

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 below:***

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 indiscriminate and disproportionate in nature b) were perpetrated either directly by the forces of the Russian Federation, and/or indirectly, by proxy militants under Russian control c) were intentionally targeted 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 substantive duty during the armed conflict: The Russian Federation was the dominant military force during the war in August 2008 and it directly subordinated 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 the 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,¹ and by utilising means of warfare, such as landmines and cluster bombs,² in a manner which failed to distinguish between civilians and combatants. Its use of force was not ‘no more than 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.³ 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 Eredvi, killing two civilians, Tina and Marika Kakhniashvili, on 8 August 2008;⁴

¹ ANNEX 1 : Human Rights Watch, *Russia/Georgia: Investigate Civilian Deaths, High Toll from Attacks on Populated Areas*, 12 August 2008, Available at: <http://www.hrw.org/en/news/2008/08/12/russiageorgia-investigate-civilian-deaths>.

² *Pasa and Erkan Erol v. Turkey*, App. No. 51358/99, judgment of 12 December 2006, § 38.

³ See ANNEX 1 : Human Rights Watch, *Russia/Georgia: Investigate Civilian Deaths, High Toll from Attacks on Populated Areas*, 12 August 2008, Available at: <http://www.hrw.org/en/news/2008/08/12/russiageorgia-investigate-civilian-deaths>; See for example See ANNEX 28 : witness statement of Pasha Pakeliani; and See ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, at pp. 29-31.

⁴ See ANNEX 2 : See witness statement of Zaira Khetagashvili.

- The aerial bombing and shelling of the village of Kekhvi from 7 to 9 August 2008, resulting in the destruction of the village school and killing three villagers;⁵
- An aerial bomb attack on the village of Ereti on 8 August 2008;⁶
- Aerial bomb attacks on the village of Kvemo Achabeti on 8 August 2008;⁷
- An aerial bomb attack on the village of Kheiti killing one civilian, Nugzar Bugianishvili, on 9 August 2008;⁸
- An aerial bomb attack on the village of Karbi, killing a civilian, Mrs Tsiala Bidzinashvili, and wounding several others, on 9 August 2008;⁹
- A tank attack on civilian homes in Tamarasheni on 9 August 2008;¹⁰
- An aerial bomb attack on the village of Tkviavi on 11 August 2008;¹¹
- The killing of 9 civilians, Mikheil and Shakro Melitauri, Gela Chikhladze, Nodar Batauri, Koba Jashiashvili, Shamil Orkopiridze, Lasha Basharauli, Soso Otiashvili and Jaba Jabaladze, during a looting operation in the village of Tkviavi on 12 August 2008;¹²
- An aerial bomb attack on the main square of Gori, killing 8 and injuring 23 civilians, on 12 August 2008;¹³
- A helicopter attack with rockets on Gori military hospital killing an emergency room physician, Giorgi Abramishvili, on 12 August 2008;¹⁴

⁵ See ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 91-92, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁶ ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, at pp. 29-31.

⁷ ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, page 92, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁸ *Ibid.*

⁹ ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, at pp. 29-31; ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 96-97, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

¹⁰ ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 114, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

¹¹ *Ibid.*, p. 101.

¹² See ANNEX 6 : witness statement of Tamaz Demetrashvili and ANNEX 66: Teimuraz Jashashvili. See also ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 154-156, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>.

¹³ The incident becomes even more striking when considered in light of the fact that Georgian troops had withdrawn from Gori the previous night. Moreover, the bombing took place in front of the Gori Municipality Administration building, where several dozen civilians had gathered to collect food distributed by local officials. The multi-story municipality building is clearly visible from the air, See ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, at pp. 29-31.

¹⁴ ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, page 95, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

- A rocket attack on the village of Tortiza, killing three civilians and injuring dozens of others on 12 August 2008;¹⁵
- An aerial bomb attack on the village of Variani, killing 1 civilian, on 12 August 2008;¹⁶
- The shooting of civilians in their car at close range in the area around Akhaldaba, killing one civilian, Moris Papuashvili, on 12 August 2008;¹⁷
- A rocket attack on the village of Akhaldaba on 12 August 2008;¹⁸
- A tank attack on a taxi in Tedotsminda, killing its two civilian passengers, Dodo Garsevanishvili and Nino Arabashvili, on 12 August 2008;¹⁹
- The drive-by shooting of Vasiko Zaalishvili, in the village of Karaleti on 12 August 2008;²⁰
- The killing of a civilian during a looting operation in the village of Disevi, to the east of Tskhinvali;²¹
- The shooting to death of Mr and Mrs Vakhtang Gurgenchashvili;²²
- The shooting of a civilian minibus moving along the Tbilisi-Senaki-Leselidze road in the direction of Zugdidi, killing 9 civilians including a child, on 12 August 2008.²³

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, showing that at the time of the attacks the areas in question were legitimate military targets.²⁴

¹⁵ *Ibid*, p. 97-98.

