

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 in the territories of Georgia (Abkhazia and the Tskhinvali Region/South Ossetia) based on the Moscow Agreement on the Non-use of Force and Separation of Forces of May 1994 signed by the Georgian and Abkhaz sides, the CIS Decision of August 22, 1994 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 Troops Georgia had no choice¹ but to agree to Russian proposed cease fire agreements. Thus, both arrangements were made in the specific environment, where Georgia had to agree to Russia's military presence under the veil of Peacekeepers. This reality undermined tangible outcomes expected from peace processes² and initiatives, including confidence building measures; monopoly of military presence in the regions was used well by Russian Federation to enhance control and sustain the proxy regimes. Georgia throughout years strived at all available forums and international platforms, including UN, OSCE, CoE to establish meaningful, result oriented international security arrangements, never denying Russia's participation. Georgia has been concerned about individual cases of violation by Russian peacekeepers, but the main cause of the concern has always been, that peacekeepers represented yet another tool for control and manipulation by Russian Federation. After the massive distribution of Russian passports³ "protection of Russian "citizens" in Georgian conflict regions, rather than 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 war, please, see answers to Military Question #3 "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 Enguri 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 framed the Russian peacekeeping forces within 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:

¹ See enclosed letter by E. Shevardnadze to the President of Russian Federation requesting cease fire.

² See answer to the Legal Question #5 / section describing peace proposals

³ See Answer to the Legal Question #2

- 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 equipment⁴;
- b) The deployment of the Peace-Keeping Force of the Commonwealth of Independent States and military observers in the security zone⁵;
- c) The demarcation of a detailed map and a plan for the separation of the forces in initial phase of deployment of the Peace-Keeping Forces to be prepared and presented by the Command of the Peace-Keeping Forces⁶;

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 nor a plan of demarcation from the Command of the Collective Peace-Keeping Forces, but merely had been guided by the general scheme as to where the CIS Peacekeeping Forces had to be stationed 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 Unified Command* (IUC). Neither the group of military observers nor the IUC had been established. The Command and Control of the existing Peacekeeping Forces had been in whole directed and guided by the Russian military authorities and not by the joint IUC of Commonwealth of Independent States.

In relation, the Protocol of the Moscow Agreement concerning the Peacekeeping Forces further prescribed:

- d) The promotion of the safe return of refugees and IDPs,
- e) Compliance by the forces with local law and regulations;
- f) The unimpeded functioning of the local civil administration; operation of the Peacekeeping Forces under the Interim Unified Command and the Commander of the Peacekeeping Forces;

- ***Safe and Dignified Return of IDPs and Refugees***

The Cease-Fire Agreement explicitly noted 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 their commitment to act to comply with the requirement of the Cease-Fire Agreement as well as with CIS Decision of 1994 had this duty incumbent upon them. In addition, the relevant CIS Decision of 28 March 1997 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

⁴ Article 2(a) of the Moscow Agreement;

⁵ Article 2(b) of the Moscow Agreement;

⁶ Article 3 of the Moscow Agreement;

process of IDPs to that region⁷, in particular 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 1995-1996 which resulted in 450 deaths and thousands of IDPs fleeing eastwards.⁸ Peacekeeping Forces or its members have been engaged 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. It is noteworthy to mention the events of May 1998⁹. The Moscow Agreement (so called Ceasefire Agreement) provided for a number of provisions related to the return process of IDPs, however its implementation became problematic due to increased resistance of the proxy Abkhaz side¹⁰. The Georgian population who returned spontaneously to Gali found themselves in difficult and insecure conditions which erupted into open hostilities in May 1998. At that time, Abkhaz militias swept through Gali on a path of destruction, systematically torching and looting villages, displacing some of 40,000 people¹¹. 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 or allowed the Abkhaz, as well as Chechen and Kazak *boevics* carry out attacks in their presence (at the villages Saberio, Dikhazurga, Zemo Barghebi, Pirveli Otovaia, Gagida, Chuburkhiinji, Sida, Ganakhleba, etc.)¹².

Russian peacekeepers have participated in the harassment of the Georgian population in the Gali District with or without Abkhazian militia and armed groups. The exact chronology of the human rights violation committed by or otherwise attributable to the Russian peacekeepers is not available to the Georgian side due to objective reasons. However, cases of beating, shooting – often resulting in casualties among ethnic Georgians by Peacekeepers, mainly in drunk condition, as well as cases of looting are recorded.

