

Question 1: Please explain the formal and informal relationship between the Russian Federation and Georgia and the Tskhinvali Region/South Ossetia and Abkhazia respectively before the outbreak of the conflict in August 2008 in all levels. Would you call the developments in legal, political, economic space including infrastructure, energy and social welfare in the recent years between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia as an integration process? How do you qualify in legal terms the decision taken by the Russian Federation a few months before the outbreak of the conflict to establish formal contacts between the Russian Federation and the Tskhinvali region/South Ossetia and Abkhazia respectively?

The dynamics of Russia's relationship with the Tskhinvali Region/South Ossetia and Abkhazia, Georgia can be divided in three main phases:

- I) The active instigation and support of separatist subversive groups in both regions as well as subsequent active participation in the military conflicts;
- II) The support for proxy regimes in both regions; and
- III) The declaration of the establishment of direct legal ties with proxy regimes, by that beginning an open policy of undermining Georgia's territorial integrity and sovereignty and enhancing its policy of creeping annexation.

The formal and informal relations between the Russian Federation and its proxy regimes in Tskhinvali region/South Ossetia and Abkhazia served the sole goal of obtaining maximum control over the situation in these Georgian regions. Through such policy, Russian authorities made both regions totally dependent on its "assistance" and tools for its bigger political aspirations. This is why the regimes in Tskhinvali region/South Ossetia and Abkhazia are, from the international law standpoint, proxies of the Russian state and their actions and policies are directly attributable to the latter.

I. ACTIVE INSTIGATION AND SUPPORT OF SEPARATIST SUBVERSIVE GROUPS IN BOTH REGIONS AS WELL AS SUBSEQUENT ACTIVE PARTICIPATION IN THE MILITARY CONFLICTS

The conflicts in Abkhazia and the Tskhinvali region/South Ossetia were actively instigated by the Russian Federation in the early 1990s as Georgia took determined steps to restore its independence, lost as a result of annexation by Russia in 1921. From the very beginning, Russia not only had control over the irregular armed groups aiming to undermine the Georgian state in Abkhazia and Tskhinvali region/South Ossetia due to their dependence on its support, but also directly participated in the hostilities. The military involvement of Russian troops and mercenaries has been reported by independent sources. In 1995 Human Rights Watch reported:

The conflict in Abkhazia was heightened by the involvement of Russia, mostly on the Abkhaz side, especially during the war's initial stages. Whereas Russia has endorsed the territorial integrity of the Republic of Georgia, Russian arms found their way into Abkhaz hands, Russian planes bombed civilian targets in Georgian-controlled territory, [and]

Russian military vessels, manned by supporters of the Abkhaz side, were made available to shell Georgian-held Sokhumi...

The role of Russian actors in the conflict became considerably more pronounced during the first six months of 1993. This was precisely at a time when human rights abuses and violations of the laws of war attributable to heavy weapons obtained from Russian sources were becoming more serious. The Russian military took a direct role in hostilities on several occasions, and appears to have provided logistical support and supplies to the Abkhaz.¹

Russian direct participation in hostilities was particularly vivid during the air attacks over Sokhumi, both in 1992 and 1993 as well as the assault on Sokhumi in March 1993 and final assault on the city in September 1993 that resulted in ethnic cleansing of Georgians and discrimination of other ethnic minorities. Russian involvement in the conflict in Abkhazia was coordinated by three high-ranking Russian generals: **Sigutkin**, **Sorokin** and **Kondratiev**. Finally, a group of elite officers was coordinated by the former chief of the Soviet Army's General Staff, Gen Aleksandr Kolesnikov. General **Aleksey Sigutkin**, perhaps the most important Russian officer during the conflict who credits himself with designing the assault plan on Sokhumi, is now a member of Russian Duma from Pskov and leads United Russia party².

Gen. **Sorokin** commanded the 345th airborne regiment.³ Loss of 24 personnel in combat is as well recognized at the official website of the unit. Sergeant of the regiment Vitali Wolf was even decorated with star of "hero of Russia"⁴.

Most well-known Russian units to have taken direct part in the conflict against Georgia include, but are not limited to:

- The **643th** Anti-air Regiment, MoD unit # **5482**
- MoD Unit # **3697**, the notorious Special Forces previously based in Riga, Latvia known for their participation in massacres in the Baltics. Its commander, **Tcheslav Mlinnik**, is wanted by Latvia, Lithuania (for participation in the Medininkai massacre of nine Lithuanian border guards in 1991) and INTERPOL was decorated by the Abkhaz with the "Leon Order" and later was sent to Abkhazia by Russia's NSC to manage elections in Abkhazia and support Raul Khajimba in 2004⁵

¹ Human Rights Watch Arms Project, Human Rights Watch/Helsinki, 'Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict', March 1995, Vol. 7, No. 7, pp. 7, 37.

² On his official website (<http://www.sigutkin.ru/biography>) **Sigutkin** boasts "participation in the conflict in Abkhazia."

³ This as well as its participation in the conflict is confirmed at an unofficial website of the regiment <http://www.combat345.ru/>

⁴ <http://www.combat345.ru/biography0310.html>

⁵ Source: Latvian Russian language daily Chas, 04.11.2004 URL: http://www.chas-daily.com/win/2004/11/04/1_052.html?r=3&.

- An airborne unit from Ganja, Azerbaijan (known for its part in the 1990 massacre in Baku) that included **Anatoly Sidorenko**, Russian Airborne Troops Colonel, **Boris Akuminichev**, Russian Army Colonel, Genady **Kolodin**, major, **Boris Akvalevich**, colonel, **Igor Lunev**, major general (headed diversionist group “Russian legion”) and others.