¹⁶ There was only one civilian car moving along the road when the bombardment started. Given the high visibility from the air of a civilian car on an empty road, the attack was either a direct attack against civilians or was an indiscriminately targeted bombing of the area, ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, at pp. 29-31.

¹⁷ In this incident, the Russian ground forces shot at several civilians at a close range when the latter were trying to hide away from the aerial bombardment of the area around Akhaldaba, in the Gori district. The civilians had left the television mast in a civilian vehicle and passed a column of tanks approaching from the direction of Tskhinvali. The soldiers opened fire on the car. As a result, one out of the four civilians in the mentioned vehicle was killed, see ANNEX 3 : Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia", 22 January 2009, pages 118-119, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

¹⁸ ANNEX 3 : Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia", 22 January 2009, pages 102-102, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

¹⁹ *Ibid*. p. 117-118.

²⁰ *Ibid*, p. 58.

²¹ "Ani" from the village of Disevi, a village in South Ossetia to the east of Tskhinvali, told Amnesty International: "All the Georgian villages were burned. Only those houses which had Ossetian wives in their households survived. This was done by the Ossetian separatists and Russian and Cossack groups dressed in black military uniforms with masks on the faces. One of them even spoke to us in Georgian from the tank. One of my neighbours who tried to resist them was killed." see ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict* cited above, p. 39.

²² See ANNEX 7 : Witness Statement of Mrs. Liana Gurgenchashvili.

²³ See ANNEX 8 : Witness Statement of Mr. Khvicha Chania.

²⁴ Information as to the categorisation of targets was sought by Amnesty International but the Russian Federation's reply did not address their concerns. ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008, p. 31. See also page 29: "Amnesty International has not received a response from the Russian authorities to a request for further information regarding the conduct of hostilities

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 ordinances 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 Watch²⁵ and Amnesty International.²⁶

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.²⁷ Although the Russian Federation has denied the use of cluster bombs, objective accounts have documented the aerial dropping of cluster munitions and bomblets by its forces on the civilian villages of Variani,²⁸ Kvemo Kviti, Trdznisi, Tqviavi, Pkhvenisi, Kekhvi, Ruisi²⁹ and Akhaldaba, as well on Gori City³⁰ and several villages just north of Gori.³¹

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 ethnically 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 incidents include:

- The shooting to death of Mr Ivane Lalashvili in the village of Karaleti on 14 August 2008;³²

and the measures taken to minimize risk to civilians by Russian forces". Available at: <http://www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf>

²⁵ "Human Rights Watch has documented the Russian military's use of indiscriminate force and its seemingly targeted attacks on civilians, including on civilian convoys." See ANNEX 9 : Human Rights Watch, *Georgia: International Groups Should Send Missions; Investigate Violations and Protect Civilians*, 16 August 2008. Available at: <http://www.hrw.org/en/news/2008/08/16/georgia-international-groups-should-send-missions>

²⁶ ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict*, EUR 04/005/2008, November 2008

²⁷ *Ergi v. Turkey*, App. No. 23818/94, judgment of 28 July 1998, § 81

²⁸ ANNEX 3 : Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia", 22 January 2009, pages 105-108, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

²⁹ *Ibid.*, p. 108-110.

³⁰ ANNEX 3 : Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia", 22 January 2009, pages 111-113, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

³¹ ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict* cited above, pp. 32-

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³² See ANNEX 10 : witness statement of Mr. Giorgi Lalashvili.

- The killing of Victor Gagoshvili in the village of Ergneti in mid August 2008;³³
- The torture and killing of 70 year old Mrs Olia Khaladze, during the burning of the village of Meghvrekisi, on 28 August 2008;³⁴
- The killing and burning of Mrs Nadya Gabaryev-Midodashvili, a handicapped elderly woman on 29 August 2008;³⁵
- The shooting to death of a 75 year old woman, Nora Kvinikadze, in the village of Abanoskoda on the border of South Ossetia on 6 September 2008;³⁶ and
- The severe beating (and resultant death) of a 76 year old man, Givi Tetunashvili, in the village of Kanchaveti on 5 November 2008.³⁷

Georgia can provide examples of at least 67 other killings by means of arbitrary execution by Russian Forces and/or separatist forces acting under their control.³⁸ Indeed, Human Rights Watch has also documented numerous lethal attacks against civilians by proxy militants under Russian control and armed criminals in areas under Russian control during the period of occupation.³⁹

The manner in which landmines and cluster bombs were used during the armed conflict by the Russia and/or proxy militants under their control has resulted in civilian deaths during the occupation period. For example, mine blasts killed a woman in Gori and seriously injured a man in Tirdznisi on 24 August 2008.⁴⁰ Furthermore, Veliko Bedianashvili, a civilian aged 70, died in the village of Pkhvenisi, when a sub-munition emanating from an unexploded cluster-munition exploded.⁴¹ On 24 August 2008, a train carrying crude oil exploded upon hitting a landmine five kilometres west of Gori. Large areas of the conflict zone, including villages, graveyards and

³³ See ANNEX 3: Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 157-158, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

³⁴ See ANNEX 11 : witness statement of Mr. Temur Inauri.

