to which they belong? In which cases were those steps successful? If they were not, why?

9. What investigations and prosecutions have been launched since 1990 by your judicial authorities against members of your forces, members of adverse forces, members of pro-forces and against civilians in relation with crimes committed in relation to the conflict? In which cases did such prosecutions lead to convictions or acquittals? Please provide copies of the relevant decisions. If prosecutions did neither lead to convictions nor to acquittals, why did they not succeed?

10. If forces or persons under your control committed any violation(s) of International Humanitarian Law or Human Rights, did the victims of those violations obtain reparation? Were other measures of restorative justice adopted? If not why? How could the victims obtain such reparations?

ОТВЕТЫ НА ВОПРОСЫ МИССИИ ЕВРОПЕЙСКОГО СОЮЗА ПО РАССЛЕДОВАНИЮ ФАКТОВ, СВЯЗАННЫХ С СОБЫТИЯМИ НА КАВКАЗЕ В АВГУСТЕ 2008 Г. (ГУМАНИТАРНЫЕ АСПЕКТЫ)

Вопрос №1: *Касательно данного и второго пожалуйста расскажите, что и кому вы бы дали сегодня, которая ситуация. Приложите фильмы пожалуйста должны быть сняты в приграничных районах. Известны частям, в частности, на отношению к жителю населенных групп и также цели их реального или воображаемого интереса.*

Ответ: МККК России не является правоохранительным органом, не осуществляет судебных и следственных действий. Правовая квалификация соответствующих деяний относится, прежде всего, к ведению компетентных российских правоохранительных органов.

Заявления российской стороны о геноциде осетин, совершенном грузинской стороной в августе 2008 г., следует воспринимать в контексте той пропагандистской информации, которая поступала в первые часы возникновения конфликта и до него. Насколько мы можем судить, действительно имелись предпосылки говорить о том, что действия грузин сопровождались с намерением уничтожить полностью или частично, осетинскую национальную группу как таковую. Широкомасштабное перемещение грузинской стороной тяжелых вооружений и военной техники демилитаризованного региона по Цхинвальскому осетинскому анклаву и вглубь с 7 на 8 августа скрытно проводившееся до этого грузинским руководством «внезапное» нападение). Однако вопрос о том, в какой мере удалось собрать доказательства наличия такого намерения, вправе давать лишь компетентные правоохранительные органы Российской Федерации, в частности, Следственный комитет при Прокуратуре Российской Федерации, который, насколько нам известно, завершил свое расследование по вопросу о геноциде.

Следует также отметить, что Россия передала Офису обвинителя Международного уголовного суда собранные материалы по осетинскому

ложену. В настоящее время в Суде идет оценка этих материалов на предмет наличия оснований для возбуждения расследования, в том числе и по факту геноцида. Ожидаем, что данный авторитетный орган международного уголовного правосудия даст соответствующую правовую оценку известным августовским событиям.

В то же время необходимо отметить, что преступления грузинскими вооруженными формированиями на территории Южной Осетии зафиксированы в многочисленных протоколах допросов потерпевших и свидетелей, фотоиллюстрациях. В них изложена подробная информация, подтверждающая, по сути, факты геноцида в отношении национальной группы осетин, совершенные грузинской стороной военных преступлений, в том числе нарушения международных норм ведения войны, повлекшие тяжелые гуманитарные последствия для всего осетинского народа, связанные с жертвами среди мирного населения и военнослужащих миротворческих сил, уничтожением жилых кварталов и гражданских объектов.

В частности, Следственным комитетом при прокуратуре Российской Федерации были установлены и задокументированы следующие факты:

- убийство 162 жителей Южной Осетии и причинение вреда здоровью различной степени тяжести 255 мирным гражданам республики осетинской национальности;

- убийство 18 военнослужащих воинских подразделений Вооруженных сил Российской Федерации, в том числе 10 военнослужащих из состава миротворческого батальона СОДМ, а также причинение вреда здоровью различной степени тяжести 162 военнослужащим;

- умышленное уничтожение военнослужащими грузинских вооруженных формирований населенных пунктов Южной Осетии с преимущественно проживанием осетин;

- умышленное применение военнослужащими грузинских вооруженных формирований тяжелого вооружения неизбирательного действия при обстреле жилых кварталов и объектов инфраструктуры.

В общей сложности пострадавшими в результате военных действий Грузии против Южной Осетии признаны 5143 жителя республики по учета гражданских лиц.

В протоколах осмотров мест происшествия представителями Следственного комитета при прокуратуре Российской Федерации зафиксировано, что в результате применения Грузией по г. Цхинвали и другим населенным пунктам Южной Осетии современных средств поражения было полностью разрушено и сожжено 655 жилых домов, кроме того, подверглись частичному разрушению 2139 жилых строений и помещений, в которых проживало преимущественно осетинское население республики.

Существенный ущерб был нанесен гражданской инфраструктуре республики, в результате чего были нарушены условия жизнедеятельности десятков тысяч людей. По данным МЧС России, на территории Южной Осетии было, в частности, разрушено 29 объектов образования, 17 объектов здравоохранения, 60 объектов транспорта, 68 км сетей газопровода, 160 км сетей водоснабжения, 138 км электроснабжения.

Согласно данным Федеральной службы по надзору за соблюдением законодательства в области охраны культурного наследия, Всероссийского общества охраны памятников истории и культуры и Министерства культуры Южной Осетии, в зоне грузино-югоосетинского конфликта оказались 38 объектов археологического наследия (из 67 объектов культурного наследия, расположенных на территории республики).

Выборочное обследование технического состояния памятников истории и культуры, проведенное 15–18 августа 2008 г., выявило утрату ряда упомянутых объектов вследствие массированного обстрела югоосетинских населенных пунктов грузинскими войсками с применением тяжелой артиллерии. Помимо этого, со стороны грузинских вооружённых сил были зафиксированы факты намеренного и умышленного уничтожения памятников культуры, а также мест захоронений осетинского народа.

Одним из тяжелейших последствий боевых действий Грузии против Южной Осетии стал массовый исход населения на территорию Российской Федерации в поисках убежища.

Подтверждением вышесказанного характера действий высшего политического и военного руководства Грузии и вооруженных грузинских вооруженных формирований являются:

- Протоколы осмотров мест происшествия, допросов свидетелей и потерпевших, а также данные Генерального штаба Вооруженных Сил Российской Федерации основанные на документах и электронных носителях информации, изъятых в ходе операции по принуждению Грузии к миру (спецработы аэрофотосъемки местности и топографические карты с условными обозначениями тактической обстановки, военно-служебные штампы, приказы и иные документы).

Согласно этим материалам штабом Вооруженных Сил Грузии заблаговременно были подготовлены планы нападения на территории Южной Осетии и Абхазии. В частности, указанными документами предусматривалось уничтожение сел с преимущественным проживанием граждан осетинской национальности. В качестве артиллерийских целей, наряду с объектами военной структуры Южной Осетии, были определены для поражения школ и больниц российского миротворческого батальона, Дома правительства республики и телевизионной вышки в г. Цхинвали.

При планировании наступательных действий предусматривалось применение средств артиллерии неизбирательного действия, в том числе реактивных систем залпового огня, использование которых в населенных пунктах влечет массовую гибель мирного населения и многочисленные разрушения объектов жизнеобеспечения граждан.

- Главной военной прокуратурой Российской Федерации совместно с Генеральной прокуратурой Республики Южная Осетия (РЮО) также установлены факты использования вооруженными силами Грузии в ходе боевых действий в отношении гражданского населения запрещенных

боеприпасов и 500 кг. авиационных бомб, применение которых против мирного населения запрещено Конвенцией «О запрещении или ограничении применения конкретных видов обычного оружия, которое может считаться наносящим чрезмерные повреждения или имеющим неизбирательное действие» от 10 октября 1980 г.

- Согласно данным Управления ФМС России по Республике Северная Осетия-Алания в период с 7 по 16 августа 2008 г. территорию Южной Осетии покинуло более 36 тыс. человек осетинской национальности, большинство из которых - пресс-карточные журналисты и дети.

- Об этом свидетельствует, в частности, изъятый и приобщенный к материалам Следственного комитета при прокуратуре Российской Федерации План мероприятий по блокированию и отражению возможного нападения г. Цхинвал и прилегающих к нему населенных пунктов в период боевых действий.

- Необходимо также принять во внимание изгнание жителей Южной Осетии – граждан Российской Федерации (всего более 500 человек), пострадавших в результате грузинской агрессии, о привлечении к уголовной ответственности политического и военного руководства Грузии в Международный уголовный суд (г. Гаага) и Европейский суд по правам человека.

Вопрос №2: *Почему ваша поездка имеет столь поспешный характер и период с 1990 по 2008 годы, в частности, с августа сентября и октября 2008 г. и что сейчас препятствует их возвращению? Как обеспечивается защита прав собственности таких лиц? Могли ли они распоряжаться своей собственностью без ограничений?*

Политическое руководство Грузии, а также развязанные им военные действия против Южной Осетии в августе 2008 г. привели к обострению межнациональных отношений во внутренних районах государства и, как следствие, к массовому исходу населения Грузии на территорию Российской Федерации. В первую очередь это коснулось этнических осетин, вынужденных

русских, армян, азербайджанцев и других национальных меньшинств, проживающих в Грузии.

На пике драматических событий в августе 2008 г. органами ФМС России было зарегистрировано более 30 тыс. чел., прибывших из Грузии на территорию Российской Федерации в поисках убежища. Начиная с 12 августа 2008 г. после начавшейся нормализации и стабилизации ситуации в зоне конфликта и принятия Российской Федерацией конкретных мер по оказанию помощи в Южной Осетии и восстановлению разрушенного жилья и объектов социальной сферы, начался активный процесс возвращения в Южную Осетию беженцев в места постоянного проживания. ФМС России было оказано содействие в организованном выезде в Южную Осетию 33690 граждан.

На территории Российской Федерации также находится более 2 тыс. граждан Грузии, покинувших Абхазию в период грузино-абхазского конфликта. Помимо этого, в территориальных органах ФМС России состоят на учете 12650 чел., покинувших места постоянного проживания на территории Грузии в результате межэтнического конфликта 1989-1992 гг. и получивших статус вынужденного переселенца в соответствии с законодательством Российской Федерации.

С началом конфликта по настоящее время на территорию 27 субъектов Российской Федерации прибыли и обратились с ходатайствами о признании беженцами 1856 выходцев из внутренних районов Грузии. За указанный период 27 выходцам из Грузии были признаны беженцами, 530 - предоставлено временное убежище. В качестве основных причин обращений с ходатайствами о признании беженцами в Российской Федерации граждане Грузии и лица без гражданства называют отдельные преследования со стороны грузинских властей и экстремистов по национальному признаку и политическим взглядам.

Российская Федерация выступает за признание и реализацию права на возвращение на принципах добровольности и достоинства в условиях гарантированной безопасности перемещенных лиц.

Однако в связи с разрывом Грузией 29 августа 2008 г. дипломатических отношений с Российской Федерацией процесс добровольного возвращения вынужденных из Грузии на родину существенно осложнился, поскольку значительное количество из указанных лиц не имеют документов, удостоверяющих личность. Основными факторами, препятствующими началу работы по организации упорядоченного возвращения перемещенных лиц, также являются сохраняющаяся острота межэтнических отношений и имеющая тенденцию к новому обострению обстановка в конфликтных зонах в связи с нарушениями там сил оккупационного присутствия Грузии, что приводит к созданию новых очагов напряженности на границах Южной Осетии и Абхазии.

В сложившейся ситуации территориальные органы ФМС России вынуждены придерживаться соответствующим региональным разрешительным документам на пребывание на территории Российской Федерации на период, пока им не будут оформлены свидетельства на возвращение.

Защита прав собственности перемещенных лиц на территории Южной Осетии обеспечивается взаимодействием с правоохранительными органами.

Вопрос №3: *Какие меры и в каком они планируются для защиты от спорных земельных отношений, по конкретизированным местам расположения указанных лиц в период 7-12 августа 2008 г.? Когда они будут размещены в первую и вторую, и когда была оценка возможных последствий массового переселения для экологического населения и для окружающей среды? Ответственных за реализацию эффекта назначили? Есть ли там их помощь? Какие предупредительные меры предпринимаются по оценке таких рабочих специалистов и обеспечивающих связей с целях минимизации отрицательных последствий и рисков экологических или возможностей экологических областей? Были ли они предупредительные меры назначены? Если нет, то почему?*

В ходе операции по принуждению Грузии к миру подразделения Вооруженных Сил Российской Федерации, действуя исключительно в целях

ограничен выделять ведь огонь из танков, БМП и стрелкового оружия только по реально выявленным целям в ходе всех операций, тем самым, исключая потери среди мирного населения. Целями для поражения были батареи реактивных систем залпового огня, артиллерийские и минометные батареи, зенитные ракетные средства противника в районах сосредоточения.

В целом реальной цифрой соответствовал обозначенному. Огонь артиллерии и удары авиации нанесли ощутимый урон и оказали подавляющее морально-психологическое воздействие на войска противника.

В период проведения вышеуказанных мероприятий российскими военнослужащими был предпринят ряд действенных мер, направленных на исключение ущерба, который мог быть нанесен гражданскому населению и инфраструктуре городов. Огонь артиллерии и удары авиации планировались и осуществлялись на значительном удалении от населенных пунктов по реально выявленным целям. Основной объем огневых задач артиллерии был выполнен по выявленным целям с корректированием огня командирами общевойсковых частей и подразделений через артиллерийских корректировщиков и средства артиллерийской разведки. Огонь по местам расположения мирных жителей и гражданских объектов не открывался. После начала ударов российских подразделений с занимаемых ими позиций огонь прекращался. Российская авиация, оказывая поддержку сухопутной группировке войск, осуществляла нанесение ударов по местам скопления вражеских войск, опорным пунктам и вооружению военной техники на марше. По целям, расположенным в районах и вблизи населенных пунктов, удары авиацией не наносились. В ходе отражения нападения противника осуществлялся контроль огневого поражения.

В результате предпринятых мер были исключены потери среди мирного населения. Кроме того, силами подразделений Вооруженных сил Российской Федерации была организована эвакуация мирных жителей из

района грузино-югоосетинского конфликта. Что позволило значительно снизить количество поражений в ходе боевых действий российских сил.

Кассетные боеприпасы, имеющиеся на вооружении российской авиации и предназначенные для поражения живой силы и бронетехники противника на открытой местности, российской стороной в ходе операции по принуждению Грузии к миру не применялись.

Вместе с тем, в качестве доказательной базы использования грузинской стороной авиационных боеприпасов кассетного типа могут быть использованы их отдельные элементы, обнаруженные на югоосетинской территории, а также фотографии элементов составных частей вышеуказанных авиационных боеприпасов, обнаруженных в районе п.п. Земо-Ираван (Ахалгорский район РЮО). В ходе грузино-югоосетинского конфликта грузинская сторона использовала состоящие на вооружении Грузии 152-мм самоходные гаубицы "Дана" и 120-мм реактивные системы залпового огня РМЗ-70, поставленные Грузии Чехией в 2003-2007 гг., не являющиеся высокоточными видами вооружения (площадь поражения одним залпом РСЗО РМЗ-70 составляет 14,8 гектаров).

Основной причиной ущерба и разрушений в грузинских селах стал преднамеренный подрыв домов отступающими подразделениями Вооруженных Сил Грузии, как правило – по одной отдельных боеприпасов и закладкой ВВ их установки, в том числе взрывом в противотанковыми гранатометами, которые были заблаговременно сосредоточены в домах жителей ряда грузинских сел (Кехви, Тамаришени, Хетиа, Курта, Элбрус, Авневи и др.) для вооружения отрядов грузинской самообороны.

Вопрос №4: *Какова в количестве задействованного гуманитарного груза «МЧС» Ваша официальная позиция по вопросу использования РСЗО «Град» и кассетно-фугасных бомб в ходе вооруженного конфликта? Почему применялись РСЗО «Град» и кассетно-фугасные бомбы и с официальной какой целью их применяли в грузинских районах? Какие меры были предприняты для выявления и пресечения подобного применения таких видов вооружений?*

Ответ: Огонь реактивной артиллерии планировался и велся по артиллерийским, реактивным и минометным батареям противника, расположенным вне населенных пунктов, на удалении не менее 1–1,5 км от них. Ракетные удары наносились исключительно по подтвержденным районам сосредоточения живой силы, военной техники и оптовых средств в ВС Грузии вне населенных пунктов.

Кассетные боеприпасы, имеющиеся на вооружении ударной авиации Военно-воздушных сил России и предназначенные для поражения живой силы и бронетехники противника на открытой местности не применялись.

Повторяем, что единственно боеприпасы специального типа применялись исключительно грузинской стороной, в чем свидетельствуют их отдельные элементы, обнаруженные на цхинвальской территории. В качестве доказательной базы могут использоваться фотографии элементов (составных частей) выпущенных американских боеприпасов обнаруженных в районе с. п. Зекар-Цхети (Цхинвальский район РЮО).

Кроме того, состоит на вооружении в ВС Грузии 152-мм самоходные гаубицы "Дана" и 120-мм реактивная система залпового огня РМ-70, поставленные Грузии Чехией в 2003–2007 годах и не являющиеся высокоточными видами вооружения. Так площадь поражения одним залпом РСЗО РМ-70 составляет 14,5 гектаров.

Последствия применения такого типа оружия грузинской стороной были ликвидированы с помощью сотрудников Минобороны и МЧС России.

Вопрос №5: *Какие типы или группы лиц в ходе боевых действий в августе 2008 г. были убиты и убийства, насилие, похищения которых с грузинской стороны и после в зонах, подлежащих к умиротворению служащей по поддержанию Вашей или противоположной стороной территории? Какие меры предпринимались войсками стороны, контролирующей данную территорию, для пресечения таких нарушений?*

Ответ: Правовым основанием для введения на территорию Южной Осетии российских войск стала реализация статьи 51 Устава ООН о

праве на самооборону, о чем в установленном порядке был проинформирован Совет Безопасности ООН. В период с 8 по 12 августа 2008 г. усилиями подразделений российских миротворцев провели в Южной Осетии операцию по принуждению Грузии к миру.

В ходе операции Генеральная прокуратура Российской Федерации осуществляла свои функции по регулятории Южной Осетии непосредственно в связи с деятельностью российских войск. Это касается расследования российскими правоохранительными органами преступлений грузинской армии против гражданского населения, то речь шла о неправомерных действиях в условиях чрезвычайной ситуации. После окончания контртеррористической фазы грузино-российского конфликта соответствующие полномочия в полном объеме вернулись на себя правоохранительные органы Южной Осетии.

По данным Следственного комитета при прокуратуре Российской Федерации, фактов убийств, насилия, неуважительного обращения с гражданскими лицами, грабежей, поджогов и уничтожений гражданских строений со стороны военнослужащих Вооруженных Сил Российской Федерации в ходе проведения операции по принуждению Грузии к миру зафиксировано не было.

С первого дня проведения операции командование российских войск предпринимало все возможные меры для предотвращения случаев мародерства и бесчинств по отношению к грузинскому населению. Директива Генерального штаба ВС РФ, приказ Главнокомандующего Сухопутными войсками "О порядке обеспечения общественной безопасности и обеспечении защиты граждан, проживающих на территории Республики Южная Осетия" был доведен до всего личного состава подразделений, принимавших участие в операции.

Российские войска совместно с южноосетинскими силовыми структурами вели круглосуточную охрану учреждений, домовладений и

земельных участков в грузинских селах, обеспечивая безопасность жителей Республики Южная Осетия, независимо от их национальности.

С разрешения представителей командования Северо-Кавказского военного округа военнослужащие российских войск оказывали помощь грузинскому населению в восстановлении жилых домов, пострадавших в результате боевых действий. В частности, жителям п.п. Горн и пп. Кекели оказывалась помощь оказывалась 16-18 августа 2008 г. В целях обеспечения гуманитарной помощью гражданского населения г. Горн была организована доставка и выдача более 50 тонн продовольствия.

Как следует из материалов российских правоохранительных органов, в разработке и проведении операции «Чистое поле» на территории Республики Южная Осетия принимали участие высшие должностные лица Грузии: Министр обороны Д.Кезерашвили, Начальник Объединенного штаба В.Гогава, Министр внутренних дел В. Мерабишвили, Заместитель министра внутренних дел П.Ивашишвили, Руководитель службы разведки Г. Бежуашвили, Первый заместитель министра обороны Б. Кутелия, Заместитель министра обороны Г.Мучаидзе, Начальник департамента J-5 (стратегического планирования и контроля) объединенного штаба И.Бескуашвили, Командующий сухопутными войсками З.Ахалая, Представитель департамента национальной гвардии - Д.Мшвидобадзе, Командующий авиационными силами - М.Курашвили, Старший военный начальник МС в зоне грузино-осетинского конфликта К.Кручишвили. В соответствии со ст. 43 Конституции Грузии, Президент Грузии является Верховным Главнокомандующим Вооруженными Силами страны.

Непосредственно на месте совершения преступления лица, причастные к совершению преступлений на территории Южной Осетии, обнаружены и задержаны не были. Вместе с тем, Российская Федерация придает большое значение тому, чтобы преступления в Южной Осетии были даны правовая оценка, в том числе с точки зрения международного права.

Вопрос №6.2: *Арестовывались ли в ходе боевых действий в августе 2008 г. лица, обладающие иммунитетом Вашей или противоположной стороной? На каких правовых основаниях они подвергались аресту? Как обращались с такими лицами и когда они были освобождены?*

Были ли лица, представляющие противоположную Вашей сторону, задержаны и арестованы после окончания боевых действий в августе 2008 г.? Какие меры предпринимались для предотвращения такой практики?

Ответ: Российскими и югоосетинскими вооруженными подразделениями в ходе операции по принуждению Грузии к миру было задержано 85 грузинских граждан. Учитывая, что некоторые военнослужащие Грузии, дезертировавшие из своих подразделений, забрали с собой оружие и военное обмундирование, удостоверяющие личные документы, переодевшись в гражданскую одежду и др., точное количество военнослужащих среди задержанных лиц установить не удалось.

Никаких дискриминационных мер по отношению к задержанным грузинским гражданам со стороны российских и югоосетинских военнослужащих не применялось. Все лица, как объявившие о своей принадлежности к Вооруженным Силам Грузии, так и отрицавшие свою причастность к военной службе, содержались в равных условиях с соблюдением всех требований, определенных международными актами.

27 августа 2008 г. все задержанные гражданские Грузии были переданы грузинской стороне с документальным оформлением факта передачи. Одновременно представителями российского военного командования были переданы 13 российских военнослужащих, задержанных грузинскими силовыми структурами. Обмен осуществлялся под контролем Комиссара по правам человека Совета Европы г-на Т.Хаммарберга. В ходе этой процедуры каких-либо заявлений со стороны задержанных грузин о нарушении их прав сделано не было.

Российская Федерация не располагает сведениями о фактах ограничения в правах лиц, выступивших на стороне Грузии в грузино-югоосетинском конфликте, после его окончания.

Вопрос №8: *Какие меры были предприняты Вашей или противоположной сторонами для пресечения судеб лиц, которые с 1990 г. были заявлены МККК, членами их семей или государственной гражданской принадлежности как без вести пропавшие? В каких случаях эти меры были успешными? Если указанные меры были безрезультатными, то почему?*

Ответ: По установленным без вести пропавшим в такие подвергшихся на территории Южной Осетии в результате террористических актов организованных спецслужбами Грузии. Следственным комитетом при прокуратуре Российской Федерации был направлен запрос о правовой помощи в Генеральную прокуратуру Республики Южная Осетия.

Вопрос №9: *Какие следственные и судебные мероприятия осуществляются правоохранительными органами Вашей стороны в отношении подозреваемых в военных преступлениях, совершенных противоположной стороной и членами вооруженных формирований и лицах, подозреваемых или обвиняемых в совершении таких преступлений?*

Ответ: В связи с гибелью 13-ти и ранением 36-ти военнослужащих в составе миротворческих сил погибших Вооруженных Сил Российской Федерации в результате неправомерного применения Грузией вооруженных сил в Республике Южная Осетия 8 августа 2008 г. военным следственным управлением Следственного комитета при прокуратуре Российской Федерации по Северо-Кавказскому военному округу возбуждено уголовное дело № 14-00-0051-08 по признакам преступления, предусмотренного п.п. «а», «б», «в» ч. 2 ст. 105 УК РФ (убийство двух и более лиц в связи с осуществлением ими служебной деятельности, совершенное общеопасным способом).

12 августа 2008 г. до конца гибели военнослужащих Вооруженных Сил Российской Федерации, привлеченных к участию в проведении миротворческой операции по принуждению Грузии к миру, военным следственным управлением Следственного комитета при прокуратуре Российской

Федерации по Северо-Кавказскому военному округу законно и обоснованно возбуждено уголовное дело № 14-0040052-08 по признакам преступления, предусмотренного вш. «а, б, в» ч. 2 ст. 105 УК РФ (соединено с уголовным делом № 14-0040051-08 в одном производстве).

В настоящее время указанное уголовное дело передано для дальнейшего расследования в Главное следственное управление Следственного комитета при прокуратуре Российской Федерации.

Фактов применения российской стороной незаконных методов ведения боевых действий в ходе грузино-осетинского конфликта не установлено.

В период боевых действий каких-либо преступлений против мирного населения военнослужащими Вооруженных Сил Российской Федерации, других войск, воинских формирований и органов не совершалось.

Факты совершения военнослужащими преступлений против граждан других иностранных государств в ст. гражданах Грузии, в органах Военной прокуратуры Российской Федерации не зарегистрировано.

Жалоб на неправомерные дискриминационные меры со стороны военнослужащих Вооруженных Сил Российской Федерации, других воинских формирований России в отношении этнических грузин в зонах проведения миротворческих операций в органы российской военной прокуратуры не поступало.

В ходе прокурорских проверок фактов гибели и неправомерного перемещения гражданских лиц из числа этнических грузин в результате действий российских войск военными прокурорами не получено.

Материалы видеосъемок мероприятий и истребованные военными прокурорами данные не подтверждают сведений об участии российских военнослужащих во внесудебных казнях граждан Грузии, разграблении их имущества, насильственном перемещении этнических грузин в лагеря для интернированных, недопущении их возвращения к местам постоянного проживания, неадекватной защиты российскими миротворцами этнических грузин, а также о нанесении внезапных, ракетных ударов и ведении огня

артиллерией по объектам социальной инфраструктуры на территории Республики Южная Осетия и Грузии.

Соответствующие следственные мероприятия в отношении членов вооруженных формирований, а также гражданских лиц, совершивших деяния, связанные с грузино-осетинским конфликтом преступления, в полном объеме осуществляются правоохранительными органами РЮО.

Командованием воинских частей, дислоцированных на территории Республики Южная Осетия в соответствии с договором от 17 сентября 2008 г. «О дружбе, сотрудничестве и взаимной помощи между Российской Федерацией и Республикой Южная Осетия» оказывается помощь прокуратуре и следственным органам Республики в поддержании правопорядка и соблюдении законности.

Кроме того, органами военного управления и воинскими формированиями группы российского воинского контингента во взаимодействии с правоохранительными органами Республики Южная Осетия на постоянной основе проводятся мероприятия по изъятию из незаконного оборота у населения огнестрельного оружия и боеприпасов. Всего изъято более 50 ед. огнестрельного автоматического оружия.

В настоящее время в соответствии с договором от 17 сентября 2008 г. «О дружбе, сотрудничестве и взаимной помощи между Российской Федерацией и Республикой Южная Осетия» на территории Республики Южная Осетия дислоцируется российский воинский контингент.

<u>Вопрос №10</u>: *В случае нарушения подконтрольными Вам военнослужащими норм МГП и прав и свобод лиц, попавших под их контроль, получали ли виновные указанных нарушений соответствующую юридическую оценку? Если нет, то почему?*

Фактов нарушений норм Международного гуманитарного права и прав в области прав человека военнослужащими Вооруженных Сил

Российской Федерации в ходе операции по принуждению Грузии к миру не зафиксировано.

RESPONSES TO QUESTIONS POSITED BY THE EUROPEAN UNION FACT-FINDING MISSION ON THE EVENTS THAT TOOK PLACE IN THE CAUCASUS IN AUGUST 2008 (HUMANITARIAN ASPECTS)[1]

Question No. 1: *Concerning allegations of genocide, please explain who, in your view, committed genocide and if so, when. If so, please mention the facts permitting to conclude that the elements of the crime of genocide in particular, the existence of a protected group and of the intent to destroy that group as whole or in part were present.*

Response: References made by the Russian side to acts of genocide perpetrated against the Ossetian people by the Georgian side in August 2008 should be viewed in the context of the preliminary information that was received during the first hours of the conflict and prior to it. As far as we can judge, there were indeed reasons to believe that the actions undertaken by the Georgians were aimed at exterminating fully or partially the Ossetian ethnic group as such (large-scale and indiscriminate use of heavy weapons and military equipment by the Georgian side against the civilian population of Ossetia on the night of 7 to 8 August, a proactive «anti-Ossetian» policy conducted by the Georgian government).

The Inquiry Committee appointed by the Russian Federation Prosecutor General's Office is about to finalise its investigation into the events that took place last August. Once all of the available pieces of evidence are analysed a decision will be taken with respect to a specific legal determination as well as whether it would be expedient to submit the materials of this criminal case to a court of law.

It should also be noted that Russia forwarded materials dealing with the conflict in Ossetia to the International Criminal Court Prosecutor's Office. Currently, these materials are being analysed by the ICC to ascertain whether there are any grounds to launch an inquiry, including into potential instances of

[1] Translations made by the Russian Government Fact-Finding Mission on the Conflict in Georgia

genocide. We expect that this reputable international judicial body will issue an appropriate legal opinion with respect to the notorious August events.

At the same time it should also be noted that crimes committed by Georgian paramilitary forces in the territory of South Ossetia were mentioned in numerous transcripts detailing testimonies of victims and witnesses and shown on photographic materials. The foregoing materials contain detailed information proving in essence that there were instances of genocide against ethnic Ossetians and military crimes were perpetrated by the Georgian side, including violations of international norms governing the conduct of war resulting in dramatic humanitarian consequences and primarily, casualties among the civilian population and peacekeeping personnel, and destruction of residential quarters and civilian facilities.

In particular, the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office established and documented the following facts:

- 162 civilian residents – nationals of South Ossetia were murdered and 255 suffered various degrees of injuries;

- 48 servicemen from the Russian Federation Armed Forces were killed including 10 who served in the Joint Peacekeeping Forces Battalion, and 162 servicemen sustained various degrees of injuries;

- The Georgian military deliberately destroyed communities in South Ossetia populated predominantly by ethnic Ossetians;

- The Georgian military deliberately and indiscriminately used heavy weapons during the shelling of residential areas and infrastructure facilities.

All in all, 5143 civilian residents were declared victims of the Georgian military action against South Ossetia.

Records of inspections conducted on location by representatives of the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office show that 655 residential buildings were destroyed and torched by state-of-the-art weapons systems used by Georgia against Tskhinvali and other

communities in South Ossetia, 2139 residential buildings and facilities used predominantly by ethnic Ossetians were partially destroyed.

Significant damage was inflicted upon the Republic's civilian infrastructure as a result, tens of thousands of lives have been disrupted. According to the EMERCOM of Russia, 29 educational institutions, 17 healthcare facilities, 10 transport infrastructure facilities, 68 km of gas pipelines, 160 km of water supply lines and 458 km of electrical power lines were destroyed.

According to the Federal Service for the Monitoring of Compliance With Legislation in the Area of Cultural Heritage Protection, the Russian National Society for the Protection of Historical and Cultural Monuments and the South Ossetian Ministry of Culture, the conflict area in Georgia and South Ossetia has 33 archaeological heritage sites (out of 63 located throughout the territory of the Republic). A random examination of historic and cultural monuments conducted on 15-18 August 2008 showed that a number of unique objects had been lost as a result of large-scale heavy-artillery shelling of South Ossetian communities by the Georgian forces. Furthermore, instances of vandalism and deliberate destruction of cultural monuments and ethnic Ossetian burial sites were attributed to the Georgian military as well.

One of the most dramatic consequences of the Georgian military operation against South Ossetia was the massive exodus of local population to the territory of the Russian Federation in search of refuge.

The premeditated nature of the action taken by the highest political and military leadership of Georgia as well as Georgian military and paramilitary units was confirmed by the following:

- Records of inspections conducted on locations, transcripts detailing testimonies of witnesses and victims as well as information made available by the General Staff of the Russian Federation Armed Forces backed by documents and electronic media captured during the peace enforcement operation in Georgia

(detailed aerial photographs of local terrain and tactical maps, military staff plans, orders and other documents).

As the foregoing materials showed, the [General] Staff of the Georgian Armed Forces had developed plans to invade the territory of South Ossetia and Abkhazia well in advance. In particular, these documents envisaged that villages populated predominantly by ethnic Ossetians were to be destroyed. Among other artillery targets such as South Ossetian law enforcement facilities and military installations, the headquarters of the Russian peacekeeping battalion and training grounds were also slated for destruction along with the Republic's House of the Government and the Tskhinvali television tower.

According to the plan, indiscriminate artillery systems were to be used during the offensive, including multiple launch rocket systems that cause massive civilian casualties when used in populated areas and inflict large-scale damage to vital civilian facilities.

The Russian Federation Chief Military Prosecutor's Office jointly with the Prosecutor General's Office of the South Ossetian Republic (SOR) also identified instances where in the course of the military operation Georgian armed forces used cluster munitions and 500 kg air-delivered bombs against the civilian population. This is prohibited by the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects dated 10 October 1980.

- According to the Russian Federal Migration Service Department in North Ossetia-Alania, more than 36 thousand ethnic Ossetians left the territory of South Ossetia between 7 and 16 August 2008 – most of them elderly people, women and children.

- An Action Plan designed to block and poison water supplies to Tskhinvali and adjacent communities during the military operation has recently been annexed to the materials of the criminal case currently under review by the Inquiry

Committee. The Plan was approved shortly before the Georgian military invasion by the alternative "Ministry of the Interior of South Ossetia" loyal to Tbilisi.

One should also take into consideration various statements made by Russian nationals residing in South Ossetia (more than three thousand statements in total) who suffered the consequences of Georgia's unlawful use of military force, demanding that Georgia's political and military leadership be brought to justice by the International Criminal Court and the European Human Rights Court.

The foregoing facts give us reasons to believe that the Georgian side had a deliberate plan to destroy Ossetians as an ethnic group. The relatively low number of casualties is accounted for by the high degree of preparedness on the part of the Ossetian population for a potential Georgian assault, timely evacuation and the prompt military intervention by the Russian side.

Question No. 2*: Why did persons leave their places of residence between 1990 and 2010, in particular in August, September and October 2008 and what hinders them to return? How are the property rights of such persons protected? May they dispose of such property freely?*

The policies conducted by the Georgian government as well as its military operation unleashed against South Ossetia in August 2008 caused interethnic relations within its borders to deteriorate, which resulted in a massive exodus of Georgian population to the territory of the Russian Federation. Primarily, the ethnic groups in question were Ossetians, Abkhazians, Russians, Armenians, Azaris and other ethnic minorities residing in Georgia.

When these dramatic events reached a critical point in August 2008, more than 36 thousand refugees from Georgia fled to the Russian Federation where they were registered by the Russian Federal Migration Service offices. As of 12 August 2008 after the situation in the conflict area started to stabilise and the Russian Federation undertook a number of specific measures to aid South Ossetia in

reconstructing houses and social facilities destroyed during the conflict, an increasing flow of refugees has begun to return to their homes in South Ossetia. The Russian Federal Migration Service helped to organise the repatriation of 33690 South Ossetian nationals.

More than two thousand citizens of Georgia who left Abkhazia during the Georgian-Abkhazian conflict still remain in the Russian Federation.

Furthermore, territorial offices of the Russian Federal Migration Service registered 12650 persons forced to leave their homes in Georgia as a result of the ethnic conflict that took place between 1989 and 1992. They received the status of forcefully displaced persons in accordance with legislation of the Russian Federation.

Since the beginning of the conflict 1816 persons previously residing in Georgia have arrived in the territory of 27 of the constituent entities of the Russian Federation and applied for refugee status. Throughout the foregoing period 27 Georgian nationals have been recognised as refugees and 530 have been granted temporary asylum. When applying for refugee status to the Russian Federation Georgian nationals and stateless persons cite the following reasons: fear of persecution by the Georgian authorities and extremists based on ethnic origins or political affiliations.

