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HUMAN RIGHTS WATCH

Russia/Georgia: Investigate Abuse of Detainees

Allegations of Execution, Torture in South Ossetia

(Moscow September 21, 2008) – Russia should immediately investigate allegations of extrajudicial execution, torture, and other abuse of Georgian military and civilian detainees by Ossetian forces during the recent conflict in Georgia, Human Rights Watch said today. Georgia should investigate alleged ill-treatment of Ossetian detainees during their detention and transfer to Tbilisi and improve conditions of detention, Human Rights Watch said.

“The torture and ill-treatment of Georgian detainees is abhorrent and can’t be justified, even during armed conflict,” said Rachel Denber, Europe and Central Asia director at Human Rights Watch. “Russia had effective control in South Ossetia while these abuses took place and it has the duty to hold the perpetrators to account for these horrific crimes.”

In interviews with former Georgian military detainees, Human Rights Watch has documented at least one extrajudicial execution of a Georgian soldier in detention, as well as severe torture of at least four Georgian soldiers by Ossetian militia and other Ossetian forces.

Human Rights Watch also found that Russian and Ossetian forces unlawfully detained at least 160 civilians, mainly elderly, in South Ossetia and Gori district; approximately 40 were women. At least one man was executed while in Ossetian custody. Most civilians were held in the basement of the Ossetian Ministry of Interior building in Tskhinvali for approximately two weeks in conditions that amounted to degrading treatment. Some were subjected to beatings and were forced to work cleaning the streets of Tskhinvali of decomposing bodies of Georgian soldiers and building debris. 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 Ossetian Ministry of Internal Affairs. Ossetian forces had no legal authority to detain military service personnel or civilians.

The Georgian military detained Ossetians during the active fighting in South Ossetia. The Georgian ministry of defense claims that it detained only militia fighters or others posing security risks. Human Rights Watch spoke to two of the detainees, one traffic policeman and another male who claimed that he had not taken any part in hostilities. Both men reported that they were ill-treated as they were being transferred from South Ossetia to Tbilisi and complained of poor food during detention.

“Georgia has an obligation to investigate allegations that Ossetian detainees were beaten during their transfer to custody,” Denber said. “Poor detention conditions in Georgia are a long-standing problem that the government has taken insufficient steps to address.”

Of 13 Georgian military servicemen known to have been detained by Ossetian and Russian forces, Human Rights Watch conducted individual, in-depth interviews with four. Human Rights

Watch also interviewed more than 20 civilians detained by Ossetian and Russian forces as well as two Ossetians and two Russian soldiers detained by the Georgian military.

Execution and torture of Georgian military servicemen

The Georgian military servicemen interviewed by Human Rights Watch were detained by Ossetian militias on August 8, 2008, during the active fighting in Tskhinvali. They were held in informal places of detention, including apartment buildings and schools, for several days, and were then transferred to Ossetian forces, who detained the soldiers for six days. Russian forces were aware of the detentions.

The four Georgian soldiers interviewed by Human Rights Watch, together with nine other Georgian soldiers and two people the Georgian authorities claim were civilians, were exchanged by the Russian authorities for five Russian prisoners of war on August 21. Because the Georgian soldiers were detained in Tskhinvali in South Ossetia, an area over which Russia exercised effective control since August 9, they should be treated as having fallen into Russia's power. Russia was therefore obligated to afford them prisoner-of-war (POW) status and to treat them in conformity with the protections of the Third Geneva Convention, which include absolute prohibitions on ill-treatment and require POWs to be treated humanely and kept in good health.

Georgian soldiers reported that they had been subjected to severe torture and ill-treatment throughout their detention by Ossetian militia and Ossetian forces. The Ossetian militia and other forces frequently beat the soldiers, not only by punching and kicking them, but also by using implements such as hammers, butts of machine guns, and metal rods. They also burned their skin with lighters, starved them and threatened them with execution. The men were held in degrading conditions, given very little water and little to no food after the initial days of their detention. The torture and ill-treatment caused severe head trauma, broken bones, burns, severe bruising, and serious dehydration and loss of weight among the prisoners. After several days in detention by Ossetian forces, one Georgian soldier who had been wounded during active fighting in Tskhinvali was taken into custody by Russian federal forces proper and treated in hospitals in South Ossetia and Russia.