³⁵ See ANNEX 12 : witness statement of Mrs. Manana Mchedlidze.

³⁶ See ANNEX 13 : Human Rights Watch, *Georgia: EU Mission Needs to Protect Civilians, In Security Vacuum, Frequent Attacks and Pervasive Fear*. ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 158-159, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

³⁷ *Ibid.*, p. 149.

³⁸ The number of dead are based exclusively on bodies received by Georgian morgues and does not include those kept, buried, burned or otherwise disposed of within the areas which remain occupied by Russian and separatist forces. See also, among other reports reflecting the policy of killings perpetrated against Georgian civilians, See ANNEX 14 : the Report by the Office for Democratic Institutions and Human Rights (ODIHR), *Human Rights in the War-affected Areas Following the Conflict in Georgia*, Warsaw, 27 November 2008, pp. 22-24. Available at: http://www.osce.org/documents/odihhr/2008/12/35656_en.pdf

³⁹ ANNEX 13 : Human Rights Watch, *Georgia: EU Mission Needs to Protect Civilians, In Security Vacuum, Frequent Attacks and Pervasive Fear*. Available at: <http://www.hrw.org/en/news/2008/09/15/georgia-eu-mission-needs-protect-civilians>; ANNEX 14 : Report by the Office for Democratic Institutions and Human Rights (ODIHR), *Human Rights in the War-affected Areas Following the Conflict in Georgia*, Warsaw, 27 November 2008, pp. 22-24. Available at: http://www.osce.org/documents/odihhr/2008/12/35656_en.pdf

⁴⁰ ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict* cited above, p. 34.

⁴¹ See ANNEX 5 : Human Rights Watch, *Georgia: Civilians Killed by Russian Cluster Bomb ‘Duds’, More Attacks Confirmed; Unexploded Ordnance Threatens Many*, 19 August 2008. Available at: <http://www.hrw.org/fr/news/2008/08/19/georgia-civilians-killed-russian-cluster-bomb-duds>

harvesting areas remain littered with unexploded ordinance including rockets, landmines and bomblets.

Torture, inhuman and degrading treatment:

The mistreatment of Georgian civilians (including torture and beatings, rape, forcing people to watch their homes burn down and poor treatment in detention) at the hands of the authorities of the Russian Federation, and the *de facto* authorities of the separatists acting under their control, can properly be categorised as torture and/or inhuman and degrading treatment.

Ill-treatment of civilians

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 of the 2008 armed conflict. Objective evidence from institutions such as the Office for Democratic Institutions and Human Rights (“ODIHR”), which received reports from many displaced civilians, documented some examples of ill-treatment and torture, including:

- The beating of a man to death by “Ossetians” in the village of Tirdzinisi;⁴²
- The beating of two civilians in Gori by “Ossetians”;⁴³
- The beating of three villagers who attempted to return to Ksuisi after having fled the village;⁴⁴
- The beating of a woman from Tamarsheni by seven Ossetian women while soldiers stood by and watched;⁴⁵
- The cutting of a man’s face when he refused to leave his home village of Ksuisi face;⁴⁶
- The cutting off of a villager’s ear and the breaking of his jaw with a blow from a gun;⁴⁷
- The beating of a 79 year old man, Tskhaloba Khutsinashvili, during a looting operation in Kurta;⁴⁸
- The beating of an 84 year old man (causing him to lose consciousness) in the village of Kvemo Achabeti on 11 August 2008;⁴⁹
- The beating of a 78 year old man in the village of Karaleti on 15 August 2008;⁵⁰ and

⁴² ANNEX 14: Office for Democratic Institutions and Human Rights (ODIHR), *Human Rights in the War-affected Areas Following the Conflict in Georgia*, Warsaw, 27 November 2008, p. 24. Available at: http://www.osce.org/documents/odihhr/2008/12/35656_en.pdf

⁴³ As reported by the Chief Doctor of the Gori hospital who treated the two patients.

⁴⁴ ANNEX 14 : Office for Democratic Institutions and Human Rights (ODIHR), *Human Rights in the War-affected Areas Following the Conflict in Georgia*, Warsaw, 27 November 2008, p. 37. Available at: http://www.osce.org/documents/odihhr/2008/12/35656_en.pdf

⁴⁵ *Ibid*, p. 24.

⁴⁶ *Ibid*, p. 37.

⁴⁷ *Ibid*.