The Russian Federation firmly believes that the right to repatriation should be exercised voluntarily, conform to the principles of good will and human dignity and be accompanied by guarantees of security for displaced persons.

However, due to the fact that the Russian Federation severed diplomatic ties with Georgia, since 29 August 2008 the process of voluntary repatriation of Georgian nationals to their home country has become significantly more complicated since many of these people have no proof of identity. Other key factors that hamper the efforts to ensure organised repatriation of displaced persons include the remaining ethnic tensions and the situation in the "buffer zones", which continues to teeter on the brink of conflict due to the build-up of Georgian military

forces. These factors may potentially create new sources of tension along South Ossetian and Abkhazian borders.

Given the current situation, territorial offices of the Russian Federal Migration Service are forced to extend temporary residence permits for potential returnees allowing them to remain on the territory of the Russian Federation until their certificates of repatriation are duly issued.

As for predominantly ethnic Georgians who fled from South Ossetia towards Georgia, a significant number of such persons left their homes before the military operation. This fact has been recognised in particular in the report presented by the Council of Europe Commissioner for Human Rights T. Hammarberg. Our assumption is that the primary reason that drove ethnic Georgians to flee both prior to 8 August 2008 and in the following days was the initial information pointing to the fact that the Georgian side was getting up for a military operation and then the military operation that unfolded around their places of residence. This process was not caused by any premeditated actions directed against ethnic Georgians per se.

It has been established that the return of ethnic Georgians to their homes, primarily in the Leningorsk district, has already commenced. As for their return to communities located to the North and North-East of Tskhinvali, this process has been physically hampered by the fact that a significant number of homes were destroyed during the military operation as well as by the remaining security risks.

Property rights of such displaced persons in the territory of South Ossetia are protected by South Ossetian law enforcement authorities. Russian organisations cooperating with South Ossetia have been instructed not to engage in any transactions involving real estate of dubious legal standing.

Responses provided by the Russian Federation Ministry of Defence

***Question No. 5**: What targets were attacked on what day by forces not controlling the place where those targets were situated between 7 and 12 August*

2008? When these targets were situated in towns and villages, what was the evaluation of expected incidental deaths of civilians, injury to civilians or damage to civilian objects? Did the actual effects correspond to the expected effects? If not, why? What precautionary measures were taken in such attacks by the attacker and by the defender to avoid or minimise incidental deaths of civilians, injury to civilians or damage to civilian objects? Did these precautionary measures succeed? If not, why?

In the course of the entire military operation units of the Russian Federation Armed Forces acting exclusively with a view to repelling an armed attack, used tanks, APCs and small arms to fire upon clearly identified targets only, which enabled them to minimise civilian losses. These units targeted multiple launch rocket systems as well as artillery and mortar batteries, personnel and firepower of the opposing force in its staging areas.

The actual overall effect was as expected. Artillery fire and air strikes inflicted significant damage, undermined morale and brought considerable psychological pressure to bear upon the opposing forces.

During the active phase of the operation the Russian command undertook a number of effective measures aimed at minimising the damage for the civilian population and to the property of local citizens. Artillery fire and air strikes were planned and carried out in areas situated at a considerable distance from local communities against clearly identified targets only. Key artillery fire missions were completed against well observed targets – in the process commanders of combined arms units adjusted artillery fire through spotters and artillery reconnaissance units. Local communities and civilian facilities were not fired upon. All fire would cease once Georgian units withdrew from their positions. The Russian air component acting in support of the army units on the ground delivered a number of strikes against pockets of Georgian forces. Firing emplacements and columns of military

equipment en route. The Russian air component did not fly any missions in areas adjacent to or bordering on residential communities. All kill fire was monitored.

As a result of these measures civilian casualties were minimised. Furthermore, units of the Russian Federation Armed Forces helped to organise the evacuation of civilians from the conflict zone, which enabled them to significantly reduce civilian casualties in the course of the military operation.

During the operation the Russian side never used its readily available supplies of cluster munitions designed to cause casualties among enemy personnel and destroy equipment in open spaces.

At the same time, the allegations that the Georgian side used air-delivered cluster munitions are confirmed by selected fragments of such munitions found in the territory of South Ossetia as well as photographs of such fragments (and components) of the foregoing air delivered munitions discovered near the town of Zemo-Prisi (Tskhinvali district, SOR). In the course of the Georgian-South Ossetian conflict the Georgian side used 152mm self-propelled "Dana" howitzers and RM-70 120mm multiple launch rocket systems available from its military stockpiles. These weapons systems delivered to Georgia by the Czech Republic in 2003-2007 are not classified as precision-guided (the average kill zone covered by one RM-70 MLRS salvo is 14.5 hectares).

Russian EMERCOM and MoD personnel neutralized the consequences caused by the use of such weapons by the Georgian side. Russian military units also conducted reconnaissance missions in areas of active hostilities in search of explosive remnants of war (ERW). Other sweeping missions designed to identify and eliminate ERWs were carried out at a later stage in Tskhinvali and adjacent communities, as well as in the Znaursk district and towns of Kheragurovo, Avnevi, Zemo-Prisi and Prisi.

Russian units also conducted sweeping operations to identify and eliminate ERWs in Georgia. Following a request from the local population demining operations were conducted in the following localities: Karaleti, Variani, Shindisi,

Pkhveniskl, Arashenda, Akrailaba, Zemo-Khviti, Zemo-Nikozi, Ergneti and Tkviavi.

One of the reasons accounting for the fires and destruction in Georgian villages was the deliberate policy of arson perpetrated by the retreating Georgian Armed Forces. As a result a number of ordnances detonated including armour piercing rocket launcher rounds that had been placed and stored in adverse on residential homes in a number of Georgian villages (Kekhvi, Tamarasheni, Kheiti, Kurta, Ergvi, Avnevi etc.) to arm Georgian self-defence paramilitary units.

***Question No 4**: What is your legal position regarding the International Humanitarian Law as to the use of Grad multiple rocket launchers and cluster munitions in armed conflict? Why were Grad Multiple rocket launchers and cluster munitions used and against which targets in particular in densely populated areas? What measures were taken to mark and clear explosive remnants of war?*

Response: Rocket artillery fire was planned and delivered against the enemy's artillery, rocket-launching and mortar batteries located away from residential communities at a distance of at least 1-1.5 km. Rocket strikes were launched exclusively outside populated communities against verified areas where Georgian army personnel, military equipment and fire power were concentrated.

Cluster munitions, enough available to the strike units of the Russian Federation Air Force and designed to inflict casualties on the enemy and destroy military equipment in open spaces have never been used.

***Question No 5**: In areas that your forces or adverse forces gained control over during the 2008 hostilities, what kind of groups or persons were summarily executed, raped, or ill treated civilians and pillaged, burned or destroyed*

buildings? What measures were taken by the forces of the party controlling the area to stop and repress such violations?

Response: During the operation the Russian Federation Prosecutor General's Office closely coordinated its functions in the territory of South Ossetia with the actions of the Russian forces. As for the inquiry conducted by Russian law enforcement authorities into crimes committed by the Georgian army against the civilian population, it involved immediate investigative measures in an emergency situation. After the critical phase of the Georgian-South Ossetian conflict came to an end, law enforcement authorities of South Ossetia assumed the full range of relevant responsibilities.

According to the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office no instances have been identified where servicemen of the Russian Armed Forces took part in murders, rape, inhumane treatment of civilians, looting, arson and destruction of civilian buildings.

From day one of the operation, the Russian military command undertook exhaustive measures to prevent pillaging, looting and acts of lawlessness with respect to the local Georgian population. All personnel serving in units that took part in the operation was familiarised with the Directive issued by the General Staff of the Russian Armed Forces and the order given by the Army Commander-in-Chief "to maintain public safety and ensure security and protection of citizens residing in the territory of the South Ossetian Republic".

Russian troops, jointly with South Ossetian law enforcement and military units, provided round-the-clock protection of homes and land allotments that remained undamaged in Georgian villages, at the same time ensuring safety and security of South Ossetian residents regardless of their ethnic background.

With the permission of the North-Caucasus military district command, Russian servicemen provided assistance to the Georgian population in rebuilding homes damaged as a result of hostilities. In particular, such assistance was

provided to residents of Gori and Kareli on 16-18 August 2008. In order to ensure that the civilian population of Gori received humanitarian assistance, more than 30 tons of food supplies were earmarked, delivered and distributed.

Materials collected by Russian law enforcement authorities show that the following high-ranking Georgian officials took part in developing and implementing operation "Clean field" in the territory of South Ossetia: Minister of Defence, D. Kezerashvili, Chief of Joint Staff, Z. Gogava, Minister of the Interior, V. Merabishvili, Deputy Minister of the Interior, Sh. Dzhanashvili, Head of Intelligence Service, G. Bezhuashvili, First Deputy Minister of Defence, B. Kvaviya, Deputy Minister of Defence, G. Muchaidze, Head of Joint Staff J-5 Section (strategic planning and control), I. Batkanashvili, Army Commander, Z. Agladze, Chairman of National Guard Department, D. Arsiani, Peacekeeping Force Commander, M. Kareshvili, Senior Military Leader of the Peacekeeping Force in the Georgian-South Ossetian conflict area, K. Grushadze. According to Article 73 of the Georgian Constitution, the President of Georgia is the Commander-in-Chief of the country's Armed Forces.

None of the persons who perpetrated crimes on the territory of South Ossetia were identified, apprehended or caught at the scene of the crime. At the same time. Nevertheless, the Russian Federation believes that as a matter of paramount importance a legal opinion should be rendered with respect to crimes committed in South Ossetia, including from the perspective of International Law.

***Questions No. 6, 7**: During or following hostilities in 2008, when were persons who fell into power of your party or into the power of the adverse party arrested? On what legal basis were they arrested? How were those persons treated? Were they tried? When were they released?*

Were persons perceived as being associated with the adverse party after the end of hostilities in 2008 discriminated against and or deprived of the enjoyment of some human rights? What measures were taken against such practices?

Response: During the operation Russian and South Ossetian military units detained 85 Georgian nationals. Taking into consideration the fact that some Georgian servicemen deserted from their units, disposed of their weapons and military uniform, destroyed their identity papers, changed into civilian clothing etc., it proved impossible to ascertain the exact number of military personnel among those detained.

No unlawful actions have been taken with respect to the detained Georgian nationals by Russian and South Ossetian military personnel. All persons including those who admitted to being members of the Georgian Armed Forces and those who denied ever having entered military service were held in detention under equal conditions in accordance with all of the requirements set out in international law.

On 27 August 2008 all Georgian nationals previously detained were handed over to the Georgian side; this process was duly documented. At the same time 13 Russian servicemen detained by Georgian military and law enforcement authorities were handed over to representatives of the Russian military command. The exchange was monitored by the Council of Europe Commissioner for Human Rights T. Hammarberg. In the course of this procedure the detained Georgian nationals lodged no complaints claiming violations of their rights.

The Russian Federation has no knowledge of any instances where rights of persons who had fought on the Georgian side were violated after the conflict ended.

Question No. 8: *What steps did your party and the adverse party take to clarify the fate of persons reported missing since 1990 by the ICRC, their families, or by the party to which they belong? In which cases were those steps successful? If they were not, why?*

Response: To clarify the fate of missing persons as well as those who perished in the territory of South Ossetia as a result of terrorist attacks organised by Georgian intelligence services, the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office submitted a request for legal assistance to the Office of Prosecutor General of the South Ossetian Republic.

Question No. 9: *What investigations and prosecutions have been launched since 1990 by your judicial authorities against members of your forces, members of adverse forces, members of local forces and against civilians in relation with crimes committed in relation to the conflict?*

Response: In relation to the death of 10 and injuries sustained by 36 servicemen of the peacekeeping contingent from the Russian Federation Armed Forces, caused by Georgia's unlawful use of military force in the South Ossetian Republic on 8 August 2008, the military crimes investigations unit in the North Caucasus military district reporting to the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office, opened criminal case No. 14 00 0051-08 based on the attributes of a crime contemplated in paragraphs "a, b, e", Section 2, Article 105 of the Russian Federation Penal Code (murder of two or several persons in their line of duty using socially dangerous means).

On 12 August 2008 in relation to the death of servicemen from the Russian Federation Armed Forces who took part in the military operation, the military crimes investigation unit in the North Caucasus military district reporting to the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office, acting in a lawful and reasonable manner, opened criminal case No. 14 00 0052-08 based on the attributes of a crime contemplated in paragraphs "a, b, e", Section 2, Article 105 of the Russian Federation Penal Code (integrated with criminal case No. 14 00 0051-08).

At this stage, the foregoing criminal case has been submitted for further review to the Main Investigations Directorate of the Inquiry Committee appointed by the Russian Federation Prosecutor General's Office.

No instances have been identified where the Russian side would resort to unlawful methods of conduct of war in the course of the Georgian-South Ossetian conflict.

During the hostilities no crimes were perpetrated against civilians by any military personnel, other troops, military units or authorities of the Russian Federation.

The Russian Federation Military Prosecutor's Office identified no instances where [Russian] military personnel were involved in crimes against citizens of other countries including Georgia.

The Russian Military Prosecutor's Office received no complaints of violent discriminatory actions on the part of Russian Federation military personnel or other Russian military units directed against ethnic Georgians in the operational area.

Control and monitoring materials as well as data requested by military prosecutors did not substantiate the allegations claiming that Russian servicemen carried out extra-judicial executions of Georgian nationals, that their property had been pillaged, that ethnic Georgians had been forcefully displaced into detention camps, that they had been denied the right to return to their homes, that Russian military personnel had failed to adequately protect ethnic Georgians, as well as that air-rocket strikes and artillery fire had been directed against social infrastructure facilities in the territory of South Ossetia and Georgia.

The relevant investigative actions with respect to members of South Ossetian paramilitary units as well as civilians who committed crimes related to the military conflict are being fully undertaken by South Ossetian law enforcement authorities.

Question 10: *If forces or persons under your control, committed any violations of International Humanitarian Law or Human Rights, did the victims of those violations obtain reparation? Were other measures of restorative justice adopted? If not why? How could the victims obtain such reparations?*

During the peace enforcement operation against Georgia no instances have been identified where norms of International Humanitarian Law or Human Rights were violated by military personnel of the Russian Federation Armed Forces.

Additional Questions to the Government of the Russian Federation, related to humanitarian issues

To the representatives of the Ministry of Defence:

1. With regard to persons detained by other parties than Russia in the course of the conflict and its aftermath in South Ossetia, notably in Tskhinvali, could you please indicate whether Russian forces were present in facilities where persons were detained?

2. Could you please indicate why certain checkpoints and roadblocks set up by the Russian armed forces on 13 August 2008 in the so-called buffer zone adjacent to the administrative boundary of South Ossetia were removed a week later?

3. Could you please provide the Fact-Finding Mission with the location, time and circumstances of the alleged attacks against the "buildings of medical units and transport facilities of the Medical service of the Russian peacekeepers (p. 23 of the Report "Ossetian Tragedy. Evidence. Photography")?

4. Could you kindly provide the Fact Finding Mission with a list of the Russian peacekeepers who died in South Ossetia as a result of operations of the Georgian armed forces on 7-12 August 2008, including their names, date of birth, addresses as well as exact time, locations and circumstances of their demise?

5. If available, could you please provide the Fact-Finding Mission with a list of South Ossetian militiamen, including their names, dates of birth, addresses etc., who died as a result of the conflict?

To the representatives of the Prosecutor's Office:

6. According to the data provided to the Fact-Finding Mission, 162 South Ossetian civilians were killed as a result of the conflict. Could you please provide disaggregated information about this number such as the number of children, women, elderly or men among those who were killed?

7. With regard to damage caused to civilian objects, including residential buildings, houses and settlements, given existing reports on the use by South Ossetian militiamen of certain objects as firing positions and defensive positions, could you please indicate whether the presence of militiamen was established by the Prosecutor's Office at the time those objects were fired at?

8. Given the fact that there were reports about ongoing violations of human rights in September 2008 in South Ossetia and that some alleged crimes such as looting occurred against South Ossetians, some who may have had the Russian nationality, could you please indicate why the Investigative Committee of the Prosecutor's Office ceased its investigations in mid September 2008?

9. Among the approximately 80 criminal cases being currently pending and being dealt with by the South Ossetian authorities, as mentioned in the meeting with the Fact-Finding Mission on 29 July, could you please indicate, if available, how many cases relate to the conduct by South Ossetian forces?

10. Due to the extensive investigative means used by the Prosecutor's Office in South Ossetia that may consequently have allowed the Investigative Committee to come across information and evidence on crimes committed against non-Russian nationals in the course of its work, could you please indicate what type of coordination with South Ossetian authorities was in place to

ensure that such information is appropriately transmitted to the relevant authorities for further investigation?

To the relevant authorities:

11. Could please provide more information on the reconstruction programme for loss of property as a result of the conflict and its aftermath carried out in South Ossetia with Russian funding? Information includes who is eligible to benefit from such a programme.

South Ossetia

View on the conflict and chronology
- Military aspects -- questions and answers
- Humanitarian Law and Human Rights - questions

View on the conflict and chronology

Возникновение современного грузино-осетинского конфликта, закрепившегося вооруженной агрессией Грузии против Республики Южная Осетия в августе 2008 года, было обусловлено событиями конца 80-х годов XX века. В этот период, когда на фоне неспособности высшего руководства СССР остановить центробежные процессы, которые в конечном итоге привели к окончательному распаду СССР, в союзных республиках активизировались антисоветские движения за независимость от центральной власти. В Грузии этот процесс возглавил радикальный националист З.Гамсахурдия, который первым провозгласил лозунг «Грузия для грузин», ставший основой государственной политики Грузии в отношении ее автономий. Результатом, в таких условиях положение Южной Осетии в составе оставшегося грузинского государства стало обреченным на поражение.

Решение выйти из состава СССР Грузия связала Южной Осетии и Абхазии в праве выйти из Грузии, несмотря на то, что это право гарантировалось принятым в 1990 году Законом СССР «О порядке разрешения вопросов, связанных с выходом союзной республики из Союза ССР» как и для автономных образований, находящихся в составе самих союзных республик. В 1991 году Грузия провозгласила свою независимость, а Южная Осетия, воспользовавшись своим конституционным правом, после проведенного 17 марта 1991 года референдума осталась в составе СССР.

К этому времени политическая борьба уже переросла в открытую вооруженную агрессию Грузии против Южной Осетии, в результате которой с января 1991 года погибли и пропали без вести более 1 тыс. человек, около 2,5 тыс. человек получили различные ранения, и свыше 40 тыс. человек, около 10 тыс. беженцев из Южной Осетии, около 120 тыс. осетин, проживавших ранее в различных регионах Грузии, также вынуждены были стать беженцами.

Государственный переворот в Грузии в начале 1992 года и свергнувшая его гражданская война несколько ослабили интенсивность военных действий против Южной Осетии, однако весной 1992 года грузино-осетинский конфликт вновь резко обострился. Город Цхинвал был полностью блокирован. В ожесточенных действиях против Южной Осетии уже участвовали не только грузинские неформальные вооруженные формирования и криминальные банды, но и подразделения МВД и регулярной армии Грузии. На территории Юго-Осетии было сожжено и разрушено более 100 осетинских населенных пунктов. Под давлением России Грузия согласилась на переговоры, которые завершились 21 июня 1992 года подписанием Дагомысского соглашения о принципах урегулирования грузино-осетинского конфликта. Дагомысские соглашения предусматривали создание специального органа для урегулирования конфликта – Смешанной контрольной комиссии (СКК) из представителей четырех сторон: Грузии, Южной Осетии, России и Северной Осетии при участии ОБСЕ. 14 июля 1992 года, после ввода в зону конфликта Смешанных сил по поддержанию мира (СССПМ) в составе трех батальонов – российского, грузинского и осетинского – боевые действия были прекращены.

С этого времени Республика Южная Осетия, на которую с 1990 года фактически не распространялась юрисдикция Грузии, находилась в статусе независимого и суверенного государства.

Несмотря на воинственную риторику, постоянно звучащую в прессе Южной Осетии от первых лиц официального Цхинвали, Южная Осетия продолжала участвовать в переговорном процессе в международно-признанном формате ОБСЕ, и эффективность трехсторонней миротворческой операции признавалась даже грузинской стороной.

Новая фаза грузино-осетинского конфликта в резкое ухудшение отношений между Южной Осетией и Грузией произошла в начале 2004 года и связано с приходом к власти в Грузии М.Саакашвили, объявившего о своих планах любой ценой включить территорию Республики Южная Осетия в состав Грузии. Политический курс, избранный грузинским руководством, привел к эскалации напряженности вдоль грузинской стороной демаркационной линии зоны конфликта и, в конце концов, открытой военной агрессии Грузии против Республики Южная Осетия в июле 2004 года, в результате которой грузинские войска, превосходящие вдвое осетинские войска вокруг Цхинвали, вынуждены были понести большие потери и в конце августа 2004 года отступили. Сегодня совершенно очевидно, что инициированные боевые действия, которые велись лишь Южной Осетией, осуществлялись без какой-либо военной помощи со стороны других государств, в том числе России. При этом российские миротворческие подразделения, присутствовавшие в зоне конфликта, в ответных действиях не участвовали и всегда строго в соответствии с требованиями своего мандата пытались осуществлять разведение сторон в военном конфликте и обеспечивать безопасность населения.

После безуспешной попытки военной агрессии против Южной Осетии летом 2004 года, к началу 2006 года в Грузии была разработана новый план по захвату территории Южной Осетии, получивший название «вторая война». Этот план предусматривал проведение нескольких провокаций против грузинского населения Южной Осетии и мирных поселков, многочисленные жертвы среди которых могли бы стать поводом для развязывания новой кровопролитной военной агрессии против Южной Осетии, назначенной этим планом на май 2006 года. В соответствии с этим планом на осуществление захвата всех населенных пунктов Республики Южная Осетия и полное блокирование Российского контингента грузинскими войсками планировалось 7 суток. Однако этот план не был осуществлен в действие. Поскольку обученность и вооруженность грузинской армии на тот момент были признаны ее высшим военно-политическим руководством недостаточной.

С этого времени начинается период беспрецедентной милитаризации Грузии, руководство которой провозгласило курс на скорейшее вступление в НАТО. Грузинское руководство целенаправленно увеличивало военный бюджет, в котором расходы на закупки вооружений к 2008 году составили астрономическую для Грузии сумму в 1 млрд. $. Грузия активно закупала наступательное вооружение в США и странах Европы, являющихся поставщиками Европейского Союза, по лучшим ценам. ОБСЕ, миссия которой выполняла функции посредника и правового политического урегулирования грузино-осетинского конфликта. В число поставщиков оружия в Грузию входили США, Англия, Франция, Греция, Турция, Израиль, Литва, Эстония, Украина, Сербия и др.

18 июля 2006 года Парламент Грузии принял постановление о прекращении миротворческих операций в зоне грузино-осетинского конфликта и грузино-абхазского конфликтов и выводе российских миротворческих подразделений с

территории конфликтных зон. Практическим результатом этого мероприятия стал выход грузинского миротворческого батальона из состава ССНМ и подчинения Объединенному Командованию ССНМ. Командование и управление грузинскими миротворцами было возложено непосредственно на Министерство обороны Грузии.

В Грузии перестали скрывать цель обучения и подготовки армии этого государства профессиональными военными инструкторами из США и Израиля для использования, разработанному в ходе военных действий в Южной Осетии и Абхазии, и направленной не на оборону, а на осуществление оккупации территорий соседних государств и разрешения конфликтов силовыми способами.

Необходимо отметить, что к началу 2008 года военное руководство Грузии располагало подробными спутниковыми картами территории предполагаемого театра военных действий в Южной Осетии и Абхазии, изучение которых показало его собственные возможности. В нарушение ранее достигнутых договоренностей грузинская сторона в течение всего лета продолжала регулярно совершать провокационные полеты беспилотных летательных аппаратов (БПЛА) на высотах 2–3 километра, устанавливая таким образом к началу 2008 года отработку и будущий театр военных действий практически всего побережья. Неизбежной была и разведка этими же БПЛА районов основной военной группировки, вторжения Армии 7 дивизии.

28 января 2008 года Президент Республики Южная Осетия Эдуард Кокойты направил Президенту Грузии Михеилу Саакашвили официальное предложение о встрече между сторонами в конфликте в международном формате с участием Действующего Председателя ОБСЕ с последующим сторонами обязательством по использованию военной силы в урегулировании грузино-осетинского конфликта. Это предложение в ранее государственно предложенное к рассмотрению грузинскому руководству, однако положительного ответа не поступило. 15 марта 2008 года Президент Саакашвили официально подтвердил свою встречу в Вашингтоне, что Грузия не намерена брать на себя обязательство по неприменению силы для разрешения этого конфликта. Это заявление прозвучало в ходе выступления перед военнослужащими Гвардейской военной базы, где расположен в 30 километрах от города Цхинвали.

1 марта 2008 года грузинская сторона официально заявила о своем выходе из состава трехстороннего переговорного процесса при участии ОБСЕ и по сути дало ясно по время не пытаться деполитизировать Дагомысские соглашения 1992 года, блокировать переговорный процесс и устранить юридические основания для миротворческой операции. Этим целям служило и учреждение в Грузии должности государственного министра по урегулированию конфликтов и учреждение новой должности «министра по реинтеграции Грузии».

Тем временем ситуация в зоне конфликта быстро накалялась и к концу лета 2008 года было нарушено доведение грузинской стороной до своего пика. На фоне устраиваемых грузинскими властями политических провокаций, как, например, серия взрывов, инкриминированных в Грузии после пересечения ею в Южную Осетию в апреле 2008 года, в Цхинвале и некоторых прилегающих к территории Грузии населенных пунктах Южной Осетии грузинскими спецслужбами был совершен ряд террористических актов, в результате которых погибли мирные граждане Южной Осетии и Россия. Грузия демонстративно

готовил военные провокации для нападения на Республику Южная Осетия и нарушения свое военное присутствие в зоне конфликта не только на своей территории и приграничных районах, но и на территории Южной Осетии, в районах компактного проживания грузинского населения, перебрасывания туда вооружения и живую силу по прямо согласованным заранее объектным маршрутам.

К сожалению, неоднократные обращения Южной Осетии к мировому сообществу и международным организациям и структурам с призывами остановить эскалацию напряженности и оценить степень опасности, исходящей от Грузии угрозы остались без внимания.

Во второй половине июля 2008 года на территории Грузии были проведены совместные военные учения Грузии и США «Шелестящий щит», на которых отрабатывались тактики ведения действий против Южной Осетии. После окончания грузинской армии, участвовавшие в учениях, после их окончания были переброшены к границам Республики Южная Осетия. Одновременно с этим власти Грузии осуществляли массовую эвакуацию грузинского населения с приграничной территории боевых действий.

Серьезное внимание, обращенное к вышеприведенной хронологии событий, имеет принципиальное значение для установления фактов, имеющих прямое отношение к началу агрессии города Цхинвал и развязыванию Грузией полномасштабной военной агрессии против Республики Южная Осетия.

Начало 3 июля 2008 года жилые кварталы в южной части Цхинвала были подвергнуты массированному обстрелу из минометов, гранатометов и стрелкового оружия. Обстрел велся со стороны грузинского села Никози и прилегающей к Цхинвалу территории Грузии. Ранения получили несколько мирных жителей Цхинвала, имеются погибшие.

В ночь с 1 на 2 августа 2008 года со стороны Грузии из стрелкового оружия было обстреляно несколько постов правоохранительных органов Южной Осетии, а жилые кварталы Цхинвала вновь подверглись обстрелу. Всего пострадало 6 человек.
До 7 августа включительно грузинские территории Южной Осетии и расположенные на них населенные пункты подвергались огневой атаке с применением не только стрелкового вооружения, но и бронетехники и артиллерийских систем большого калибра.

Начиная с 7 августа экстренная встреча Сопредседателей ОБК оказалась сорванной в результате отказа грузинской стороны от встречи с Сопредседателем ОБК от России Послом Ю.Поповым, срочно прибывшим в Цхинвал.

Около 14.30 7 августа грузинские офицеры миротворческого батальона покинули расположение штаба Объединенного командования ОСПМ в городе Цхинвале и после наблюдения от Грузии, проводившегося со совместных наблюдательных пунктах в зоне конфликта, без каких либо объяснений оставили свои посты.

В 20.00 7 августа грузинские телеканалы транслировали обращение президента Саакашвили к народу Южной Осетии, в котором он объявил о безусловном

прекращения грузинской стороной огня и обязательств по неприменению военной силы для разрешения грузино-осетинского конфликта.

В 23.30 7 августа город Цхинвал подвергся массированному обстрелу из крупнокалиберной артиллерии и ракетных систем залпового огня «Град». Незадолго до этого командующему СКВМ генералу Кулахметову по телефону от Тбилиси сообщили об отмене перемирия, начале грузинской операции и предложили немедленно вылететь в Москву.
Первые снаряды разорвались в центре города Цхинвал и в расположении Объединенного командования в штабе СКВМ на ул.Мориса Тореза. В т.н. «Верхнем городке», в котором расположены все основные государственные учреждения, посольства и российских военнослужащих, несколько дней жили без света.

В 00.30 8 августа командующий грузинскими миротворческими силами генерал Кулахмелия в эфире телекомпании «Рустави 2» сообщил о начале военной операции грузинских вооруженных сил по установлению конституционного порядка в Южной Осетии.

В 01.40 8 августа колонна российской военной техники начала движение от города Алагир РСО-Алания к второму тоннелю Рокского туннеля «Цхинвал – Зарамаг – Рокский тоннель».

В 02.15 8 августа после артиллерийской подготовки на северную часть Южной Осетии вошли грузинские бронетанковые подразделения, наступающие в направлении Цхинвала и населенных пунктов Зарамагского и Цхинвальского районов Южной Осетии. Их продвижение сдерживалось вооруженными группами осетинских добровольцев и ополчения.

В 03.30 8 августа Грузия предприняла первый штурм Цхинвала, окруженного бронетанковыми подразделениями и пехотой.

К 6 часам утра 8 августа МВД Грузии по телефонной связи передало информацию о взятии под полный контроль осетинских сел Мугути, Дзмуити и Ахалдаба, а также южных окраин города Цхинвал.

В 08.20 8 августа грузинская авиация нанесла ракетно-бомбовый удар по городу Цхинвал и населенному пункту Дзау, в которых находилось большое количество покинувших Цхинвал беженцев. В городе Цхинвал в это время еще оставались грузинская сторона должна нести серьезные потери в бронетехнике и живой силе. Тем не менее, грузинские регулярные войска, на которых грузинская бронетехника и пехота перешли границу Цхинвала, а официальные лица Грузии, в числе которых министр по реинтеграции Т.Якобашвили и министр внутренних дел В.Мерабишвили заявили, что «грузинская армия контролирует Цхинвал каждый куст».

В 11.40 8 августа президент Грузии М.Саакашвили объявил России и лично российской военной агрессии и призвал мировое сообщество «спасти Грузию».

05.30 9 августа к окраинам Цхинвали прорвались передовые подразделения российской 58-й армии и 76-й Псковской воздушно-десантной дивизии. Днем 9 августа подразделения 135-го мотострелкового полка предприняли попытку взять под контроль заблокированных в военном городке российских миротворцев, однако натолкнулись на грузинскую танковую и артиллерийскую группировку. В этом бою были ранены командующий 58-й армией генерал Хрулев и несколько российских журналистов.

Дальнейшая хронология событий хорошо известна, в том числе и из грузинских источников. Однако считаем настоятельно необходимым обратить внимание на два документально подтвержденных факта:

1. Посредством сухопутных Вооруженных Сил России войска на территорию Республики Южная Осетия после того, как Тбилиси в одностороннем порядке объявил о прекращении огня, вступили в ответ на массированный артиллерийский удар с территории Грузии, а грузинские войска заняли господствующие высоты вокруг Цхинвала.

2. Первые заявления грузинской стороны о российской военной агрессии в отношении Грузии прозвучали по ее версии еще до начала сухопутной операции против Южной Осетии, в то время как грузинская армия предприняла несколько неудачных попыток штурма города Цхинвал, захватила и удерживала несколько населенных пунктов на территории Южной Осетии.

3. В военно-стратегическом плане артиллерийский удар по Цхинвалю, последующий за ним штурм города и обстреляных населенных пунктов Южной Осетии, которые Грузия осуществила первой, а также множество жертв среди мирного осетинского населения никоим образом не могут быть оправданы какой-либо угрозой для Грузии со стороны Российской армии, передвижения которой могли носить в тот момент лишь оборонительный характер по Транскавказской магистрали со стороны Республики Северная Осетия-Алания.

The evolution of the modern-day Georgian-Ossetian conflict, which culminated in Georgia's armed aggression against the Republic of South Ossetia in August 2008, was predicated on a number of events that took place in the late 1980s . During that period, characterised by the Soviet highest leadership's inability to put an end to a number of centrifugal processes that ultimately brought about the irrevocable collapse of the former Soviet Union, various nationalist movements striving for independence from the central government gained traction in selected republics of the Union. In Georgia this process was heralded by the emergence of a radical nationalist named Z. Gamsakhurdia who was the first to proclaim the "Georgia for Georgians" agenda, which became the cornerstone of Georgia's subsequent state policy vis-à-vis its autonomous regions. It goes without saying that it was absolutely impossible for South Ossetia to remain a constituent entity of the "independent Georgian state" against such a backdrop.

Having decided to pursue the course of secession from the USSR, Georgia rejected South Ossetia's and Abkhazia's right to secede from Georgia despite the fact that this right was guaranteed in accordance with the Law adopted by the USSR in 1990 on "Procedures governing the resolution of disputes related to secession of republics from the Union of Soviet Socialist Republics", which also applied to autonomous entities that used to form part of the former Soviet republics. In 1991 Georgia proclaimed its independence and South Ossetia resorted to its constitutional right following a referendum held on 17 March 1991 and chose to remain a part of the Soviet Union.

By this time political struggle gave way to Georgia's unabashed military aggression against the population of South Ossetia. As a result more than one thousand people were declared missing or dead, around 2.5 thousand were wounded, 55 thousand refugees fled from South Ossetia to North Ossetia, and around 120 thousand ethnic Ossetians who had been residing in different regions of Georgia were forced to leave their homes.

The coup d'etat that took place in Georgia in early 1992 and the ensuing civil war somewhat diminished the intensity of military operations against South Ossetia, however, in spring 1992 the Georgian-Ossetian conflict rapidly deteriorated. The city of Tskhinvali found itself completely blockaded. At this stage it was not only the informal Georgian paramilitary units and criminal gangs who took part in the hostilities directed against South Ossetia but also troops from the Georgian Ministry of the Interior and regular military forces. More than 100 ethnic Ossetian settlements were razed and destroyed in the territory of South Ossetia. Yielding to the pressure from Russia Georgia agreed to engage in negotiations, which resulted in the signing of the Dagomys agreements governing the principles of Georgian-Ossetian conflict resolution on 24 June 1994. These agreements stipulated that a Joint Control Commission (JCC) – a special body called upon to settle the Georgian-Ossetian conflict – be set up by the four parties, namely Georgia, South Ossetia, Russia and North Ossetia with the participation of the OSCE. On 14 July 1992 after the Joint Peacekeeping Forces (JPKF) consisting of three battalions from Russia, Georgia and Ossetia respectively, were deployed in the conflict area, hostilities came to an end.

Since that point in time the Republic of South Ossetia, which as of 1990 de facto seceded from the Georgian jurisdiction, obtained the status of an independent and sovereign state.

[1] Unofficial translation by the Independent International Fact-finding Mission on the Conflict in Georgia.

Despite the belligerent rhetoric constantly resorted to by high-ranking Tbilisi officials and directed at South Ossetia, the Republic continued to take part in the negotiations held in the internationally recognised format of JCC and the efficient efforts of the trilateral peacekeeping operation were acknowledged ever by Georgia.