These forces harassed and intimidated the local population. Sometimes, Russian peacekeepers themselves appeared 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 move within Abkhazia as well as to cross the Enguri bridge 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***

⁷ http://www.rrc.ge/law/gad_1997_03_28_e.htm?lawid=1159&lng_3=en

⁸ US State Department, Country Reports on Human Rights Practices for 1993, February 1994;

⁹ In May 1998 the hostilities and acts of violence outburst in Gali district as a result of which approximately 40 000 people from Gali district had to be forcefully displaced second time to the other Side of Inguri River (including the burning down of the Georgian villages constructed with the support of the UNHCR) – see United Nations Secretary General's Report S/1998/647; Report of the Representative of the Secretary General on Internally Displaced Persons, Mr. Francois Deng, Mass Exodus and Displaced Persons – Georgia, E/CN.4/2001/5/Add.4 of 25 January 2001;

Jared Feinberg, Scoville Fellow Center for Defence Information available at <http://www.cdi.org/weekly/1998/issue22/#4> ;

¹⁰ See also Forced Migration: Repatriation in Georgia, Open Society Foundation, NY, June 1995 available at http://www.osi.hu/fmp/html/g_ii.html ;

¹¹ See supra note 6;

¹² Witness Interrogation Protocols in Regard to Criminal Case No. 9798820;

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 confirmed:

- In December 2007, Russian peacekeepers delivered armored vehicles and ammunitions to the Abkhaz armed forces. These arms and ammunitions were allocated by the mountain fighters brigade in Tsebelda.
- On March 26, 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 middle of Abkhazia for their military purposes). Later, it was evident that the arms and ammunitions were 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 i.e. in March 2006, Abkhaz so called border guard units launched construction of their headquarters in violation of the Moscow Agreement near the Russian peacekeeping checkpoint #210. Instead of taking measures to stop the construction process, Russian peacekeepers themselves participated in the process. Unfortunately, Russian Peacekeepers planned and participated in undertaking of much more serious events by its nature and intent, then the above case: On 20 September 2007, a Special Task Unit of the Police/ Ministry of Internal Affairs of Georgia neutralized a subversive grouping of 10 people in Kodori Gorge, in the process of undertaking a planned 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** (Vice-Colonel of Russian armed forces, a former member of the CPKF, who served on the contract basis in the border troops division of the Abkhazian proxy security service) and **Artur Zorin** (Major of Russian armed forces, also a former member of the CPKF). Seven members of the subversive group, that identified themselves as members of the border troops division of the Abkhazian proxy security service, were arrested and later, 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 Pavlushko: Head of the Staff at the Russian Peacekeeper's , **Aleksandr Pavlushko**¹³ **moved to take a position of Abkhazian de-facto Deputy Minister of Defense in April 30, 2008.** From his peacekeeping experience, he was fully informed about all locations of Georgian police in Kodori/Upper Abkhazia. Later, in August 2009, he was made responsible for planning and conducting operation 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 to the contrary, were supporting the proxy regimes, often

¹³ On Aleksandr Pavlushko, reference 13.

participating into the violence and illegal 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.¹⁴ However, the Russian Federation remained consistently opposed to any change, claiming that the Abkhaz side objected. Clearly, Abkhaz proxy regime 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 29, 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 motives of the troop increase was to “protect its nationals” residing in Abkhazia, Georgia. In fact, under the cover of the peacekeepers, Russia deployed heavy military equipment, including contingents of the Russian Airborne battalion and heavy artillery that is not allowed under the Moscow Agreement and CIS Heads of States Decision of 1994. Neither the Government of Georgia nor UNOMIG were informed about the exact deployment of those troops on the Georgian territory of Abkhazia¹⁵.