⁴⁸ See ANNEX 16 : witness statement of Tskhaloba Khutsinashvili

⁴⁹ ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 120, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

- The beating of an 83 year old man in the village of Korinta on 16 November 2008.⁵¹

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.⁵² 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.⁵³

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 militants under their control, against civilians. Such incidents included:

- The gang rape of a girl in her 20s, Mariam C, who was abducted from a minibus near Gori city on 13 August 2008;⁵⁴
- The rape of an 18 year old girl, Eliso E, in her family home during a looting operation;⁵⁵
- The rape of a woman detained alone in a house by four people;⁵⁶
- The gang rape of a woman who was hiding in a church in Gori;⁵⁷
- The repeated rape of a woman who was held in custody in Tskhinvali by her guards;⁵⁸
- The rape of a girl kidnapped in Gori;⁵⁹ and
- The rape of a male soldier.⁶⁰

Forcing people to watch their homes burn down: This was a widespread and systematic practice of the Russian and proxy militants under Russian control to force civilians to watch their homes being burnt down while preventing them from putting the fire out. Reports of this practice include:

- Documented cases by ODIHR that “Ossetians were preventing people from extinguishing fires under threat of being killed;⁶¹

⁵⁰ *Ibid*, p. 121.

⁵¹ *Ibid*, p. 150.

⁵² Human Rights Watch, *Georgia: EU Mission Needs to Protect Civilians, In Security Vacuum, Frequent Attacks and Pervasive Fear*. Available at: <http://www.hrw.org/en/news/2008/09/15/georgia-eu-mission-needs-protect-civilians>

⁵³ ANNEX 14 : Office for Democratic Institutions and Human Rights (ODIHR), *Human Rights in the War-affected Areas Following the Conflict in Georgia*, Warsaw, 27 November 2008, p. 24. Available at: http://www.osce.org/documents/odihhr/2008/12/35656_en.pdf

⁵⁴ ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 159-160, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁵⁵ *Ibid*, p. 161-162.

⁵⁶ *Ibid*, p. 25.

⁵⁷ *Ibid*.

⁵⁸ *Ibid*.

⁵⁹ *Ibid*.

⁶⁰ ANNEX 14 : ODIHR, *Human Rights in the War-affected Areas Following the Conflict in Georgia* cited above,

p. 25

⁶¹ *Ibid*.

- The shooting of a man from Disevi when he tried and extinguish flames after armed men set his house on fire;⁶²
- Documented cases by HRW of civilians being forced to watch their homes burn to the ground.⁶³

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.” This exchange illustrates that the Russian Federation failed to prevent ongoing acts of mistreatment which were carried out by the proxy militants under their control.⁶⁴

Poor treatment in detention: Approximately 160 civilians were held in detention by the *de facto* South Ossetian authorities before being transferred to the Georgian authorities between 19 and 27 August 2008.⁶⁵ Amnesty International delegates spoke to a number of the first group of detainees to be released on 21 August 2008. From the 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 were kept without bedding or blankets as well as without basic essential nutrition.⁶⁶ 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 without any sort of compensation.

Human Rights Watch confirmed that many civilians were held in the basement of the *de facto* Ministry of Interior building in Tskhinvali for approximately two weeks in conditions that amounted to degrading treatment.⁶⁷ Such conditions included overcrowding, little food or water, no electricity, verbal abuse, forced labour without compensation, beatings and insufficient toilet facilities.⁶⁸

Four civilian males were also held in detention from 8 to 12 August 2008 at two different military bases where they were severely beaten by Russian and proxy militants under Russian control forces prior to being transferred to the Ministry of Interior building in Tskhinvali.⁶⁹

⁶² *Ibid*, p. 24.

⁶³ See ANNEX 25: Human Rights Watch, *Georgia: Satellite Images Show Destruction, Ethnic Attacks, Russia Should Investigate, Prosecute Crimes*, 27 August 2008. Available at: <http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks>

⁶⁴ Among others, see, ANNEX 4 : Amnesty International, *Civilians in the line of fire: the Georgia-Russia conflict* cited above.

⁶⁵ See ANNEX 17 : Human Rights Watch, *Summary of Recommendations*. Available at: <http://www.hrw.org/en/news/2008/10/20/summary-recommendations>

⁶⁶ See ANNEX 18 : for example witness statement of Tina Nebieridze

⁶⁷ See ANNEX 19 : *Russia/Georgia: Investigate Abuse of Detainees*, 21 September 2008, Available at <http://www.hrw.org/legacy/english/docs/2008/09/19/georgi19858.htm>; ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 173-184, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁶⁸ ANNEX 3 : Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 173-184, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁶⁹ *Ibid*, p. 182-184.

Unlawful detention of civilians

Approximately 160 civilians, including 40 women,⁷⁰ were captured by the armed forces of the Russian Federation and/or proxy militants acting under their control and detained for up to a fortnight. During this time they were subjected to the unlawful deprivation of their liberty. The detained individuals, who were primarily elderly residents that 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 13 August 2008 or thereafter during the looting of their villages. Most of these civilians were held in the basement of the Ossetian Ministry of Interior building in Tskhinvali in conditions that amounted to degrading treatment before being transferred to the Georgian authorities between 19 and 27 August 2008. These instances have been documented by independent human rights organizations, such as Human Rights Watch,⁷¹ Amnesty International,⁷² and the OSCE ODIHR.⁷³

The statements of former detainees clarify the circumstances in which they were taken captive. **Ana Datashvili** recalls:

They [Russian and Ossetian soldiers that entered the village Tamarasheni] drove us to Tskhinvali and put us in jail. I saw there about 200 Georgians, most of them were elderly, both men and women. I was placed in a cell which was about 30 square-meters. There were 30 old women together with me in the cell. 15 young men were amongst 200 Georgians in jail. They were taken every morning and forced to work on cleaning the city. Most of the Georgian men in jail had recognizable bodily injuries.⁷⁴

Enver Babutsidze described the police building in Tskhinvali where they were kept:

I estimate that there were more than 200 hostages at the prison, including a significant number of women. When the number of hostages had grown so large that there were too many to be kept in the cells, they kept prisoners in the corridor as well. They also put some of us outside in cages. ... The Ossetians who were guarding us said that we were hostages and would be held until there was an exchange.⁷⁵

Another former detainee, **Gulnara Jakhveladze** recounts:

⁷⁰ See ANNEX 20 : List of the detained civilians indicating their dates of birth, places of residence and detention. See also ANNEX 15 : witness statements of Liza Gogashvili and ANNEX 2 : witness statement of Zaira Khetagashvili.

⁷¹ See ANNEX 19 : *Russia/Georgia: Investigate Abuse of Detainees*, September 21, 2008, available at <http://www.hrw.org/legacy/english/docs/2008/09/19/georgi19858.htm>; See ANNEX 3 : Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia", 22 January 2009, pages 173-184, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁷² ANNEX 4 : *Civilians in the Line of Fire: the Georgia-Russia conflict* of November 18, 2008, available at : <http://www.amnesty.org/en/library/asset/EUR04/005/2008/en/d9908665-ab55-11dd-a4cd-bfa0fdea9647/eur040052008eng.pdf>

⁷³ See ANNEX 14 : *Human Rights in the War Affected Areas Following the Conflict in Georgia*, 27 November 2008, available at : http://www.osce.org/documents/odihr/2008/12/35656_en.pdf

⁷⁴ See ANNEX 21 : witness statement of Ana Datashvili.

⁷⁵ See ANNEX 22 : witness statement of Enver Babutsidze.

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. As soon as we came to the police office, they took our documents, cell phones, money and other belongings. The police officers were Ossetians. Then they took us downstairs to the detention isolator.⁷⁶

The direct involvement of Russian troops in the detentions is attested to **by at least** one former detainee. **Enver Babutsidze recalls** how he and his neighbour were beaten by Russian soldiers that entered their village and were subsequently taken to Tskhinvali:

Vazha and I started out for Tskhinvali on foot in the custody of a group of Russian and Ossetian soldiers. The number of soldiers varied between 5 and 20, since soldiers came and went. The leader was a lieutenant in the Russian army. While walking to Tskhinvali, the soldiers saw some of my neighbors standing near their houses. The soldiers detained these people and put them into a car of “Zhiguli” model. After we walked for a while, my captors stopped a “Velisi” model car, and the Russian lieutenant ordered Vazha and me to get into the car. Two Ossetian soldiers were in the car. One said “we are going to kill these Georgians.” I prepared myself to be killed. However, the other Ossetian soldier said they should not kill us. Instead, they drove us to Tskhinvali.⁷⁷

He testifies to the extensive presence of Russian soldiers inside and outside the detention centre, and indicates that the majority of interrogations of detainees 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 police), giving 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 Kulakhmetov, in plain view of the detainees.⁷⁸

Non-governmental organisations, such as Human Rights Watch, also note the direct involvement of Russian soldiers in detentions:

At least four Georgian civilians were held by Russian military forces in a dirt pit and beaten at what appeared to be a Russian field base before being handed over to the *de facto* Ossetian Ministry of Internal Affairs.⁷⁹

Additionally, the OSCE ODIHR has documented the direct involvement of Russian Federation officials in the interrogation and supervision of detainees at the Tskhinvali detention centre.⁸⁰

Looting

⁷⁶ See ANNEX 23 : witness statement of Gulnara Jakhveladze.

⁷⁷ See ANNEX 22 : witness statement of Enver Babutsidze.

⁷⁸ *Ibid.*

⁷⁹ See ANNEX 19 : *Russia/Georgia: Investigate Abuse of Detainees*, September 21, 2008, available at <http://www.hrw.org/legacy/english/docs/2008/09/19/georgi19858.htm>

⁸⁰ ANNEX 14 : *Human Rights in the War Affected Areas Following the Conflict in Georgia*, 27 November 2008, available at: http://www.osce.org/documents/odihr/2008/12/35656_en.pdf

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, Tirdznisi, Dvani, Koshka, Megrekisi, Nikozi, Karaleti, Knolevi, Avlevi, Tseronisi, and Kekhvi.⁸¹ By way of example, in Kekhvi a woman saw her house being looted by a group of “Ossetians” wearing military uniforms with white arm bands. The men also stole her car and loaded it with furniture from a neighbour’s house before driving away. As she fled the village, she saw “Ossetian” soldiers who were being protected by Russian forces and were pillaging shops and other houses.⁸²