In early 2004 the Georgian-Ossetian conflict escalated again and the relations between South Ossetia and Georgia deteriorated further after M. Saakashvili came to power in Georgia and declared that he planned to integrate the territory of South Ossetia into Georgia at any cost. The political course chosen by the Georgian government brought about increased tensions in the conflict area and ultimately culminated in Georgia's military aggression against the Republic of South Ossetia in July 2004. During this campaign Georgian troops attempted to occupy elevations strategically located around Tskhinvali, sustained significant casualties and retreated in late August 2004. We believe it should also be noted that the exclusively defensive campaign was conducted at that time by South Ossetia without any outside military assistance, not even from Russia. The Russian peacekeeping units that maintained presence in the conflict area never took part in the military operation, however, they tried to separate the parties engaged in the conflict and ensure safety and security of the local population in accordance with their mandate.

After the failed military attack of 2004 directed against South Ossetia in early 2006 Georgia developed a new plan entitled "Tiger's Leap" designed to recapture the territory of South Ossetia. This plan envisaged a number of large-scale provocations against the Georgian population of South Ossetia and the peacekeepers - the potentially high casualties among them would provide the excuse to unleash a new full-scale military aggression against South Ossetia, slated to take place in May 2006. According to the plan, Georgian forces were given seven days to capture all cities and towns in the Republic of South Ossetia and to complete their blockade of the Roki tunnel. However, this plan never materialised since the Georgian army's level of preparedness as well as its equipment were deemed insufficient by the country's high command.

This turn of events heralded a period of Georgia's unprecedented militarisation. The country's government proclaimed its aspirations to join NATO within shortest possible timelines. Georgian authorities demonstratively augmentee the military budget by 2008 the imports of weapons reached 1 billion dollars – an astronomical amount by Georgia's standards. The country continued to proactively procure offensive weapons in the United States and other EU and OSCE member countries. Ironically, it was the OSCE mission that acted as a mediator during the Georgian-Ossetian conflict resolution. The list of countries that shipped weapons systems to Georgia included the United States, United Kingdom, France, Greece, Turkey, Israel, Lithuania, Estonia, Ukraine, Serbia and others.

On 18 July 2006 Georgia's Parliament adopted a resolution terminating the peacekeeping operations underway in the Georgian-Ossetian and Georgian-Abkhazian conflict areas and mandating the withdrawal of the Russian peacekeeping units from the respective conflict areas. In practice, this resolution resulted in the Georgian battalion's withdrawal from the JPKF and the relevant JPKF Command structures. The Georgian Ministry of Defence was tasked to exercise command and control of the Georgian peacekeepers.

In Georgia it was no longer a secret that the country's armed forces were being trained by military instructors from the United States and Israel based on methodologies developed during the military operation in the former Yugoslavia, which were not

defensive in nature but rather envisaged occupation of territories in neighbouring states and resolution of conflicts through the use of military force.

It should also be noted that by early 2008 the military leadership of Georgia was in the possession of detailed satellite maps depicting the territory of the proposed theatre of operations in South Ossetia and Abkhazia. Georgia was unable to produce such maps using its own limited resources. In violation of previous agreements the Georgian side continued several years in a row to rotate its peacekeeping contingent every 2-3 months instead of twice a year. In so doing, by summer 2008 they managed to familiarise virtually all units from the 4th infantry brigade with the future theatre of operations. Later on this brigade spearheaded the attack launched against Tskhinvali on 7 August.

On 28 January 2008 President Kokoity of South Ossetia sent an official letter to President Saakashvili of Georgia proposing that a joint meeting be organised between the conflict parties in an international format with the Acting OSCE Chairman in attendance with a view to ensuring that both parties would sign an agreement banning any use of force and paving a way to resolving the Georgian-Ossetian conflict. This initiative had been proposed on a number of occasions prior to that however, the Georgian government chose to demonstratively ignore it. On 15 March 2008 President Saakashvili officially rejected the idea of holding such a meeting. He stated that Georgia had no intention of assuming any obligations that would rule out the use of force and reiterated that the military solution to the Georgian-Ossetian conflict in favour of Georgia was viewed by its government as the only viable option. The fact that this statement was made during his address delivered in front of the personnel stationed at the military base in Gori built some 30 kilometres from Tskhinvali, speaks for itself.

On 4 March 2008 the Georgian side officially announced their withdrawal from the quadrilateral negotiations process brokered by the OSCE. This was in no way the first time when Georgia attempted to denounce the Dagomys agreements of 1992, block the negotiations process and eliminate the legal basis for the peacekeeping operation. The fact that Georgia abolished the office of the state minister responsible for conflict resolution and introduced the new office of "Minister of Georgia's Reintegration" also served the same purpose.

In the meantime the situation in the conflict area continued to rapidly deteriorate and by early summer 2008 it was deliberately brought to the boiling point by the Georgian side. Against the backdrop of political provocations orchestrated by Georgian authorities, for example a visit by foreign ambassadors accredited in Georgia to South Ossetia slated to take place in April 2008 was disrupted. Georgian intelligence services committed a number of terrorist attacks in Tskhinvali and several South Ossetian settlements adjacent to the Georgian territory that resulted in civilian casualties – mostly citizens of South Ossetia and Russia. Georgia demonstratively continued to prepare military bridgeheads to facilitate an attack against the Republic of South Ossetia and built up its military presence in the conflict area not only inside its own border areas but also in the territory of South Ossetia and in areas predominantly populated by ethnic Georgians by redeploying weapons and personnel via previously laid bypass roads.

Regrettably, South Ossetia's frequent appeals addressed to the international community as well as international organisations and structures to put an end to the escalation of tensions and reduce the level of threat emanating from Georgia, would fall on deaf ears.

In late July a joint US-Georgian military exercise entitled "Immediate Response" was held in the territory of Georgia. The exercise was designed to test the tactics of

running a military operation against South Ossetia. The Georgian army units that took part in the exercise were redeployed towards the South Ossetia border following the completion of the exercise. At the same time the Georgian government continued to evacuate ethnic Georgian population on a massive scale from the future area of hostilities.

The following chronological sequence of events merits special attention since it plays a key role in ascertaining the facts directly related to the beginning of a military operation launched to take the city of Tskhinvali by force and the full-scale military aggression unleashed by Georgia against the Republic of South Ossetia.

On 3 July 2008 residential areas located in the southern part of Tskhinvali encountered fire from mortars, grenade launchers and small arms. The fire was opened from the Georgian village of Nikozi and the Georgian territory adjacent to Tskhinvali. Several civilians in Tskhinvali were wounded, some were killed.

On the night of 1 to 2 August 2008 the Georgian side opened sniper fire targeting several law enforcement checkpoints in South Ossetia. Several residential quarters in Tskhinvali were again fired upon resulting in six more deaths. Prior to and on August the 7th territories of South Ossetia located near the border and several local settlements situated in this area were again fire upon. This time in addition to small arms the other side also employed armoured vehicles and large-calibre artillery systems.

The extraordinary meeting of JCC Co-Chairmen slated to take place on 7 August was ultimately disrupted by the refusal of the Georgian side to meet the JCC Co-Chairman from Russia Ambassador Yu. Popov, who had to urgently travel to Tskhinvali.

On 7 August at around 14:30 officers from the Georgian peacekeeping battalion left the JPKF Command Headquarters in Tskhinvali and military observers from Georgia stationed at the joint monitoring points in the conflict area left their posts without any explanation.

On 7 August at 20:00 Georgian television stations broadcasted President Saakashvili's address to the people of South Ossetia during which he declared that the Georgian side would unconditionally cease fire and assume the obligation not to resort to military force to resolve the Georgian-Ossetian conflict.

On 7 August at 23:00 a massive artillery strike and "Grad"[1] fire were unleashed against Tskhinvali. Shortly before the JPKF Commander General Kulakhmetov had received a telephone call from Tbilisi informing him that the previously brokered truce was suspended and that an army operation would ensue immediately. He was also advised not to interfere with the hostilities.

The first shells exploded in the centre of Tskhinvali and near the Joint Command and JPKF Headquarters located along Mirotvortsev Street. As a result 11 Russian servicemen

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[1] Multiple launch rocket systems «Grad»

were killed and several dozens wounded in the so-called "Upper town" hosting the bulk of Russian peacekeeping units.

On 8 August at 00:30 the commander of the Georgian peacekeeping battalion general Kurashvili stated in an interview aired by the TV station "Rustavi 2" that a military operation had been launched by Georgia to "restore constitutional order" in South Ossetia.

On 8 August at 01:40 a convoy of Russian military vehicles moved out from the town of Alagir located in the Republic of North Ossetia-Alania and proceeded towards the "Lower Zaramag" border checkpoint and then to the Roki tunnel.

On 8 August at 02.15 following intensive artillery shelling Georgian armour units entered the territory of South Ossetia and headed in the direction of Tskhinvali and other settlements located in the Znaur and Tskhinvali districts of South Ossetia. Their movements were covered live on Georgian television.

On 8 August at 03:10 Georgia undertook the first attempt to take Tskhinvali by storm sending in armour and infantry units.

By six o'clock in the morning on 8 August the Georgian Ministry of the Interior reported on television that the Ossetian villages of Mugut, Didmukha and Dmenis as well as southern outskirts of Tskhinvali were under their total control.

On 8 August at 8:20 the Georgian air force launched a rocket strike and bombarded Tskhinvali and Dzau – a locality that hosted a large number of refugees fleeing from Tskhinvali. In the meantime street fighting ensued in Tskhinvali. The Georgian side sustained its first serious losses in military equipment and personnel. Regardless of that, Georgian television channels continued to broadcast pictures of Georgian armoured vehicles and infantry marching through the streets of Tskhinvali and Georgian officials including the Minister for Reintegration T. Yakobashvili and Minister of the interior V. Merabishvili stated that "the Georgian army was in control of every single bush in Tskhinvali".

On 8 August at 11:30 president M. Saakashvili of Georgia accused Russia of perpetrating a large-scale military aggression and called upon the international community to "save Georgia".

On 9 August at 05:30 the first units of the 58th Russian army and the 76th Pskov-based airborne division fought through to reach the outskirts of Tskhinvali. In the afternoon of the same day units of the 135th motorised rifle regiment attempted to extract the Russian peacekeepers from the military base, which was at the time under fire, however, they ran into a group of Georgian armour and infantry units. General Khrulev who was in command of the 58th Army and a number of Russian journalists were wounded in this battle.

The subsequent chain of events and their chronological sequence have been covered at length by various sources including those in Georgia. However, we believe it imperative to draw your attention to two well-documented facts:

1. Units of the Russian Armed Forces entered the territory of the South Ossetian Republic after the city of Tskhinvali and the adjacent strategic elevations were subjected to a massive artillery fire launched from the Georgian territory and after the Georgian troops entered the southern outskirts of Tskhinvali.

2. The initial statements as to the "Russian military aggression against Georgia" were made by the Georgian side not before the military operation against South Ossetia but rather after the Georgian armed forces undertook several failed attempts to take Tskhinvali by storm and proceeded to occupy and destroy several residential settlements in the territory of South Ossetia.

3. Militarily and strategically, the artillery strike against Tskhinvali and the subsequent operation to storm the city and the neighbouring villages in South Ossetia, which Georgia launched the first, as well as numerous ethnic Ossetian civilian casualties cannot be justified by any threat to Georgia from the Russian Armed Forces whose units could only enter the area of hostilities through the Transcaucasian arterial highway from the Republic of North Ossetia-Alania.

Military aspects -- questions and answers

First set of questions to the South Ossetian authorities, related to military issues

1. There have been various accounts of the chronology of the conflict in August 2008. What is your understanding of the order in which events took place in the zone of conflict?
2. Did the South Ossetian side respect in August 2005 provisions of the Sochi Agreement of 1992 and other relevant documents/protocols? If not, why?
3. In August 2006, did the South Ossetian forces cross the existing cease-fire lines with the Georgian side, established by the Sochi Agreement of 1992 and other relevant documents/protocols? Did the South Ossetian forces cross at any point the administrative boundaries of the territory into the Georgian side? If so, where, when and why?
4. What type of combat missions did the South Ossetian forces and militia undertake against the Georgian side during the conflict?
5. What types of units were used and how many troops were deployed in general and for particular operations?
6. What were the organization and the chain of command and control of the South Ossetian forces?
7. What were the levels of decision making for the choice of targets and assets engaged?
8. What was the level of cooperation and means of command and control between the South Ossetian forces and the Joint Peacekeeping Forces and the armed forces of the Russian Federation? In such cooperation, how were orders prepared and issued?
9. What training on the International Law of Armed Conflict had been given to troops involved in the operations? What plans were made for the protection of civilians before military operations began? What did the South Ossetian forces do in order to prevent human rights violations, including looting, burning of houses etc., during the hostilities of August 2008 and afterwards?
10. What military preparations were made prior to August 2008? What were the organization, composition and equipment of the South Ossetian forces and militia before the conflict?
11. What plans were made for a withdrawal and redeployment of any South Ossetian forces, which may have crossed the administrative boundary of South Ossetia? What was the sequence and timing of any such withdrawal or redeployment?

1. The sequence of events that took place in August and existing factual materials serve as a direct evidence pointing to the fact that on 7 August 2008 Georgia began to carry out a pre-conceived plan designed to resolve the Georgian-Ossetian conflict through the use of force.

This allegation has been substantiated by the relevant facts, which beyond any doubt qualify the events in question as a well-prepared full-scale military aggression against the Republic of South Ossetia, thus leaving no room for any alternative interpretation of the events that took place in August 2008.

There is equally no doubt as to the fact that neither the Russian Federation nor the Republic of South Ossetia ever posed any military threat to Georgia. Under no circumstances could Georgia's leaders have used military threat as a pretext for unleashing their aggression against South Ossetia. The events that ensued demonstrated that Georgia's primary objective did not amount to defending its territory against an external threat but rather envisaged full annihilation of the South Ossetian Republic as a political and state entity. This was a military operation planned by Georgia with the assistance and direct military aid provided by third parties with a view to driving peaceful Ossetian population from the territory of South Ossetia and destroying those representatives thereof who were in a position to resist the aggressor.

Special attention should be paid to the fact that Georgia began its military campaign on the eve of the Beijing Olympic Games opening ceremony, as well as Mr Saakashvili's televised address to the people of Ossetia broadcasted at 20:00 hours (Moscow time) on 7 August 2008 by all Georgian television stations. In this address Georgia's president called upon South Ossetia to look for a peaceful solution to all disputes and reiterated his assurances that under no circumstances would Georgia resort to a military option.

At 23:35 a rocket artillery strike was launched against the city of Tskhinvali during which Georgia employed mortars, MLRS "Grad", as well as 155 mm and 203 mm artillery systems. The first strike targeted the Joint Peacekeeping Forces deployment locations in the area of Georgian-Ossetian conflict as well as vital facilities, municipal infrastructure and residential areas of the city. At the same time artillery strikes were launched against other targets that played a strategic role for the defence of the South Ossetian territory.

The Zar bypass road being the only available transportation route for the evacuation of the civilian population was also heavily shelled. On 8 August at dawn Georgian assault aircraft launched a strike against Tskhinvali and other residential communities located in the territory of South Ossetia using cluster ammunitions. Shortly thereafter a Georgian armour group and army infantry units crossed the South Ossetian border in numbers comparable to the entire population of South Ossetia.

2. Prior to the events that took place on 8 August 2008 the Republic of South Ossetia had been in full compliance with the provisions of the Agreement detailing the principles of Georgian-Ossetian conflict resolution signed in Dagomys in 1992. The foregoing statement is substantiated by the fact that even by the time when Georgia launched its aggression South Ossetia had no armour vehicles or heavy weapons within the Georgian-Ossetian conflict zone prohibited pursuant to the foregoing international agreements. The South Ossetian border and protected facilities within the Republic's territory were patrolled and secured primarily by units from the RSO Ministry of the Interior and Ministry of Defence, they were carrying light

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[1] Unofficial translation by the Independent International Fact-Finding Mission on the Conflict in Georgia

weapons, small arms as well as permitted standard issue ammunitions. Since 1992 all South Ossetian heavy weapons and core army units had been redeployed outside of the conflict area.

By August 2008, the Georgian side, on the other hand, in violation of all agreements and arrangements signed by its government, established within a short period of time a bridgehead near the South Ossetian border and even in the Republic's territory to facilitate the imminent attack. The bridgehead was complete with robust fortifications and accommodated large numbers of heavy armoured vehicles, heavy artillery and numerous army units.

It should also be noted that one year after the military stand-off provoked by the Georgian side in July 2004, the Georgian government decided to withdraw their contingent from the trilateral (Russian Federation, Republic of South Ossetia-Alania, and Georgia) Joint Peacekeeping forces under the JPKF Headquarters' command, and subordinated it directly to the Georgian Ministry of Defence, signalling a departure from the previous peacekeeping and conflict resolution formats. As of this moment tensions in the conflict area started to grow. There is irrefutable evidence pointing to the fact that the so called "Georgian peacekeepers" who refused to report to the JPKF Command but still retained the right to deploy and move through the conflict area, directly participated in the armed provocations and the shelling of Tskhinvali as well as other residential communities in Ossetia.

All violations of the conflict area arrangements and cease fire agreements have been duly identified by the JPKF and relevant information has been submitted to the Joint Control Commission for Georgian-Ossetian Conflict Resolution (JCC) for further discussion. However, Georgia claimed that the quadripartite JCC format, which included OSCE, no longer served its interests and essentially denounced the Dagomys agreements of 1992. In so doing, it blocked any further efforts of the Commission and e liminated the only internationally recognised conflict resolution format.

All attempts on the part of the South Ossetian side and other stakeholders in the negotiation process to bring Georgia back to the table in the framework of the Joint Control Commission failed. By the same token, South Ossetia's appeal addressed to the international community to pay closer attention to Georgia's provocative preparations to wage war against South Ossetia yielded no tangible results.

3. South Ossetian law enforcement and military units never engaged in any hostilities or military operations outside of the territory of the South Ossetian Republic and never crossed any part of the Georgian state border. Moreover, during the Georgian aggression and after it was successfully repelled, all movements of military convoys, vehicles and personnel took place in the remote areas of the South Ossetian Republic (Leningorsk district) where all lines of communications characterised by rough terrain laid exclusively within the boundaries of South Ossetia, despite having to sustain loss of time and considerable material and technical costs.

4. From the night of August the 7th and until the morning of August the 10th South Ossetian forces were engaged in fierce street fighting defending against Georgian heavy armoured vehicles and infantry in Tskhinvali and other localities adjacent to the territory of Georgia (Khetagurovo, Mugut, Dmenis, Zemo Nikozi, Sarabuki etc.), protected and defended vital strategic locations (areas of civilian concentration, residential blocks, critical infrastructure facilities, transport communications and engineering facilities) throughout the entire territory of South

Ossetia. At a later stage the South Ossetian side engaged in offensive hostilities and local operations aimed at pursuing and driving the Georgian forces out of the territory of South Ossetia.

5. During the events that took place in August the total strength of the personnel provided by all of the Republic's law enforcement and military agencies, including the mobilisation reserve on its fighting against the Georgian forces, never exceeded 3.5 thousand. The Armed Forces of South Ossetia primarily consisted of light rifle battalions with seconded artillery units and obsolete Soviet-made armoured vehicles. Volunteers arriving from RNO Alania also took part in the hostilities in an attempt to repel the Georgian aggression.

6.7. During the first 24 hours of the events in August the Georgian side managed to disrupt South Ossetian communications and command and control systems using electronic countermeasures. During this period general military control was at its minimum level, and command of South Ossetian defensive forces was delegated to the local level. The choice of targets and assets was predicated on the need to stop any further advances of the Georgian forces into the territory of South Ossetia and to protect the civilian population. The High Command of the RSO Armed Forces exercised general control over the units engaged in hostilities.

8. It should be stressed that the Joint Peacekeeping Forces deployed in the conflict area were among the first to be fired upon by the Georgian troops. Despite sustaining significant casualties, JPKF servicemen continued to act in accordance with their peacekeeping mandate, which did not provide for any combat coordination with the armed forces of either side.

The Armed Forces of the South Ossetian Republic never conducted any joint military operations with the JPKF or the Armed Forces of the Russian Federation and acted in accordance with instructions issued by their own command. It goes without saying that the need to organise a coordinated response against a common enemy was a factor and actions taken by selected units in carrying out specific missions regardless of their chain of command did not run contrary to those undertaken by other units.

9. The RSO Armed Forces training curriculum provides for additional studies of basic tenets of international law and norms of international humanitarian law. It should also be noted that a significant number of units defending the territory of South Ossetia were manned by personnel from the Ministry of the Interior and other law enforcement agencies of the South Ossetian Republic. Their primary objective was to protect the civilian population and maintain law and order.

After the situation began to sharply deteriorate in early August 2008 South Ossetian authorities began partial evacuation from Tskhinvali and several other localities adjacent to the Georgian border along the Zar bypass road to protect the civilian population (women, elderly people and children). During the early stage of hostilities the Georgian side deployed armoured vehicles and personnel in large numbers along the Zar bypass road. These forces opened fire at point blank range upon several vehicles carrying civilians and cut off all escape routes from the area of hostilities to all other civilians. Tent camps were organised in the Djava district in South Ossetia as well as in North Ossetia for the numerous refugees who managed to escape from the combat zone.

The Leningori district of the South Ossetian Republic densely populated by ethnic Georgians demonstrated exemplary efforts in protecting human rights of local civilians. During the operation designed to drive the Georgian forces from this territory not a single casualty has been identified among the local civilians and all civilian facilities and residential houses remained unscathed. It should also be stressed that no legal norms have been violated with respect to the entire population of South Ossetia regardless of their ethnic background. The International Red Cross and its office in the city of Tskhinvali provided valuable assistance in this respect.

Following the cessation of hostilities the government of South Ossetia developed and implemented a specific action plan designed to prevent and preclude any instances of looting, arsons and illegal takeovers of land allotments in the territories liberated from Georgian occupation. In accordance with a decision taken by the RSO government on 8 April 2009 a special Commission was set up and a number of measures have been developed to ensure post-war reconstruction of the liberated territories.

The plight of the civilian population residing in several localities along the 7 kilometre stretch of the Transcaucasian arterial highway located north of Tskhinvali who suffered as a result of the events in August is truly regrettable, however the root causes of this tragedy must be thoroughly investigated.

Still already at this stage ample evidence exists pointing to the fact that this territory of South Ossetia posed a real threat to the safety and security of the South Ossetian population. Following the Georgian-Ossetian conflict between 1989 and 1992, this territory came under Georgian military occupation. As a result all ethnic Ossetians were driven away from the area and Georgians remained the only ethnic group in these communities.

Residents of these villages were among those who opened fire upon the convoy of refugees on the Zar road in May 1992. Control over these territories was often used by the Georgian government as a ploy to engage in political blackmail as well as to blockade transportation lines to Tskhinvali and later on cut off sea access. This segment of the Transcaucasian arterial highway located in the area of hostilities that had been controlled by the Georgian police since 1989 became the scene of dozens of kidnappings, murders and showcase executions of ethnic Ossetians singled out purely based on their ethnic background. This territory became a safe haven for criminals ousted from the rest of the South Ossetian territory and portrayed to this day by the Georgian authorities as representatives of the Ossetian people acting on its behalf.

By the time when hostilities commenced in 2008 the Georgian government almost fully evacuated all civilian population and turned this territory into a secure military site as well as created a bridgehead complete with robust military fortifications. The personnel deployed within this military site far outnumbered the local population. Naturally, during the military operation launched to repel the Georgian aggression the need arose to neutralise the threat emanating from this military site against Tskhinvali and Djava. Therefore, from the military point of view, there were ample justifications to engage and destroy this enemy bridgehead in the territory of South Ossetia. Nevertheless, it should be stressed time and again that shortly before the events that took place in August the Georgian government had evacuated all local civilian population who, regrettably, became hostage to reckless policies conducted by the Georgian government. Parenthetically, the latter is attempting to this day to portray the exodus of the local population from these

Georgian villages as a result of an ethnic cleansing campaign conducted by the Ossetians.

10. For a relatively long period of time Georgia had been preparing for a military incursion into South Ossetia with a view to resolving the conflict through the use of force. Selected European Union and NATO member countries sent to Georgia large shipments of state-of-the-art offensive weapons and vast quantities of ammunitions. In the early summer of 2008 the policy of unbridled militarisation conducted by the Georgian government reached its peak. However, at the time when tensions in the Georgian-Ossetian conflict area reached the boiling point, all appeals by the South Ossetian government addressed to the international community to pay closer attention to the military preparations underway in Georgia fell on deaf ears.

On 3 July, during a concert held in the central square of Tskhinvali, concentrated mortar and small arms fire was unleashed against the city heavily wounding several civilians. On the night of 1 to 2 August 2008 sniper fire took the lives of 6 civilians and selected residential areas in Tskhinvali were again fired upon. All of these events contributed to the growing list of civilian casualties. It should also be noted that the Georgian personnel who took part in this action received Georgian government awards.

In early August 2008 all units of the RSO Armed Forces and law enforcement agencies were put on highest alert. No additional personnel was conscripted from the mobilisation reserve.

Questions to the authorities of South Ossetia on legal issues including international humanitarian law and human rights law issues

1. Please explain the formal and informal relationship between the Russian Federation and Georgia and South Ossetia respectively before the outbreak of the conflict in August 2008 in all levels. Would you call the developments in legal, political, economic space, including infrastructure energy and social welfare in the recent years between the Russian Federation and South Ossetia as an integration process? How do you qualify in legal terms the decision taken by the Russian Federation a few months before the outbreak of the conflict to establish formal contacts between the Russian Federation and South Ossetia?

2. Please explain the process and dynamics of acquiring Russian nationality by persons residing in South Ossetia, and explain the reasons for the conferral of Russian citizenship

3. What was the composition of the regular South Ossetian forces and were there volunteers integrated into those forces prior to or during the hostilities in 2008? What was the relationship between the regular South Ossetian forces on one hand and the forces of the Russian Federation on the other hand?

4. In the course of the conflict and in terms of responsibility under International law. How would you describe the formal and informal relationship between the Russian military and South Ossetian armed forces prior to 17 September 2008 and nowadays? Please explain especially the respective command chains.

5. What was the nationality of individuals and/or composition of armed groups not integrated in the regular South Ossetian forces and who participated in hostilities and who were still present in South Ossetia and in the undisputed territory of Georgia following the cessation of hostilities, in particular in the so called "buffer zones" adjacent to the territory of South Ossetia? What was the relationship between those individuals/groups on one hand and the authorities of South Ossetia and the forces of the Russian Federation on the other hand?

6. Concerning allegations of genocide, please explain who, in your view, committed genocide, and if so, when. If so, please mention the facts permitting to conclude that the elements of the crime of genocide, in particular, the existence of a protected group and of the intent to destroy that group in whole or in part, were present.

7. What targets were attacked on what day by which forces, in particular before 7 August and between 7 and 12 August 2008? When those targets were situated in towns and villages, what was the evaluation of expected incidental deaths of civilians, injury to civilians or damage to civilian objects? Did the actual effects correspond to the expected effects? If not, why? What precautionary measures were taken in such attacks by the attacker and by the defender to avoid or minimize incidental deaths of civilians, injury to civilians or damage to civilian objects? Did those precautionary measures succeed? If not, why?

8. According to your information, how many persons were killed during the 2008 hostilities and after? Among those persons how many persons were killed while participating in hostilities?

9. In areas that your forces or adverse forces gained control over during the 2008 hostilities, were persons summarily executed, raped, or ill-treated and were buildings pillaged, burned or destroyed? If so by what kind of persons or groups? What measures were taken by the forces of the party controlling the area to prevent, stop and repress such violations?

10. During or following hostilities in 2008, when were persons who fell into the power of your party or into the power of the adverse party arrested? On what legal basis were they arrested? How were those persons treated? Were they tried? When were they released?

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11. Why did persons leave their places of residence between 1990 and 2008, in particular in August, September and October 2008, and what hinders them to return, including regarding the Akhalgori district? How are the property rights of such persons protected? May they dispose of such property freely? In particular what measures were taken to ensure that legal titles and registry documents regarding those properties are safeguarded, including vis-a-vis burned and destroyed buildings and houses? How do you respond to allegations of ethnic cleansing of ethnic Georgians?

12. Were persons perceived as being associated with the adverse party after the end of hostilities in 2008 discriminated against and/or deprived of the enjoyment of some human rights? What measures were taken against such practices? What are the measures taken to ensure that regulations and practice of acquiring Ossetian citizenship for ethnic Georgians and other nationalities do not amount to discrimination? The enjoyment of what civil, political, social or economic rights in South Ossetia depends on Ossetian citizenship? What measures are taken to ensure language of education for ethnic groups including the Georgian and other ethnic groups? What measures are taken to ensure language of education for ethnic groups including the Georgian and other ethnic groups?

13. What steps did your party and the adverse party take to clarify the fate of persons reported missing since 1990 by the ICRC, their families, or by the party to which they belong? In which cases were those steps successful? If they were not, why? What measures did your party or the adverse party take to search for, collect and evacuate the dead and to facilitate the returns of the remains to the party to which they belong or to their families?

14. What investigations and prosecutions have been launched since 1990 by your judicial authorities against members of your forces, members of adverse forces, and against civilians in relation with crimes committed in relation to the conflict? In which cases did such prosecutions lead to convictions or acquittals? Please provide copies of the relevant decisions. If prosecutions did neither lead to convictions nor to acquittals, why did they not succeed?

15. If forces or persons under your control, committed any violation(s) of International Humanitarian Law or Human Rights, did the victims of those violations obtain reparation? Were other measures of restorative justice adopted? If not why? How could the victims obtain such reparations?

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Abkhazia

- View on the conflict
- Chronology and military aspects – questions and answers
- Humanitarian Law and Human Rights – questions and answers

View on the conflict

Ретроспектива событий августа 2008 года

Предпосылки вооруженной агрессии Грузии против Абхазии начала формироваться задолго до августа 2008 года. Уже в начале 2008 г. в приграничной зоне активизировалась разведывательная деятельность спецслужб Грузии, усилились маршруты незаконных вывозов оружия из Панкисского ущелья через Кахетию в обход официального рубежа Абхазии Вооруженных сил по правому берегу реки Ингур, отмечен факт переброски в грузинское приграничье дополнительных подразделений Абхазии. Было очевидно, что Грузия методично проводит развертывательную работу с целью создания ударной группировки вооруженных формирований Абхазии.

В свой очередь абхазская сторона неоднократно обращалась к высшим руководителям МООНГ и КСПМС СНГ по недопустимости использования Грузией вооруженного присутствия Республики Абхазия, что является нарушением Московского соглашения от 1994 года, в преамбуле которого говорится о *«твердом намерении сторон не допустить применения силы или угрозы силой для разрешения любых споров между ними»*.

Одновременно велась и внешнеполитическая подготовка – в сторону привлечения международных симпатий по косовскому делу, проведения грузинской и оккупационной военных учений, закупались современные средства вооруженной борьбы, способные поражать и массированные скопления живой силы противника, а также осуществлялись многочисленные провокации с целью создания предлога для развязывания Грузией вооруженного конфликта в зоне российской миротворческой операции.

Напряженную ситуацию способствовали сохранять высказывания руководителей вооруженных подразделений Грузии, из которых открыто звучали о возможности применения военной силы для восстановления территориальной целостности своей страны. Во время визита Грузии в Российской Федерации Эрки Кахишвили в апреле 2008 г. в узком кругу грузинской элиты обсуждалась возможность вступления на Абхазию. По его словам, *«основная задача Грузии состоит, чтобы при поддержке США подтолкнуть оппозицию начать протесты Сухуми – Сегодняшний момент, чтобы в частности свергнуть Грузинскую Сторону»*.

Некоторые официальные лица в Тбилиси не скрывали своих намерений. Официальный представитель МИД Грузии в апреле открыто заявил о возможности применения военной силы для восстановления территориальной целостности своей страны. Во время визита Грузии в Российской Федерации Эрки Кахишвили в апреле 2008 г. в узком кругу грузинской элиты обсуждалась возможность вступления на Абхазию. По его словам, *«основная задача Грузии состоит, чтобы при поддержке США подтолкнуть оппозицию начать протесты Сухуми – Сегодняшний момент, чтобы в частности свергнуть Грузинскую Сторону»*.

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Дважды грузинская сторона предпринимала попытки решения вопроса с Абхазией с применением военного потенциала в Кодорском ущелье. Однако, в результате грузинского вооруженного нападения на мирное население и сотрудников российской миротворческой операции, эти попытки были пресечены.

В то же время, отказ грузинской стороны от подписания соглашения о невозобновлении войны между Абхазией и Грузией привел к ухудшению ситуации.

Из выступления представителя МИД России на брифинге для иностранных журналистов по урегулированию грузино-абхазского конфликта

Что было не слушали в Кодорском ущелье, то они были полностью готовы при группе Абхазии в 2008 году, с которой начался [illegible] Группы №1 Сосредоточение *[illegible]* *[illegible]*, *[illegible]* *[illegible]* *[illegible]* Следует подчеркнуть, что абхазская сторона неоднократно заявляла, что [illegible] путем решения вопросов и выводом вооруженных подразделений из Кодорского ущелья и только после начала вывода Грузии против Южной Осетии было принято решение об освобождении [illegible] в любой момент они были использованы против Абхазии.

Операция в ущелье была проведена Вооруженными силами РА совместно с [illegible] на территории Республики Абхазия. Войска Абхазии [illegible] верхней части Кодорского ущелья корпоративно [illegible] на позиции [illegible] обычных [illegible] Непосредственно перед началом боевых действий [illegible] Верхнего Кодора [illegible] и подготовке и проведении операции по освобождению Верхнего Кодора, был [illegible] группировки войск как [illegible] так и [illegible] Все удары наносил [illegible] первой группировки с участка [illegible] [illegible] [illegible] После освобождения Верхнего Кодора, отряды были [illegible] [illegible] Указом Президента признанной [illegible] Республики Абхазия, [illegible] района.

[illegible] в Кодорском ущелье был проведен [illegible] и успешно для мирного населения района. [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

A Brief Account of August 2008 Events[1]

The preconditions for Georgia's potential military aggression against Abkhazia began to take shape long before the events that took place in August 2008. However, it was in 2008 that Georgian intelligence services stepped up their activities in the area adjacent to the Inguri river. They searched for possible troops deployment routes, fording sites across the Inguri river, and tried to ascertain the level of preparedness amongst the Abkhaz Armed Forces deployed along the right bank of the Inguri river. Georgia's multi-purpose UAVs were regularly sighted flying over Abkhazia's territory. It was obvious that Georgia tried to meticulously collect intelligence data, monitor key strategic facilities and obtain information pertaining to the deployment of the Abkhaz Armed Forces.

In this regard, the Abkhaz side on numerous occasions attempted to draw the attention of the UN Mission in Georgia and the CIS peacekeeping force to these facts, reiterating that Georgia's use of the Abkhaz airspace was unacceptable and that these flights were carried out in violation of the Agreement reached in Moscow in 1994. Paragraph 1 of this Agreement stipulates that "*the Parties shall strictly observe the terms and conditions of the ceasefire agreement be it on land, at sea and in the airspace*."

Meanwhile, Tbilisi openly engaged in war preparations – international military advisors were invited to the country, training sessions and joint exercises were held; Georgia purchased state-of-the-art offensive weapons systems capable of inflicting casualties and causing destruction on a massive scale, including systems banned under international conventions. It is common knowledge at this stage that the government of Georgia purchased armament from a number of European countries. It is also known that the Georgian parliament had approved the 2008 military budget totalling 880 million US dollars and then, in July, increased the military spending up to one billion US dollars.

Tensions in the area were exacerbated by a number of serious statements made by ranked Georgian parliament members who spoke openly of the possibility to resort to military force to restore their country's territorial integrity. According to Irakli Kitsmarishvili, the former Ambassador of Georgia to the Russian Federation, in April 2008 a close-knit circle of Georgian leaders discussed a possible offensive against Abkhazia. According to him, "*selected Georgian leaders stated that the UN President supported the idea of launching a military action against Sukhumi. Saakashvili promised that as of August Sukhumi would become the new capital of Georgia.*"

Several influential politicians including those closely linked to Saakashvili himself openly stated that the military operation was not only possible but also necessary. One could get the impression that the only issue of concern for Georgian politicians was the status of Abkhazia and South Ossetia and not the issue of rebuilding trust or finding a peaceful solution to these conflicts. Georgia's primary goal was to restore its territorial integrity, if necessary – at any price. Indirectly the latter premise was substantiated by the Report of the UN Secretary General presented on 23 January 2008, which pointed out in particular that "*a widespread sense of uncertainty and alarm was fuelled throughout the period by an almost daily flow of inaccurate reports originating in the Georgian media and the Georgian authorities themselves. Such allegations have led to a growth in distrust and undermined security, ultimately increasing the chances of confrontation. There were also a growing number of such allegations levelled specifically at the UN peacekeeping force. Those allegations proved mostly groundless.*"

The policy course admittedly chosen by Georgia with a view to finding a possible military solution to the Abkhaz issue and increasing the military presence in the Kodori Valley proved to be a destabilising force affecting the military and political situation in the region as a whole. At the same time any initiatives taken on the Abkhaz side vis-à-vis signing an agreement banning any use of force between Tbilisi and Sukhumi failed in the face of Georgia's reluctance.

