

Q5 Humanitarian / Reference 65: <http://www.hrw.org/en/news/2008/10/20/summary-recommendations>

[Summary of Recommendations](#)

October 20, 2008

The armed conflict over South Ossetia has taken a devastating toll on civilians.

Several days after the armed conflict erupted Human Rights Watch sent teams of researchers to both sides of the conflict. We interviewed victims of human rights abuses in their villages, hospitals, shelters for refugees and displaced persons, and the like. We also interviewed village administration officials, members of the South Ossetian militias, Georgian government officials, and staff from international humanitarian organizations.

Our aim has been to document violations of international human rights and humanitarian law, also known as the laws of war.

It is not in Human Rights Watch's mandate to determine who started the conflict and what its root causes are. Our aim is to ensure that civilians are protected in areas of armed conflict and to ensure that those responsible for violations are held accountable.

We conducted these interviews in North Ossetia, South Ossetia, including in Tskhinvali and outlying villages, Tbilisi, Gori, and many villages in Gori district.

We used the same methodology in interviewing victims of abuses on both sides of conflict that we use in our work worldwide, conducting, when possible, lengthy, detailed interviews, seeking multiple witnesses to critical events, and subjecting the information gathered to legal analysis by our legal experts to determine whether violations of the Geneva Conventions, and international human rights law had taken place.

Human Rights Watch is continuing its research into international human rights and humanitarian law violations in the conflict. We anticipate publishing a comprehensive report on our findings in the coming months. We have gathered enough information to share some findings make recommendations to all parties to the conflict and to the international community, with a view to protecting civilians, ending abuse, and ensuring justice for perpetrators.

Findings

1. Apparent indiscriminate [use of force](#) by Georgian forces during the assault on South Ossetia the night of August 7-8; for example use of Grad rockets in civilian areas. We documented several attacks as well which involved tank fire on civilian apartment blocks, in which civilians were taking shelter. Human Rights Watch does not have the capacity or expertise to establish the precise time when Russian forces entered South Ossetia and began to engage Georgian forces, although it appears to have been at some point after noon on August 8. Beyond this point, further research is necessary to determine which side was responsible for particular violations in the context of military hostilities.

2. Russian forces [used indiscriminate weapons](#), particularly Grad and Uragan rockets in civilian areas, during the counter-offensive

3. Ossetian volunteer militias systematically [torched and looted](#) ethnic Georgian enclave villages (i.e., those that were under Tbilisi's administration). Villagers had largely fled before the assault.

- Several South Ossetian militia members told HRW this was being done so the Georgians would never come back.

- High-level South Ossetian authorities have said publicly that they would not allow residents of these villages to return.

4. Both sides used cluster munitions. Georgia [acknowledged](#) using them against Russian forces near the Roki Tunnel. Human Rights Watch documented Russian use in Ruisi and two locations in Gori district. Demining organizations documented Russian use in several additional locations. We have documented civilian deaths as a result of the Russian use of cluster munitions.

5. Russia's failure to ensure security for civilians where its forces had effective control, particularly in Gori district, created a security vacuum in which Ossetian militias and criminal elements had free reign to attack residents. We documented numerous acts of looting, house burnings, and beatings. We also [documented](#) two acts of rape and several killings.

6. Ossetian forces unlawfully detained and ill-treated civilians. At least 160 civilians were held in appalling conditions in the Tshkinvali police detention center, most of them elderly people including elderly women. Most were from the enclave villages, some were rounded up in Gori district. Some of the men were beaten on the way to the detention facility. Many men were forced to work, e.g. to gather decaying corpses from the streets and bury them. They received no compensation for their work which constitutes forced labor, a violation of international humanitarian law. All of the detainees were [released/exchanged](#) for Ossetian detainees.

7. Ossetian forces tortured several Georgian soldiers and executed at least one soldier in their detention. We documented four cases of torture of Georgian soldiers held by Ossetian forces. We documented the extrajudicial execution of a Georgian soldier. In a second case, Georgian soldiers also stated that another Georgian military serviceman detained among them, who was an 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." Russia should have, but [failed](#), to ensure that the Georgian soldiers held in South Ossetia had POW status and privileges. In yet another case, a South Ossetian counterintelligence officer told Human Rights Watch that his forces had [executed](#) an armed Georgian man whom they had captured and disarmed.

- We documented the ill-treatment of two Ossetians detained by the Georgian military while en route to Tbilisi detention facilities.

Additional Conclusions

1. Civilians especially in Gori district are in desperate need of protection. The humanitarian crisis is being driven by the security vacuum in the buffer zone; thousands of IDPs will return if and when they will feel it is safe to do so.

2. More documentation is needed, e.g. on such issues as how ethnic Georgians remaining in South Ossetia are currently faring; what is the situation with possible new alleged hostages on the both sides; what kinds of international humanitarian law violations took place in South Ossetia once Georgian and Russian forces engaged each other August 8 and after.

3. Areas contaminated by unexploded cluster submunitions and other explosive remnants of war need to be cleaned up.

Recommendations

1. The EU's ESDP mission should have policing authority and capacity so that it can protect civilians and adapt to fluid situation on the ground.

2. Russia should be prevailed upon to:

- Not impede ESDP and international human rights monitoring missions;
- Put an end to looting, burning, attacks and threats against civilians in all areas under effective Russian control;
- Publicly acknowledge and respect and implement the right of all people displaced by the conflict, including ethnic Georgians, to return to their homes and facilitate their return. Russia should prevail on authorities in South Ossetia to make clear that all people, including ethnic Georgians from the enclave villages of South Ossetia, have the right to return and live in their homes in safety and dignity, and take measures to ensure that they may return;

- Make every effort to assist demining organizations with clearance and risk education in contaminated areas, including by providing unfettered access and providing strike data, to prevent injuries and casualties among the civilian population;
 - Investigate and hold accountable those among Russian forces responsible for violations of international human rights and humanitarian law. Because Russia has effective control in South Ossetia it should investigate violations committed by South Ossetians and hold their perpetrators accountable;
 - Ratify the Convention on Cluster Munitions.
- 3.** UN OHCHR, OSCE and Council of Europe institutions should do in-depth documentation violations of international human rights and humanitarian law.
- 4.** Georgia should be prevailed upon to:
- Investigate violations of international human rights and humanitarian law committed by Georgian forces and hold perpetrators accountable;
 - Make every effort to continue assistance to demining organizations with clearance and risk education in contaminated areas, including by providing unfettered access and providing strike data, to prevent injuries and casualties among the civilian population;
 - Ratify the Convention on Cluster Munitions.