Amnesty International has also noted Russian forces looking on while proxy militants under Russian control and armed individuals looted and destroyed civilian villages and threatened and abused the residents remaining there.⁸³ 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.⁸⁴ One prominent example of this took place in the village of Eredvi on 26 August 2008,⁸⁵ where Amnesty International representatives witnessed ongoing looting by armed men while Russian military equipment continued to pass 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 not to report having met them there, and when asked why they were not taking action to extinguish fires in the village, he answered “that’s the policy” (“politika takaya”).⁸⁶

The OSCE’s ODIHR also reported prolific looting and burning of civilian villages, such as Kurta, Vanati, Charebi, Satskheneti, Kekhvi, Ikoti, Nuli, Tkviavi and Zemo Nikozi. Residents described the looting in these areas to the OSCE Human Rights Assistance Mission (“HRAM”) as occurring on some occasions just after the bombing ceased, and on other occasions after the ceasefire 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, entering houses and shops, threatening the villagers in the event of protest, stealing furniture and livestock, then returning to set the homes ablaze.⁸⁷ Witnesses recalled that the Russian forces either “just let them”; or looted together with the proxy militants under Russian control,⁸⁸ sharing the plunder from houses

⁸¹ See ANNEX 25 : Human Rights Watch (HRW), [Georgia: Satellite Images Show Destruction, Ethnic Attacks](http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks), available at: <http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks>. See also ANNEX 3: Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 130-142, and 164-169 available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁸² See ANNEX 14 : ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 44

⁸³ See ANNEX 4 : Amnesty International ‘Civilians in the Line of Fire’, p.32.

⁸⁴ *Ibid.*

⁸⁵ Individuals from Eredvi have recounted how houses were pillaged before they were burnt. One man lamented that not only were his furniture and appliances taken, but the looters also took his tractor, crops. He and his wife saw tanks and cars loaded with furniture and other booty leaving the village: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 44.

⁸⁶ See ANNEX 4 : Amnesty International ‘Civilians in the Line of Fire’, p.43

⁸⁷ See ANNEX 14 : ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 28, 44-45.

⁸⁸ For example, an NGO reported that in the village of Tkviavi, a Russian tank destroyed the wall of a shop; the soldiers then helped themselves to the inventory and told villagers to feel free to take what remained. See also reports of

and burning what could not be taken.⁸⁹ Members of the OSCE's HRAM witnessed looting in the villages of Avnevi and Nuli, as well as in villages north of Tskhinvali, where Russian police officers and occupants of Russian military vehicles made no attempt to intervene to stop the looting that was underway.⁹⁰

Destruction of property

Independent international organizations, eyewitness testimony and satellite imagery confirm the extensive destruction inflicted on the various settlements invaded and occupied by the Russian Federation.⁹¹ 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,⁹² identify visible structures which were likely to have been destroyed or severely damaged.⁹³ By way of example, in Tamarasheni, UNOSAT's experts counted a total of 177 buildings destroyed or severely damaged, accounting for almost all of the buildings in the village. In Kvemo Achabeti, there are 87 destroyed and 28 severely damaged buildings; in Zemo Achabeti, 56 destroyed and 21 severely damaged buildings; in Kurta, 123 destroyed and 21 severely damaged buildings; in Kekhvi, 109 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.⁹⁴

The satellite evidence indicates clear patterns of widespread intentional torching of civilian villages inside the Tskhinvali region/South Ossetia, rather than damage caused by armed hostilities.⁹⁵ As such, the images corroborate the evidence gathered by human rights non-governmental organisations working in the region.⁹⁶ Among the images publicly available from the UNOSAT website is a map marking satellite-detected active fire locations in the civilian villages around Tskhinvali on 10, 12, 13, 17, 19 and 22 August 2008.⁹⁷ The map shows active fires in these villages on August 10, 12, 13, 17, 19 and 22, after active hostilities ended in the area on August 10.⁹⁸ Moreover, the images strongly indicate that the majority of the destruction in five of the villages – Tamarasheni, Kekhvi, Kvemo Achabeti, Zemo Achabeti, and Kurta – was caused by intentional burning.⁹⁹

Russian and Ossetian forces working together in pillaging, destroying homes, threatening and beating civilians in the villages of Kvemo Achabeti, Karaleti and Koshka: ANNEX 3 : Human Rights Watch, "Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia", 22 January 2009, pages 120-123, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

⁸⁹ See ANNEX 14 : ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 45

⁹⁰ *Ibid.*

⁹¹ See ANNEX 4 : Amnesty International 'Civilians in the Line of Fire', p. 40.

⁹² <http://unosat.web.cern.ch/unosat/>

⁹³ See ANNEX 26 : UNOSAT Images.

⁹⁴ See ANNEX 25: Human Rights Watch (HRW), [Georgia: Satellite Images Show Destruction, Ethnic Attacks](http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks), available at: <http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks>

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ See ANNEX 26 .