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[1] Unofficial translation by the Independent International Fact-Finding Mission on the Conflict in Georgia

As for the situation in the Kodori Valley, since 2006 it has continued to remain a source of constant provocations aimed against Abkhazia ever since this area referred to by the Georgian President M. Saakashvili as *"an exceedingly important strategic bridgehead... controlling the capability of reaching Sukhumi by air within a mere few minutes"* had been captured. It should be emphasised that the Abkhaz side has undertaken multiple attempts to find a peaceful and diplomatic solution that would allow for a withdrawal of military units from the Kodori Valley and that it was only after Georgia's military operation against South Ossetia that the decision was taken to liberate this bridgehead that could at any moment be used against Abkhazia.

The operation in the Valley was carried out by the Armed Forces of the Abkhaz Republic independently and was confined strictly to the territory of the Republic of Abkhazia. The Abkhaz authorities organised a corridor for the local population residing in the upper part of the Kodori Valley so that the residents could leave the area of hostilities. Immediately before the military operation began the population of the upper Kodori Valley received many warnings as to the preparations and execution of the military operation to liberate the upper Kodori and were provided with a humanitarian corridor made available both for the local civilian residents and military personnel. During the air strikes and artillery fire specific measures were taken to prevent any damage to local communities and avoid any civilian casualties. After upper Kodori Valley was liberated all reserve units were redeployed from this area. Following a Decree issued by the President of the Abkhaz Republic an military administrative district was set up in this area, while a representative of the President of Abkhazia and an administrative commission were appointed.

Thus, the operation in the Kodori Valley was conducted without any casualties among the civilian population residing in this area. There was no damage or any violations of norms of international law during the operation, nor were there any instances of looting or arson.

Chronology and military aspects – questions and answers

First set of questions to the Abkhaz authorities, related to military issues

1. There have been various accounts of the chronology of the conflict in August 2008. What is your understanding of the order in which events took place, particularly in the Georgian-Abkhaz conflict zone?
2. Did the Abkhaz side respect in August 2008 provisions of the Moscow Agreement on a Cease-fire and Separation of Forces of 14 May 1994, including the status of the Security Zone and the Restricted Weapons Zone? If not, why?
3. Did the Abkhaz forces cross the existing ceasefire lines with the Georgian side in August 2008 established by the Moscow Agreement on a Cease-fire and Separation of Forces of 14 May 1994? If so, where, when and why?
4. What type of combat missions, if any, did the Abkhaz forces and militia undertake against the Georgian side during the conflict?
5. What types of units were used and how many troops were deployed in general and for particular operations?
6. What were the organization and the chain of command and control of the Abkhaz forces?
7. What were the levels of discipline for the choice of targets and assets engaged?
8. What was the level of cooperation, if any, between the Abkhaz forces and the CIS Peacekeeping Forces or the armed forces of the Russian Federation and did cooperative operations extend beyond the areas of responsibilities established by the Moscow Agreement?
9. What training has been given to troops involved in the operations on the International Law of Armed Conflict? What plans were made for the protection of civilians before military operations began? What did the regular forces do in order to prevent human rights violations, including looting, burning of houses etc., during the hostilities of August 2008 and afterwards?
10. What military equipment was used prior to August 2008? What was the organization, composition and equipment of the Abkhaz forces and militia before the conflict?
11. What plans were made for a withdrawal and redeployment of forces from the zone of conflict? What was the sequence and timing of any such withdrawal or redeployment?
12. What was the timing of deployments/operations in the Upper Kodori Valley and which forces were involved?

Истоки и причины августовских событий 2008 года. Военно-политическая сторона.
(политическая и военная составляющие)

Хронология событий:

– 25 июля 2008 года – [illegible] грузинских основных вооруженных формирований в зоне конфликта в Кодорском ущелье началась активная фаза [illegible] Абхазии. Достоверных [illegible] в августе 2008 года. В этот период [illegible] грузинское войско под видом [illegible] открытия, в нарушение всех [illegible] договоренностей, вторглось в Кодорское ущелье, [illegible] Грузия открыто подтвердила свою [illegible] основных [illegible] Абхазии и [illegible] территорию [illegible] суверенных [illegible].

[illegible] года Федеральной СБ [illegible] Южной Осетии [illegible] Грузии [illegible] Московской [illegible] и [illegible] [illegible] [illegible] 1991 [illegible] Президиум [illegible] Социалистической [illegible] [illegible] Кодорского [illegible] [illegible] [illegible] Абхазии [illegible] [illegible] [illegible] [illegible] [illegible] Грузии [illegible] [illegible] [illegible] [illegible] [illegible]

*[illegible] [illegible] [illegible] [

Безусловно, подобное развитие ситуации было расценено как однозначное свидетельство агрессивных намерений Грузии в отношении Абхазии.

Ситуация еще более усугублялась из-за нескрываемой поддержки Запада на самом высоком уровне. В частности, второй заместитель госсекретаря США по вопросам Европы и Евразии Метью Брайза заявил, что *"правительство Грузии имеет право с целью защиты интересов своих граждан использовать любые законные меры…»*, заметив при этом, что ситуация там разрешится мирно *"если правительство Грузии не выйдет за рамки международных требований при осуществлении мероприятий в Кодорском ущелье"*. Однако провокации и диверсии в Верхней части Кодорского ущелья не прекращались, в 2007 г. в северной Зоне безопасности количество диверсионных актов совершенных как против представителей силовых структур, так и против мирных граждан увеличилось в несколько раз, ситуация все более усложнялась. Доверие между сторонами было окончательно подорвано.

Абхазская сторона неоднократно заявляла свой решительный протест и обращалась к ООН, Российской Федерации, Группе Друзей Генерального Секретаря ООН и ОБСЕ с просьбой осудить действия грузинской стороны и призвать ее к незамедлительному выполнению подписанных в процессе переговоров документов, однако обращениям дипломатов Абхазии не было уделено должного внимания, и грузинская сторона продолжала всячески игнорировать резолюции Совбеза ООН, в частности Резолюцию 1716 (2006).

- **5 января 2008 года** прошли досрочные президентские выборы в Грузии, после чего агрессивные действия Грузинского руководства, питаемые поддержкой из-за рубежа, начинают принимать еще более враждебные очертания. В ходе своей избирательной кампании Михаил Саакашвили не раз обещал решить «абхазский» вопрос. По сути это и стало основным лозунгом его кампании. Международные аналитики указывали, что таким образом Саакашвили пытался отвлечь внимание избирателей от внутренних проблем.

Одновременно с выборами, прошел референдум о вступлении Грузии в НАТО, на котором 72,5% граждан Грузии, проголосовало за присоединение страны к Североатлантическому альянсу. Однако всем было очевидно, что без решения внутренних вопросов, путь в альянс для Грузии окажется не таким простым. Накануне саммита НАТО в Бухаресте министр иностранных дел Германии Франк-Вальтер Штайнмайер указал на *"большие сомнения"* в Европе по поводу принятия в НАТО Украины и Грузии. Президентские выборы в Грузии показали, что страна все еще не вышла на путь стабильного демократического развития, заявил Штайнмайер в интервью газете Leipziger Volkszeitung. Канцлер ФРГ Ангела Меркель четко озвучила свою позицию еще раньше. *"Я считаю, что государства, которые в данный момент замешаны во внутренние и региональные конфликты, не могут претендовать на членство в НАТО, - заявила она на встрече с командованием бундесвера в Берлине. - НАТО - это союз государств, объединенных общими интересами безопасности, а не государств, занятых своими внутренними проблемами"*. Очевидно, что Грузия была заинтересована в скорейшем решении своих территориальных вопросов. Признавая право любого государства вступать в международные альянсы, тем не менее, необходимо подчеркнуть, что именно ориентация на НАТО и позитивные знаки со стороны некоторых членов данной организации, которые были неверно интерпретированы в Грузии, явились еще одним катализатором, подталкивающим Грузию к войне.

- **17 февраля 2008 года** край Косово объявил себя суверенным государством и получил признание США и большинства Европейских стран. Был создан прецедент, опасный для Грузии пример, который также не мог не подтолкнуть руководство Грузии к более решительным шагам по решению вопроса с Абхазией и Южной Осетией. Таким образом, Грузия, раздираемая желанием скорейшего вступления в НАТО, и опасающаяся за потерю целостности своего государства в связи с признанием странами Запада независимости Косово, оказалась в непростой ситуации, тем более, что объективно у Абхазии было больше моральных, исторических и правовых оснований для признания. Признание Косово окончательно

обустройство позиций. Группа в полном составе выехала в Кодорское ущелье.

- февраль - май 2005 года С начала 2005 г. в Кодорской долине активизировалась террористическая деятельность сепаратистского режима, установившего контроль над верхней частью ущелья. Начиная с марта, в районе постоянно обстреливались грузинские села Верхняя Мулхра, Чхалта, Кведа, Цебельда, Лата, Ажара, Чубурхинджи, Хаишта, Ахалсопели, Ахалдаба, Ажара, Ахалсопели, Ахалдаба, Ажара, Ахалсопели, Ахалдаба, Ажара

[illegible] обнаружили [illegible] с расстояния около 25 км, общего [illegible] нам не [illegible]. Вертолет [illegible] [illegible] [illegible] [illegible] оружие. [illegible] [illegible] [illegible] [illegible]

Справочно-информационный отдел Управления по обеспечению деятельности Представительства Президента Российской Федерации в Южном федеральном округе

26.05.08 – В Сухуме состоялась встреча Президента Республики Абхазия С.Багапша с Чрезвычайным и Полномочным Послом Российской Федерации в Республике Абхазия С.Чикаловым.

Стороны обменялись мнениями по ряду вопросов двусторонних отношений, в том числе по вопросам, связанным с реализацией Договора о дружбе, сотрудничестве и взаимной помощи между Российской Федерацией и Республикой Абхазия.

Президент Республики Абхазия С.Багапш проинформировал Чрезвычайного и Полномочного Посла Российской Федерации в Республике Абхазия о ходе подготовки к проведению выборов Президента Республики Абхазия.

27.05.08 – В Сухуме состоялось заседание Комиссии по вопросам гражданства, миграции и беженцев при Президенте Республики Абхазия.

Председатель Комиссии, Руководитель Администрации Президента Республики Абхазия Р.Гумба открыл заседание и предложил членам Комиссии рассмотреть вопрос о гражданстве Республики Абхазия.

Заместитель Председателя Комиссии, Министр внутренних дел Республики Абхазия А.Кишмария доложил присутствующим о том, что в Министерство внутренних дел Республики Абхазия поступило 2008 заявлений о приобретении гражданства Республики Абхазия, из них 1908 заявлений от граждан Грузии.

Председатель Комиссии Р.Гумба отметил, что в соответствии с Законом Республики Абхазия «О гражданстве Республики Абхазия» гражданство Республики Абхазия может быть приобретено только при условии отказа от гражданства другого государства.

Члены Комиссии обратили внимание на то, что в настоящее время в Грузии отсутствует какой-либо документ, подтверждающий факт отказа от гражданства Грузии.

Было принято решение направить в Министерство иностранных дел Республики Абхазия письмо с просьбой обратиться в Министерство иностранных дел Грузии с просьбой выдать документ, подтверждающий факт отказа от гражданства Грузии.

28.05.08 – В Сухуме состоялось заседание Комиссии по вопросам гражданства, миграции и беженцев при Президенте Республики Абхазия.

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- Май - конец 2008 года – срок подачи новой волны заявлений. Грузия продолжает оказывать давление на граждан Абхазии. В сравнительно небольшом поселке проживает 48 человек.

18.06.08 – ЦИК выделяет в рабочую Кодекс, но жалобы подает не позже чем за 2 недели до выборов

27.06.08 – 12 часов 30 мин. В районе Гумрыша произошло ДТП РАО, ранен 1 человек, пострадавшая в тяжелом состоянии доставлена в Сухумскую больницу.

28.06.08 – Около 8 часов 15 мин. В г. Гагра произошло ДТП. Ранен 1 человек, пострадавшая в тяжелом состоянии доставлена в Сухумскую больницу.

30.06.08 – 12 часов 40 мин. На Центральном рынке г. Сухуми произошло ДТП. Ранен 1 человек, состояние ранения не тяжелое.

02.07.08 – Прибытие в Сухум Мобильного Центра МЧС России.

09.07.08 – обострение ситуации вокруг Грузии. В результате перестрелки погибли военнослужащие МООНБ. Были ранены несколько наблюдателей.

Также было зафиксировано обострение и перестрелка в приграничном с Грузией Гальском районе Абхазии, в ходе которых ранения получили несколько мирных граждан, включая местных сотрудников МООНБ.

По инструкции президента РА Сергея Багапша от 6 июля 2008 года: *«Срок выполнения требований о выводе российских грузовиков, ранее ввезенных на территорию Республики Абхазия, истекает 10 июля. Они подлежат выводу в полном составе и без какой-либо задержки. Все вопросы, связанные с выводом российской военной техники, будут решаться в ходе консультаций с российской стороной»*. Это означает, что сейчас перевозки не будут осуществляться. Российские грузовики, ввезенные в Абхазию, должны быть выведены. Это требование было выполнено. Российская сторона вывела свои грузовики. Однако, по данным Министерства обороны Грузии, часть российских грузовиков осталась в Абхазии.

Министр иностранных дел Грузии Эка Тквашвили в телефонном разговоре с Генеральным секретарем ООН Пан Ги Муном заявила, что Грузия выполнила все требования Москвы, касающиеся вывода российских грузовиков, ввезенных в Абхазию. Однако, по данным Министерства обороны Грузии, часть российских грузовиков осталась в Абхазии. Грузия считает, что Москва должна выполнить свои обязательства. Тквашвили подчеркнула, что Грузия продолжит предпринимать дипломатические усилия, чтобы добиться от России выполнения своих обязательств.

В ходе встречи с Генеральным секретарем ООН Пан Ги Муном Тквашвили также обратилась к Совету Безопасности ООН с просьбой принять резолюцию, которая бы обязала Россию вывести свои войска из Абхазии. Тквашвили подчеркнула, что Грузия продолжит предпринимать дипломатические усилия, чтобы добиться от России выполнения своих обязательств. Тквашвили также обратилась к Совету Безопасности ООН с просьбой принять резолюцию, которая бы обязала Россию вывести свои войска из Абхазии. Тквашвили подчеркнула, что Грузия продолжит предпринимать дипломатические усилия, чтобы добиться от России выполнения своих обязательств.

18 июня состоялся звонок в Москву министра иностранных дел Германии Франка-Вальтера Штайнмайера, который обсудил с президентом Республики Абхазия Сергеем Багапшем ситуацию вокруг грузино-абхазской проблемы. Главной целью Германии в данный момент является недопущение возврата грузинских войск в зоны Гальского

[illegible] [illegible] [illegible] [

[illegible] Представитель МВД РА [illegible] Министерства внутренних дел Республики Абхазия Сергей Бигвава официально заявил о начале операции по вывозу грузинских [illegible] в Кодорском ущелье.

По состоянию на утро 9 августа [illegible] в действие силами МВД Республики Абхазия на протяжении пятнадцати километров, на которых дислоцировано [illegible]. В Вооруженных Силах РА заявили, что [illegible] в Кодорском сборе и состоянии вооруженных [illegible] противника [illegible] [illegible] [illegible]

На официальном сайте Министерства Обороны РА с 10 августа *[illegible]* по 20 августа *[illegible]* проводится *[illegible]* Вооруженных Сил РА и Верхнего Конгресса для участников *[illegible]* Для *[illegible]* предварительной подготовки *[illegible]* Для *[illegible]* в *[illegible]* *[illegible]* *[illegible]* в *[illegible]* *[illegible]* *[illegible]*

[illegible] [illegible] [illegible] [

The beginning and root causes of the events that took place in August 2008 as viewed by the Abkhaz side.

(Political and military aspects)[1]

Chronological sequence of events:

- 25 July 2006 – Georgian military units and heavy armoured vehicles are deployed into the Kodori Valley. This date became the point of departure signalling the escalation of the Abkhaz situation peaking in August 2008. At the time when the Georgian forces under the pretext of a police operation invaded the Kodori Valley in violation of all previously reached agreements, the government of Georgia openly confirmed its commitment to finding a military solution to the conflict with Abkhazia as well as its readiness to restore its territorial integrity at any price.

On 25 July CIS peacekeepers and observers from the UN Mission in Georgia witnessed and registered a gross violation of the Moscow ceasefire and separation of forces agreement dated 14 May 1994. It is worth recalling that according to paragraph 4 of the Agreement "*...Armed forces of the Georgian Republic shall be withdrawn from the Kodori Valley to their bases outside of Abkhazia*", and the Protocol on ceasefire, separation of forces and guarantees for the prevention and non-resumption of hostilities signed by the parties on 25 May 1998 in Gagra stipulates that "*...the Georgian side shall undertake effective measures to preclude any incursions into Abkhazia of ... any armed groups or persons*".

Having occupied the Kodori Valley, Georgia in essence created a bridgehead for launching a military operation against Abkhazia. The Georgian Ministry of Defence, Ministry of the Interior, Ministry of State Security, Department of Border Protection and other specialised services deployed their units in the upper Kodori Valley inside the territory of the Abkhaz Republic. This Task Force consisted of one light infantry brigade, one National Guard battalion, Special Forces from the Ministry of the Interior and the Department of Border Protection. Their weapons systems included up to 24 mortars, up to 10 infantry fighting vehicles (IFV), up to 2 BM-21 "GRAD" units, 6 D-30 guns, up to 6 23-2 antiaircraft guns, 1 S-60, and up to 20 anti-tank assets (SPG-9 mounted anti-tank grenade launchers and assault anti-tank weapons).

The total strength of the Task Force in different periods fluctuated between 1500 and 3000. Augmentation and support was to be provided by Special Forces, reconnaissance, engineering, signals, howitzer and mortar artillery as well as logistics units.

The stockpiles of weapons, munitions, food, fuel and lubes and other assets accumulated in the upper Kodori Valley as well as the local military infrastructure allowed for deploying and bringing to combat readiness more than 6000 personnel to form up to two infantry brigades capable of conducting proactive offensive operations in the areas of Zemo-Lata, Tsabal and Sukhumi jointly with the Gali and Tkuarchalsk task forces.

The rationale behind the deployment of this Task Force [to the Valley] was as follows:

- to create a bridgehead for the subsequent strike in the general operational direction of Kodori and to gain access to the city of Sukhumi, capture the Babushara airport, create an enabling environment to redeploy Georgian land forces towards Gali and Sukhumi;
- to ensure the entry of the main group of Georgian forces into the territory of the Abkhaz Republic and to unleash large-scale hostilities with a view to defeating the Abkhaz Armed Forces, removing the president and the government, abolishing Abkhazia's independence and annexing its territory by force.

Occupation of the Kodori Valley meant that Georgia irrevocably seceded from the Moscow treaty and chose to ignore all previous agreements.

The UN Secretary General stated in his Report (S/2006/771) dated 28 September 2006: "*the situation in the zone of conflict remained stable until 24 July, but became tense following the Georgian special operation in the upper Kodori Valley... Following the initial reports of the impending Georgian special operation, on the night of 24 July a special UNOMIG patrol was sent to the CIS*

[1] Unofficial translation by the Independent International Fact-Finding Mission on the Conflict in Georgia.

peacekeeping force checkpoint on the northern boundary of the Security Zone en route to the Kodori Valley. This patrol observed two Georgian armoured military escort vehicles with five military personnel in the Security Zone and issued a violation report to the Georgian side for contravening the 1994 Moscow Agreement. A few hours later, on the morning of 22 July, the CIS peacekeeping force observed the movement of a Georgian military convoy comprising approximately 30 trucks, 4 jeeps and 15 four-wheel-drive vehicles with armed personnel estimated at 600 to 1,000 strong moving in the direction of the upper Kodori Valley. On 26 July, UNOMIG observed seven Georgian helicopters, including three attack helicopters, en route to the Kodori Valley and issued another violation report to the Georgian side... The Georgian side has also lodged the presence in the area of personnel of the Ministry of Interior, together with approximately 30 to 40 military engineers who are involved in the restoration of bridges. The presence of the latter, as well as the use of military assets, contravenes paragraph 2 (d) of the 1994 Moscow Agreement, on troop withdrawal from the Kodori Valley, (see S/1994/583, annex I).

In his report dated 28 September 2006 the UN Secretary General pointed out all in all 13 violations of the 1994 Moscow agreement committed by the Georgian side. At the same time the actions taken by the Abkhaz side were not recognised by the UNOMIG as wrongful and did not amount to a violation of the Moscow agreement. *"In response to the Georgian operation, the Abkhaz side deployed forces east of Sukhumi towards the lower Kodori Valley and in the zone of conflict including the movement of additional units into the Restricted Weapons Zone to restore defensive positions along the Gali canal and reinforce its posts in the zone of conflict. These actions by the Abkhaz side, however, did not violate the 1994 Moscow Agreement."* Report S/2006/771, paragraph 16).

In its Resolution No. 1716 dated 13 October 2006 the UN Security Council expressed *"concern with regard to the actions of the Georgian side in the Kodori Valley in July 2006, and to all violations of the Moscow agreement on cessation and separation of forces of 14 May 1994, and other Georgian-Abkhaz agreements concerning the Kodori Valley"*. The UN Security Council *"urged the Georgian side to ensure that the situation in the upper Kodori Valley is in line with the Moscow agreement and that no troops unauthorized by this agreement are present..."* In its resolution the Security Council *"once again urges the Georgian side to address seriously legitimate Abkhaz security concerns, to avoid steps which could be seen as threatening and to refrain from militant rhetoric and provocative actions, especially in upper Kodori Valley"*. (Paragraphs 3, 4 and 8). The Security Council also on many occasions called upon the Georgian side to refrain from militant rhetoric and provocative actions vis-à-vis Abkhazia. It should be noted that throughout the so-called "special police operation" the leadership of Georgia would practically every day announce contradictory goals and objectives with respect to its invasion of the upper Kodori Valley. According to several well-known Georgian politicians, the so-called "special police operation" in reality was a large-scale military campaign in the territory of the Abkhaz Republic aimed at *"capturing a strategically vital bridgehead"* that would enable Georgia to continue to build up its military presence. In particular, the Chairman of the Defence and Security Committee in the Georgian Parliament publicly stated that the operation in the Kodori Valley would also lead to establishing control over the *"exceedingly important strategic base... in a location from which one could reach Sukhumi by air in five minutes flat"* and President of Georgia Mikheil Saakashvili openly declared his intent to strengthen the militarised structures in the upper part of the Kodori Valley. During a press conference in Tbilisi he said: *"Georgia has no intention of giving up a single inch of the upper Abkhaz territory... On the contrary, we intend to continue this process of returning these territories. At this point we are in control of 30% of the Abkhaz territory and will restore our full control here through peaceful negotiations"*. There is no doubt that such a development was viewed as an unequivocal sign of Georgia's aggressive intentions with respect to Abkhazia.

The situation was further exacerbated by the fact that the West openly lent its support at the highest level. In particular, US Deputy Assistant Secretary of State Matthew Bryza responsible for Europe and Asia stated that *"the government of Georgia is entitled to resort to any lawful measures to protect the interests of its citizens..."* noting that the situation would be resolved peacefully *"if the*

government of Georgia does not operate outside of the international requirements in undertaking its actions in the Kodori Valley". However, provocations and acts of sabotage in the upper Kodori never stopped. In the northern part of the Security Zone, in 2007 acts of sabotage committed against uniformed personnel and the civilian population have increased several fold thus further complicating the situation. Any trust between the parties was completely destroyed.

The Abkhaz side on multiple occasions tried to rigorously protest and called upon the UN, the Russian Federation, the Group of Friends of the UN Secretary General and the OSCE to denounce the actions taken by the Georgian side and to urge Georgia to immediately comply with the documents signed during the process of negotiations, however, these appeals voiced by Abkhaz diplomats were given insufficient attention and the Georgian side continued to ignore UN Security Council resolutions and in particular Resolution 1716 (2006).

- 5 January 2008 – following the early presidential elections the Georgian leadership's aggressive policies, nurtured from abroad, began to take on a more hostile tone. During his election campaign Mikheil Saakashvili promised multiple times to solve the "Abkhaz" issue. In essence, it became the motto of his campaign. International analysts pointed out that Saakashvili was using it as a ploy to try to distract the electorate's attention from domestic problems.

Concurrently with the elections a referendum was held on Georgia's aspirations to join NATO during which 77.5% of Georgia's population voted in favour of joining the North Atlantic Alliance. However, it was obvious to everyone that the path to NATO would not be easy if domestic issues were to remain unsolved. On the eve of the NATO summit in Bucharest the Foreign Minister of Germany Frank-Walter Steinmeier pointed out that Europe has *"serious doubts"* with respect to Ukraine's and Georgia's NATO membership. The presidential elections in Georgia showed that the country had not yet managed to reach the path of stable democratic development, said Steinmeier in an interview published in Leipziger Volkszeitung. The German Chancellor Angela Merkel made her position clear even earlier. *"I believe that states involved in this stage in domestic and regional conflicts may not apply for NATO membership"*, stated the German Chancellor at a meeting with the Bundeswehr command in Berlin. *"NATO is an alliance of nations united by common security interests and not involved in resolving their own domestic disputes"*. It was obvious that Georgia was interested in an expedited solution of its territorial issues. While recognising that any nation is entitled to join international alliances, it should be nevertheless emphasised that it was precisely the aspirations to join NATO, and some positive signs given by several members of this organisation, incorrectly interpreted by Georgia, that served as an impetus that pushed Georgia towards war.

- 17 February 2008 – Kosovo declares itself a sovereign state and is recognised by the United States and most European countries. It was a precedent, an example dangerous for Georgia that could have potentially also motivated its leadership to take more decisive steps to solve the Abkhaz and South Ossetian issues. Thus, Georgia found itself torn between its desire to join NATO within shortest possible deadlines and the fear to lose the integrity of its state due to the recognition of Kosovo's independence by the West. The situation was further exacerbated by the fact that objectively, Abkhazia had more moral, historic and legal grounds for being recognised as an independent state. Kosovo's recognition irrevocably shaped Georgia's decision to start rapid preparations for a large-scale military operation against Abkhazia.

- February – May 2008 – Since early 2008 Georgia's intelligence services had intensified their efforts in the area adjacent to the Ingur river trying to identify possible deployment routes, the state of fords across the Ingur river, and the level of readiness among the defensive lines of the Abkhaz Armed Forces deployed along the right bank of the Ingur river. The Ministry of Defence of the Abkhaz Republic regularly recorded instances of Georgian multi-purpose UAVs flying over the territory of Abkhazia. Georgia methodically gathered intelligence data trying to monitor key strategic sites and to collect information on the Abkhaz Armed Forces areas of deployment. The Abkhaz Republic Ministry of Defence frequently flagged this issue to UNOMIG and the CIS peacekeeping force pointing to the

unacceptability of such violations of the Abkhaz airspace by Georgia, which clearly contravened the provisions of the 1994 Moscow agreement and paragraph 1 in particular, which states that: "*The Parties shall endeavour to strictly comply with the ceasefire arrangements on land, at sea and in the airspace...*" However, the Georgian side continued with the provocative actions, which led to the escalation of tensions. Furthermore, in a statement by the Georgian Ministry of Defence "the Georgian side declares that it reserves the right to continue flights within sovereign Georgian airspace and to use as many unmanned aerial vehicles and as frequently as it believes necessary to ensure the national security of the country". Thus, the Georgian side conveyed a clear message that it was prepared to violate any arrangements and agreements if they do not serve Georgia's interests.

After many oral warnings, the Abkhaz Air Force began to shoot down the Israeli-made UAVs used by the Georgian Armed Forces

18 March 2008, 12:05 – an unmanned aerial vehicle of the Georgian Air Force – serial number 551 – was shot down at the altitude of 4.5 thousand meters above sea level near the village of Nabakevi.

20 April, 9:57 – an L-39 fighter jet of the Abkhaz Air Force shot down a Georgian UAV – serial number 553 – at the altitude of 6 thousand meters above sea level near the village of Gegida community in the Gali district.

4 May, 16:06 and 16:51 local time – Abkhaz air defence units on the ground destroyed two more UAVs of the Georgian Air Force in the airspace above the Ochamchira district.

8 May, 17:05, another UAV of the Georgian Air Force was destroyed at the altitude of 3.5 thousand meters above sea level near the village of Gudava in the Ochamchira district.

12 May, 14:16 and 15:17 – Abkhaz air defence units on the ground destroyed two more unmanned reconnaissance aerial vehicles of the Georgian Air Force flying at the altitude of more than 5 thousand meters above sea level in the airspace above the villages of Achigvara and Shesheleti.

All of the UAVs shot down in the Abkhaz airspace – 7 in total – were manufactured by an Israeli company called "Elbit Systems Ltd." and designated as Hermes 450. Georgian authorities officially recognised that only one of these aircrafts belonged to the Georgian Air Force, namely the UAV shot down on 20 April, serial number 553. However, the sequence of serial numbers refutes Georgian government's statements denying the fact that these UAVs were flying over the territory of Abkhazia.

These aircraft carried on board optical, infrared and laser sensors as well as data transfer systems capable of transmitting images in real-time to the command and control centres on the ground. These UAVs are designed to carry out such missions as surveillance, patrolling, reconnaissance and fire adjustment, are capable of detecting any movement from the distance of approx. 25 km., reading registration plate on ground vehicles, transmitting photographs of passengers in such vehicles and even identifying weapons. Images made by the UAVs subsequently served as a basis for drawing the maps used later for the attack against Abkhazia. There is ample documented evidence such as photographs, maps, schematics and plans of attack, corroborating the fact that Georgia was gearing up for a military invasion into Abkhazia. These documents can be made available to the Fact-Finding Mission for purposes of further analysis. As it appears from these detailed plans drawn up to capture the territory of Abkhazia, the course of action to be taken by the military forces and the offensive operation have been developed over at least the past two years. The Georgian military tried not only to play out different courses of action but also studied the possible retaliatory strikes. It is obvious that the Georgian military were not capable of planning an incursion of this sort without any outside assistance – indeed, they were aided by foreign instructors. There are ample materials showing that military specialists from abroad took part in preparing the Georgian aggression. More than 120 representatives from the Pentagon and up to one thousand Israeli military officers as well as

"assistants" from other countries were involved in the training of Georgian soldiers and officers in Tbilisi during a lengthy period of time. The Abkhaz Ministry of Defence is in the possession of detailed information shedding light upon these issues, which can be made available to the Fact-Finding Mission for a more thorough analysis.

- **on 5 March 2008** an extraordinary meeting of the Abkhaz Republic's Parliament took place during which reports have been presented detailing attacks against residents of the Gali region of Abkhazia adjacent to the Georgian border, cases of kidnappings, pogroms, activities of Georgian terrorist and raiding groups, etc. The Parliament demanded that the Georgian criminal and terrorist enclave established in the upper Kodori Valley be disbanded. Members of the Abkhaz Parliament called upon the leaders of Russia, UN, OSCE and other international organisations to properly qualify the actions taken by the Georgian government and influence them so that they would give up the idea of using military force against Abkhazia as well as put an end to their terrorist activities undermining the fragile peace and security in the region.

In addition, the Abkhaz Parliament urged President Bagapsh to take precautions to be able to repel possible aggression from Georgia.

- **April 2008.** The situation is further exacerbated by a number of serious remarks made by radical Georgian parliamentarians who openly spoke of the possible use of military force to restore the territorial integrity of their country. According to Georgia's former Ambassador to the Russian Federation Erosi Kitsmarishvili, in April 2008 a small group of Georgian leaders discussed a possible offensive against Abkhazia. In his words *"several Georgian leaders stated that the US President was supportive of the military operation against Sukhumi... Saakashvili promised that in August Sukhumi would become the capital of Georgia"*.

The Georgian government was not in the mood to develop a new approach towards repairing its relations with Abkhazia to rebuild mutual trust and confidence. On the contrary, Georgian leaders and even diplomats chose to fuel tensions in their relations with the neighbouring countries. Several influential leaders including those close to Saakashvili openly stated that a military operation was not only probable but necessary. The only question that Georgian politicians concerned themselves with was the status of Abkhazia and South Ossetia and not rebuilding trust and confidence or finding a peaceful solution to these conflicts. Georgia's primary objective was to restore its territorial integrity, at any price if necessary – this aggressive rhetoric was often heard from Tbilisi.

In his report presented on 23 January 2008 the UN Secretary General said that *"a widespread sense of uncertainty and alarm was fuelled throughout the period by an almost daily flow of inaccurate reports originating in the Georgian media and the Georgian authorities themselves. Such allegations have led to growth of distrust and undermined security, ultimately increasing the chances of confrontation. There were also a growing number of allegations levelled specifically at the CIS peacekeeping force. Those allegations proved mostly groundless."* In his address the UN Secretary General expressed concern over such trends seen on the part of the Georgian side that threatened peace and provoked escalation of tensions in the region.

The political course proclaimed by Georgia aimed at finding a military solution to the Abkhaz issue and building up its military presence in the Kodori Valley contributed to destabilising the overall military and political situation in the region.

Tbilisi openly started military development – the government invited international military specialists to the country, held training sessions and joint military exercises and purchased state-of-the-art offensive weapons systems capable of inflicting massive casualties and damage including those explicitly banned under international conventions. (It is common knowledge that the government of Georgia purchased weapons in a number of European countries. It is also known that the military budget approved by the Georgian Parliament for 2008 amounted to 800 million US dollars, and in July the budget was increased to 1 billion US dollars). Military units located in the western part of Georgia and in the Kodori Valley were secretly augmented as shown in the regular reports of the Abkhaz intelligence services. Since the spring of 2008 Georgian military units had held a number of tactical

exercises including in areas adjacent to the Security Zone. In April several Su-25 fighters were sighted doing training and reconnaissance flights immediately near the Georgian-Abkhaz administrative border. All of the foregoing factors explicitly suggested the possibility of Georgia launching a military operation against Abkhazia.

According to Abkhaz intelligence services in late April Georgian military units started to concentrate around the Kodori Valley. Reportedly, the Georgian side moved weapons, fuel and lubes, food supplies and personnel to the upper part of the Kodori Valley. According to the RA Ministry of Defence the Georgian army and police units in the region were 7000 strong. The contingent deployed in the Valley included units of Georgian Special Forces, police, counter-intelligence and armed forces. In addition, artillery batteries were moved to the region, in particular, 122-mm guns and mortars. All of the foregoing facts indicated that Georgia was creating a bridgehead for the subsequent military invasion into Abkhazia. According to Abkhaz intelligence services, Georgia was getting ready to launch an attack against Abkhazia on 9 May 2008. This premise was further confirmed by the fact that additional military equipment and personnel were redeployed to the Zugdidi district.

May – July 2008 – tensions surge. Georgia continues to undertake provocative terrorist attacks and acts of sabotage against Abkhazia. A number of such terrorist attacks and acts of sabotage were carried out within the following relatively short period of time:

18.06.08 – 18:00 – two explosions took place along the rail way in the Ketrisar district. No casualties reported.

27.06.08 – 11:30 – a powerful casing-free explosive of unidentified origin was detonated near the railway in the area of the Recreation Centre (across the street from the RA Ministry of Defence). Luckily the explosion did not inflict any damage nor cause any casualties.

28.06.08 – between 8:10 and 8:15 – two explosions took place in the city of Gagra. 6 people were wounded. All of them were residents of Abkhazia.

30.06.08 – 12:00 – 2 explosions took place at the Central market in Sukhumi. 9 people were lightly wounded, none were killed.

02.07.08 – an explosive device detonated in the area between the post manned by personnel of the Georgian Ministry of State Security and the peacekeepers' checkpoint.