The unilateral increase of the Russian military presence in Abkhazia, Georgia violated the existing legal framework related to 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 number of the CIS forces or the deployment of the Russian airborne troops that do not formally constitute part of the Peacekeeping Forces. More specifically, following 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 Ossetia¹⁶

- On April 17, several “Ural” type trucks carrying 300 Russian contract soldiers entered the military base in Ochamchire seaport.
- On April 20, at 10:00, a Russian fighter plane, attacked and shot down a Georgian Unmanned Aerial Vehicle “Hermes-450” above village Gagida, Gali district. This fact was confirmed by the UN special investigation.
- 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.
- On April 29, an echelon of 30 train 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 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 Maiak military base in Sokhumi, to

¹⁴ see answer to Legal Question #5/section on peace initiatives

¹⁵ UN Secretary-General Report on the Situation in Abkhazia, Georgia dated 23 July 2008, S/2008/480;

¹⁶ Bullets bellow are extracts from the Chronology of Russian Aggression against Georgia in 2008 (Answer to Military Question#1). Please refer to Chronology for evidences provided in annexes;

Tsebelda military site (in the direction of Kodori Gorge), to Ochamchire seaport, as well as to Tkvarcheli and Gali districts.

- 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 in Abkhazia, 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 (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".
- On May 31, 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 platform, 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 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 anti-aircraft defense experts;
- 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).
- ***Response to allegations concerning Georgia's compliance with the Moscow Agreement due to its operation in Kodori Gorge in 2006***¹⁷

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 Tasks Main Division of the MIA, were rotated on a monthly basis and a small part 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 one site, 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 proxy 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).

¹⁷ See more details in Answer to Military Question #4;

Georgian police units (in average groups of 30-40 policemen) were permanently present in the villages of Kvabchara, Mramba, Ptish, Chkhalta, Ajara, Left Gentsvishi, Right Gentsvishi, Omarishara and Sakeni, 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 CIS CPKF resumed regular joint patrolling of Upper Abkhazia. During the next joint patrolling, on 14-16 December 2006, UNOMIG and CPKF witnessed the demolition of a large stock of armaments that had been seized by the MIA in July 2006 belonging to the local Strongman Emzar Kvitciani's illegal armed formation. The next UNOMIG/ CPKF patrols were on 5-7 March 2007, 14-15 May 2007 and 4-6 June 2007.

In July 2007, UNOMIG reestablished 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 serious armed provocations (see annex 1 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 attacks. At least 17 "Grad" type missiles were fired from the ground, and at least one "Ataka" 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-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 combined 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 grouping 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 grouping 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 CPKF, who served on the contract basis in the border troops division of the Abkhazian separatist security service) and Artur Zorin (Major of Russian armed forces, also a former member of the CPKF). 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 stands 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 3, the JPKF is directly subordinated to the Joint Control Commission. In accordance with the Protocol #2 dated 6 July 1992 (issue #4), “ a State that has allocated its military contingent to serve in the joint peace-keeping forces, assumes the responsibility for violation of the Sochi agreement” Thus, in case of the violation of the Sochi Agreement by the JPKF, the contributing state bears primary responsibility for such breaches.

In this connection, the command structure of the JPKF and decision making process is of particular relevance. Protocol #11 of 21 April 2001 approved the organizational and command structure of the JPKF. There ,so called scheme Number 3 establishes a unilateral command structure, instead of a collegial model that was envisaged by Article 2 of the 6 December 1994 Regulations. The aforementioned provision reads as follows: the military contingents and military observers are subordinated to the *unified command* composed of the Russian, Georgian and North Ossetian parties. The Georgian, Russian and North Ossetian battalions of the JPKF operate under a joint command coordinated by the JPKF commander.¹⁸ The latter is nominated by the Russian Defense Ministry and appointed by the JCC. Battalion commanders (the senior military representatives) are appointed directly by the sides.¹⁹

The Ossetian Battalion within the peacekeeping forces comprised, at the beginning, recruits from North Ossetia (Russia). However, over time, it de facto became a South Ossetian battalion filled with recruits from local residents. International observers confirm the Ossetian battalion was, except for a few officers, manned by South Ossetians and was “the biggest employer in South Ossetia”.²⁰ It was an opportunity for Russia to train and equip the South Ossetian militia and ensure their accurate coordination with Russian troops deployed in the Tskhinvali region. This proved a valuable asset during invasion of Georgia in August²¹.

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

¹⁸ The June 1992 agreement created a trilateral JPKF: Georgia, Ossetian and Russian. A common misperception is that it is quadrilateral, including both South and North Ossetian sides but there is only one Ossetian battalion. It is under the command of a North Ossetian officer but most troops as well as officers are from the South Ossetian militia. Each side can also have 300 reservists, who can be deployed to the zone of the conflict in case of escalation. Crisis Group interview, JPKF commander, March 2007. General Kualkhmetov took charge of the JPKF in autumn 2004. International analysts say his performance is very professional and a major improvement over that of General Nabzdorov, his predecessor.