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

International humanitarian agencies estimate that some 300 to 500 houses in the Russian proclaimed “buffer zone” alone were deliberately burned¹⁰⁰ and that about 2,000 houses were otherwise damaged in the course of the conflict.¹⁰¹ Indeed, members of the OSCE HRAM counted approximately 140 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 valuable items prior to their having been set on fire.¹⁰² Schools were also reported to have been deliberately burned in Charebi, Beloti and Nuli.¹⁰³

Human Rights Watch reported that the villages of Tamarasheni, Zemo Achabeti, Kvemo Achabeti, Kurta, Kekhvi, Eredvi, Vanati, Avnevi, Nuli, Beloti, Satskheneti, Atsiriskhevi and Disevi had been almost fully destroyed by burning.¹⁰⁴

The Commandant of the Russian armed forces in the Tskinali region/South Ossetia admitted that the armed forces were aware of cases of burning and looting but said that the army could not stop the looters.¹⁰⁵ 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 helping them to set fires. Likewise, in Vanati, according to a villager, Russian troops and tanks stood by while “Ossetians” set fire to most of the houses in the village.¹⁰⁶ Finally, a displaced person from Ksuisi also reported that Russians participated in the arson which resulted in all but five houses being set on fire.¹⁰⁷

Displaced persons witnessed the deliberate burning of their houses in the villages of Megvrekisi,¹⁰⁸ Tirdznisi,¹⁰⁹ Ergneti,¹¹⁰ Disevi,¹¹¹ Zemo Khviti,¹¹² Karaleti,¹¹³ Satskheneti, Atriskheni and Prisi.¹¹⁴

¹⁰⁰ ANNEX 27 : Map of the Russian proclaimed Buffer Zone. The following villages are situated within the Buffer Zone: Variani, Nikozi, Khviti, Ergneti, Shindisi, Fkhvenisi, Karaleti, Tkviavi, Tirdznisi, Koshka, Mereti, Mdzevera. This statistic is supported by a survey conducted in the “buffer zone” by the Government of Georgia on 10 and 13 October 2008 revealed 463 houses burnt in the Gori district and 115 in the Kareli district.

¹⁰¹ ANNEX 14: Report by the Office for Democratic Institutions and Human Rights (ODIHR), Human Rights in the War-affected Areas Following the Conflict in Georgia, Warsaw, 27 November 2008, pp. 22-24. Available at: http://www.osce.org/documents/odhr/2008/12/35656_en.pdf

¹⁰² ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 27. Amnesty International researchers made similar observations travelling along the road from Java to Tskhinvali on 27 August 2008: Amnesty International ‘Civilians in the Line of Fire’, p.42.

¹⁰³ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43

¹⁰⁴ ANNEX 3: Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict Zone over South Ossetia”, 22 January 2009, pages 130-142, available at: <http://www.hrw.org/en/reports/2009/01/22/flames-0>

¹⁰⁵ ANNEX 14 : ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 46

¹⁰⁶ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*, p. 28. Where 15 houses were burned. ODIHR,

¹⁰⁹ *Ibid.* Where 20 houses were burned.

¹¹⁰ *Ibid.* Where 100 houses were completely destroyed by fire and another 30 were fire damaged.

¹¹¹ *Ibid.* Which was almost totally destroyed by arson.

¹¹² *Ibid.* Where most houses were burnt.

¹¹³ *Ibid.* Where some houses were burnt and others spared.

They recalled that the fires were often started by the proxy militants under Russian control who put a flammable red substance on the beds and then setting it ablaze.¹¹⁵ The civilian villages north and east of Tskhinvali, such as Kekhvi,¹¹⁶ Kurta, Kvemo Achabeti, Zemo Achabeti, Tamarasheni,¹¹⁷ Ergneti, Kemerti, Berula and Eredvi suffered heavy damage in this way.¹¹⁸

According to the HRAM, some houses were also destroyed as a result of aerial bombardment or small arms fire.¹¹⁹ Members of the HRAM observed that the villages of Dvani, Kvemo Nikozi, Zemo Nikozi, Zemo Khviti, Megvrekisi, and Ergneti were among those where members of the HRAM saw damage to houses from bombs or small arms.¹²⁰

A survey conducted in the “buffer zone” by the Government of Georgia on 10 and 13 October 2008 revealed 463 houses burnt in the Gori district and 115 in the Kareli district.

Many displaced persons witnessed the deliberate burning of their houses as well. In Megvrekisi village, for example, witnesses reported that 15 houses were burned. In Tirdznisi village about 20 houses were burned. Among the worst affected villages was Ergneti, where displaced persons reported that about 100 houses were completely destroyed by fire and another 30 were damaged. One displaced person described seeing proxy militants under Russian control and Russians looting his house in Ergneti and then setting it afire.¹²¹ Zemo Khviti is another village where majority of houses are reported to have been deliberately burnt. Several houses and apartment buildings in the village of Karaleti were burnt, others were spared.¹²²

In Tamarasheni, UNOSAT’s experts counted a total of 177 buildings destroyed or severely damaged, accounting for almost all of the buildings in the village. 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 Kurta, 123 destroyed and 21 severely damaged buildings (144 total); in Kekhvi, 109 destroyed and 44 severely damaged buildings (153 total); in Kemerti, 58 destroyed and 20 severely damaged buildings (78 total); and in Dzartsemi, 29 destroyed and 10 severely damaged buildings (39 total).¹²³

The HRAM visited Eredvi and confirmed extensive damage to the village. Many witnesses described how the fires were often started by putting a flammable red substance on the beds and then setting it ablaze. The damage to the village from deliberate arson was so complete that one

¹¹⁴ *Ibid*, p. 43.