09.07.08 – a Ministry of Defence observation point was fired upon in the village of Ltsa. Two servicemen of the Abkhaz Armed Forces were wounded, one heavily.

There were other instances of explosions and exchange of fire in the Gali district of Abkhazia adjacent to the Georgian border. Several civilians were killed and wounded including local employees of UNOMIG.

In his address delivered on 6 July 2008 the President of Abkhazia Sergei Bagapsh said: *"the string of recent provocations against the Russian peacekeepers, the explosions along the railway and in our towns and cities organised by Georgian intelligence services are all but links in the same chain. All of these acts were carried out to destabilise the situation in the conflict zone and are a part of an information campaign designed to prepare the international community for Georgia's possible aggression against Abkhazia"*. At this stage it became obvious that a transition had been made to an open confrontation, in line with warnings on multiple occasions from the leading Russian and Western political scientists, various organisations and in different publications. For instance, the "International Crisis Group" – a well-known independent expert organisation conducting an inquiry into root causes of conflicts – openly warned in its report No. 193 dated 5 June 2008 of possible military escalation in the region. In particular, it was stated in the report that *"Tbilisi is covertly conducting military*

preparations especially in the western part of Georgia and the upper Kodori Valley. Several influential advisors and aides to president Saakashvili seem to be convinced more than ever that a military operation in Abkhazia is viable and necessary." However, all of these expert warnings would go unheeded and the opportunities for the international community to prevent the conflict would be missed.

The Abkhaz side regularly appealed to various international organisations, the UN Security Council, the Group of Friends of the UN Secretary General trying to draw their attention to the incessant shipments of arms arriving in Georgia, expressing concern over Georgia's build-up of offensive military capacity on the Abkhaz border and a possible scenario where Georgia would resort to military force against Abkhazia. In a note addressed to all stakeholders of the Georgian-Abkhaz negotiations process the Abkhaz Foreign Ministry stated that "*at a time when there is no peace agreement between Georgia and Abkhazia and Georgia's military budget has become disproportionately large the Abkhaz side would like to once again draw the attention of the international community to the fact that any further developments along the same lines would pose a threat to the entire region of the Caucasus causing numerous casualties and flows of refugees and creating a humanitarian disaster. It is not only Georgia who would bear the brunt of responsibility for the deteriorating situation but also those parties in the process of negotiations who encourage Georgia through their inaction*". The Abkhaz Ministry of Foreign Affairs emphasised that Georgia continued its policy of provocations depriving Abkhazia of the possibility to take part in the negotiation process.

- **In May** of the same year Abkhazia saw a series of official visits by foreign dignitaries – first by the US Deputy Assistant Secretary of State Matthew Bryza, who was responsible for US relations with Georgia in the State Department, then by Ambassadors of several EU countries to Tbilisi as well as Javier Solana, the European Union High Representative for the Common Foreign and Security Policy. The international mediators expressed their readiness to play a more proactive role in finding a solution to the Georgian-Abkhaz conflict. During the meetings with diplomats from the United States, Germany and Ambassadors of several EU countries the Abkhaz side insisted on the need to provide greater assistance to ensure full compliance with the arrangements reached with the Georgian side. Primarily, this included the situation in the Kodori Valley and concluding a possible agreement with Georgia on non-resumption of hostilities. However, the efforts undertaken by the Abkhaz diplomats and their appeals to find a peaceful solution to the conflict were unsuccessful.

- **18 July** - the German Foreign Minister Frank-Walter Steinmeier visited the Republic and discussed a plan designed to solve the Georgian-Abkhaz issue with President Sergei Bagapsh. The main precondition for the Abkhaz side was the withdrawal of Georgian forces from the upper Kodori Valley and the signing of an agreement on non-resumption of hostilities. However, such conditions were not acceptable to the Georgian side who believed that the situation in the Kodori Valley could not be a subject of any discussion. Moreover, President Mikheil Saakashvili of Georgia referred to the proposal put forward by the Russian Foreign Minister Sergei Lavrov to sign a non-use of force agreement between Tbilisi and Sukhumi as a "*pointless initiative*". As a result the plan was rejected by the parties.

Thus, the tireless efforts of international mediators to find a peaceful solution to the conflict once again were brought to naught by Georgia's plain reluctance to solve all problems peacefully.

- **7 - 8 August 2008** – Georgia launched a military offensive against South Ossetia. Tskhinvali and adjacent villages became the target of a massive bombing campaign. The first reports were received indicating that a number of people were wounded and killed. Georgian troops open fire at a checkpoint and kill Russian peacekeepers.

Georgian units deployed near the Ingur river and the upper Kodori stepped up their activities. The Georgian Task Force in the Upper Kodori Valley was put on the "HIGH EST" combat readiness alert and began to prepare for an offensive operation. This Task Force consisted of the following units:

In the Upper Kodori: one light infantry brigade, a national guard battalion, selected units from the Ministry of the Interior and the State Border Protection Department. All in all, the Task Force was 3000 strong, armed with 6 D-30 guns, up to 24 mortars, up to 6 ZSU-23 antiaircraft guns, one S-60, up to 20 anti-tank assets (SPG-9mounted anti-tank grenade launchers and assault anti-tank weapons) and one 1 MRL-160 multiple-launch rocket system loaded with cluster munitions banned by International conventions.

- The southern Security Zone included 26 checkpoints manned by personnel from the 2nd Special Directorate of the Ministry of the Interior, border checkpoints, police stations and command and control units. After covert mobilisation the Kutaisi brigade and the Senaki military base were augmented to wartime levels bringing the total strength of troops concentrated in this area to 10,000.

The evolving situation required a number of measures from the government of Abkhazia to raise the level of combat readiness in the Armed Forces and prevent Georgia's possible military aggression against Abkhazia. The Abkhaz Armed Forces implemented the following measures to increase the level of their combat readiness:

On 8 August 2008 the 2nd detached marine corps battalion and the 1st detached armour battalion, Task Force East of the Abkhaz Armed Forces, following an order received from the Commander-in-Chief moved out towards the border along the Ingur river, however, following the instructions received from the Commander of the Peacekeeping contingent, they halted near the boundary of the northern Security Zone. The subsequent days were marked by Georgia's continued aggression against South Ossetia. The Georgian military Task Force deployed in the Kodori Valley and the Ingur river area also threatened to invade Abkhazia. The small Abkhaz border guard units and personnel from the Ministry of the Interior deployed in the Gali Security Zone were not capable of containing a potential Georgian invasion into Abkhazia. Therefore, it was decided that the Abkhaz Task Force East was to move out and consolidate positions along the Ingur river.

According to Abkhaz Security Council decisions and orders received from the Ministry of Defence these troops were tasked with implementing the Containment Plan to prevent a possible conflict in the Gali district and carrying out the Decision taken by the Abkhaz Minister of Defence to launch an offensive in the Kodori operational area.

9 **August 2008** - A meeting with commanders of military forces and units responsible for preparing and conducting the operation in the Kodori Valley was held in the Abkhaz Ministry of Defence. In their respective missions specific focus was placed on the need to ensure strict compliance with the norms of international humanitarian law by the Armed Forces of the Abkhaz Republic. President Sergei Bagapsh of Abkhazia officially announced the beginning of the operation aimed at driving the Georgian forces out of the Kodori Valley.

On the morning of August the 9th the decision taken by the Abkhaz Minister of Defence to launch an offensive in the Kodori operational area was put into effect. Military mobilisation and drafting offices in Abkhazia began notifying, assembling and dispatching reservists to augment the Armed Forces of Abkhazia taking part in the operation to wartime levels. To avoid casualties among the civilian population the Office of the State Secretary in the Abkhaz Defence Ministry took steps to notify the residents of the upper Kodori about the imminent offensive to be launched by the Abkhaz Armed Forces. The civilian population began leaving the Kodori area.

- 7:00 - an offensive Task Group is set up in the areas of Zemo-Lata and Lata.

- 10.00 - the Secretary of State and Deputy Minister of Defence contacted the Deputy Special Representative of the U.N. Secretary General Mr. J. Perron and proposed that the UNOMIG military observers be evacuated from the upper Kodori area.

13.00 the UNOMIG military observers left the potential area of hostilities. The President of Abkhazia, acting in the capacity of Commander-in-Chief, approved the decision taken by the Abkhaz Minister of Defence to conduct an offensive in the Kodori operational area. The President of Abkhazia

said in his address. *"In view of the military provocation that took place last night in the Security Zone as well as the shelling of the Abkhaz positions from the Georgian side a decision was taken to send units of the Abkhaz Armed Forces to the Gali district and the UN peacekeeping force area of responsibility. The Command of the peacekeeping forces and the UN Mission were notified of all of our actions. We are fully aware of the fact that in so doing Abkhazia would contravene the Moscow agreement, nevertheless we took this decision because we are left with no other options. Once again, I would like to reiterate that our actions are absolutely justified and are taken with a view to ensuring the security of our people and the Abkhaz state".*

- **14.20** - command and control posts of the Abkhaz Armed Forces were deployed (command posts, alternate command posts, forward command posts).

- **14.30** - the first air force strike was delivered against enemy strongholds and the Joint Task Force Headquarters.

- **10 August** – President Sergei Bagapsh of Abkhazia decreed to "declare martial law in the Gali district, Tkvarcheli district, Ochamchira district, Gulrypsh district and parts of the Sukhumi district in the following residential settlements: Pskhu, Agiti, Gumma, Akapa, Dzyguta and upper Kyalasuri." The actual decree also states that "*in view of Georgia's military aggression against the Republic of South Ossetia and a threat of Georgia's imminent aggression against the Republic of Abkhazia I hereby declare martial law in the foregoing territories effective as of 11 August 2008 00:00 hours, for the period of ten days.*" In the same decree the President ordered partial mobilisation in the territory of Abkhazia. In a published statement the Abkhaz Ministry of Defence noted: "*the Georgian side still continues its policy of provocations along the Abkhaz borders, continues to build up its military presence and initiates fire exchange. In view of the above the Republic's Armed Forces were compelled to enter the Security Zone and move out towards the Georgian border.*" In essence Abkhazia was forced to open the second front and move its units towards the Georgian border to draw the attention of some of the Georgian military units away from South Ossetia. It should be noted that in accordance with Article 9 of the Friendship and Cooperation Treaty signed between the Republic of Abkhazia and the Republic of South Ossetia on 19 September 2008, "*in the event of a potential threat to peace and stability, all parties to this Treaty shall immediately hold mutual consultations to coordinate their actions aimed at eliminating such a threat and undertake effective measures to ensure peace and stability*".

In an official statement disseminated on 10 August the RA Minister of Defence said: "*In recent days Georgia doubled the strength of its Armed Forces deployed in the upper Kodori up to 2500. These units are armed with large-calibre weapons systems, both self-propelled and stationary, surface-to-air missile systems, artillery and heavy weapons. As we pointed out on multiple occasions their presence and the heavy weapons systems amount to a gross violation of the 1994 Moscow framework agreement. This Task Force poses a threat to the Abkhaz statehood. In view of this military and political situation that threatens the lives of UN military observers, we recommended that the UN Mission administration recall the military observers from the upper Kodori Valley. According to our information most of the civilian population has already left the Valley. I call upon those who remained in this area as well as the Georgian military units to use this opportunity and leave the Valley by 19:00 on the 11th of August. Should the Georgian forces choose to forego this opportunity we will be compelled to use force.*" The Abkhaz government decided to provide a corridor for the civilian population in the upper Kodori so that they could leave the area of hostilities. Immediately prior to the military operation the population of the upper Kodori received many warnings about the preparations and impending conduct of the operation designed to liberate the upper Kodori Valley. A humanitarian corridor was made available both for the civilian population and the military. All air strikes and artillery fire were adjusted accordingly to prevent any damage to local settlements and any casualties among the civilian population. After the upper Kodori Valley was liberated by the Abkhaz Armed Forces all reserve units were withdrawn from this area. Following a Decree issued by the President of the Abkhaz Republic an administrative district was set up in this area. While a representative of the President of Abkhazia and an administrative commandant were appointed

Thus, the operation in the Kodori Valley was conducted without any casualties among the civilian population residing in this area. There was no damage or any violations of norms of international law during the operation, nor were there any instances of looting or arson.

The Abkhaz General Staff began implementing the finalised decision to launch an offensive operation in the Kodori area;

10:00 – the Armed Forces of Abkhazia were put on "HIGH" combat readiness alert; reserve motorised rifle brigades were augmented to wartime levels.

12:00 to 13:00 – support aviation delivered the first strike against four targets including enemy points, command and control posts, and the airfield inside the following areas: Kvabchara, Tsebelda, Kvemo-Ajara, Levy-Gechrysh

- 11 August - despite the earlier missile strikes the same [Georgian] Task Force remains in the area; simultaneously preparations are being made to withdraw the Task Force from the region. By the end of the day the first signs of their withdrawal become visible.

As of 21:00 - the network of radio communications used by the Georgian units in the upper Kodori was dismantled.

The decision taken by the Abkhaz Minister of Defence to launch an offensive in the Kodori area of operations dated 10 August 2008 has been in effect as of the early morning hours.

12 August – units of the newly created offensive group began the offensive in the Kodori area of operations in the wake of the air strikes against various targets inside the enemy Task Force area in Kodori at 0:00, 03:00 and 06:00 hours, follow-up aerial reconnaissance, artillery preparations and the landing of tactical airborne units near the Tsebelda residential settlement.

20:30 – the leading units of the attacking Abkhaz forces reached the mountain passes of Kalamri-Suki and Khida, thus completing the offensive operation in the Kodori area.

Following the cessation of hostilities reserve units were returned to peacetime levels and redeployed to their permanent bases.

The contingent used during the events in August 2008 was comprised of units of the Abkhaz Army (reserve motorised rifle brigade, mountain rifle, reconnaissance, armour, artillery and engineers units) as well as the Abkhaz Air Force. The total strength of the contingent that took part in the operation was approaching 9,000.

The structure and chain of command and control in the Abkhaz forces at the time of the Kodori operation was as follows: a Ministry of Defence Command Post (CP) was deployed in the village of Tsebel as of 14:30 hours on August the 9th; during the same hours the following posts were deployed:

- An alternate command post (ACP) of the Abkhaz Ministry of Defence was deployed in the city of Sukhumi and subordinated to the Chief of General Staff;
- A forward control post (FCP) of the Abkhaz Ministry of Defence was deployed in the Kodori area near the residential settlement of Zemo-Chuburkhinji and subordinated to the Army Commander;
- Another forward control post (FCP) of the Abkhaz Ministry of Defence was deployed in the Gali area in the town of Ochamchira area, subordinated to the Deputy Minister of Defence responsible for combat training.

All operational information received from all of the command and control posts was reported to the Command Post and the Commander-in-Chief of the Abkhaz Armed Forces. All decisions were taken at the level of the Minister of Defence and the Chief of General Staff of the Abkhaz Republic; when necessary they were coordinated with the Commander-in-Chief of the Abkhaz Armed Forces.

During the year previous to the events in August steps had been taken to train the Armed Forces of the Abkhaz Republic. In particular, the following measures had been implemented in accordance with annual plans:

- A command-post exercise
- A command-post mobilisation exercise
- A command-post training exercise
- Two command-post mobilisation training exercises
- Three tactical battalion exercises without live fire
- Three tactical battalion exercises with live fire

Various staff and radio training exercises were held on a monthly basis.

- **18 August 2008** - President Sergei Bagapsh decreed to "abolish the state of martial law in the Gali, Tkvarcheisk, Ochamchira and Gulrypsh districts as well as parts of the Sukhumi district within the boundaries of the following residential settlements: Pskhu, Agui, Gumista, Akapa, Dzygut and upper Kyatsun".

It should be emphasised that all military operations before and during the events in August 2008 were carried out by the Armed Forces of the Abkhaz Republic independently and only within the territory of the Abkhaz Republic.

Questions to the authorities of Abkhazia on legal issues including international humanitarian law and human rights law issues

1. Please explain the formal and informal relationship between the Russian Federation and Georgian and Abkhaz (respectively) before the outbreak of the conflict in August 2008 in all levels. Would you call the developments in legal political, economic space including infrastructure, energy and social welfare in the recent years between the Russian Federation and Abkhazia as an integration process? How do you qualify the legal nature the declaration issued by the Russian Federation a few months before the outbreak of the conflict to establish formal links between the Russian Federation and Abkhazia?
2. How would you describe the legal status of each of the Abkhaz military and military structures in the region (district of Upper Kodori Valley) prior to the conflict in August 2008? What was the reason for extending military efforts of Abkhaz and Russian forces to that part of Abkhazia?
3. Please explain the process and dynamics of acquiring Russian nationality by persons residing in Abkhazia and explain the reasons for the conferral of Russian citizenship.
4. What was the composition of the regular Abkhaz forces and auxiliary volunteers integrated into those forces prior to launching the attack on 26 August 2008? What was the relationship between regular Abkhaz forces and auxiliaries and the forces of the Russian Federation on the ground?
5. In the course of the conflict and in terms of responsibility under international law, have you received reports about alleged violations of international humanitarian law and human rights law committed by Georgian forces and/or forces under the control of Georgia prior to 7 August 2008 and thereafter? Please provide a response by the respective commanders and chiefs.
6. What was the nature of any contact or cooperation of Abkhaz groups not integrated in the regular Abkhaz forces and auxiliaries (militias) with the Russian Army and Air Force entering the Abkhaz territory from the territory of Georgia following the cessation of hostilities? What was the relationship between these Abkhaz groups and the commanders of Abkhaz and Russian forces on the other hand?
7. Why did numerous ethnic Georgians flee Abkhazia between August 1992 and 1993/4 or participate in the August-September and October 2008 armed hostilities from the north? Please provide details on the legal framework in this respect. How were the property rights of such persons protected? May they dispose of such property freely? Have you received reports about the looting of ethnic Georgians?
8. What targets were attacked on which day by the Russian and Abkhaz forces during the August 2008 hostilities? How many targets were situated between 7 and 12 August 2008? When more targets were situated in towns and villages, what was the evaluation of expected incidental deaths of civilians, injury to civilians or damage to civilian objects? Did the actual effects correspond to the expected effects? If not, why? What precautionary measures were taken to avoid attacks by the attacker and by the defender to avoid or minimize incidental deaths of civilians, injury to civilians or damage to civilian objects? Did those precautionary measures succeed? If not, why?
9. We have been received as being associated with the adverse party after the end of hostilities in 2008 discriminated against and deprived of the enjoyment of some human rights? What measures were taken against such practices, in particular in the Gali district? What are the measures taken to ensure that regulations and practices of acquiring Abkhaz citizenship for ethnic Georgians and other minorities do not amount to discrimination? The enjoyment of what civil, political, social or economic rights in Abkhazia depends on Abkhaz citizenship? What measures are taken to ensure language of education for ethnic groups including the Georgian and other ethnic groups?
10. In areas that your forces or adverse forces gained control during the 2008 hostilities were persons summarily executed, raped, or ill-treated and were buildings pillaged, burned or destroyed? If

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so by what kind of persons or groups? What measures were taken by the forces of the party controlling the area to prevent, stop and redress such violations?

11. During or following hostilities in 2008, when were persons who fell into the power of your party or into the power of the adverse party arrested? On what legal basis were they arrested? How were those persons treated? Were they tried? When were they released?

12. What steps did your party and the adverse party take to clarify the fate of persons reported missing since 1992 by the ICRC, their families or by the party to which they belong? In which cases were those steps successful? If they were not, why? What measures did your party or the adverse party take to search for, collect and evacuate the dead and to facilitate the returns of the remains to the party to which they belong or to their families?

13. What investigations and prosecutions have been launched since 1992 by your judicial authorities against members of your forces, members of adverse forces, and against civilians in relation with crimes committed in relation to the conflict? In which cases did such prosecutions lead to convictions or acquittals? Please provide copies of the relevant decisions. If prosecutions did neither lead to convictions nor to acquittals, why did they not succeed?

14. If forces or persons under your control committed any violations of international humanitarian law or Human Rights, did the victims of these violations obtain reparations? Were other measures of restorative justice decided? If not, why? How could the victims obtain such reparations?

Ответы на вопросы по правовым аспектам августовских событий

1. *Формальные и неформальные отношения Абхазии с Российской Федерацией до начала конфликта августа 2008.*

Абхазия в Россию в своих взаимоотношениях прошла путь от первой признавшей независимость Грузии. После отечественной войны Абхазии 1992-1993 гг., Абхазия неоднократно предлагала об установлении отношений с Россией, которые гарантировали бы интересы многонационального народа и экономической, политической, культурной обстановки. Впервые такое предложение было озвучено президентом Абхазии Ардзинбой В.Г. В дальнейшем неоднократно принималось обращение Парламента Абхазии к Государственной Думе и Федерального собрания РФ с просьбой о признании независимости Абхазии и установлении дипломатических отношений. Государственная Дума Российской Федерации неоднократно принимала заявления, в которых подчеркивала необходимость строгого соблюдения принципов территориальной целостности и нерушимости границ, а также признания суверенитета Грузии над Абхазией. Россия неоднократно заявляла о необходимости урегулирования грузино-абхазского конфликта мирным путем. Россия неоднократно заявляла о необходимости с Абхазией более тесного взаимодействия России с Абхазией в деле урегулирования конфликта. Абхазия отказалась от подписания Российско-Абхазского договора о дружбе, сотрудничестве и взаимопомощи от 9 января 1995 года, так как он ограничивал РФ в поддержке Грузии в ее территориальных притязаниях на Абхазию (территориальная целостность Грузии).

Кроме того, руководство РФ на самом высоком уровне заявляло о своей поддержке территориальной целостности Грузии. Однако, в международных документах, в частности в Хельсинкском Заключительном акте, признается право на самоопределение вплоть до отделения, что дает право народам, проживающим в государстве, самостоятельно определять свой политический статус. Это касается Устава Организации Объединенных Наций и Хельсинкского Заключительного документа. Это и дает основание Абхазии для отделения от Грузии, в чем поддерживает Абхазию и Россия. Однако в договоре Абхазии с Россией не содержится положений о гарантии целостности самой Грузии, поэтому Россия оказалась в трудном территориальном положении. Чтобы избежать прямого конфликта с Грузией, Россия старалась занимать позицию третьей стороны. Грузия неоднократно обвиняла Российскую Федерацию в поддержке Абхазии, в том числе и военной. Грузия неоднократно предпринимала попытки силового решения конфликта. Так, в августе 2008 г. дальнейшее поддерживание Россией территориальной целостности Грузии было бы расценено как односторонние действия, противоречащие принципам. Поэтому, кроме официального признания Абхазии России следует вывести войска Абхазии из кодорского ущелья и передать его Грузии, что позволит избежать возможных столкновений в будущем.

Ответить на данный вопрос Абхазии возможно двумя путями: признать ее с целью Российской Думой, которая уже неоднократно выносила такое предложение, однако не получила необходимой поддержки в Государственной Думе. Наконец, в марте 2008 года было принято решение об отмене данной нормы. Депутаты Государственной Думы обратились с просьбой к Президенту Российской Федерации В.В. Путину и Правительству Российской Федерации об установлении экономического сотрудничества Абхазии и оказании гуманитарной помощи, а также об открытии дипломатических представительств в Абхазии. Российской Федерации и российским миротворческим силам, находящимся на территории Абхазии.

По решению о оказании экономического содействия Абхазии и Абхазии. Грузия отозвала в одностороннем порядке, обвинив Россию в нарушении целостности Грузии. Премьер-министр Грузии Зураб Жвания заявил, что "Вклад России на этапе решения данного вопроса - важный шаг в правильном политическом направлении. Грузия не

[illegible]". Однако Россия заявила, что [illegible] было предложено, прежде всего по политическим причинам. Россия в своей оценке ситуации обвинила в том, что [illegible] Вооруженных сил Грузии обострило ситуацию. Российская сторона заявила, что [illegible] Грузии [illegible] Россия также [illegible] Москва, как и [illegible] Абхазии [illegible] Российской Федерации. Россия [illegible] Южной Осетии [illegible] Дмитрия Медведева [illegible] Грузии [illegible] Москва [illegible] Грузии [illegible] Абхазии [illegible] Грузии [illegible] Грузии [illegible] Груз

4. 6. Состав регулярной Абхазской армии. Национальный состав армии Абхазии.

Согласно статье 33 Конституции Республики Абхазия [illegible] и обязанность защищать суверенитет Республики Абхазия. Следует отметить, что военному делу в Абхазской армии существует большое уважительное отношение со стороны населения. Призывники относятся к военному делу очень ответственно.

Вся полнота об этнической принадлежности военнослужащих, как в регулярной Абхазской армии и в рядах вооруженных формирований грузинских групп, в вооруженно-освободительной войне Абхазии 1992-1993 гг. отсутствует. Преобладающее большинство военнослужащих, проживающих в Абхазии Абхазских групп, сформированных после войны состоятся из лиц, принимавших в ней участие, их родственников. В сейчас в рядах вооруженных сил Республики Абхазия служат представители различных этнических национальностей. Многонациональный состав армии сохраняется.

Следует сказать, что в ходе боевых действий многие участвующие этнические группы покинули территорию Республики. Из Абхазской армии Абхазия вторая республика [illegible] Абхазии и не призывались в армию Абхазии и не несли Абхазской службы.

Необходимо отметить, что в ходе военных действий в Цхинвали в Южной Осетии Абхазия в сентябре 1992 г. по просьбе Правительства республики Грузия [illegible] с грузинской стороны в район Гагры, Пицунду, Гудауту, Очамчиры. Абхазия [illegible] Абхазии и не [illegible] Абхазии

которые во взаимодействии с абхазскими вооруженными силами смогут обеспечить безопасность страны. Согласно статье 5, упомянутого Договора *«в целях обеспечения безопасности Договаривающихся Сторон, а также мира и стабильности в Закавказском регионе каждая из Договаривающихся Сторон будет предоставлять другой Договаривающейся Стороне право строительства, использования и совершенствования ее вооруженными силами военной инфраструктуры и военных баз (объектов) на своей территории»*. А в статье 4 говорится, что *«Договаривающиеся Стороны будут совместно принимать все доступные им меры для устранения угрозы миру, нарушения мира, а также для противодействия актам агрессии против них со стороны любого государства или группы государств и оказывать друг другу необходимую помощь, включая военную, в порядке осуществления права на индивидуальную или коллективную самооборону в соответствии со статьей 51 Устава ООН»*.

7. 9. 10. Беженцы и препятствия к их возвращению. Дискриминация и лишение каких-либо прав после августа 2008 года. Гальский район обеспечение гражданских, политических, экономических и правовых свобод.

Как и везде в мире, вопрос возвращения беженцев требует внимательного и взвешенного подхода. Все, в том числе и международные участники переговорного процесса, должны осознать степень ответственности при решении данного вопроса, а также беспристрастно, невзирая на национальные и другие различия, помогать всем группам, пострадавшим в конфликтах.

В то же время в решении вопроса возвращения беженцев абхазская сторона четко придерживалась взятым на себя обязательствам, в частности всегда неукоснительно соблюдала положения Московского соглашения. В соответствие с документом, подписанным 14 мая 1994 года, на первом этапе было обеспечено безопасное и достойное возвращение беженцев в Гальский район. Таким образом, власти Абхазии сами инициировали поэтапный процесс возвращения беженцев в Гальский район Абхазии. В течение шестнадцати послевоенных лет уже более 60 тысяч людей, пожелавших вернуться, возвратилось в свои дома в Гальском районе. (Заметим, что проживание этнических грузин на территории Абхазии не ограничивается лишь Гальским районом. По данным Государственной Статистической Службы Республики Абхазия на 1 января 2008 года, в Гагрском районе проживает 13,329 грузин; в Гульрипшском районе – 729; в Очамчирском – 1,970 и в Ткварчальском - 6,794 человек).

Стремясь зафиксировать число возвращающихся в Абхазию грузинских беженцев, абхазская сторона поддержала инициативу Управления Верховного Комиссара ООН по делам Беженцев относительно проведения процедуры верификации и регистрации. Верификация позволила бы в более точной мере определить число вернувшихся и число тех, кто все еще желает вернуться. Точные данные о беженцах также позволили бы определить необходимые экономические ресурсы для приема столь большого числа населения. Однако Грузинские власти всячески препятствуют верификации беженцев. Более того, неопровержимые факты того, что за время грузино-абхазского переговорного процесса, Грузия предприняла 3 крупномасштабные военные операции против Абхазии в мае 1998 года, в октябре 2001 года, и в июле 2006 года, сорвав весь процесс переговоров, нарушив мир в регионе, развязав войну в Южной Осетии, говорят сами за себя. По сути, власти Грузии создали дополнительные страдания для мирного населения не только в Абхазии и Южной Осетии, но и для самой Грузии, увеличив количество беженцев.

Что касается вопроса возвращения в остальные регионы Абхазии, то этот вопрос напрямую зависел от степени доверия между сторонами. Однако Грузинская сторона все эти годы всячески препятствовала процессу возвращения и делала все, чтобы подорвать мирные инициативы абхазской стороны по возвращению беженцев. По сути, было сделано все, чтобы создать условия, при которых безопасное возвращение беженцев невозможно было бы

осуществить из-за непрекращавшихся диверсионно-террористических актов. До сих пор не известна судьба, похищенного грузинскими спецслужбами, председателя избирательной комиссии Гальского района Давида Сигуа, похищенного 3 февраля 2007 года из своего дома в городе Гал, после своего публичного выступления призывавшего власти Грузии не спекулировать вопросом беженцев.

Грузинская сторона все еще не ответила за осуществленные провокации, направленные против мирных граждан Абхазии, российских миротворцев, а также сотрудников миссии ООН, погибших в Кодорском ущелье в октябре 2001 года в результате грузинской военной провокации. Необходимо подчеркнуть, что Грузия предпринимала целенаправленные шаги по дестабилизации обстановки в Гальском районе, что зафиксировано в Отчете совместной миссии ООН по изучению ситуации в Гальском районе (20-24 ноября 2000 года), в главе С, раздел III, пункт 58 говорится: *«На протяжении нескольких лет после окончания открытых боевых действий вооруженные группы, состоящие из грузин, проводили целенаправленные атаки в Гальском районе. В публичных заявлениях лидеров наиболее известных групп, таких как «Белый легион» и «Лесные братья» отмечалось, что их основной задачей является силой вернуть Абхазию. Их ближайшей задачей было создание атмосферы страха и нестабильности среди возвратившихся в Гальский район с тем, чтобы показать, что нахождение на территории, контролируемой абхазской стороной невозможно. Для этого они использовали засады, похищения и целенаправленное минирование».*

Наблюдатель Комиссии по правам человека ООН отмечал, что, несмотря на грузинские опровержения, имеются постоянные и заслуживающие доверия донесения о том, что *«партизанские группы имеют связь с министерствами внутренних дел и обороны Грузии, а также государственными службами безопасности и с некоторыми членами правительства».* Высокопоставленные чиновники Грузии, в число которых можно отнести Уполномоченного Президента Грузии в регионе Имерети, Темура Шашиашвили, который не скрывая заявил, что *«рост движения народных мстителей неминуем... никто не может лишить изгнанных из Абхазии права возвращения домой».* Заметим, что ни одного этнического Грузина власти Абхазии из своих домов не изгоняли. Жители Абхазии, не преступившие закона Республики и не совершивших военных преступлений, уже вернулись в свои дома.

Этнические грузины не преследуются законом, пользуются всеми правами и свободами наряду с другими гражданами республики. Согласно статье 11 Конституции РА: *«Республика Абхазия признает и гарантирует права и свободы, закрепленные во Всеобщей Декларации прав человека, в Международных Пактах об экономических, социальных и культурных правах, о гражданских и политических правах, других общепризнанных международно-правовых актах».*

Незадолго до августовских событий спецслужбами Грузии была проведена серия террористических актов в городах Абхазии, направленных против мирного населения. В результате пострадали невинные люди, а 6 июля 2008 года в городе Гал в результате террористического акта погибли четыре человека и некоторые получили серьезные ранения, что явилось еще одним прямым подтверждением причастности силовых структур Грузии к террористической деятельности против Абхазии.

После августовских событий доверие абхазского общества было окончательно подорвано. В целом, начиная с августа 2008 года, в результате террористических актов со стороны Грузии, было убито 5 человек и ранено более 10. Это стало результатом проведенной в Грузии амнистии, когда члены диверсионно-террористических групп в сентябре 2008 года, были выпущены из тюрем с целью возобновления террористической деятельности против Абхазии. Если проследить динамику ситуации в Гальском районе, то можно увидеть, что период стабильности и безопасности пришелся на август 2008г., во время проведения операции по принуждению Грузии к миру. В этот период, более 20 русских семей, проживавших в Грузии, были вынуждены покинуть территорию Грузии через Абхазию, так как стали объектами постоянного преследования и нападений. Несколько граждан Грузии обратились к

руководству Абхазии с просьбой о политическом убежище, так как в Грузии их жизни угрожает опасность.

За последние время в официальные структуры Абхазии не поступало заявлений о фактах нарушения конституционного поведения Абхазии в этом плане в ходе вооруженных событий. Не зафиксировано подобных фактов и происшествий в Гальском районе, где проживает в основном грузинское население. По официальным данным Гальского района после событий августа 2008 года. Таким образом, можно констатировать, что ситуация в Гальском районе после вооруженных событий лишь не изменилась.

В Гальском районе функционируют 11 школ, 11 из которых являются грузинскими. Преподавание на грузинском языке не ограничивается, что подтверждается отсутствием подобных фактов. Согласно статье 6 Конституции Республики Абхазия *Государственными языками являются абхазский, грузинский и русский языки*. Таким образом, *свободное использование языков гарантируется*.

Численность грузин, живущих в грузинском населенном пункте 18 километров от Гальского района. Остальное население грузины.

Начиная с 90-х годов прошлого столетия грузинское население стало проживать в основном в сельской местности. Многие из грузин, покинувших Абхазию, были фермерами и занимались выращиванием мандаринов. Поэтому они вернулись на свои земли и возобновили свою деятельность. Грузины, проживающие в Абхазии, как правило, не имеют высшего образования.

Республика Абхазия – многонациональное и многоконфессиональное государство, в котором мирно сосуществуют представители разных национальностей и вероисповеданий. Здесь каждый гражданин обладает равными правами, его права и свободы защищены в соответствии с общепризнанными принципами и нормами международного права. В Республике отсутствуют какие-либо ограничения по национальному признаку. В соответствии с Конституцией граждане, принадлежащие к национальным меньшинствам, имеют право на сохранение своей самобытности, развитие своего языка, воспитание и образование на родном языке. Власти в Абхазии зарегистрировали порядка 100 НПО и общественных организаций, которые активно участвуют в политической жизни страны.

Помимо этого, в Абхазии функционируют и другие демократические институты:

- Институт президентства обеспечивает стабильное и законное функционирование и преемственность власти.
- Институт Уполномоченного по правам человека в Республике Абхазия, который осуществляет контроль за соблюдением прав и свобод человека и гражданина, а также органами государственной власти.
- Согласно Конституции, все люди имеют право на объединение, включая право создавать и вступать в политические партии.

В Абхазии функционирует общественная палата, которая призвана защищать права и свободы граждан, содействовать развитию гражданского общества, осуществлять общественный контроль за деятельностью органов государственной власти. В Гальском районе Абхазии создан и успешно функционирует общественный палаты. В стране активно ведется диалог с другими общественно-политическими силами, в том числе и с оппозиционными.

В настоящее время в Абхазии сформирована структура, ожидающая по своим полномочиям и выполняемым задачам Общественной палате. Так, в беседе с корреспондентом ПА ВРФ от 26 февраля 2016 года председатель Общественной палаты Республики Абхазия Тенгиз Хинчагишвили сообщил, что данный формирующийся в Абхазии институт должен стать площадкой общественного диалога, где будут обсуждаться *«Все острые и другие вопросы, которые будут волновать наше общество при создании Абхазского государства, это будет одна из функциональных задач данной структуры»* – отметил Хинчагишвили.

Сессия Республики Абхазия вновь неоднократно принимала заявления (28 сентября 2008 года, 30 ноября 2009 года и Российская Федерация в октябре того же года — Республика Никарагуа, июнь 15 лет Абхазия заключила договор о дружбе ОДНТ «Организация Договора о коллективной безопасности» которые «признают на своих территориях территориальную Сторону и ее международных границах».