¹⁹ JCC Protocol #3.

²⁰ International Crisis Group, Georgia’s South Ossetia Conflict: Make Haste Slowly, pp. 17-18.

²¹ see Answer to the Military Question 3 for peacekeepers role during the war;

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 #3 of 12.07.1992, appendix #1, article 3; Decision of JCC of 31.10.1994, clause 10; Decision of JCC of 6.12.2006, appendix #1, article 3; Moscow memorandum of 16.05.1996, article 6; Protocol #7 of 13.02.1997, as well as JCC protocols #33,41,44,45 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 continued to deploy its troops illegally and to manufacture and sell weapons in breach of the agreement of 21 July 1992²²

The most eloquent example of the inability of the peacekeepers to carry out into functions was a military parade in Tskhinvali that took place on 20 September 2005, which demonstrated that the JFMP 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 units, heavy artillery was displayed. This provocative display of illegal heavy weapons by the Ossetian *de-facto* government was fully neglected by the Russian peacekeeping forces.²³

Furthermore, due to the complete inactivity 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 “boeviks” crossed the Georgian border through the Roki Tunnel. They entered Georgian territory via the Russian border check-point without any resistance on the part of Russian customs officers nor border guards. Furthermore, in their presence, military manoeuvres of the mercenaries took place using light and heavy weaponry. In 2006, eighteen (18) illegal military trainings were conducted with prohibited equipment in the territory of South Ossetia - many with the direct participation of Russian ‘peacekeepers’.

- **Non Liquidation of fortifications**

The reference point here derives from the results of the meeting between Georgian Prime Minister Zurab Zhvania and *proxy* leader Eduard Kokoity on 5.11.2004; Protocol #40 of 19-20 November 2004, clauses 1 and 2; Protocol #42 of 16-17 March 2005, article 2; and Protocol #44 of 22-23 June 2005, clause 2.3).

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

²² See relevant paragraphs in answer to the Legal Question #1

²³ See photo report by Regnum, and attached visual materials. See also http://www.cacianalyst.org/view_article.php?articleid=3740;

command of the JPKF was approached on numerous occasions by the Georgian side (JCC Protocol #48, 27-29 March 2006, Vladikavkaz; Correspondences: letter #4-9/286 dated 5 April 2006; letter #4-9/479 dated 2 June 2006, and letter #4-9/592, dated 4 July 2006) with the request to present the list of fortifications existing in the conflict zone with a view to elaborating the schedule of their liquidation.

The request was never met. In a response letter #88 dated 11 May 2006, General Kulakhmetov responded with the following postulate “кто откапывал, тот должен и закапывать” (“*whoever dug it, he must fill it*”), that amounts to escape from discharging the obligations derived from the mandate.

- **Russian Military build up in and near 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 Tskhinvali²⁴ (here are relevant satellite pictures of these bases, also see videos attached).
 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.
 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.
 3. 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.
 4. In addition to these two Russian military bases, the Russian government helped South Ossetian proxy authorities in building military infrastructure, including the tank battalion of the South Ossetian proxy Ministry of Defence, located in the village of Buzala, Java district (see picture), 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, military trucks, as well as different kinds of armament and ammunition. Russian military and police specialists helped to train and equip South Ossetian paramilitary forces.

- ***Russian Military Bases close to the Russian-Georgian border***

²⁴ Relevant satellite pictures of these bases, also see videos attached

- 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 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). 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 #3 of 12.07.1992 appendix #1, article 3; Decision of JCC of 6.12.2006, appendix #1, article 3).

On 20 July 2004, several armoured vehicles entered the Tskhinvali Region/South Ossetia, and active movement of militaries was noted. In the territory adjacent to the Roki Tunnel, 7 tanks and 2 armoured vehicles were stationed, ready to be moved to Georgia, while live military 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 Kekhvi Village seized a column of vehicles owned by Russian peacekeepers two of which were loaded with up to 300 NURC-type uncontrolled reactive grenades. During the monitoring, the OSCE observers found the trace of “БМП”-type armoured vehicle, which can only be possessed by the JPKF.²⁶

The so called North Ossetian peacekeeping battalion played a role of intermediary between the Russian peacekeepers and the South Ossetian armed groups to deliver arms and ammunitions to the latter. Colonel Nikolai Phriev and Philip Khachirov were in charge of this “cooperation.”

