

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 “pre-designed plans” as a reaction to recognition of Kosovo.¹ 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 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. Dimitry Sanakoev. This act was accompanied by substantial increases in the scale and intensity of attacks by proxy militants on Georgian government controlled villages,² Georgian police, and peacekeepers. These acts resulted in casualties and fatalities (mortars of 120 mm caliber, prohibited under then existing agreements 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, “Caucasus 2008”. During those exercises more 8,000 troops (including 58th Army, North Caucasus Military District, units of Airborne

¹ See the record of Putin’s speech: http://www.kremlin.ru/appears/2008/02/14/1327_type63380type82634_160108.shtml

² Georgian Government was aware that those were targeted attacks on the Georgian-controlled villages aiming at maximum destruction. For example, the proxy Interior Minister Mikhail Mindzaev instructed his subordinate to wipe out a Georgian-government controlled village. The intercept and transcript of this phone conversation can be found in annex 34 of the answer to question 1 of the military set of questions.

Troops, 4th Russian Air Army and air defence) and at least 700 of heavy equipment and 30 aircraft simulated an invasion of “ a neighboring state”. Although the exercises were completed on August 2, those forces never re-deployed. .

On August 1, 2008 an explosion took place at the Eredvi-Kheiti bypass road, which was accompanied by sustained shelling of the Sarabuki Georgian Peacekeepers’ Post whose role was to guard the road. As a result of this aggression the Georgian enclave north of Tskhinvali, with a population of more than 10,000 people, was cut off from the rest of Georgia. This led to a situation wherein it was impossible to provide security to the population of the enclave in the face of intensified shelling and subsequent inflow 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 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 killed³ 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 inflow 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 was in progress (*for more detail and evidence, please see response and annexes to question 1 of the military set of questions*).

Based on the above series of life 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 citizens⁴, 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 Tskhinvali Region/South Ossetia;
- Neutralization of the firing 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.

³ Two Georgian peacekeepers Shalva Trapaidze and Vitali Takadze were killed and five wounded (see annex 33 of the answer to question 1 of the military set of questions) on August 7 at around 14:00 as a Georgian peacekeepers checkpoint was shelled with 100 and 120mm artillery o 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 07.08.2008. The transcript of this conversation can be found in annex 75 of the answer to question 1 of the military set of questions.

⁴ All movements by the Georgian troops were taking place 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, 1150, 1124, 1096, 993, 971, 937, 934, 906, 901, 896, 892, 881, 876, 858, 854, 849 within the constitutional limits and under the right to self-protect as defined by Article 51 of UN Charter.

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

Upon discussion of the Operational Plan, concrete actions were identified, according to which, after receiving orders, the operational group was set to immediately start movement, with artillery and air support:

- The 4th Infantry Brigade was to operate on the left flank with the following objective: 1st phase - advance towards Khetagurovo, Tbeti and Znauri directions; ensure blockage of the Dzara by-pass road. Afterwards (2nd phase) continue advancement to take dominant heights at the edge of the Kusireti-Gupta Bridge and not allow regular units of the Russian Federation to enter Tskhinvali, Znauri and the Didi Liakhvi Gorge villages.
- The 3rd Infantry Brigade was to operate on the right flank with the objective: 1st phase – advance towards Tirdznisi, Eredvi, and Sarabuki directions, take defensive positions at the natural boundary of Frisi-Zemo Kokhati with the aim to protect civilians and the Eredvi-Kheiti bypass road. Subsequently (2nd phase) continue to advance towards the proxy militant-controlled Tliakana dominant height, take the height and establish defensive positions on the edge of Tliakana-Didkhevi in order not to allow the enemy to enter the region through the Geri bypass road, protect civilians, defend by-pass roads in the Didi Liakhvi Gorge and ensure secure the evacuation of civilians from the theatre of military operations.

After these objectives were fulfilled by the 3rd and 4th Infantry Brigades (3rd phase), the plan was to enter Tskhinvali from the central direction utilizing Ministry of Interior special units, supported by a Separate Light Infantry Battalion of the Armed Forces and a subordinated single tank battalion to neutralize firing positions within the city and reach the Georgian enclave north of the town.

Air Force objectives were defined as:

- Destruction by SU-25 ground attack aircraft of the Gupta Bridge, including personnel and armor on the move in its vicinity.
- Possible contact line with the enemy was defined for MI-24 attack helicopters between the village of Khetagurovo and South–Eastern limits of Tskhinvali with possible engagement upon necessity.

Artillery units were grouped into I and II artillery groupings with the following objectives:

- Fire support to the 3rd and 4th Infantry Brigades;
- Destruction of already identified and newly detected firing positions; and
- Neutralization of convoys of Russian regular forces moving on the by-pass roads.