Непосредственно объявления при своей стороне в том, что «Грузинское государство Сталинского района подвергалось агрессии, страна которого только нарушило, но самое после чувствовало себя в состоянии международной ответственности и над установлением добрых отношений с другой. Он будет подчеркнуть, что оказывало нас в высокой степени Грузинского района мнения. Абхазия, отношения с Сталинской группы, суверенное грузинского района. Грузины и международной ответственности характеризуется на основе Сталинского, имеющего общего только в том числе на территории Абхазии. Абхазии — это не разрешается и открытое присоединение к грузинам, признавая независимость Абхазии международного населения. В 1925 году в Зугдидском Грузии «Абхазия Абхазии» в Сталинского района, в ходе 1926 году Абхазии в Сталинского района как основу Абхазской группы. В 30-е годы Абхазской республики в Абхазии. В результате Абхазии в Сталинского района, которое грузинского языка Абхазии грузинского управления Абхазии в Сталинского района грузинского языка Абхазии Абхазской языка Абхазии грузинского языка Абхазии грузинского и Абхазии Сталинского района. В 1991 году Абхазии и Абхазской Абхазии грузинского языка Абхазии грузинского языка Абхазии. В Абхазии грузинского языка Абхазии грузинского языка Абхазии. В Абхазии грузинского языка Абхазии грузинского языка Абхазии. В

*[illegible] [illegible] [illegible] [

[illegible] [illegible] [illegible] [

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Replies to questions on legal issues related to the events of last August[1]

1. The formal and informal relationship between the Russian Federation and Abkhazia before the outbreak of the conflict in August 2008.

Throughout their history the relationship between Abkhazia and Russia has been long and at times characterised by contradiction. After its war of national liberation in 1992-1993, Abkhazia proposed establishing a status of association with Russia that would entail concluding inter-state agreements in military-political, customs, border-control, as well as economic and cultural spheres. It was Abkhazia's first president, V.G. Ardzinba, who initially put forward this proposal. Subsequently, Abkhazia's Parliament addressed several messages to the State Duma and the Federal Assembly of the Russian Federation with a request to recognize the independence of Abkhazia and to sign the relevant agreements. Even though the authorities of the RF, at various levels, frequently articulated the deep historical, political and human ties that bind our two countries, as well as Russia's interest in a just resolution to the problems affecting the Abkhaz people, nevertheless Russia did not take any steps to effect a rapprochement with Abkhazia. What's more, it was Russia that imposed an embargo on Abkhazia in the difficult post-war period. As a reminder, the so called «Decision on measures to resolve the conflict in Abkhazia, Georgia», dated 19 January 1996, was at the initiative of the RF and was not only signed by B. Yeltsin but recommended for signature to the leaders of most CIS States.

Furthermore, the leaders of the RF expressed their support at the highest level for the territorial integrity of Georgia. However, there is nothing in any international legal text, notably the Helsinki Final Act, indicating the primacy of the principle of territorial integrity over the other fundamental principle: peoples' right to self-determination. As for the United Nations Charter, which is the paramount international legal document, it contains no mention at all of the principle of territorial integrity. However the arguments of Abkhaz diplomats weren't always heeded and it took the actions of Georgia itself to convince Russia not to recognize Georgia's territorial integrity, so as to put a stop to the process of infringement of all the main principles of international law, and to end the destruction of an entire people by another. The principle of territorial integrity in international law governs relations between states and is intended to prevent aggression by states against each other. Therefore, in this specific case, in the aftermath of the events of August 2008 any further support by Russia of the principle of Georgia's territorial integrity would have contradicted commonly-accepted humanitarian principles. By its decision to recognize the independence of Abkhazia, in essence Russia shielded the Abkhazian people from bloodshed and more military aggression, restored their statehood that had been stripped from Abkhazia under Stalin and fostered stability in the region.

It is worth noting that the sanctions against Abkhazia had been criticized repeatedly by the Russian Duma on the grounds that they were illegal, however such criticism didn't obtain sufficiently broad support in Parliament. A decision to lift the sanctions against Abkhazia was finally made in March 2008. The members of the State Duma endorsed the efforts of V. Putin, President of the Russian Federation, and the Government of the Russian Federation to improve the economic situation of Abkhazia, lift restrictions on its foreign economic activity, ensure that its inhabitants benefit from the great accomplishments of Russian and other World cultures, have access to education, and that the rights of citizens of the Russian Federation and Russian nationals residing in Abkhazia be fully protected.

Georgia reacted in its usual way to Russia's decision to lift the economic embargo against Abkhazia; it accused Russia of seeking to provoke Georgia. The Georgian State Minister of Reintegration Issues, Temur Yakobashvili, declared: «Russia's decision to lift the embargo can only mean one thing — an attempt at economic annexation. The Government of Georgia will not allow this.» In fact, Russia withdrew from the sanctions regime primarily because it no longer made sense to

[1] Unofficial translation by the Independent International Fact-Finding Mission on the Conflict in Georgia.

maintain it, on economic grounds. The decision to lift sanctions was dictated by the objective circumstances of the moment. In an official note the MFA of the Russian Federation explains its decision by the fact that the situation had completely changed since 1996 and faults the Georgian side for not having a constructive approach to implementing the agreements reached earlier. Russia withdrew from the sanctions regime against Abkhazia because it no longer saw sufficient reasons to maintain the harsh restrictions. Furthermore, lifting sanctions would lead to new opportunities for pursuing mutually beneficial relations in the economic, cultural, social and other areas. At present Russia is practically Abkhazia's only trade and economic partner, and sole lender of capital. The economy of Abkhazia is tightly interwoven with the Russian economy and we are closely linked by transport networks and infrastructure facilities as well. But most importantly, practically all the inhabitants of Abkhazia are at the same time citizens of the Russian Federation. Russia has always been and will remain the guarantor of peace and security in the Caucasus. Article 2 of the Treaty on Friendship, Cooperation and Mutual Assistance between the RF and Abkhazia, signed by the Presidents of the RF and RA in Moscow on 17 September 2008, states that: «The Parties to the Treaty will cooperate closely in the area of foreign policy, work together to advance peace and enhance stability and security in the Transcaucasus region, and to this end regularly hold consultations on international and regional issues of common interest. They pledge to coordinate their efforts so as to contribute to resolving regional conflicts.»

Also worth mentioning is Russia's special role in the peace-building process which from the start gave it an advantage over the other participants in the negotiations. It was Russia's proposal to create the CIS peacekeeping force, which carried out their mission in accordance with the Agreement on a Ceasefire and Separation of Forces of 14 January 1994, which stipulates that: «The Peacekeeping Force of the Commonwealth of Independent States and military observers constituted in accordance with the Protocol to this Agreement will be deployed in the Security Area in order to monitor compliance with the current Agreement.» Russia's role in the Peacekeeping Operation was to separate the sides along the ceasefire line and the CIS peacekeeping force were practically essentially composed of Russian military personnel. It was the Russian peacekeepers who, through their prodigious efforts and by paying the ultimate price, made it possible to salvage a fragile peace. Let's not forget that in the course of their service, over 100 Russian peacekeepers died in the Security Zone.

2. The legal status of administrative and military structures in the upper Kodori Valley prior to August 2008.

UN Security Council Resolution 1716 directs the Georgian side to abide by the previously concluded agreements and withdraw its military troops from the Kodori Valley. There were a number of other agreements signed as well, also bearing the signature of UN representatives, in particular the Gagry protocol, dated 25 May 1998, clearly stipulates that no armed units or even individuals shall enter Abkhaz territory from Georgia, and that the Georgian side undertakes to make sure this doesn't happen.

However, instead of withdrawing all Georgian military formations from Kodori, President Saakashvili instead decided to deploy the so-called legitimate government of Abkhazia on the territory of Kodori Valley. «With the consent of the Georgian Parliament and Prime Minister, I have decided to install the legitimate government of Abkhazia in the Kodori Valley, for the first time since 1993, which will extend Georgian jurisdiction over the said territory.» was what Saakashvili declared to RIA News Agency on 27 July 2006.

However, the so-called 'legitimate government of Abkhazia' possessed no real power, especially as no one had elected it and taking into account that the legality of decisions by this puppet entity artificially installed by Saakashvili, applied if at all, only to the territory of the Kodori Valley. The so-called «Patriotic Youth Camp» set up for training purposes in the Ortsakhkhara village of the Zugdidi district operated on the basis of the same pseudo-legitimate principle. As a reminder,

Gannushkiri is a town under Georgian jurisdiction, located on the right bank of the Inguri river. In essence, the aforementioned camp inaugurated by President Saakashvili on 26 May 2007 served as an ideological instrument: cloaked in pseudo-patriotic slogans it was in fact used by the Georgian authorities to carry out acts of provocation and sabotage on Abkhaz territory. The Abkhaz authorities more than once underscored the potentially negative fallout from the establishment of this type of camp. The UN Secretary General Ban Ki-Moon in his report to the Security Council in July of 2007 also referred to the destabilizing role of the youth camp, suggesting that it be closed down.

Nevertheless, even though the administrative and military structures created by Georgia on the territory and in immediate proximity to the border of Abkhazia had no real legal basis or legitimacy and were being used by the Georgian authorities only for their intended aggression against Abkhazia, they weren't broken up or eliminated. In fact their existence wasn't even condemned by the international monitoring organizations with offices in Georgia.

3. The process of acquiring Russian nationality by persons residing in Abkhazia.

After becoming the successor state of the USSR with the consent of all the Soviet Republics, Russia assumed a special responsibility towards the former citizens of the Soviet Union. Following the break-up of the Soviet Union, it had to deal with a number of matters including resolving citizenship issues. According to Russian legislation, Soviet citizens who chose not to become citizens of other states and applied to Russia for assistance, were to be extended Russian citizenship. Russia introduced such a provision into its citizenship laws. As a result, many inhabitants of Abkhazia, who had tried in vain for many years to obtain the right to travel freely into and out of their country as guaranteed by the Universal Declaration on Human Rights were at last given the opportunity to do so. It is worth noting that Abkhazia repeatedly sought to obtain alternative documents from various international bodies. On numerous occasions it requested that these organizations (including the UN) issue 'A-type' travel documents to our citizens (a similar procedure had been used in Kosovo). However, our request to be issued travel documents modelled on those the UN had issued to the inhabitants of Kosovo was rejected. After the Abkhaz authorities were told that Kosovo and Abkhazia were entirely different cases, many people began turning to Russia for help (at first it was chiefly individual cases but eventually it became a mass phenomenon). So in actual fact only Russia came to our assistance, agreeing to provide the people of Abkhazia with international-type Russian passports. From that moment on Abkhaz were able to travel outside the Republic and take advantage of the rights and freedoms afforded to them under international laws and standards.

Following the aforementioned decision by the Russian Federation, Abkhazia introduced a corresponding set of amendments into its own legislation and established the concept of dual citizenship. Specifically, Article 6 of the law on citizenship of the RA stipulates that a citizen of the Republic of Abkhazia is also entitled to obtain the citizenship of the Russian Federation.

4, 6. The composition of the regular Abkhaz army. What was the ethnic composition of the Abkhaz army.

Article 33 of the Constitution of Abkhazia states: «Defending the homeland is the duty and responsibility of every citizen of the Republic of Abkhazia». It's important to mention that in addition to the regular army, Abkhazia also has a large, mobile and well-trained reserve component. Reserve units were mobilized during the operation conducted inside the Kodori Valley.

As for the ethnic make-up of the armed forces, people from various ethnic groups serve in both the regular army of Abkhazia and in the reserve formations. People from every ethnic group represented in Abkhazia took part in the war of national liberation of Abkhazia in 1992-1993. The Abkhaz army created after the war was made up of those who had defended the nation, drawn from all of its people, a multiethnic people, as is well known. Even now people of many different ethnic

groups serve in the armed forces of the Republic of Abkhazia. We have retained the multi-ethnic identity of the army.

Of note is the fact that during the Kodori operation, the inhabitants of the Valley, ethnic Svans, provided help to the troops of the Abkhaz army. The Abkhaz side considers ethnic Svans citizens of Abkhazia even though they have never acquired Abkhaz citizenship and don't carry Abkhaz passports.

Also important is that when Georgia unleashed its military operation in South Ossetia, Abkhazia, pursuant to a treaty signed by the President of the Republic, moved its troops forward to the Georgian border and up to the banks of the Ingur river, entering Georgian territory in places where the border cuts into the right bank of the river. After that, however, at the request of the peacekeeping and UN contingents Abkhazia halted the movement of its forces. Currently the most dangerous situation and the greatest risk of provocation is precisely in those sectors where the border crosses over to the right bank. These sectors could potentially cause additional problems, which is why the Abkhaz authorities are keen on strengthening and defending this border. The Abkhaz army, while remaining in contact with Russian forces acting from Abkhaz territory, operated independently and only within the confines of the Republic, never going outside Abkhaz territory, with the exception of the brief incursion into Georgian territory mentioned above.

Following the events of August 2008, no changes were made to the command hierarchy of the armed forces of the RA or to the upper echelons of the legislative, executive and judicial branches of government. According to official data, the institutions mentioned above continue to be staffed, including at the most senior levels, by ethnic Abkhaz. Russians, Armenians, Jews, Georgians and people from other ethnic groups living in Abkhazia.

5. Interaction between the regular Abkhaz army and the Russian army.

When necessary the Abkhaz side holds consultations with the Russian side on issues of concern to it. Let's recall that Article 3 of the Treaty on Friendship, Cooperation and Mutual Assistance between the RF and Abkhazia states that *«the Parties to the Treaty will work closely together to defend sovereignty and territorial integrity, while providing security in the Russian Federation and the Republic of Abkhazia. They will hold immediate consultations with each other whenever in the view of one of the Parties to the Treaty a threat of attack against that Party arises, in order to provide for joint defence, peacekeeping and mutual security. In the course of such consultations they will determine the need, type and amount of assistance that one Party will provide to the other Party to the Treaty, to aid it in eliminating the threat...»*

Since the signature of the Treaty on Friendship, Cooperation and Mutual Assistance between Russia and Abkhazia a number of military agreements have been under development on various areas pertaining to jurisdiction over military bases located on Abkhaz territory, joint border patrol cooperation and military cooperation in general. Consequently we expect that the number of Russian troops stationed in Abkhazia will be sufficient to provide for the security of the country in cooperation with the armed forces of Abkhazia. According to Article 5 of the aforementioned Treaty, *«for the purposes of providing for the security of the Parties to this Treaty, as well as for peace and stability in the Transcaucasus region, each of the Parties to the Treaty shall grant the other Party the right to have its armed forces build, utilize and upgrade military infrastructure and military bases (facilities) located on its territory.»* Article 4 stipulates that, *«the Parties to the Treaty shall jointly undertake all available actions to eradicate threats to peace, disruption of peace, as well as to counter any acts of aggression against them by any state or group of states, and shall extend all necessary assistance to each other, including military assistance, pursuant to their right to individual or collective self-defence in accordance with article 51 of the UN Charter.»*

7. 9. 10. *Refugees and what hinders their return. Discrimination and deprivation of the enjoyment of some human rights after August 2008. The Gali district – protection of civil, political, economic and human rights.*

As anywhere in the world, the issue of the return of refugees requires a careful and balanced approach. It is incumbent on all sides, including the international participants of a negotiating process, to be aware of the degree of responsibility they shoulder when resolving this issue, and they have an obligation to be impartial, and disregard ethnic origin or any other distinctions in assisting all groups that have suffered as a result of conflicts.

That being said, on the issue of the return of refugees the Abkhaz side has always clearly adhered to the commitments it has signed on to, specifically a strict compliance with the provisions of the Moscow agreement. In accordance with the document signed on 14 May 1994, the first phase saw the safe return of refugees to the Gali district. In other words, the Abkhaz authorities took the initiative of putting into effect the gradual return of refugees to the Gali district. In the 16 years since the end of the war over 60 thousand people who have wanted to have been able to return to their homes in the Gali district. (It should be noted that ethnic Georgians in Abkhazia aren't confined to the Gali district. According to figures from the State Statistical Service of the Republic of Abkhazia, on 1 January 2008, the Gagra district counted 13329 ethnic Georgian inhabitants; the Ochamchira district – 1970 and the Tkvarcheli district – 697.)

In seeking to document the number of Georgian refugees returning to Abkhazia, the Abkhaz side endorsed the initiative of the Directorate of the UN High Commissioner for Refugees to conduct a verification and registration procedure. A verification would make it possible to more accurately determine the number of people who have actually returned and the number who still wish to return. Correct data on refugees would also make it possible to ascertain the economic resources needed to accommodate such a large group of people. However, the Georgian authorities have tried to obstruct the refugee verification process every way they can. Furthermore, certain facts are indisputable and speak for themselves. To wit, in the course of the Georgian-Abkhaz negotiations, Georgia has launched three large-scale military operations against Abkhazia, in May of 1998, October 2001 and July of 2006, thus entirely derailing the negotiating process, disrupting peace in the region, as well as embarking on a war in South Ossetia. In essence the Georgian authorities have inflicted additional suffering on the civilian populations not only of Abkhazia and South Ossetia, but also of Georgia itself, increasing the number of refugees.

As far as the issue of the return of refugees to other parts of Abkhazia is concerned, this matter was directly contingent on the degree of trust between the sides. The Georgian side however, has done everything possible over the years to obstruct the process of return and has tried in every way to thwart the peace initiatives of the Abkhaz side aimed at facilitating the return of refugees. Essentially everything was done to create conditions under which the safe return of refugees would be impossible because of the incessant acts of sabotage and terrorism. To this day nothing is known about the fate of David Sigua, chairman of the electoral commission of the Gali district, abducted by Georgian Intelligence Services on 3 February 2007 from his home in the city of Gali, following a public statement calling on the Georgian authorities not to exploit the issue of refugees.

The Georgian side has yet to answer for its provocations aimed at the civilian population of Abkhazia, Russian peacekeepers, and staff members of the UN Mission, who were killed in the Kodori Valley in October 2001 as a result of a Georgian military provocation. It is important to highlight that Georgia undertook calculated steps to destabilize the situation in the Gali district, as documented in the report of the UN Joint Assessment Mission to the Gali district (20-24 November 2000). Chapter C, section III, paragraph 58 states that, *«Over the course of several years after the end of open military conflict armed groups of ethnic Georgians conducted targeted attacks in the Gali district. In public statements made by the leaders of the most well known groups such as 'White Legion' and 'Forest*

Brothers' they declared that their main goal was to recover Abkhazia by force. Their immediate objective was to create an atmosphere of fear and instability among those returning to the Gali district in order to demonstrate that it was impossible to live on territory under Abkhaz control. To this end they employed ambushes, abductions and targeted placement of mines.»

The observer from the UN Commission on Human Rights noted that in spite of Georgian denials, there have been repeated and credible reports that «partisan groups maintain contacts with the Georgian Ministry of Interior and of Defence, as well as with the State Security Services and with some members of the government.» Senior Georgian government officials, such as the Envoy of the Georgian President in the Imereti region, Temur Shashiashvili, have openly declared, that *«the movement of the peoples' avengers will grow inevitably... no one can deny those who have been expelled from Abkhazia their right to return to their homes»*. Parenthetically, not a single ethnic Georgian has been evicted from their home by the Abkhaz authorities. Those inhabitants of Abkhazia who haven't been guilty of breaking the Law or committing war crimes have already returned to their homes.

There have been no legal proceedings brought against any ethnic Georgians, who have benefited from all the rights and freedoms afforded all citizens of Abkhazia. According to article 11 of the Constitution of the RA: *«The Republic of Abkhazia recognizes and guarantees the rights and freedoms enshrined in the Universal Declaration of Human Rights, in the International Covenants on economic, social and cultural rights, civic and political rights, and in other universally recognized international legal documents.»*

Shortly before the events of August the Georgian special services carried out a series of terrorist attacks in Abkhaz cities, targeting the civilian population. Innocent people suffered as a consequence and on 6 July 2008, a terrorist attack in the city of Gal caused the deaths of four people and serious injuries to several others. This was further proof of the involvement of Georgian military and security forces in terrorist activity aimed at Abkhazia.

The events of last August swept away whatever trust remained on the part of Abkhaz society. In total, since August of 2008 5 people have been killed and more than 10 wounded as a consequence of terrorist attacks perpetrated by Georgia. This was brought about by an amnesty granted in September 2008 by Georgia for members of groups involved in sabotage and terrorism, leading in turn to their release from prison and resumption of their terrorist activity against Abkhazia. Looking at the way the situation unfolded in the Gali district demonstrates that August 2008, which coincided with the military operation to compel Georgia to pursue peace, was a period of stability and security. During that period, more than 20 Russian families living in Georgia were forced to leave Georgian territory through Abkhazia, after becoming targets of incessant persecution and attack. Several Georgian citizens appealed to the government of Abkhazia for political asylum, because in Georgia their lives were in danger.

Since the events of last August, there has been no evidence submitted to the Abkhaz authorities about cases where the rights of ethnic Georgians living in Abkhazia have been infringed upon. Nor have such cases been reported by the international and local NGOs represented in the Gali district. Neither have there been any cases reported of people from the Gali district leaving their homes in the aftermath of August 2008. Therefore it is possible to conclude that there have been no changes to the situation in the Gali district since the events of last August.

The Gali district has 21 schools, 11 of which are Georgian schools. There has been no interruption of teaching in Georgian, a fact confirmed by international observers. According to Article 6 of the Constitution of the Republic of Abkhazia: «The State guarantees all ethnic groups that inhabit Abkhazia the right to freely use their native language.»

Ethnic Georgians are employed in local institutions of self-government (of the 18 directors in the Gali district administration 15 are ethnic Georgians.)

In spite of Georgia's constant provocations, the Abkhaz side continues to keep a watchful eye over the security of ethnic Georgians and takes duly into consideration the interests of all the other ethnic groups living in Abkhazia, especially since all citizens of Abkhazia, independently of their

ethnic, religious or other backgrounds have suffered directly or indirectly from Georgia's actions aimed at extending the conflict to the entire region.

The Republic of Abkhazia is a multi-ethnic and multi-confessional state, where people of different ethnic groups and religions live peacefully side by side. A favourable environment has been created for them to live and prosper; their rights and freedoms are upheld as strictly as those of the majority ethnic group. These minorities are represented in the governmental bodies of the state. There are ethnic newspapers and ethnic schools in Abkhazia and diverse communities, including Russian, Greek, Armenian, German, Jewish, Polish, Tatar and Estonian communities actively participate in civic affairs. All together, not counting religious organizations, some 100 NGOs and public humanitarian organizations are registered in Abkhazia.

In addition, there are also a number of other democratic institutions operating in Abkhazia:

-An active civil society that works closely with the government:

-All citizens of Abkhazia enjoy the freedoms of expression, of thought and of conscience, thus creating a favourable environment for the existence of a free and independent media;

-The Constitution of Abkhazia guarantees everyone the freedom of assembly and the right to conduct peaceful meetings, gatherings, rallies, and demonstrations.

There is an active Public Chamber in Abkhazia whose purpose is to defend the rights and freedoms of citizens, contribute to the development of civil society and monitor the activity of state government bodies. A Human Rights Office has been set up and operates in the Gali district. There are many different political parties and movements throughout the country, including those in opposition.

Currently there is an entity being set up in Abkhazia that is similar in its functions to the office of ombudsman. The Council of Europe Commissioner on Human Rights, Thomas Hammarberg, referred to this in an interview with IA REGNUM on 26 February. According to him, the mechanism being created in Abkhazia is extremely important and will make it possible to ensure effective protection of human rights. «*I spoke with the official appointed to this job by the President of Abkhazia and I believe we shall be able to assist him in establishing the said body*,» noted Hammarberg.

Today the Republic of Abkhazia is an internationally recognized state (on 28 September 2008 its independence was recognized by the Russian Federation, and on 3 September 2008, by the Republic of Nicaragua). For over 15 years Abkhazia has been a member of the Executive Presidium of the UNPO (Unrepresented Nations and Peoples Organization), whose main tenet is: «indigenous nations and peoples living in their own lands and resisting the 'foreign' states that enslave them»

Georgia constantly alleges that the 'Georgian population' of the Gali district is being persecuted and its rights supposedly violated. The Georgian authorities try hard to forget that the population in question is in fact Mingrelian and not Georgian. It is noteworthy that the major part of the population living in the Gali district is made up of Mingrelians, a sub-ethnic group of the Georgian people. The Georgians and the Mingrelians are different in mentality and in temperament but most importantly, they have a different language, and therefore we can speak of a separate identity. Throughout their history, Mingrelians have more than once come into open stand-off with the Georgians, who assimilated the Mingrelians by force. In 1925 a movement to establish an independent Mingrelian homeland started in Western Georgia, but by 1926 all mention of the Mingrelians as a separate ethnic group had disappeared from census lists. In the 1930s the Mingrelian language was banned. After many centuries of strong Georgian influence, Mingrelian has practically disappeared in its written form (Mingrelians are considered to be part of the Georgian ethnic group, Mingrelian is seen as a dialect of Georgian and writing in it isn't encouraged) In the 1939 Soviet census the Mingrelians, along with the Svans and the Adjarians were listed as Georgians; for 'ethnic origin' Mingrelians just as Svans, Adjarians and Jews had to write 'Georgian'. During the Soviet era when asked: «Which people have the shortest lifespan?» the Mingrelians would answer: «Mingrelians, because after reaching the

age of 16 they're issued a passport where they're designated as Georgians» (G. Gegelia 25/10/93 from the archives of the newspaper 'Soviet Russia').

For a long time Mingrelians as an ethnic group have been oppressed by the Georgian government with the latter trying to impose a Georgian identity in an attempt to stave off the emergence of another "problematic ethnic region". At that time the Abkhaz society clearly understood that the term "Gulis" referred to the Mingrelians with their own language, culture and history.

As for the ethnic cleansing issue, it is worth recalling that immediately after the war ended in October 1993 a UN commission arrived in Abkhazia at Mr. E.A. Shevardnadze's invitation, on a monitoring and fact-finding mission to ascertain whether instances of ethnic cleansing had taken place. The government of Abkhazia never blocked the work of this commission – on the contrary every effort was made to assist this commission since the government was interested in shedding more light upon the actual facts and restoring justice. In particular, between 22 and 27 October 1993 members of the commission had an opportunity not only to interview witnesses and numerous victims and talk to representatives of the civil society at the local level, but also to meet the leaders of Abkhazia, representatives of the Ministry of the Interior, Ministry of Justice, political scientists and human rights activists.

The commission's work culminated in a detailed document which stated that during the war both sides violated human rights on a massive scale. "*Civilians of all ethnic groups fell victim to human rights violations*", – was the commission's conclusion presented in the report, which is not surprising – such is the result of any war.

The second document we would like to refer to is the Report published by the Joint UN Fact-Finding Mission in the Gali district, which monitored the situation in this district between 20 and 24 November 2000. The report never recognised that the allegations of ethnic cleansing were true.

In this respect we are puzzled by various reports and statements made by the OSCE which, incidentally, never conducted any monitoring in the territory of Abkhazia, alleging ethnic cleansing and massive expulsion of Georgians from the territory of Abkhazia. In particular, the OSCE Lisbon report published in 1996 stated "*We condemn the 'ethnic cleansing' that resulted in massive extermination and forceful displacement of predominantly Georgian population in Abkhazia. Destructive actions taken by the separatists including obstacles preventing the return of refugees and displaced persons...*"

First, the Georgian population has never been driven out of Abkhazia by the Abkhaz authorities. Ethnic Georgians left Abkhazia together with the retreating Georgian army. Secondly, it was the Abkhaz side who initiated unilaterally the return of refugees to its territory. The report published by the Gali district Joint Fact-Finding Mission mentioned that "*...the Abkhaz side launched a unilateral initiative aimed at legalising the return [of refugees] to the Gali district as well as conducting their registration*". We would also like to recall that a document was being prepared to facilitate the return of refugees to the Gali district but it was at the Georgian side's initiative that the signing of it was blocked.

3. Destruction of civilian facilities, casualties sustained between 7 and 12 August 2008? Precautionary measures taken to keep the enemy off the territory of Abkhazia.

The operation launched to liberate the Kodori Valley was conducted without any casualties. The Abkhaz authorities did everything within their power to prevent civilian casualties. Artillery and air force strikes never targeted residential buildings as confirmed by international observers.

It should be noted that the Georgian side refused to discuss any conditions precedent to finding a peaceful resolution to the situation in the Kodori Valley, which the Abkhaz side proposed even during the operation. Nevertheless, the Abkhaz forces did create a humanitarian corridor to avert any danger for the civilian population. In this respect it is worth citing the words of T. Kvitsiani – a former field commander born and raised in Dal (historically the Abkhaz name of the Kodori Valley was Dal

and the lower part of the Valley was called Tsebuli: "...*the Abkhaz, as opposed to the Saakashvili government proved to be much more honest and kept their word. We had a gentleman's agreement which was never broken by either side and the relations were successfully managed. One should only trust those people who do not lie and never break their promises, who act as true men and not as cowards or liars like Saakashvili*", taken from an interview published in the Pirveli newspaper on 23 March 2009.

Immediately after the operation ended an emergency session of the Abkhaz Republic Security Council was convened. During this session decisions were taken and relevant instructions were issued to ensure the return of all residents, without exception, who had left the Kodori Valley during the military operation.

As for the Gali district, during the events in August 2008 no reports were received of local migration. The authorities never received any reports of houses being torched or any other unlawful actions taken against the ethnic residents of the Gali district.

11. Enemy arrests.

In the course of the operation in the Kodori Valley no enemy were arrested or taken as prisoners of war.

12. The fate of persons reported missing since 1992, measures taken to facilitate their return to their families.

After the war of 1992-1993 a special commission on missing persons was created. A similar commission was set up by the Georgian authorities. Both sides cooperated proactively trying to identify such instances. Specialists were invited to identify bodies of those killed. During the initial stages the cooperation was relatively efficient, however, gradually the intensity of the commission's work subsided. As of today both Abkhazia and the Georgian side have identified a significant number of missing persons, however, it seems unlikely that they would ever be found. The Abkhaz side believes that these people are most likely dead.

As for the efforts to facilitate family reunions, it should be stressed that the Abkhaz side never opposed the process; on the contrary, all possible and available measures have been taken to resolve this problem.

The ICRC has also been proactively dealing with this issue since 1997. According to ICRC data, thanks to the efforts taken by this organisation 501 families were reunited after the 1992-1993 war. The ICRC also provides assistance in Abkhazia in terms of collecting information about persons reported missing. In 2007 the ICRC helped to publish a book in memory of those reported missing in Abkhazia entitled "Hope never dies".

13. Investigations and legal proceedings since 1992.

There were known and well-documented punitive expeditions conducted by the Georgian troops in Abkhaz villages, especially in the Eastern front. Methods of ethnic cleansing used by the Georgian military during the 1992-1993 war in Abkhazia were exceedingly cruel and inhumane; they included hostage-taking, murdering women, elderly people and children, destruction of entire villages by Georgian tanks, artillery and air strikes, significantly exceeding the military power of the Abkhaz rebel units. There are known cases (for example, events in the village of Ardzyubzhar) where hostages were used as a live shield to protect army columns en route. The torching of houses, pillaging and

organised destruction of Abkhazia's social and economic infrastructure was a widespread phenomenon. Fighters of the Abkhaz army captured by Georgia were never recognised as prisoners of war. On numerous occasions prior to carrying out pre-arranged exchanges of prisoners, the captured Abkhaz fighters were executed in cold blood while being filmed on video and photo cameras. Servicemen and officers of the Georgian army did not comply with any international norms governing the conduct of war. During the liberation of Ochamchir from Georgian troops a large volume of documents were captured including various materials, maps, schematics and detailed plans showing that Georgia was getting ready to use nuclear munitions. For reasons that remain unclear this fact has not received adequate coverage nor undergone analysis by the appropriate international bodies as of yet.

Documented proof of genocide perpetrated by the Georgian government against ethnic Abkhaz is still to be presented before the highest international judicial institutions. The practice of Nazism against the people and state of Abkhazia still propagated by the Georgian state ideology, must be condemned by the international community.

14.Measures to restore justice, reimburse losses and compensate victims of war.

Residents who have already returned or still are returning to the Kodori Valley in Abkhazia following the events of August 2008 enjoy the same rights and freedoms as all other citizens of Abkhazia including the right to private property as shown by the example of refugees returning to the Gali district. No rights of permanent residents of Abkhazia regardless of their nationality have ever been infringed upon.

Despite the fact that the refugees who returned to the Gali district felt a certain political pressure (parenthetically, this political pressure continues to this day) and expressed uncertainty with respect to applying for Abkhaz citizenship and passports, Abkhaz authorities have done everything within their power to regain trust. Even during the post-war years the government of Abkhazia managed to afford all residents of Abkhazia without exception the right to take part in presidential and parliamentary elections as well as in other important affairs of the state. Currently, the returnees have the right to obtain Abkhaz citizenship and passports without any pressure or coercion – this is a free choice of every citizen of Abkhazia and every person who considers him or herself to be a resident of this country.

On numerous occasions we requested that our peace process partners and various international organisations provide assistance and submit proposals on how the status of people residing in our territory without Abkhaz passports/nationality can be legitimised. In this case a balanced decision is required to legalise their presence in Abkhazia. However, no proposals worthy of consideration have been received so far and against this backdrop the Abkhaz authorities offered all residents of this country to make a free choice. Today, according to the Passport and Visa Service of the Abkhaz Ministry of the Interior, 2108 Gali district residents applied for citizenship and 583 passports have already been issued.

Official documents

- 6-point-plan signed by H.E. Mr. Nicolas Sarkozy
- 6-point-plan signed by H.E. Mr. Nicolas Sarkozy and Mr. Mikheil Saakashvili
- 6-point-plan signed by H.E. Mr. Dmitri Medvedev
- 6-point-plan signed by H.E. Mr. Sergei Bagapsh and Mr. Eduard Kokoity
- Implementation plan
- Orders No. 1 and No. 2

Le Président de la République

Protocole d'accord

1/ Ne pas recourir à la force

2/ Cesser les hostilités de façon définitive.

3/ Donner libre accès à l'aide humanitaire.

4/ Les forces militaires géorgiennes devront se retirer dans leurs lieux habituels de cantonnement.

5/ Les forces militaires russes devront se retirer sur les lignes antérieures au déclenchement des hostilités. Dans l'attente d'un mécanisme international, les forces de paix russes mettront en œuvre des mesures additionnelles de sécurité.

6/ Ouverture de discussions internationales sur les modalités de sécurité et de stabilité en Abkhazie et en Ossétie du Sud.

Pour l'Union européenne,
la Présidence française

Nicolas Sarkozy

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Pour l'Union européenne
la Présidence française

Nicolas Sarkozy

Pour la République de Géorgie,
le Président

Mikheil Saakashvili

PRÉSIDENCE
DE LA
RÉPUBLIQUE

Service de presse

Paris, le 16 août 2008

COMMUNIQUÉ

La Présidence de la République, dans un souci de transparence, souhaite rendre publique la lettre qui établit précisément les modalités de mise en œuvre du point 5 de l'accord de cessez-le-feu en six points, telles qu'elles ressortent de l'entretien du Président de la République Nicolas SARKOZY avec le Président Dimitri MEDVEDEV le 12 août. Cette lettre a été adressée le 14 août au Président Mikhaïl SAAKACHVILI.

== début de citation ==

Monsieur le Président,

S'agissant du point 5 de l'accord en six points auquel vous avez –après le Président Medvedev- donné votre accord le 12 août dernier lors de notre rencontre à Tbilissi, et qui prévoit que « les forces militaires russes devront se retirer sur les lignes antérieures au déclenchement des hostilités » et que « dans l'attente d'un mécanisme international, les forces de maintien de la paix russes mettront en œuvre des mesures additionnelles de sécurité », je souhaite vous faire part des précisions suivantes :

- Ainsi que je l'ai précisé lors de notre conférence de presse conjointe à Tbilissi, ces « mesures additionnelles de sécurité » ne pourront être mises en œuvre que dans l'immédiate proximité de l'Ossétie du Sud, à l'exclusion de toute autre partie du territoire géorgien ;

- Plus précisément, ces « mesures » ne pourront être mises en œuvre qu'à l'intérieur d'une zone d'une profondeur de quelques kilomètres depuis la limite administrative entre l'Ossétie du Sud et le reste de la Géorgie, de façon à ce qu'aucun centre urbain significatif n'y soit inclus –je pense en particulier à la ville de Gori- ; des arrangements particuliers devront être définis pour garantir la liberté de mouvement et de circulation le long des axes routiers et ferroviaires de la Géorgie ;

- Ces « mesures additionnelles de sécurité » prendront la forme de patrouilles effectuées par les seules forces de maintien de la paix russes aux niveaux autorisés par les arrangements existants, les autres forces russes se retirant sur leurs positions antérieures au 7 août conformément au protocole d'accord ;

- Ces « mesures » auront un caractère provisoire, en attendant l'établissement dans les meilleurs délais du « mécanisme international » dont la nature et le mandat sont d'ores et déjà en cours de discussion dans différentes enceintes internationales, en particulier l'OSCE, l'Union européenne et les Nations Unies.