The Georgian soldiers also reported that one of the soldiers detained with them was executed. Shortly after the soldiers were detained in a school, one soldier was taken from the group into a small room and shot in the back of the head with automatic weapon fire. Other soldiers were made to carry the body outside and later bury it. The man was apparently singled out because he was a tank driver. Georgian soldiers also stated that another Georgian military serviceman detained among them, who was ethnic Ossetian, was taken away during their detention. They never saw this soldier again. One Georgian soldier reported that he had been told the man was killed "as a traitor."

For information on the extrajudicial execution by Ossetian forces of an armed Georgian man in a separate incident, see <http://hrw.org/english/docs/2008/08/13/russia19620.htm>.

Execution, arbitrary detention, and ill-treatment of Georgian civilians

As Russian forces began to occupy South Ossetia on August 8-9, South Ossetian forces followed them into ethnic Georgian villages. Russian and Ossetian forces detained many of the remaining residents, most of whom were elderly and had stayed behind to protect their homes and property; younger family members had fled in the initial days of fighting. On subsequent

days, Ossetian forces also detained people trying to flee looting and burning by Ossetian forces in the Gori district. Human Rights Watch has also documented how Ossetian forces looted and burned houses in Georgian villages (<http://hrw.org/english/docs/2008/08/28/georgi19712.htm>). There is no evidence that the civilians detained by Russian and Ossetian forces posed any security threat that would necessitate their detention.

During the detention of approximately 10 men, who were taken from cars while attempting to flee from villages in the Gori district, one detainee was executed by Ossetian forces. The group of detainees had been made to lie face down in the back of a minivan, were kicked and hit with gun butts, and told not to raise their heads, despite the beatings. One detainee told Human Rights Watch that the young man lying next to him, who was approximately 25 years old, raised his head several times and the Ossetian captors eventually shot him in the head three times. They threw his body out of the van and threatened the other detainees, "We will kill you all eventually." These men were subsequently taken to the Ossetian Ministry of Interior building in Tskhinvali.

At least 160 Georgian civilians, including many elderly and approximately 40 women, were held together in the basement of the Ossetian Ministry of Interior building in Tskhinvali. Detainees described appalling conditions of detention. They stated that the dark, hot, poorly ventilated basement had five detention cells designed for short-term detentions. The cells quickly became overcrowded, and detainees were forced to sleep in the hallway or in the small, fenced-in, outdoor exercise yard accessible from the basement. There were only a handful of beds, and most detainees slept sitting or lying on the floor.

There was one toilet for all detainees and it frequently did not have water. Detainees described being given water that was dirty as well as insufficient food. During the initial days of detention, guards would throw four to five loaves of bread into the cells, saying "Eat, pigs!" Detainees stated that following a visit by the International Committee of the Red Cross (ICRC), in mid-August, they were given slightly more and better food, including buckwheat cereal, more servings of bread, and tea. Most detainees reported losing significant weight during the detention. Material conditions in Tskhinvali at the time of these detentions were dire; the city had no electricity, very little food, and very little water.

Several men reported being beaten at the moment of detention, during transfer, and upon their arrival at the detention facility. Several men were also forced to work, which included recovering decomposing bodies from the streets of Tskhinvali, digging graves, and burying bodies, as well as cleaning the streets from building debris accumulated as a result of fighting. They did not receive any compensation for this work. Under international humanitarian law, civilians may be required to work if it is necessary, for example, to maintain public utilities or to meet humanitarian needs, but they should be appropriately compensated for their work. Unpaid or abusive forced labor, or work that amounts to partaking in military operations, is strictly prohibited.

One group of 61 detainees, including most of the elderly and all of the women, were released on August 21, and were officially exchanged for eight detainees whom the Georgian military describes as militia fighters. Other civilians were released on subsequent days, including a large group of 81 civilians on August 27, who, according to the Georgian Ministry of Defense, were exchanged for four people detained during fighting and described as militants, as well as nine Ossetians previously convicted for crimes and serving sentences in Georgian prisons.

Detention and ill-treatment of Ossetians by Georgian military

Human Rights Watch interviewed two Ossetians detained by the Georgian military in Khetagurovo, a village in South Ossetia, on August 9. Both detainees reported being beaten by Georgian soldiers at the moment of their detention. One detainee stated that his jaw was dislocated as a result of the beatings. The other detainee told Human Rights Watch that Georgian soldiers punched and kicked him during his transfer by car to Tbilisi. Both detainees complained about poor and inadequate food during their detention in the Vaziani military base in Tbilisi. Neither detainee complained of ill-treatment while in detention. Human Rights Watch [has documented poor conditions](#) in Georgian prisons and places of detention and has called on the government to ensure conditions meet international standards.