On August 7, after receiving the order from the Commander-in-Chief of Georgia, the Georgian Armed Forces artillery units started firing smoke bombs and subsequently at 23:50 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 by-pass road. 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 Kusureti) resulting in significant combat losses of the 4th Brigade.
- On the right flank the 3rd Infantry Brigade moved in the pre-identified 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 Didi Liakhvi 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, Ergneti 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 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 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 enemy for correcting artillery fire against Georgian armed forces, which is confirmed by an article in the South Ossetian press.⁵ It should be noted that earlier, at 00:23, commander of the JPKF Marat Kulakhmetov in phone conversation with the head of the Georgian peacekeeping contingent Gen Kurashvili admitted that the Russian peacekeepers had been providing coordinates for artillery shelling to the proxy militants.⁶

The Separate Light 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 am, they came under intensive air and artillery bombardment in the southern part of the city. The bombardment widened along with movement of the units in the city and gradually covered the entire city. Due to the character of the battle and presence of multiple reinforced 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

⁵ See annex 90 of the answer to question 1 of the military set of questions.

⁶ See annexes 87 A and B of the answer to question 1 of the military set of questions.

in Senaki, Western Georgia, to replace the 4th Brigade on the left flank, upon its transfer to Tskhinvali (*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 GRU-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 (Ugardanta) and Tskhinvali in 2007 and 2008 without the consent of the Government of Georgia. Of particular interest is the Java base. Left outside the reach of any monitoring mechanism, Russia deployed both artillery and tanks in the base months in advance of the war.

Gen Viacheslav Borisov, Deputy Commander of the Russian Airborne Troops, in a recent interview to Echo Moskvyy radio station pointed out that the success of airborne troops was due to their direct presence “in the same areas... a week before August 7th” that he was in charge of “South Ossetian and Georgian sectors” and the fact that they were already on the move prior to the beginning of the active phase of hostilities.⁷

From July 4-6, 10 armored vehicles entered the Tskhinvali Region/South Ossetia from the Russian Federation via the Roki Tunnel (Georgian intelligence data, HUMINT). Then from July 13-14, 13 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 driving from the village of Zaramag, North Ossetia towards the Roki Tunnel (Georgian intelligence data, HUMINT).

By the end of July (exact date and time unknown), large tents were set up on the territory of the new Russian military base in the northwestern 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 Botlikh, 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 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, 10 units of armor (BTR/BMP vehicles) were brought into the Tskhinvali Region/South Ossetia from the Russian Federation and distributed among the de facto

⁷ Radio “Echo Moskvi”, Program “Military Advice,” 06.06.2009, <http://www.echo.msk.ru/programs/voensovet/596473-echo/> (see attached)

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

On August 5, during the day, 40 units of self-propelled artillery and a reconnaissance battalion of the 33rd Motor Rifle Mountain Brigade from Botlikh, Dagestan 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 135th Separate Motor Rifle Regiment from Prokhladny, Kabardino-Balkaria and the 693rd Motor Rifle Regiment from Zaramag, North Ossetia (Georgian intelligence data, HUMINT).

On August 6, during the night, several units of armor (including BTR 'sand 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 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.⁸ At 03:41, 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.⁹ 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 8.¹⁰ As reported by the South Ossetian de facto regime's main newspaper "Iuznaia 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."¹¹ 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".¹² The Russian explanation that these calls refer to a routine rotation of their peacekeeping troops is false. According to the peace agreement in force at that time, any rotation should have happened during daylight, no peacekeeping units were allowed to possess tanks and all relevant parties should 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 2008.

On August 7, at around 12:00, head of Abkhazian proxy 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).¹³

⁸ See annexes 39 and 40 of the answer to question 1 of the military set of questions.

⁹ See annexes 41-46 of the answer to question 1 of the military set of questions.

¹⁰ See annexes 47-67 of the answer to question 1 of the military set of questions.

¹¹ See annex 68 of the answer to question 1 of the military set of questions

¹² "Georgia Offers Fresh Evidence on War's Start," by Dan Bilefsky, C.J. Chivers, Tom Shanker and Michael Schwartz *The New York Times*, Sept. 16, 2008.

<http://www.nytimes.com/2008/09/16/world/europe/16georgia.html?partner=rssnyt&emc=rss> (see attached)

¹³ See annex 77 of the answer to question 1 of the military set of questions.

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 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 confirm that Russian military columns were stretched from the Roki Tunnel to the village of Java¹⁴

On August 8, at 05:20, incoming Russian troops passed the village of Java crossing 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.¹⁵ Soon after that, two more columns of Russian troops entered the Roki Tunnel and advanced south by the Geri-Dmenisi road.

On August 8, 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 neighboring heights.

On August 8, 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 11:40, Russian forces, including airborne troops started to enter Tskhinvali from the north-west and from village Tbeti.

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

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.

¹⁴ See annexes 81-86 of the answer to question 1 of the military set of questions.

¹⁵ See annexes 88 and 89 of the answer to question 1 of the military set of questions.