Fort de ces précisions, je vous demande de bien vouloir confirmer l'accord que vous m'avez donné et que vous avez annoncé publiquement à Tbilissi, en apposant votre signature au bas du protocole d'accord en six points que j'ai moi-même signé en tant que témoin et garant au nom de l'Union européenne. Le Président Medvedev m'a assuré hier que votre signature conduirait au retrait des forces russes conformément à l'accord conclu.

Je vous prie de croire, Monsieur le Président, à l'assurance de ma très haute considération.

Signé : Nicolas SARKOZY

== fin de citation ==

La Présidence de la République souhaite ajouter les 3 précisions suivantes :

- Dans la lettre accompagnant le document relatif au cessez-le-feu, le territoire mentionné se comprend comme l'immédiate proximité de la zone de conflit, telle qu'elle est définie par les arrangements antérieurs, à l'exclusion de toute autre partie du territoire géorgien. Les mesures définies par ce document ne pourront être mises en œuvre qu'à l'intérieur d'une zone d'une profondeur de quelques kilomètres, autour Tskhinvali dans la zone de conflit.
- En aucune manière les mesures mentionnées dans la lettre ne pourront limiter ou mettre en danger la liberté de mouvement et de circulation le long des axes routiers et ferroviaires de la Géorgie.
- D'autres aspects du processus de résolution du conflit seront discutés ultérieurement.

Президент Российской Федерации Д.А.Медведев и Президент Французской Республики Н.Саркози поддерживают следующие принципы урегулирования конфликтов и призывают соответствующие стороны подписаться под этими принципами:

1. Не прибегать к использованию силы;
2. Окончательно прекратить все военные действия;
3. Свободный доступ к гуманитарной помощи;
4. Вооруженные силы Грузии возвращаются в места их постоянной дислокации;
5. Вооруженные силы Российской Федерации выводятся на линию, предшествующую началу боевых действий. До создания международных механизмов российские миротворческие силы принимают дополнительные меры безопасности;
6. Начало международного обсуждения путей обеспечения прочной безопасности Южной Осетии и Абхазии.

За Грузинскую Сторону: За Югоосетинскую Сторону: За Абхазскую Сторону:

При посредничестве:

За Российскую Федерацию

При участии:

За ОБСЕ

За ЕС

[illegible] Российской Федерации [illegible] Грузии [illegible] Республики Абхазия [illegible] договорились о нижеследующем:

1. Не прибегать к использованию силы;
2. Обеспечивать прекращение враждебных действий;
3. Свободный доступ к гуманитарной помощи;
4. Вооруженные силы Грузии возвращаются в места их постоянной дислокации;
5. Вооруженные силы Российской Федерации выполняют [illegible] дополнительные меры безопасности;
6. Начать международное обсуждение путей обеспечения стабильности безопасности Южной Осетии и Абхазии.

За Грузинскую Сторону: За Южноосетинскую Сторону: За Абхазскую Сторону:

Посредничество

За Российскую Федерацию

Присутствие

За ЕС

За ОБСЕ

4.1.2/TC.

Mise en œuvre du Plan du 12 août 2008

Réaffirmation de l'engagement de toutes les parties à mettre en œuvre dans leur intégralité toutes les dispositions du plan Médvédev-Sarkozy en 6 points du 12 août 2008.

1. Retrait des forces

- Retrait de toutes les forces russes de paix des cinq postes d'observation sur la ligne de Poti à Sénaki, dans un délai maximum de 7 jours, compte tenu de la signature le 8 septembre des documents juridiquement contraignants et garantissant le non-recours à la force contre l'Abkhazie.
- Retrait complet des forces de paix russes hors des zones adjacentes à l'Ossétie du Sud et à l'Abkhazie sur leurs positions antérieures au début des hostilités. Ce retrait se déroulera dans les 10 jours du déploiement dans ces zones des mécanismes internationaux, y compris au moins 200 observateurs de l'UE, qui devra intervenir au plus tard le 1er octobre 2008, compte tenu de l'existence des documents juridiquement contraignants qui garantissent le non-recours à la force contre l'Abkhazie et l'Ossétie du Sud.
- Achèvement du retour des forces armées géorgiennes dans leurs lieux de cantonnement d'ici le 1er octobre 2008.

2. Mécanismes internationaux d'observation

- Les observateurs internationaux de la MONUG continueront d'exercer leur mandat dans leurs zones de responsabilité en conformité avec leurs effectifs et le schéma de déploiement tel qu'il était le 7 août 2008, sans préjudice d'ajustements futurs sur décision du Conseil de sécurité des Nations unies.
- Les observateurs internationaux de l'OSCE continueront d'exercer leur mandat dans leurs zones de responsabilité en conformité avec leurs effectifs et le schéma de déploiement tel qu'il était le 7 août 2008, sans préjudice d'ajustements futurs sur décision du Conseil permanent de l'OSCE.
- Les préparatifs seront accélérés pour permettre le déploiement d'observateurs supplémentaires dans les zones adjacentes à l'Ossétie du Sud et à l'Abkhazie en nombre suffisant pour remplacer les forces de paix russes d'ici le 1er octobre 2008 dont au moins 200 observateurs de l'UE.

- L'Union européenne en tant que garante du principe de non recours à la force, prépare activement le déploiement d'une mission d'observation en complément des mécanismes d'observation existants.

3. Discussions internationales

- Les discussions internationales prévues au point 6 du plan Medvedev-Sarkozy du 12 août 2008 débuteront le 15 octobre 2008 à Genève. Les conversations préparatoires débuteront en septembre.

Elles porteront notamment:

- sur les modalités de sécurité et de stabilité dans la région;
- sur la question des réfugiés et déplacés sur la base des principes reconnus au niveau international et de la pratique de règlement post-conflictuel ;

Sur tout autre sujet, d'un commun accord entre les parties.

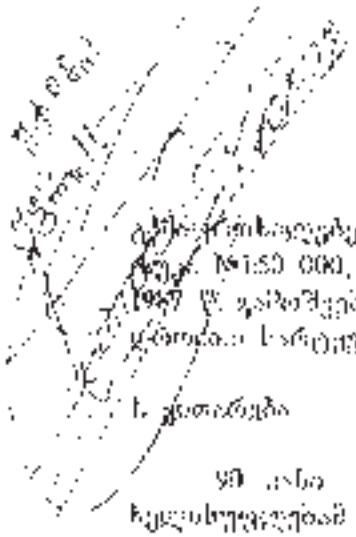
Orders No.1 and No.2

The Russian Federation provided the Independent International Fact-Finding Mission on the Conflict in Georgia with what it said to be copies of the documents which became known in the media as "combat Orders No 1 and 2", allegedly issued by the commander of the Georgian 4th infantry brigade on 7 August 2008. Russia also gave the Mission what it said to be the operational maps of Georgian armed forces concerning planned combat actions against Abkhazia and South Ossetia. Together with copies of these documents the Russian side also provided the Mission with their translations into Russian which are also enclosed, together with non-official courtesy translations into the English language provided for by the Mission.

Acting also on a suggestion made by the Russian side, the Fact-Finding Mission made the above-mentioned alleged Orders No. 1 and 2 available to the Georgian side for their scrutiny and comments. The written answer of the Georgian authorities, which denies the authenticity of the documents is given below.

The Orders No 1 and 2 were also made available to an independent authority with special expertise to assess the authenticity of the documents. This authority did not come to final conclusions. It was stated that the documents did not show signs of flagrant falsification. However, the number of elements which could be examined were not enough to come to a definite assessment of the documents' authenticity, owing to the fact that only a copy of the original documents had been made available.

Приложение 8
საკუთრების
ფასიან
ქაღალდებზე
უფლების
ნებართვა
ცენტრალური
депозитарий
07.01.08 ოქტომბერი 2003 წ.



ამონაწერი ანგარიშიდან №01
ანგ. №150 000, К-38-64-А, К-38-96-Б, К-38-64-В, К-38-64-Г
1997 წ. გამოშვება
ჩვეულებრივი ოფიციალური

I. ქვითარები

ეს არის ზემოთ ხსენებული ანგარიშის რეგისტრის, ოფიციალურად სერტიფიცირებული ასლი. ანგარიშის ნომერი 150 000. ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა. ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა.

ბევრი ფირმა არ-ეროვნული ბანკირებისგან ანგარიშიდან ოპერაციების რეგისტრის შესახებ ინფორმაციის მიღებისას ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა. ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა.

ა. მოწმობაზე ხელის მოწერა.

ანგარიშის რეგისტრის ასლი ხელმოწერილია ანგარიშის მფლობელის მიერ და ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა.

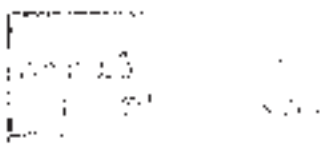
ეს არის ოფიციალურად სერტიფიცირებული ასლი. ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა. ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა.

ბ. ნაკლოვანი ხელმოწერა:
- 01 ქვითარი ანგარიშიდან
- 02 ქვითარი ანგარიშიდან
- 03 ქვითარი ანგარიშიდან
- ჩანაწერები ანგარიშიდან
- საანგარიშო ოპერაციის
  უზრუნველყოფის ანგარიშიდან
  ხარჯების ასლები
- ნაღდი ფულის ასლები
- ანგარიშის ასლები
- კუპონების ასლები

გ. ჩამოთვლილი ქვითარებიდან
არ გამოვა

2. ამონაწერი

IV- ქვითარი ანგარიშის ოფიციალურად სერტიფიცირებული ასლი ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა. ანგარიშის ნომრის ქვეშ ჩაწერილია ყველა ის ოპერაცია, რომელიც ამ ანგარიშზე განხორციელდა.



3. აღსრულება.

ა) ოპერაციის კონცეფცია: ამ ოპერაციაში მნიშვნელოვანია დისლოკაციის ადგილზე სწრაფი საბრძოლო მზადყოფნაში მოყვანა, რათა განვახორციელოთ კომბინირებული ოპერატიული დაჯგუფების ოპერაციების მხარდაჭერა, რომელიც ხელს შეუწყობს სტაბილურობის ღონისძიებებს მოქმედების ცხინვალის რეგიონში. ბრიგადა განახორციელებს ოპერაციის სრულ სპექტრს სამანევრო ქვედანაყოფებით.

ბ) დავალებები სამანევრო ქვედანაყოფებს:

მსუბუქი ქვეითი ბატალიონები

დავალება: ქვედანაყოფები მოიყვანონ საბრძოლო მზადყოფნაში არა უგვიანეს 2008 წლის 11:00 საათამდე, ბრიგადის დისლოკაციის ადგილიდან გამოსასელელად და ოპერატიული დაჯგუფების ოპერაციების მხარდასაჭერად; მოქმედების რაიონში სტაბილურობის, შეტევითი და თავდაცვითი ოპერაციების საწარმოებლად.

გ) დავალებები მხარდამჭერ ქვედანაყოფებს:

საარტილერიო დივიზიონი

დავალება: მზად იყოს სამანევრო ქვედანაყოფებისათვის მხარდამჭერი ოპერაციების განსახორციელებლად.

დაზვერვის ასეული

დავალება: სადაზვერვო ასეულმა ოპერაციის რაიონში დაიწყოს სადაზვერვო ოპერაციების წარმოება მ/წლის 7 აგვისტოს 05:00 საათიდან. ბრიგადის თავმოყრის რაიონის ადგილის შესწავლის მიზნით

დ) მაკოორდინირებელი ინსტრუქციები:

1. ბრძანება ძალაში შედის გამოცემიდან;
2. მეთაურის მოთხოვნა მნიშვნელოვან ინფორმაციაზე
- ქვედანაყოფების სრული მზადყოფნა ამოცანის შესასრულებლად;
-დაკომპლექტება აღჭურვილობით სრული სტანდარტების მიხედვით, დასახლებულ პუნქტებში დღისით და
ღამით ოპერაციების შესასრულებლად;
- მომარაგების კლასების მდგომარეობა;
3. ბრძოლაში ჩართვის წესების დაცვა;
4. ქვედანაყოფები მოქმედებენ ბრიგადასთან კოორდინირებულად.

4. მატერიალურ-ტექნიკური უზრუნველყოფა;

IV ქვეითი ბრიგადის უზრუნველყოფა კლასების მიხედვით განხორციელდება უზრუნველყოფის ბატალიონის ძალებით.

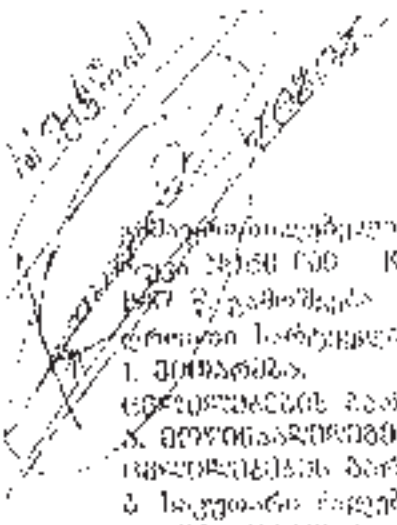
პრიორიტეტი ეძლევა შემდეგ კლასებს I, III, V , VIII და წყალი.

5. მართვა და კავშირი.

მართვა და კავშირი განხორციელდება სტანდარტული ოპერატიული პროცედურების შესაბამისად. (SOP)

მეოთხე ქვეითი ბრიგადის მეთაური

მაიორი გ. კალანდაძე



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ბეჭდ მოდელის ბიზნეს ინვესტიცია:
41 ქვეთა ბენეფიციარი:
წინადადებით: კ. 858864; კ. 935865
აქტივობებით: კ. 935865; კ. 977690
სამუშაოთ: კ. 977690; კ. 948681. 878706
ფასდებით: კ 878706; კ. 858864.

42. ქვეთა ბენეფიციარ:
წინადადებით: კ. 935865; კ. 973867
აქტივობებით: კ. 973867; კ. 025748; კ. 046718
სამუშაოთ: კ. 046718; კ. 977690
ფასდებით: კ 977690; კ. 935865

43 ქვეთა ბენეფიციარ:
წინადადებით: კ 973867; კ. 056868
აქტივობებით: კ. 056868; კ. 112733
სამუშაოთ: კ. 112733; კ. 046718.
ფასდებით: კ 046718; კ. 025748. . 973867

ტვიაური მთავრობა ცნობიერების ინფორმაციაზე (CCIR).

(ა) ფინანსის პირი რეზიდენტი პიროვნება (PIK).

1 სამეცნიერო-ტექნიკური ინფორმაციის, რომელიც გამოიყენება ინფორმაციული ტექნოლოგიების დეპარტამენტისთვის

2 სად ხდება ეროვნული ფიზიკის ლაბორატორია

3 ეს იქნება ძალის ტექნიკური ფიზიკა

4 სად იქნება ინფორმაციული ტექნიკა და სამეცნიერო

5 სად არის გასაღების ტიპიური სამეცნიერო

6 და წესრიგის და სამეცნიერო გამოყენების ინფორმაციული ტექნიკა

7 სად და ტიპის ფიზიკის ტექნიკური ფიზიკის ინფორმაცია ტექნიკური კომპიუტერული ფიზიკის ფიზიკის ტექნიკა

8 ეს არის ფიზიკური პირი (ფიზიკური) ინფორმაციის ტიპი

რისკი

- სამეცნიერო ტექნიკის ინფორმაცია იქნება სამეცნიერო პირები ფიზიკის პროგრამის ტიპის ტექნიკური გამოყენების ტერიტორიაში

– ფიზიკური ტიპის ტექნიკის და ტექნიკური ტექნიკის სამეცნიერო პირის ფიზიკა პირის ინფორმაციული სერვისების ტიპიური ფიზიკური ტიპიური ფიზიკის ტექნიკის ფიზიკის ტექნიკაში

ლიცენზიის საბრუნავი ქვედანაყოფები

- სამსახური ქვედანაყოფების (42-ე, 42-ე და 43-ე სატელეფონიო) ძირითადი სალიცენზიო ლიცენზიის მფლობელის საქმიანობის სანებართვო ლიცენზიის ფარგლებში
- სამსახური ქვეორგანიზაციებთან შეცვლილი და ლიცენზიით მფლობელების საწარმოებლად. ნაგებობა ლიცენზიით ლიცენზიების სანებართვოდ. (შეტყობინების ფორმატში, შესაბამისი შენიშვნა ნებისმიერი ლიცენზიის და ლიცენზიის ობიექტის)

ლიცენზიები მხარდაჭერის ქვედანაყოფების.

ბინადრობის მხარდაჭერი ქვედანაყოფებია რეზიდენტ. ბინა სანებართვო ლიცენზიით ლიცენზიის ნებართვით და ლიცენზიის ობიექტი) - მიეკუთვნოს ქვედანაყოფები ხორც სანებართვო მხარდაჭერაში სამხედრო ქვედანაყოფის მხარდაჭერად და იყოს მხარდაჭერის განსახორციელებლად. ბინადრობის ავტომატური ნებართვა კლ. 0284

უსაფრთხოების დარღვევები

- ბარიერის მხედველობიდან ლიცენზიის იქნეს ლიცენზიის ზიანები

ქვედანაყოფებში იარაღით გადაადგილება ინფორმაციაზე უზრუნველყოფის ლიცენზიის და ზედამხედველობა.

4 მატერიალურ-ტექნიკური უზრუნველყოფა
(ლიცენზიის ბარიერი (ლიცენზიის განსაზღვრის ობიექტი ბარიერის ზომა)

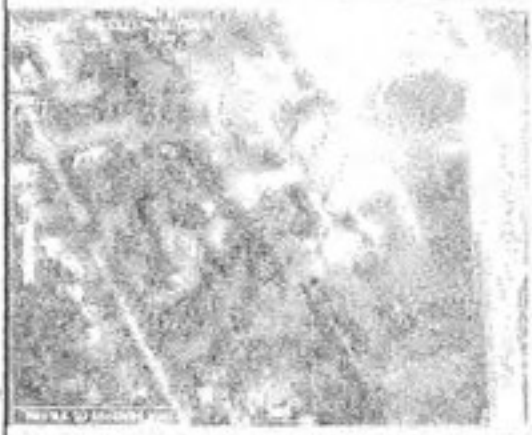
5. ძარცვა და ქურდობა.
(ლიცენზიების ობიექტი (ლიცენზიის განსაზღვრის ობიექტი ბარიერის ზომა)

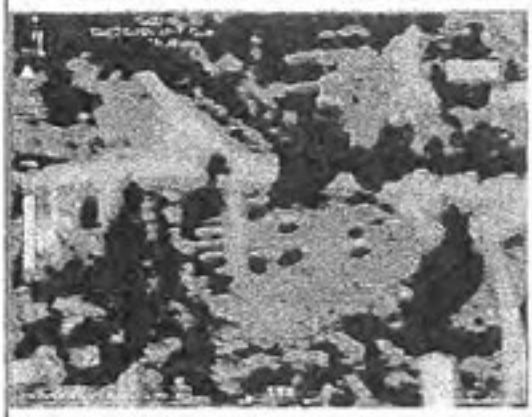
ზედაპირ ქვეით ბინადრის ხელმოწერი

სრული [illegible] ბ ივლისის

7390 5020 (1: 50 000)
N 42°51′59″–E 41°07′39″

ბაბუშერას აეროდრომი





- ბანლაბებულია ქ. სოხუმიდან სამხრეთ-აღმოსავლეთით 17-18 კ დაშორებით.
- აეროდრომი განკუთვნილია საერთაშორისო - კომერციული რეისებისთვის, გააჩნია საჰაერო მოძრაობის კონტროლის თანამედროვე საშუალებები და სანავიგაციო სისტემები, რომლებიც უზრუნველყოფენ თვითმფრინავების ავტომატური რეჟიმით დაჯდომის შესაძლებლობას.
- საფრენის შესანახი გაზის ტევადობა 8400 ტონაა, რაც სატრანზიტო რეისების გამარტივის შესაძლებლობას იძლევა.
- გააჩნია თანამედროვე ჩამომცლელ-დასატვირთი საშუალებები (ამწეებს 5 ტონამდე წონის ტვირთს);
- ასაფრენ-დასაფრენი ბილიკის სიგრძეა 3640მ, სიგანე –x52.5მ; საფარი ასფალტ-ბეტონისაა.
- შეზღუდულია სარეზერვო საწვავების ნატარება (მხოლოდ მცირე რეზერვი).

Формуляры объектов на территории Абхазии, планируемые к поражению ВС Грузии

7047 5940 (1: 50 000)

N 42°57′01″–E 41°05′18″

საავტომობილო ხიდი (მდ. მაჭარა)

•xidi md. maWaraze, sof. maWara /7058/.

•xidi rkinabetonis, koWuri, Wrili. malebis konstruqcia – 6 koWi; savali nawili asfaltbetonis safariT. sayrdenebi rkinabetonis, masiuri.

•xidis maxasiaTeblebia:

_ sigrZe - 56 m;

_ sigane - 10 m;

_ savali nawilis sigane – 6 m;

_ tvirTamweoba - 60 t.

•mdinaris sigane 10m, wylis silrme 0,6m, dinebis siCqare 0,8m/wm, fskeris grunti xreSian- kenWnariani. napirebis simaRle: marjvena 8-10m, marcxena 0,5-1m, flate.

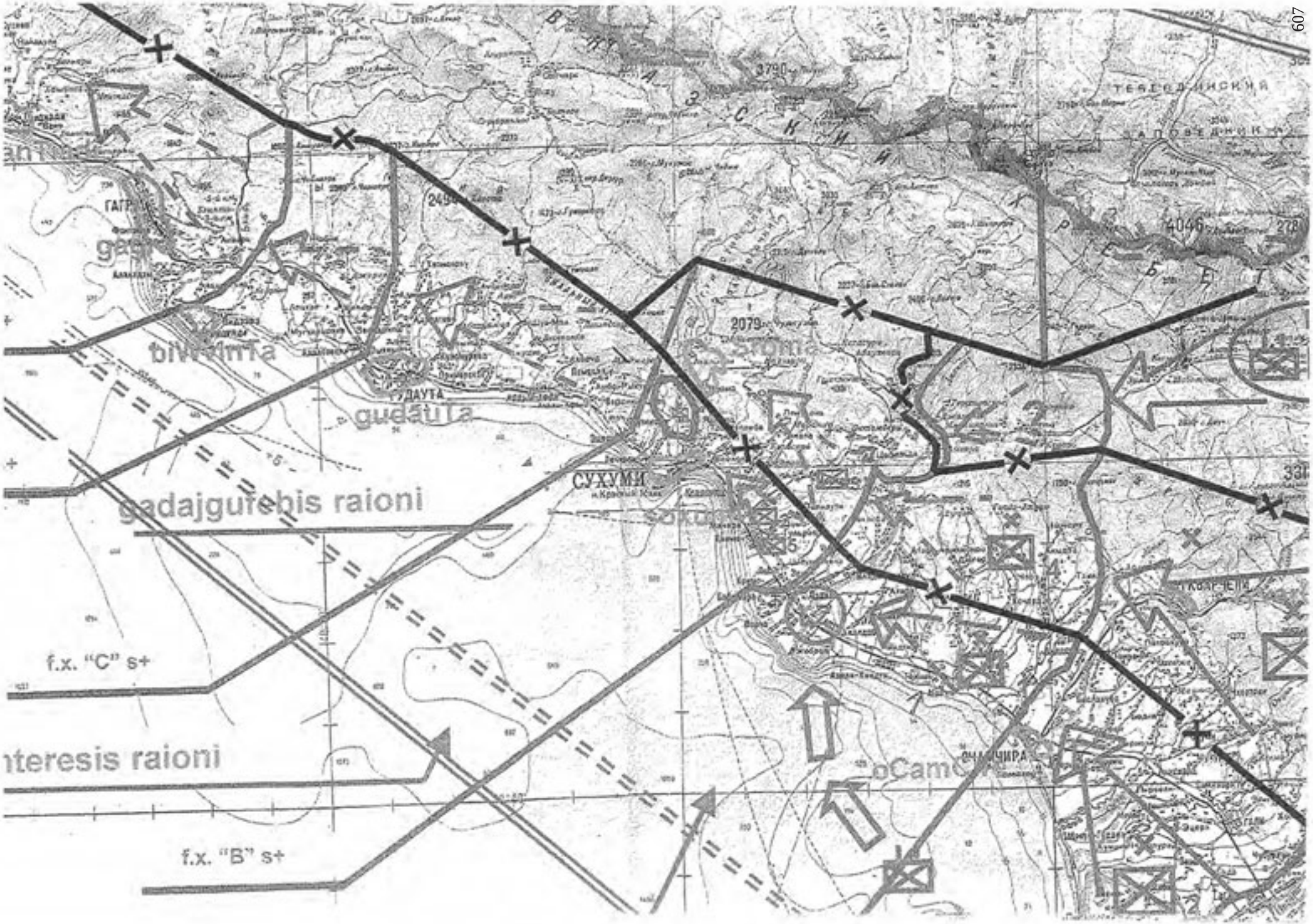
по состоянию на 8.08.2008 г.

Состав Смешанных сил по поддержанию м в зоне грузино-осетинского конфликта

Страны	Количество личного состава, военной техники и вооружения	Коли по
Российская Федерация	Личный состав - 496 чел. БТ - 43; АТ - 57; минометы - 9	5+1
Северная Осетия	Личный состав - 488 чел. БТ - 42; АТ - 56	8+1
Грузия	Личный состав - 530 чел. БТ - 16; АТ - 14; минометы - 4	2+ 5
Всего	Личный состав 1524 чел. БТ - 10; АТ - 127; минометы - 13	16 + 3 сс + 6 вре

Группировка войск Грузи в зоне грузино-осетинского конф

3 пбр (без 2-х лпб), 4 пбр, бр Рез. с обСпН - 2, абр
легких пехотных батальонов
механизированных батальонов
обСпН
артиллерийская бригада
личного состава до 1100
танков
ББМ
орудий и минометов
РСЗО
авиагруппа:
8 Су-25, 8 Ми-8, 8 Ми-


СУХУМИ
gudauta
gadajgurebis raioni
f.x. "C" s+
f.x. "B" s+

Дислокация
российского воинского контингента в зоне грузино-осетинского конфли
по состоянию на 8.08.2008 г.

Состав Смешанных сил по поддер
в зоне грузино-осетинского ко

Страны	Количество личного состава, военной техники и вооружения
Российская Федерация	Личный состав - 496 чел. БТ - 43; АТ - 57; минометы - 9
Северная Осетия	Личный состав - 488 чел. БТ - 42; АТ - 56
Грузия	Личный состав - 530 чел. БТ - 16; АТ - 14; минометы - 4
Всего	Личный состав 1524 чел. БТ - 10; АТ - 127; минометы -

Группировка во
в зоне грузино-осетин
3 пбр (без 2-х лпб), 4
обСпН - 2,
легких пехотных батальоно
механизированных батальо
обСпН
артиллерийская бригада
личного состава
танков
ББМ
орудий и минометов
РСЗО
авиагруппа:
8 Су-25,

Перевод с грузинского языка

Оперативно.
Начальнику штаба
По связи 07.08.08

Секретно
Экз.№2
Штаб 4 пехотной
бригады
Зеленая
01:30 07 августа 2008 г.

Предварительный приказ № 01
Карта № 1:50000, К-38-64-А, К-38-90-Б, К-38-64-В, К-38-64-Г
Издание 1987 г.
Время местное

1. Обстановка

В 90-х годах осложнилась ситуация в регионе Самачабло (*Южная Осетия - прим. переводчика*), местное руководство с помощью российской политической поддержки осуществило изгнание грузинской части населения из региона. В регионе остались только грузинское население, компактно проживающее в районе Цхинвали (*столица Южной Осетии*). Россия, используя политико-экономические рычаги, способствовала вводу в регион миротворческих сил, которые всегда поддерживают сепаратистское руководство.

В последнее время неоднократные провокационные вооруженные нападения на грузинское население в регионе, открывают огонь как из автоматического, так и крупнокалиберного оружия. Одновременно продолжается вооружение бандформирований, что в свою очередь увеличивает опасность для грузинского населения в регионе.

А. Силы противника (*выделяем на карте красным*)

Осетинские сепаратисты в регионе Самачабло продолжают вооруженное противостояние с мирным населением и миротворческими силами.

Их основные тактические приемы представляют собой следующее: самодельные взрывные устройства, снайперы, самодельные ракетные пусковые установки, 60-82 мм минометы, также осуществляются иногда комплексные налеты.

Б. Собственные силы:

- 11 пехотный батальон
- 42 пехотный батальон
- 43 пехотный батальон
- бронетанковый батальон

- артиллерийский дивизион
- батальон обеспечения
- штабная рота
- разведывательная рота
- инженерная рота
- рота управления

Регистрационный
номер 708.
2008

1. Прилагаемые подразделения
Не имеется.

2. Задача
Подразделения 4 пехотной бригады переводятся в состояние боевой готовности на месте дислокации не позднее 08.00 7 августа 2008 года, чтобы осуществить поддержку оперативной группировки.

3. Выполнение
а) **Концепция операции** в этой операции важно быстрое приведение в боевую готовность на месте дислокации, чтобы осуществить поддержку комбинированной оперативной группировке, которая осуществляет стабилизирующие мероприятия в Цхинвальском регионе. Бригада осуществляет полный спектр операции маневренными подразделениями.
б) **Задания маневренным подразделениям:**
Пехотные батальоны.
Задание: подразделения привезти в боевую готовность не позднее 11.00 *убеть полудня* 2008 года для выхода в районы дислокации бригады и поддержки оперативной группировки проведения в районе действий стабилизирующих, наступательных и оборонительных операций.

в) **Задания поддерживающим подразделениям:**
Артиллерийский дивизион
Задание: быть готовым к поддержке маневренных подразделений в ходе проведения операций.

Разведывательная рота
Задание: разведывательной зоне начать разведывательные действия в районе операции с 05.00 7 августа с.г. с целью изучения района сосредоточения бригады

г) **Координирующие инструкции:**
1. Приказ вступает в силу с момента отдачи.
2. Основные требования командиру:
- полная готовность подразделений к выполнению задачи.

- укомплектование вооружением в соответствии с новым стандартом для проведения операций в населённых пунктах днём и ночью;

- обеспеченность по классам снабжения;

3. Собеседование принятие решения в бой;

4. Подразделения действуют в координации с бригадой

1. Материально-техническое обеспечение

Обеспечение 4 пехотной бригады осуществляется по классам обеспечения

батальонных

сил.

Приоритет оказывается следующим классам I, III, V, VIII и мед.

5. Управление и связь.

Управление и связь осуществляется в строгом стиле со стандартными оперативными процедурами (SOP).

Командир 4 пехотной бригады
Майор _____ Г. Кашидзава

На обращение
№ 16666
Отпечатано 7 (семь) экземпляров
Экз.№1-16161
Экз.№2 16162
Экз.№3-16163
Экз.№4 16164
Экз.№5 16165
Экз.№6-16166
Экз.№7-16167
Для ознакомления оперативным ротам
Исполнитель: О-3 мр Ильяшенко
Тел: 877-19-39-49
7.08.2008 г.

(Подпись с другинского плана) *Оригинал:* Начальнику штаба Подпись 07.08.08

Секретно
Экз.№

Штаб 4 пехотной бригады
Резиции
05.15 07 августа 2008 г.

Предварительный приказ №02
Карта № 1:50000, K-38 64-A, K-38-99-Б, K-38-64-B, K-38 64-I
Издание 1987 г.
Время местное

1. Обстановка
Без изменения (см. Предварительный приказ №
01) **А.** Силы противника.
Без изменения (см. Предварительный приказ №
01) **Б.** Собственные силы:
Без изменения (см. Предварительный приказ № 01)

Задача вышестоящего командира

Отдельной группировке осуществить боевую операцию в районе Сачкайбе *(Южная Осетия)* и в течение 72 часов разгромить противника. Восстановить территориальную Грузии в районе. Замысел вышестоящего командира
- быстрое осуществление боевых действий;
- уменьшение риска уничтожения гражданского населения и его имущества;
- уничтожение сил противника точечными ударами;
- оборона собственных сил

Г. Приданные
подразделения Не имеются

2. Задача
Подразделения 4 пехотной бригады перегруппируются в состояние боевой готовности на месте дислокации не позднее 11.00 7 августа 2008 года, чтобы осуществить поддержку оперативной группировки.
3. Выполнение
Замысел
командира:
- быстрое осуществление боевых действий;
- уменьшение риска уничтожения гражданского населения и их имущества;
- уничтожение сил противника точечными ударами;
- оборона собственных сил
- осуществление наступательных и оборонительных операций в районе действий;
- защита безопасности городской функциональности;

Конечный результат:
- выявление антиправительственных сил в районе
- установление мирной и безопасной среды в районе.

Общие границы 4 бриг. (в *соответствии со стратегической картой*):
На севере: к. 858864; к. 056868.
На востоке: к. 956868 к. 112732
На юге: к. 112732; к. 977690; к. 961682; к. 868709
На западе: к 868 709

Внутренние границы 4 бригады:
41 пехотный батальон:
На севере: к. 858864; к. 935865. На
востоке: к. 935865 к. 977690 На
юге: к. 977690; к. 948681 878708
На западе: к 878708; к. 858864.

42 пехотный батальон:
[illegible]

43 пехотный батальон:
На севере: к. 973867; к. 056868
На востоке: к. 056868; к. 112732
На юге: к. 112732; к. 046718.
На западе: к 046718; к. 025748 . 973867

Основные требования командира (CCIR)
(a) приоритетные требования разведки (PIR)
1. Сред[illegible]; которые антиправительственные силы могут дестабилизировать безопасность в районе.
2. Где применяют партизанские формирования сил.
3. Кто поддерживает антиправительственные силы?
4. Где расположение лагеря и укрытия антиправительственных сил;
5. Где у них размещены основные огневые средства;
6. Численность и вооружение сил противника;
7. Куда и когда различные группировки противника проведут поступления во свои силы
8. Кто оказывает помощь силам *сопротивления* в районе операции.

Риски

- существование в регионе Самачабло российских миротворческих баз предполагает
возникновение риска провокаций, в случае открытия по ним огня;

- опасность того, что при перемещении гражданского населения и беженцев, среди них
могут оказаться члены сепаратистских группировок, которые будут дестабилизировать
обстановку в тылу.

Поручения маневренным подразделениям:
- маневренным подразделениям (41,42 и 43 батальоны) подготовить разведывательные взводы для проведения тактических разведывательных операций в своих зонах ответственности;
- маневренным подразделениям провести тренировки операций наступления и обороны (наступление в населенных пунктах, проникновение в здания, обыск, нападение и захват).

Поручения подразделениям поддержки:
Подразделениям поддержки бригады (б/танковый батальон; артиллерийский дивизион; батальон обеспечения и отдельные роты) - перейти в полную боевую готовность для поддержки маневренных подразделений и быть в готовности к маршу в район сбора бригады кв. 0259.

Мероприятия по безопасности:
- на марше соблюдать расстояния безопасности;
- подразделения при перемещениях обеспечивают защиту флангов и тыла собственными силами.

4. Материально-техническое обеспечение.
Без изменения (см. Предварительный приказ № 01)

5. Управление и связь.
Без изменения (см. Предварительный приказ № 01)

Командир 4 пехотной бригады
Майор *подпись* Г. Каландадзе

(Translation from Georgian)[1]

Addressed to:
Chief of Staff
Signature 07.08.08

Classified
Copy No. 7
3rd Infantry Brigade
Headquarters
Variant
0130 07 August 2008

Preliminary order No. 01
Map No. 1:50000, K-38-64-A, K-38-01-B, K-38-01-V, K-38-64-G
Revision 1987
Local time

I. Background

In the 1990s the situation in the Samachablo region *(South Ossetia – original translator's note)* deteriorated. the local administration used the Russian political backing to drive the ethnic Georgian population out of the region. The only remaining ethnic Georgian residents settled within the boundaries of the Dzeri-Liakhvi district *(a village north of Tskhinvali)*. Russia used its political and economic leverage to send peacekeeping forces into the region. These forces destabilized the situation and openly supported separatist leaders.