¹¹⁵ *Ibid*, p. 42.

¹¹⁶ *Ibid*, p. 43. Kekhvi village, according to a former resident, was “a mass of burnt ruins” by the time she left.

¹¹⁷ Tamarasheni village, according to one individual, had so many burning houses that it was impossible to count them.

¹¹⁸ For satellite imagery of the damage to these villages see UNOSAT, ‘Village damage summary: Kekhvi to Tskhinvali, South Ossetia, Georgia,

http://unosat.web.cern.ch/unosat/freeproducts/Georgia/Russia_ConflictAug08/UNOSAT_GEO_Village_Damage_Summary_Tskhinvali_19aug08_Lowres.pdf

¹¹⁹ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 28

¹²⁰ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 28.

¹²¹ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 28.

¹²² ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 28.

¹²³ ANNEX 25: Human Rights Watch (HRW), [Georgia: Satellite Images Show Destruction, Ethnic Attacks](http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks), available at: <http://www.hrw.org/en/news/2008/08/27/georgia-satellite-images-show-destruction-ethnic-attacks>

displaced person commented that “now, there is no village called Eredvi.” 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.¹²⁴ Looting and arson attacks appear to have been concentrated in the Georgian-majority villages north and east of Tskhinvali. In particular, the villages of Kekhvi, Kurta, Kvemo Achabeti, Zemo Achabeti, Tamarasheni, Ergneti, Kemerti, Berula and Eredvi sustained heavy damage.¹²⁵

Displaced persons interviewed by the HRAM told of intensive and destructive bombing raids on their 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 Region¹²⁶, was also heavily bombed, particularly in the neighborhood of Mr. Sanakoev’s home. Bombs also fell on civilian targets in Tamarasheni, Charebi and Nuli. Other villages reported to be heavily damaged by aerial bombing included Zemo Achabeti, Kvemo Achabeti, Dzartsevni, Kheiti, Avnevi and Okona. The South Ossetian *de facto* authorities confirm the destruction of some villages during the conflict by Ossetian and Russian forces.¹²⁷

After the bombing, South Ossetians in uniform as well as Ossetian civilians that followed the Russian forces’ advance undertook what appears to have been a systematic campaign of arson against homes and other civilian buildings in villages populated predominantly by ethnic Georgians. A man from Eredvi described to 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 near total destruction of the village.¹²⁸

The village of Disevi was among those almost totally destroyed by arson, according to several individuals who gave nearly identical accounts. In the village of Kurta, which had suffered heavy bomb damage, the destruction was reportedly completed by proxy militants under Russian control. In Vanati, according to a villager, Russian troops and tanks stood by while “Ossetians” set fire to most houses in the village. Tamarasheni village, according to one individual, had so many burning houses that it was impossible to count them. In Ksuisi, a witness told the HRAM, all but about five houses were deliberately set afire.

Kekhvi village, according to a former resident, was “a mass of burnt ruins” by the time she left.¹²⁹ In Satskheneti, a former resident said, only three houses were left standing. Nuli village was also systematically burned; one witness reported that Russians troops were accompanying proxy

¹²⁴ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 42.

¹²⁵ For satellite imagery of the damage to these villages see UNOSAT, ‘Village damage summary: Kekhvi to Tskhinvali, South Ossetia, Georgia,’ http://unosat.web.cern.ch/unosat/freeproducts/Georgia/Russia_ConflictAug08/UNOSAT_GEO_Village_Damage_Summary_Tskhinvali_19aug08_Lowres.pdf

¹²⁶ Temporary Administration is created under the law on ‘the Creation of Relevant Conditions for Peaceful Regulation of Conflict within the former Autonomous District of South Ossetia’. It functions consists of, *inter alia*, elaboration of measures and plans in order to contribute the peaceful regulation of the conflict

¹²⁷ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 41.

¹²⁸ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 42

¹²⁹ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43

militants under Russian control and helping to set the fires. The HRAM visited all these villages and confirmed the destruction.¹³⁰

A villager from Vanati described extensive damage from fire in Beloti, Satskheneti, and Atriskhevi. 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 Prisi was heavily damaged and the others were largely destroyed.¹³¹

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.¹³²

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 Charebi, Beloti and Nuli.¹³³

The Commandant of the Russian armed forces in South Ossetia mentioned that the armed forces were aware of cases of burning and looting but said that the army could not effectively stop the looters.¹³⁴

¹³⁰ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43

¹³¹ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43

¹³² ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43

¹³³ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 43

¹³⁴ ANNEX 14: ODIHR, Human Rights in the War-affected Areas Following the Conflict in Georgia cited above, p. 46