

**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 civilian 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 14, 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 for stirring up inter-ethnic hatred and antagonism resulting in deaths and other serious consequences.

The investigation was launched in response to the ethnically 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 physical injuries and kidnapping committed on ethnic grounds, explosions, destruction of state and private property, destruction of communications, etc.

An investigative brigade was created within the prosecution service which comprised of separate investigative groups for each district and city of the Autonomous Republic.

On September 28, 1993 the Prosecution Service of the Republic of Georgia launched 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<sup>1</sup> (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 (stirring up the inter-ethnic hatred and antagonism) were attached to the criminal case as well. The investigation covered all the facts/incidents of violence/attacks against ethnic Georgians committed on the territory of Autonomous Republic of Abkhazia, Georgia since August 1992. Particular criminal cases launched in response to specific incidents were being merged into the criminal case No. 7793806.

A special investigative group was created that directed investigative activities throughout the whole territory of Georgia that inter alia included interrogations of victims and witnesses, medical examination etc.

Due to the continuing nature of the incidents of the crime alleged the criminal case also covered 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 acts committed qualified additionally as ethnic cleansing envisaged under Article 65<sup>2</sup> of the Criminal Code of Georgia (then in force).

A number of persons have been indicted, however, they have always been beyond the control of the central government; moreover, Georgia took political decision not to pursue investigation and do its utmost to achieve peaceful solution of the conflicts.

The investigation was launched concerning the violations committed in the course of the Russian-Georgian 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 (deliberate violation of humanitarian law provisions during internal and international armed conflicts), Article 413 (other violations of international humanitarian law, including looting, illegal acquisition and destruction of civilian property) of the Criminal Code of Georgia. On August 11, another criminal case was opened on the facts of looting as provided by Article 413 of the Criminal Code of Georgia. These investigations have 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 overall situation. 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 difficulties to gather sufficient evidence. Initial statements from prisoners of war, civilian hostages have been taken, forensic examinations have been conducted, and seizure and inspection of affected areas under Georgian control has been implemented. However, lack of access to the affected areas in the Tskhinvali region/South Ossetia is a substantial impediment for a results-oriented efficient investigation.