As of late illegal armed gangs have regularly attacked ethnic Georgians residing in the region and opened fire from small and large calibre weapons. At the same time these gangs continue to accumulate weapons, which in turn poses a greater threat to the Georgian population of the region.

A. Opposing force: *the numbers and composition is the same as in the original language*

Ossetian separatists in the Samachablo region continue the current military confrontation with the local population and the peacekeeping forces.

Their key tactical methods and capabilities are as follows: Improvised explosive devices (IEDs), sniper fire, improvised rocket launchers, 60-82mm mortars as well as complex ambushes.

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[1] Translation by the Independent International Fact-Finding Mission on the Conflict in Georgia

B. Own forces:
- 21st infantry battalion
- 42nd infantry battalion
- 43rd infantry battalion
- armour battalion
- artillery battalion division
- support battalion
- HQ company
- reconnaissance company
- engineer company
- signal company

Representation stamp 7.U.S.
2008

C. Augmentation units
Not available

2. Mission objectives
Units of the 6th infantry brigade will be put on high combat readiness alert at their location at their deployment no later than 8.00 on 7 August 2008 in order to provide support to the Task Group.

3. Execution
a) Concept of operation: in this operation it is important to quickly transition to a higher combat readiness at the location of deployment in order to provide support to the combined Task Group engaged in a stabilisation operation in the Uskhanvali region. The brigade is to carry out a full spectrum of operations using manoeuvre units.
b) Manoeuvre units mission:
High infantry battalions.
Objective: these units will quickly transition to combat readiness no later than 12.00 *praedate specifiedy* 2008 to redeploy from the current location to provide support to the Task Group the units will carry out stabilisation, offensive and defensive missions in the area of operation.

c) Support units mission:
Artillery division
Mission: be ready to support the manoeuvre units in the course of the operation.

Reconnaissance company
Mission: the reconnaissance company will begin to carry out a reconnaissance mission in the area of operation as of 05.00 on 7 August of this year in order to study the brigade's area of deployment.

d) Coordinating instructions
1. The order shall enter into force immediately upon its issue.

2. Key commander requirements:
- all units must be fully ready to carry out their missions;
- [all units] must be armed in full compliance with the standard procedure applicable to operations carried out in residential settlements in the daytime and at night;
- situation with respect to classes of supplies;
3. Compliance with the rules of engagement;
5. All units must coordinate their operation with the brigade

4. Logistical support

Logistical support shall be provided to the 4th Infantry Brigade in accordance with the supply classification requirements applicable to battalion-size forces.
Priority shall be given to the following classes I, III, V, VIII and water.

5. Control and Communications
Control and communications shall be executed in accordance with the standard operating procedures (SOP).

Commander, 4th Infantry Brigade
Major Nyaxovare G. Kalandadze

Reverse side:
No. 9860
Printed: 7 (seven) copies
Copy No 1-16161
Copy No.2-16162
Copy No.3-16163
Copy No.4-16164
Copy No 5-16165
Copy No 6-16166
Copy No.7-16167
To be distributed in selected companies
Executed by: Major Z. Dzhandzhalia, Cell
Tel.: 877-19-39-29
3.08.2008

(*Translation from Georgian*)

Addressed to: Chief of Staff Signature 07.08.08

Classified
Copy No
4th Infantry Brigade
Headquarters
Vaziani
05 : 00 07 August 2008

Preliminary order No. 02
Map No. 1:50000, K-38-64-A, K-38-69-B, K-38-64-V, K-38-69-G
Revision 1987
Local time

1. Situation
No changes (see Preliminary order No.
01) A. **Opposing force.**
No changes (see Preliminary order No.
01) **B. Own forces:**
No changes (see Preliminary order No. 01)

<u>Higher Commander's Mission</u>

The Task Group shall carry out a combat operation in the Samachablo region (*South Ossetia*) and defeat the enemy within 72 hours. Restore Georgia's jurisdiction in the region. **Higher Commander's intent:**
- quick execution of a combat operation;
- reduce the risk of civilian casualties and damage to civilian property;
- launch precision strikes to destroy the opposing forces;
  defend own forces

B. Augmentation units No. available

2. **Mission objectives**
Units of the 4th infantry brigade will be put on high combat readiness alert at the location of their deployment no later than 11:00 on 7 August 2008 in order to provide support to the Task Group.
3. **Execution**
Commander's intent:

- quickly execute a combat operation;
- reduce the risk of civilian casualties and damage to civilian property;
  launch precision strikes to destroy the opposing forces;
  defend own forces;
- carry out offensive and defensive missions in the area of operation.
- ensure security of municipal functioning [infrastructure]

End result:

- identify anti-separatist (sic!) forces in the region
- restore peace and security in the region.

General boundaries of the 4th Brigade (*code map coordinates*):
North: c. 858864; c. 056868,
East: c. 056868 c. 112732
South: c. 112732, c. 977690, c. 951682, c. 868709
West: c 868 709

Inner boundaries of the 4th Brigade:
41st infantry battalion
North: c. 858864; c. 955865
East: c. 955865 c. 977690
South: c. 977690; c. 948681; c. 878708
West: c 878708; c. 858804

42nd infantry battalion
North: c. 955865 c. 973867
East: c. 973867; c. 025748; c. 046718
South: c. 046718, c. 977690
West: c 977690; c. 955865

43rd infantry battalion
North: c. 973867; c. 056868
East: c. 056868, c. 112732
South: c. 112732, c. 046718
West: c 046718; c. 025748,, 973867

Critical Command Information Requirements (CCIR)
(a) Priority Intelligence Requirements (PIR)
1. Assets methods techniques that may be used by the anti-separatist forces to destabilise the situation in the region.
2. Where will the actual confrontation of forces take place?
3. Who supports the anti-separatist forces?
4. Where do the anti-separatist forces maintain their camps and cover positions?
5. Where do they deploy their core firepower?
6. Strength of the opposing force and assets at its disposal:
7. Where and when will different enemy groups carry out offensive operations against our forces?
8. Who are the most influential persons (*leaders*) in the area of operation?

Risks

- the fact that the Russian peacekeeping bases are located in the Sonnachablo region entails a risk of provocations should they come under fire;
  there is a risk that members of the separatist groups may mix with the civilian population and refugees on the move and destabilise the situation in the rear.

Tasks for the manoeuvre units:

- manoeuvre units «1st 4nd and 45th battalions» shall ready reconnaissance platoons to carry out tactical reconnaissance operations in their respective areas of responsibility;
  manoeuvre units shall conduct an exercise to train for offensive and defensive operations (offensive operations at residential settlements, penetration of buildings, searches, assault and takeover

Tasks for support units:
Brigade support units «armour battalion, artillery battalion, support battalion, and selected companies» shall be put on full combat readiness alert to be able to provide support to manoeuvre units and be ready to deploy to the brigade assembly point sq 0259.

Security measures:
- [troops] on the march must maintain a secure distance;
- during the redeployment phases of this plan, ensure protection from the flanks and the rear «by our forces».

4 Logistical support
No changes (see Preliminary order No. 01)

5. Control and Communications
No changes (see Preliminary order No. 01)

Commander, 4th Infantry brigade
Major Signature G. Kalandadze

Letter of 27 July 2009 from MFA Giorgi Bokeria to Amb. Heidi Tagliavini

Dear Heidi, [illegible]

Thank you for your letter requesting clarification on certain questions provided to the Mission and shared with the Government of Georgia, specifically entitled "Orders Number [illegible] to deploy [illegible] UAV platforms that you have kept hostage in South Ossetia, the Tskhinvali Region, and the supply of military equipment to Russian forces and Abkhazia, [illegible] and other questions raised in your letter."

Security Forces Number [illegible]

As to the number of Georgian Security Forces that [illegible] authorized to the Mission, [illegible] Georgia [illegible] Mission [illegible] Georgia [illegible] Mission [illegible] Georgia [illegible] Mission

[illegible] [illegible] [illegible] [

საქართველო
GEORGIA

საგარეო საქმეთა მინისტრის
პირველი მოადგილე
FIRST DEPUTY MINISTER OF
FOREIGN AFFAIRS

№ 7/135-02
17" 06 2009

Dear Heidi, Dear Colleague,

As follow-up to my letter dated 27 July, 2009 I am sending you recently declassified copies of the original orders of the 4th brigade of the Georgian Armed Forces – specifically Orders #01 and #02.
Of note, the structure of the falsified orders submitted to the Mission is in some respects similar to the original version submitted herein. The formats used are based on field manuals of Georgian Armed Forces, which are very similar to standard American field manuals (Field Manual (FM) 101-5, Staff Organization and Operations. Distribution Restrictions: "approved for public release; distribution is unlimited"). The fabricated ones do follow the manual in detail.

We have concluded that the name identified with signatures on the first page of both falsified orders submitted to the Mission is Major Shalva Dolidze (fallen in battle on August 9, 2008, in west part of Tskhinvali). Major Dolidze's signatures on both documents are falsified.
Supposed signatures by Major Gigi Kalandadze, Commander of the 4th Brigade appear on the final pages of both falsified orders submitted to the Mission. These signatures are wholly unidentifiable.

In distinction to the structure of the text, the content of the text is inconsistent and does not follow standard military logic, (e.g. insertion of historical background in Order #01) while the Georgian language is written by an individual who does not have a sufficient command of Georgian (e.g. Georgian troops targeting "anti-separatist forces").

The content contained in fabricated documents suggests that those responsible for falsifying the orders sought to establish their own contextual reason for the use of force by Georgian forces, linking orders #01 and #02 in an apparent narrative. Fabricated Order #02, submitted to the Mission contains language intended to justify the Georgian military action in the context of "restoring Constitutional order/jurisdiction" in South Ossetia/the Tskhinvali Region. It is our conclusion that

0118 თბილისი, შიო ჩიტაძის ქ. №4; www.mfa.gov.ge 0118 Tbilisi, Shio Chitadze st. №4; Georgia.
ტელ/Tel.: (995 32) 284648 ფაქსი/Fax: (995 32) 284678. ელ-ფოსტა/E-mail: mfageo@mfa.gov.ge

this specific angle was chosen by those responsible for falsifying the evidence to create a consistent narrative aimed at avoiding the mentioning of Russian forces, in particular military units, hardware crossing Georgian border from Russia, while going in quite detailed, albeit poorly articulated, description of situation on the ground.

In this context it is worth recalling, that Georgian Government made specific public statement, also delivered to the International community and EU in particular, on the morning of August 7th regarding the military units and hardware crossing Georgian border from Russia through Rocky Tunnel[1].

Yours Sincerely,

Giorgi Bokeria.

[illegible]

624

~~Secret~~
Copy #1
HQ of the 4th Infantry
Brigade
S. Vaziani
09:00, 07.08.2008

WARNING ORDER #01

1. **SITUATION:**
During the last days intensive fire, including from large caliber artillery, has been conducted against Georgian villages, police and peacekeeping units. There are injuries.
Heavy armament and armed units are being intensively deployed to Tskhinvali Region from the Russian Federation.

2. **MISSION:**
Put subunits of the 4th Infantry Brigade on operational readiness no.1 on their dislocation place, not later than 13:00, August 7 2008; Subunits must be ready to implement the tasks assigned to them.

3. **EXECUTION:**
According to Standard Operational Procedures.

4. **SERVICE SUPPORT:**
To be implemented by the Logistic Battalion.
Priorities following classes: I, III, V, VIII.

5. **COMMAND AND SIGNAL:**
According to Standard Operational Procedures.

Major /Signature/ **G. Kalandadze**
Commander of the 4th Infantry Brigade

/Seal/

Secret
Copy #1
HQ of the 4th Infantry
Brigade
S. Vaziani
15:00, 07.08.2008

WARNING ORDER #02

MAP: 1:50.000, K-38-64-А, K-38-64-Б, K-38-64-В, K-38-64-Г.

1. **SITUATION:**

Intensive fire, including from large caliber artillery, is continuing against Georgian villages, police and peacekeeping units. There are casualties among the Peacekeeping Forces.

Deployment of heavy armament and armed units to Tskhinvali Region from the Russian Federation is continuing.

2. **MISSION:**

Deploy subunits of the 4th Infantry Brigade to the assembly point of the brigade with the center on height 701.6 (0259); Subunits must be ready to implement the assigned tasks immediately after receiving order.

3. **EXECUTION:**

a) Tasks to maneuver units:

The 41st Infantry Battalion moves on the route Vaziani-Tbilisi-Gori and by 18:00 must be deployed at the assembly point with the center on height 658.0 (0060), ready to implement the assigned tasks;

The 42nd Infantry Battalion moves on the route Vaziani-Tbilisi-Gori and by 18:00 must be deployed at the assembly point with the center on height 677.0 (0459), ready to implement the assigned tasks;

The 43rd Infantry Battalion moves on the route Vaziani-Tbilisi-Gori and by 18:00 must be deployed at the assembly point with the center on height 712.2 (0260), ready to implement the assigned tasks;

b) Tasks to combat support units:

Put Armored Battalion, Artillery Division, Logistic Battalion and separate companies on full operational readiness to support maneuvering subunits, march on the route Vaziani-Tbilisi-Gori and by 18:00 deploy at the assembly point of the brigade with the center on height 701.6 (0259).

4. **SERVICE SUPPORT:**

To be implement by the Logistic Battalion.
Priorities following classes: I, III, V, VIII.

5. **COMMAND AND SIGNAL:**

According to Standard Operational Procedures.

Major /Signature/ **G. Kalandadze**
Commander of the 4th Infantry Brigade

/Seal/

საიდუმლო
ეგზ. №4
შტ-4 ცეკვის ბრიგადის
შტაბი
ქ. ვარხაში
09:00, 07.08.2008

ბრძანება №01

1. ვითარება:

ქვემოსწავლე ფლოტში ინტენსიური ბრძოლითი ცხოვრების რეჟიმში გადასვლის პირობებში, ბრიგადის ბრძოლითი მზადყოფნის ამაღლების მიზნით, ბრიგადის ქვედანაყოფების ორგანიზება იცვლება. მათ შორის მსხვილკალიბრიანი არტილერიითაც არის დაჯილდოება.

ცნობილის რეჟიმში რესურსიდან ინტენსიურად შეტევის მიზეზ ბუნება და წარმოებული ქვედანაყოფები

2. ამოცანა:

შტ-4 ბრიგადის დაქვემდებარებული ქვედანაყოფები მოეწყოს სარაზმული ძალების №1-ის დისლოკაციის ადგილზე. ბრიგადებს 2008 წლის 7 აგვისტოს 13:00 საათამდე ბრძანების საფუძველზე ჰქონდეთ დასმული ამოცანების შესასრულებლად.

3. აღსრულება:

სტანდარტული ოპერაციული პროცედურების შესაბამისად

4. მატერიალურ-ტექნიკური უზრუნველყოფა:

განპირველებულ ფუნქციონირების ბაზებიდან.
ზრდილობები ქვედების მიხედვით: I, II, V VIII

5. მართვა და კავშირი:

სტანდარტული ოპერაციული პროცედურების შესაბამისად.

ნაცვლი გ. ჭლონტაძე

ბრიგადის შტაბის

საველე
ჯგ. №4
შეკ. ტექნიკა ბრიგადის
მწყობი
დ. ჯანიანი
15:00. 07.08.08

ბრიგადირის დავალება №02

რუკა: 1:50.000, K-38-64-A, K-38-64-B, K-38-64-C, K-38-64-D.

1. პოლიგონი:

განსაკუთრებით ყურადღების მიქცევა ტყიანი ადგილების, ბილიკების და ხიმინჯიანი ტერიტორიების წინააღმდეგ ტყვიები, ასევე შორის მსროლელებისთვის არტილერიით. ხიმინჯიანი ადგილები არის მ'ინდვრები.

ცხრილების რეკორდში რესურსის ფიქსირებულად გრანულირება მხოლ ეფექტია და შეთანხმებული ტექნიკურების შესრულება

2. ამოცანა:

№4 ქვეით ბრიგადის დაცვებულ ტექნიკაზე ტერიტორიებზე ორგანიზებ ობიექტის ტაიმერი ცენტრი ხიმინჯი 701.6 (0259). ისევ იქნა ბრძანების ინფორმაციაც დასაწყისი ამოცანის შესასრულებლად.

3. აღსრულება:

ა) დავალება ხანძრული ტექნიკაზე:

41-ე ქვეით ბატალიონმა განახორციელოს გადაადგილება მარშრუტით გზაჯვარედინი-გორი და 18.00 სა-ზეთის განლაგების თავშესაფრის რაიონში ცენტრი ხიმინჯი 658.0 (0060). იყოს მზადყოფნაში დასწყისი ამოცანის შესასრულებლად.

42-ე ქვეით ბატალიონმა განახორციელოს გადაადგილება მარშრუტით გზაჯვარედინი-ბორცვი და 18.00 სა-ზეთის განლაგების თავშესაფრის რაიონში ცენტრი 677.0 (0459), იყოს მზადყოფნაში დასწყისი ამოცანის შესასრულებლად.

43-ე ქვეით ბატალიონმა განახორციელოს გადაადგილება მარშრუტით გზაჯვარედინი-ბორცვი და 18.00 სა-ზეთის განლაგების თავშესაფრის რაიონში ცენტრი 712.2 (0260), იყოს მზადყოფნაში დასწყისი ამოცანის შესასრულებლად

ბ) დავალება მხარდამჭერ ტექნიკაზე:

დაუსხლტებელი ბატალიონის, ართილერიის დივიზიონი, უზრუნველყოფის ბატალიონი და ცალკეული ასეულები მიიყვანოს იქნეს ხანძრული ხანძრული ტექნიკაზე ხანძრული ტექნიკის მხარდაჭერად და განახორციელონ მარშრუტით გზაჯვარედინი-ბორცვი და 18.00 სა-ზეთის განლაგების თავშესაფრის რაიონში ცენტრი ხიმინჯი 701.6 (0259).

4. მატერიალურ-ტექნიკური უზრუნველყოფა:

განხორციელდეს უზრუნველყოფის ბატალიონის ძალებით.

პრიორიტეტი კლასების მიხედვით: I, III, V, VIII.

5. მართვა და კავშირი:

სტანდარტული ოპერატიული პროცედურების შესაბამისად.

მაიორი გ. კალანდაძე

მე-4 ქვეითი ბრიგადის მეთაური

Kantonspolizei
Zürich

Chef Kriminaltechnische Abteilung

Zeughausstrasse 11, Zürich 4
Postadresse
Postfach, 8021 Zürich
Telefon +41 (0)44 247 24 30

Einschreiben / Persönlich

Frau
Heidi Tagliavini
Ambassador
Independent International Fact-Finding
Mission on the Conflict in Georgia
7 bis Avenue de la Paix
P.O. Box 1295
1211 Geneva

Ihr Zeichen	Unser Zeichen	Rückfrage ☎	
	Pfe/flep	044 247 2401	Zürich, 04. September 2009

Urkundenprüfung

Sehr geehrte Frau Botschafterin

In der Anlage erhalten Sie den beauftragten Untersuchungsbericht. Gerne stehen wir Ihnen für Rückfragen und fachliche Weiterungen zur Verfügung.

Mit freundlichen Grüssen

KANTONSPOLIZEI ZÜRICH
Kriminaltechnische Abteilung

Dr. Peter W. Pfefferli

Anlage

Kantonspolizei Zürich
Kriminaltechnische Abteilung
Forensisch Naturwissenschaftlicher Dienst

04. September 2009

VERTRAULICH

Untersuchungsbericht

zuhanden	Frau H. Tagliavini Ambassador Independent International Fact-Finding Mission on the Conflict in Georgia 7 bis Avenue de la Paix P.O. Box 1295 CH-1211 Genève 1
Geschäfts Nr.	---
betreffend	Dokumente zur Untersuchung auf Fälschungsmerkmale

1 Auftrag

Am 23. Juli 2009 überbrachte Frau H. Tagliavini dem Forensisch Naturwissenschaftlichen Dienst der Kriminaltechnischen Abteilung, Kantonspolizei Zürich, die nachfolgend beschriebenen Asservate. Mit Schreiben vom 18.08.2009 wurden wir ersucht, die fraglichen Dokumente auf Fälschungshinweise zu prüfen und dabei die Unterschriften sowie weitere handschriftliche Einträge auf Echtheit als auch die maschinenschriftlich erstellten Texte auf Manipulationen zu untersuchen.

2 Untersuchungsmaterial

X/1 zweiseitiges maschinenschriftliches Schreiben Nr. 1. "07.0130 (Farbkopie)

X/2 dreiseitiges maschinenschriftliches Schreiben Nr. 2. "07 0515" (Farbkopie)

3 Methodisches

3.1 Handschriftanalyse

Bei vergleichenden Analysen werden Schriften systematisch auf Übereinstimmung bzw. Nichtübereinstimmung bezüglich der allgemeinen Merkmale und besonderen Merkmale geprüft. Unter den allgemeinen Kriterien sind beispielsweise das Strichbild, der Schreibdruck, die Verbundenheit, die Schriftlage usw. zu verstehen. Der Bereich der Sondermerkmale umfasst jene graphischen Spuren, die aus der Eigenart der Bewegungsführung entstehen sowie die Schriftdetails. Die Echtheits- bzw. Urheberschaftsprüfung von fraglichen Schreibleistungen erfordert zwingend verbürgt echtes, zeitadäquates Vergleichsmaterial im Original.

Die fraglichen Dokumente stehen als Kopien zur Verfügung, weshalb die handschriftlichen Schreibleistungen, welche zudem eine relativ schlechte Abbildungsqualität aufweisen, nur sehr eingeschränkt analysierbar sind. Einerseits können bei schriftvergleichenden Untersuchungen zahlreiche relevante Schriftmerkmale wie Druckverlauf, Strichbeschaffenheit, Feinheiten der Bewegungsführung etc. bei Kopierprodukten nicht oder nicht zuverlässig beurteilt werden. Andererseits lassen sich allenfalls auf dem Original vorhandene Spuren, welche Hinweise auf die Herstellungstechnik und allfällige Manipulationen (Pausspuren, Vorzeichnungen, Anzeichen für die Montage von authentischen Unterschriften etc.) geben können, in der Regel auf der Kopie nicht mehr feststellen. Aus den genannten Gründen sind schlüssige Aussagen bezüglich Urheberidentität oder Nichtidentität von Schreibleistungen anhand von Kopien nicht möglich.

3.2 Materialtechnische Prüfung auf Manipulationen

Manipulationen an Dokumenten können Spuren hinterlassen, wie beispielsweise Hinweise auf mechanische oder chemische Radierung, Verwendung unterschiedlicher Einfärbungsmittel (Tinten) von geschriebenen oder gedruckten Schriften, Verschiebungen von Textpassagen bei Zufügungen etc. Nebst der Mikroskopie, der Untersuchung im ultravioletten und infraroten Spektralbereich stehen dem Kriminaltechniker eine Vielzahl weiterer Methoden zur Verfügung.

Da die fraglichen Dokumente lediglich als Kopie vorliegen, fokussiert sich die Untersuchung auf Spuren möglicher Manipulationen, welche bei einer Kopie reproduziert und somit gegebenenfalls auch am Nicht-Original nachweisbar sind.

Bei einer Zufügung von Textpassagen ist oft eine Abweichung in der Positionierung des sekundären Eintrags festzustellen. Wird für eine Zufügung nicht die gleiche Schreibmaschine bzw. der gleiche Drucker verwendet, so können die Schriftzeichen in ihrer Form von denjenigen im Primärtext abweichen. Mittels Überprüfung von Zeilenparallelität und Kolonnenvertikalität sowie Schriftüberlagerung lassen sich diese Hinweise prüfen.

Kopieren oder Einscannen und anschliessendes Ausdrucken mittels moderner Farblaser-Drucker hinterlassen auf den Dokumenten einen von blossem Auge nicht sichtbaren, latenten Code. Dieser lässt sich entziffern und führt im Idealfall aufgrund von Angaben des Herstellers zum Standort bzw. der Lieferadresse des entsprechenden Gerätes.

4 Untersuchungen

4.1 Optische physikalisch-technische Voruntersuchungen

Die Dokumente X/1 und X/2 wurden vorerst generell makroskopisch, stereomikroskopisch sowie im extravisuellen Lichtbereich (Ultraviolett und Infrarot) auf Fälschungsmerkmale untersucht. Dabei konnten keine Unregelmässigkeiten festgestellt werden.

Interpretation: Die vorliegenden Dokumente (Kopien) lassen keine materialtechnischen Manipulationen erkennen. Dies bedeutet jedoch nicht zwingend, dass an den Originalen keine Inhaltsfälschungen vorgenommen wurden. Bei qualitativ guten Urkundenfälschungen mittels Kopierer/Scanner lassen sich Spuren der Herstellung so kaschieren, dass deren Nachweis nicht mehr möglich ist.

4.2 Untersuchung auf latente (unsichtbare) Spuren

Sämtliche Blätter der fraglichen Dokumente X/1 und X/2 wurden vorder- wie auch rückseitig auf latente Schreibdruckrillen und weitere von blossem Auge nicht direkt erkennbare Spuren untersucht, unter Anwendung eines elektrostatischen Abbildungsverfahrens. Dabei konnten keine auswertbaren Spuren sichtbar gemacht werden.

Interpretation: Das Fehlen von Druckrillen oder anderen, latenten Spuren im Trägermaterial weist darauf hin, dass die Dokumente mit einer gewissen Sorgfalt

behandelt und beispielsweise nicht als Schreibunterlage verwendet wurden. Blinde Schreibdruckrillen, latente Spuren von Radierungen etc. werden beim Kopieren nicht reproduziert. Daher kann aus den Ergebnissen der durchgeführten Untersuchungen nicht gefolgert werden, dass die Originale ebenfalls frei von latenten Spuren dieser Art sind.

Bemerkung: In Absprache mit der Auftraggeberin wurde auf die Überprüfung auf Fingerabdrücke sowie anhaftende DNA-Spuren verzichtet.

4.3 Untersuchung der Handschriften

Auf beiden fraglichen Schreiben befinden sich auf der ersten Seite oben links je eine komplexe, unleserlich gestaltete Unterschrift sowie ein handschriftlicher Texteintrag (möglicherweise in kyrillischer Schrift erstellt) und ein (Datums-) Eintrag "/0808". Unten rechts sind je innerhalb eines Stempelabdruckes handschriftliche Zahleneinträge vorhanden. Die beiden Unterschriften wirken flüssig erstellt. Störungsmerkmale sind nicht erkennbar. Bei beiden Unterschriften ist anhand der Kopien der genaue Bewegungsablauf nicht in allen Teilen eindeutig nachvollziehbar.

Auf der zweiten Seite von X/1 und auf der dritten Seite von X/2 findet sich am Schluss der Texte je eine weitere, ebenfalls unleserlich gestaltete Unterschrift. Bei diesen kurzen Schriftzügen ist der genaue Bewegungsablauf ebenfalls nicht in allen Teilen eindeutig nachvollziehbar.

Interpretation: Bezüglich Identität oder Nichtidentität der vorerwähnten Schreibleistungen sind – soweit analysierbar und vergleichbar – folgende Aussagen möglich:

- Bei beiden fraglichen Dokumenten (X/1 und X/2) ergeben sich Anhaltspunkte, dass je innerhalb der 1. Seite der Datumseintrag oben links und die Zahlen unten rechts von **unterschiedlichen** Urhebern stammen.
- Beim Vergleich der Schreibleistungen auf der ersten Seite von X/1 mit jenen auf der ersten Seite von X/2 ergeben sich Anhaltspunkte, dass sowohl die beiden Unterschriften wie auch die einzelnen textschriftlichen und Zahlen-Einträge je **urheberidentisch** sind.
- Beim Vergleich der Unterschrift auf Seite 2 von X/1 mit jener auf Seite 3 von X/2 lassen sich formale Unterschiede erkennen. Ob diese Abweichungen nun auf

Variationsbreite zurückzuführen sind und somit nicht gegen Urheberidentität sprechen oder ob sie auf unterschiedliche Urheber hinweisen, lässt sich anhand des vorliegenden Materials nicht entscheiden.

- Mangels Vergleichsmaterial kann nicht überprüft werden, ob es sich bei den fraglichen Unterschriften um echte Schriftzüge existierender Personen oder allenfalls um Fälschungen (Nachahmungen oder Phantasieprodukte) handelt. Hierzu müsste von den Personen, von welchen die Unterschriften stammen sollten, eine Anzahl authentischer Unterschriften zur Verfügung stehen. Solange jedoch die fraglichen Dokumente nur als Kopien vorliegen, wäre auch dann eine abschliessende Aussage im echtheitsnachweisenden Sinne nicht möglich, da eine Montage (z.B. Einkopieren einer echten Unterschrift) nicht auszuschliessen wäre.
- Bezüglich der verwendeten Schreibgeräte für die handschriftlichen Einträge sind anhand der Kopien keine Aussagen möglich.

4.4 Materialtechnische Untersuchungen

Schriftträger

Das Trägermaterial der Dokumente X/1 und X/2 lässt sich wie folgt beschreiben: weisses Papier, Format A4, ohne Wasserzeichen, optisch aufgehellt, Farbe, Wolkigkeit und Siebstruktur der Papiere sind nicht differenzierbar.

Die Papierdicken liegen alle im gleichen Bereich von ca. 105 – 108 µm (Dok. X/1, Seite 1 = 105 µm, Dok. X/1, Seite 2 = 108 µm, Dok. X/2 alle Seiten = 106 µm).

Druck

Aufgrund der spezifischen Ablagerungsmerkmale wurden alle Dokumente (Seiten) von X/1 und X/2 mittels eines tonerbasierenden Systems (Farbtoner, nicht magnetisch) produziert. Bei sämtliche Dokumenten lassen sich identische Kopier-Codes feststellen. Deren Analyse ergab, dass es sich um ein Drucksystem der Firma CANON handelt. Aufklärungen zu Folge um eine CANON-Druckeinheit, welche in Laser-Druckern der Firma HEWLETT PACKHARD (HP) des Typs *Color LaserJet 2600 Series* eingebaut sind. Weitere Informationen könnten gegebenenfalls über den Gerätehersteller eingeholt werden.

Ferner sind übereinstimmende Kopier- und/oder Reproduktionsmerkmale erkennbar. Diese äussern sich in praktisch positionsgleichen "Punkten" bzw. Druckartefakten, bei welchen es sich weder um Interpunktions- noch um Schriftzeichen handelt.

Interpretation: Die identisch angeordneten Kopier-Codes belegen, dass die vorliegenden Dokumente (Kopien) alle mit demselben Drucker produziert wurden. Die positionsgleichen Reproduktionsmerkmale (Punkte) können ihren Ursprung jedoch nicht beim Ausdruck der Dokumente X/1 und X/2 haben, sondern weisen eindeutig auf ein vorangehendes Einscannen eines Originals oder einer Kopie hin.

Mechanisch erzeugte Schrift

Die Texteinträge auf den fraglichen Dokumenten wurden nicht mit lateinischen Schriftzeichen produziert. Aus diesem Grunde ist eine Bestimmung der Schriftzeichenform nicht möglich. Es fällt jedoch auf, dass für die Erstellung der einzelnen Texteinträge unterschiedliche Schriftgrössen verwendet worden sind. Zwar haben wir versucht, einzelne Schriftzeichen zu überlagern zwecks Prüfung, ob bei den zur Diskussion stehenden Einträgen der Dokumente X/1 und X/2 eine allfällige Manipulationen nachweisbar sind. Aufgrund der relativ unscharfen Tonerkonturen und in Unkenntnis der einzelnen Schriftzeichenformen der georgischen Sprache, sind keine abschliessenden Aussagen betreffend Vergleich der Schrift-Fonts machbar.

Zwischen den fraglichen Dokumenten X/1 und X/2 lässt sich bei der Überlagerung von analogen (soweit beurteilbar) Texteinträgen horizontal ein Verzug feststellen.

Interpretation: Die Anwendung unterschiedlicher Schriftgrössen und/oder Schriftarten in Texten – insbesondere mit unterschiedlichen Absätzen, Aufzählungen etc. – ist keine Seltenheit und erlaubt daher keinen Schluss auf eine Textzufügung.
Der beschriebene Verzug analoger Texteinträge kann darin begründet sein, dass die Dokumente im Blocksatz erstellt sind, was eine möglichst gleichmässige Verteilung der Buchstaben zur Folge hat und daher automatisch zu unterschiedlicher horizontaler Ausdehnung der einzelnen Wörter führt.

Prüfung der Zeilenparallelität und der Kolonnenvertikalität

Die Texteinträge auf den fraglichen Dokumenten X/1 und X/2 wurden mit Hilfe einer 1mm-Rasterfolie auf Zeilenparallelität und Kolonnenvertikalität überprüft. Im Rahmen dieser Untersuchungen konnten keine Unregelmässigkeiten festgestellt werden.

Es fällt aber auf, dass bei den fraglichen Dokumenten der linke Seitenrand ungleiche Einzüge aufweist.

Interpretation: Die vorhandene Zeilenparallelität und Kolonnenvertikalität weist darauf hin, dass entweder keine Textpassagen zugefügt wurden oder bei einer Zufügung sehr präzise gearbeitet wurde. Letzteres ist unter Verwendung geeigneter Bildbearbeitungssoftware relativ einfach zu bewerkstelligen.

5 Schlussfolgerungen

Da es sich bei den fraglichen Dokumenten nicht um Originale, sondern um ausgedruckte Reproduktionen handelt, ist die Analysierbarkeit auf Manipulationen erheblich eingeschränkt.

Folgende Aussagen sind dennoch möglich:

- Die fraglichen Dokumente (X/1 und X/2) wurden mit dem gleichen Drucker hergestellt.
- Es ergeben sich keine Anhaltspunkte dafür, dass bei den fraglichen Dokumenten Manipulationen vorgenommen wurden, es handelt sich somit entweder um Kopien authentischer Dokumente oder die Spuren allfälliger Manipulationen sind nicht nachweisbar.

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DVD: Additional material from the sides

Georgia

- Documents related to the presentation of the temporary (ad hoc) parliamentary commission
- Humanitarian Law and Human Rights – answers and references
- International Law – answers and references
- Military aspects – answers and references
  Military aspects – additional answers and references
  Georgian film about Abkhazia – in remembrance of the victims of the conflict in Abkhazia, Georgia
  Georgian film about Abkhazia
  Peace initiatives
  From the Georgian Government: Russian Aggression in Georgia
  From the Georgian Government: Timeline of Russian Aggression. Ethnic Cleansing of Georgians. Violations of IHL and IHRL

Russia

- CJ: Application of the international convention on the elimination of all forms of racial discrimination – Historical background
- CJ: Application of the international convention on the elimination of all forms of racial discrimination – Timeline of events
- CJ: Application of the international convention on the elimination of all forms of racial discrimination – Collection of relevant facts and documents
- CJ: Application of the international convention on the elimination of all forms of racial discrimination – Judge's folder, Part I
  CJ: Application of the international convention on the elimination of all forms of racial discrimination – Judge's folder, Part II

South Ossetia

Compilation of documents, handed over in June 2009

- Agreement on further development of the process of peaceful settlement of the Georgian – Ossetian conflict and the Joint Control Commission (31 October 1994)
- Agreement on principles of settlement of the Georgian – Ossetian conflict (24 June 1992)
- Compilation of documents, handed over in May 2009 – Part I
- Compilation of documents, handed over in May 2009 – Part II
- From South Ossetia – Photographs
- Memorandum on necessary measures to be undertaken in order to ensure security and strengthening of mutual trust between the parties to the Georgian – Ossetian conflict (16 May 1996)
- Resolutions of the Parliament of the Republic of South Ossetia
  The Republic of South Ossetia – documents, chronicles, concise historical information

Abkhazia

Documentation from Abkhazia – 4 films, November 2008
Compilation of documents received from Abkhazia
Photographs of American contractors

- Power point presentation about the Georgian military build-up Abkhazia
- Photographs
- Photographs of Kodori
- Photographs of Kodori bridges
- Maps
- UAV of the MoD of Abkhazia – 2 m