Moreover, Russian military instructors in charge with the training of South Ossetian armed groups very often formally were encrypted 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 from two Georgian broadcasting companies Rustavi-2 and Mze. After the negotiations and interventions by the Georgian authorities and the OSCE they were released.

²⁵ Article available at <http://www.arms-expo.ru/site.xp/049051124049051050055.html>

²⁶ OSCE Spot Report July 8, 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. For instance:

- One of the organisers 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 Boiko** was personally involved in the preparation of the terrorist act. He was charged by the Georgian law enforcement and is wanted via Interpol red notice.
- A member of the Russian intelligence service (GRU) **Anatoly Sisoev**, who at the same time was a military advisor to Eduard Kokoity, created an organised group that committed a number of violent acts: a) the explosion of high voltage power transmission lines “Kartli 2” and “Liakhvi” located near the village of Shavshvebi, Gori District on October 9, 2004; b) the explosion of the Grakali-Metekhi railway joiner in the Kaspi District on October 9, 2004; c) the explosion of the radio transmission system of the oil pipeline near Chorchana, Khashuri District on November 17, 2004. It is worth noting, that this is the same Sisoev, that was arrested and served sentence in Azerbaijan from 1995-2001, for attempt of *coup d'état* and attack on Azerbaijan President Aliiev.

Authority of the JPKF was divided between the commander of the peacekeeping forces, General Marat Kulakhmetov and his deputy Igor Grudnov between January 2006-January 2007, Alexandre Klimenko between January 2007-January 2008 and General Viktor Kniazov since January 2008. This is noteworthy because under this arrangement, the commander was personally in charge of the coordination of assistance to the proxy 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 Kniazov was an advisor to Mr. Kokoity in law-enforcement affairs and the 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 of the Georgian - Ossetian Conflict (Sochi Agreement of June 24, 1992) also did not allow for elaboration 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 operation area for JPKF would serve as good illustration of the difficulties encountered by the JCC. In 1992, under Protocol #3 of July 12, 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”²⁷. Although,

²⁷ Protocol #3 of the Meeting of Joint Control Commission (JCC) For the Georgian-Ossetian Conflict Settlement; July 12, 1992. Vladikavkaz.

according to the above definitions 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 Decision²⁸ of the JCC, which defined the zone of responsibility of the JPKF excluding strategic communications southward of Roki Tunnel – Gupta Bridge and Dzara Road, which contradicted the Sochi Agreement as well as other decisions of the JCC.²⁹ Dzara Road has vital strategic importance; putting the road in operation is to enable the Tskhinvali proxy regime to intensify the process of political, economic and affiliation 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 into the conflict zone, as it has often been the case.³⁰

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 been blocking any steps within the OSCE aimed at establishing international control over the Roki Tunnel and the Didi Gupta Bridge.³¹

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, in Abkhazia, 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).

²⁸ Decision of the Joint Control Commission (JCC) For the Georgian-Ossetian Conflict Settlement on Rehabilitation of Economy in the Zone of The Georgian-Ossetian Conflict;

²⁹ See supra note 2.

³⁰ On 20 July 2004, several armoured vehicles entered in the Tskhinvai region, and active movement of militaries is noted. In the territory adjacent of Roki Tunnel, there had been stationed 7 tanks and 2 armoured vehicles ready to be moved to Georgia, while live military 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. See also, Statement by the Delegation of Georgia to the OSCE on January 30, 2003; fact sheet on the Development of Events in Tskhinvali Region distributed by the Delegation of Georgia in the OSCE on July 29, 2004; statement of the Minister of Foreign Affairs of Georgia Mrs. Salome Zurabishvili at the OSCE Permanent Council on August 24, 2004; http://www.mfa.gov.ge/print.php?gg=1&sec_id=36&info_id=1792&lang_id=ENG

³¹ Remarks of President of Georgia Mikheil Saakashvili to the Parliamentary Assembly of the Council of Europe, January 26, 2005.