One of the most important pieces of evidence on the subject is Russian Air Force Major **Vaclav Shipko** (personal identification number **622752**) whose Su 27 jet was shot down near Sokhumi on March 19, 1993 (In Izvestia of 23.03.1993 commander of the Russian Air Force **Evgeny Zarudnev** confirms that the objective of his flight was to shoot Georgian targets. Before this incident, Russian Defense minister Pavel Grachev claimed that Georgians were painting their Su-25 aircraft into Russian colors and bombing Sokhumi civilian districts, killing hundreds of civilians to discredit Russia). Mr. Shipko, died on spot.

The significance of Russian military involvement on Abkhaz side is well explained in a 1999 book by Viktor Baranets, a high-profile expert of the Russian MoD and former head of the information-Analytical Department and veteran of war in Afganistan. (see chapter II in Baranets Viktor Nikolaevich, *Genshtab Bez Tain/Генштаб без Тайн* Vargius Press: Moscow, 1999).⁶ He notes: Georgian claims on arms supplies to the Abkhaz from Gudauta base, direct involvement of airborne brigade there in the conflict and use of air force based on the airfield was corroborated by numerous photographs, documents and testimonies of numerous witnesses. “Denying them was senseless,” he notes. He even describes number of staged thefts from Gudauta arms stockpiles that involved paying guards 8,000 rubles and numerous uses of Russian aircraft on Abkhaz side.

In the fall of 1993, when, after breaking the Russian-brokered cease-fire of July 1993, the militants under Russian control captured surroundings of Sokhumi, they declared that they would shoot down any aircraft taking off or landing in Sokhumi even if civilian. At least two civilian aircraft were shot down including one Tupolev 134 on September 29, 1993. Among the victims of this atrocious act was the Wall Street Journal reporter Alexandra Tuttle. It is rather safe to assume that the shoulder propelled anti-air missile used for shooting down the aircraft was obtained from the Russian base in Gudauta and fighters received Russian training.⁷

Last but not least, the Russian Federation sponsored peace talks in Sochi in July 1993 where a third cease-fire was signed under Russian guarantees. According to the CFA, Georgia withdrew all armor and artillery from the theatre and even paid Russia for rent of cargo ships. Immediately thereafter, Russia and its proxies enhanced their buildup and in just two months, launched an unprovoked offensive that resulted in the large-scale ethnic cleansing of the majority Georgian population of Abkhazia. As a result, up to 70% of Abkhazia’s pre-war population was driven out, including other ethnic minorities resident in Abkhazia before the war.

⁶ Accessible electronically at <http://militera.lib.ru/research/baranets1/index.html>

⁷ “U.S. Journalist Feared Dead In Battle for a Georgian City” *The New York Times*, September 30, 1993; Available at <http://www.nytimes.com/1993/09/30/world/us-journalist-feared-dead-in-battle-for-a-georgian-city.html>

The Soviet Union still legally existed when hardliner groups in Moscow and specifically in the KGB adopted a policy to fuel ethnic tensions in /Tskhinvali Region/South Ossetia. The nature of the Russian involvement was essentially the same as in the case of Abkhazia. Actual manufacturing of the conflict and its management was carried out under direct supervision of the soviet KGB. In terms of military involvement, not only did the Soviet Union/Russia supply arms to the proxy militants, but took direct part in the hostilities. This mainly concerned a regiment of Mi24 attack helicopters of the Soviet Air Force stationed in Tskhinvali and units of Soviet Interior Troops.

II. RUSSIAN CONTROL OVER THE PROXY REGIMES AFTER THE CESSATION OF HOSTILITIES

1. TSKHINVALI REGION/SOUTH OSSETIA

1.1. General overview

Till 2008, the Russian Federation never openly questioned the territorial integrity of Georgia. However in reality Russia implemented a well planned policy of establishing control over the region which was used as an effective tool for the implementation of a wider policy with regard to Georgia, including the detachment of these territories from Georgia and their integration in the Russian Federation.

The proxy regime in Tskhinvali established as a result of the armed conflict in 1990's has been sustained with the comprehensive assistance and support of the Russian Federation. The Russian Federation has actively provided the Tskhinvali proxy regime with military, political, economic and financial assistance and used this assistance in order to exercise control over its policies and actions.

In addition it conducted a concerted policy of mass distribution of Russian passports to the local residents, which in itself constituted a striking example of the policy directed against the territorial integrity and sovereignty of the neighbouring sovereign state - Georgia.

Russian led peacekeeping mission served the overall policy of the Russian Federation described above rather than aims set under its respective mandates.

1.2. Aspects of Political Control

Russia's policy has been very consistent in its attempts on the one hand to raise the "political legitimization" of the proxy regime and on the other hand to have absolute veto on every political decision in the Tskhinvali region/South Ossetia. The most vivid examples of its political engagement provided below leave no doubt as to their negative impact on the process of a peaceful, political settlement of the conflict.

- ***Support to the Independence of the Tskhinvali Region/South Ossetia***

The most vivid manifestation of political support to the proxy government of the Tskhinvali region is the series of acts recognising the independent statehood of the self-proclaimed republic of South Ossetia. The first attempts of the Russian Federation to recognize the independence dates back to 6 March 1993, when the High Council of North Ossetia, Russian Federation recognized the independence of the Republic of South Ossetia. As a follow up, on 22 March 1993, the Supreme Council of the Russian Federation put the *question of recognition of the Republic of South Ossetia* on its agenda.⁸

On 30 November 2006, Members of the Parliament of the North Ossetia, adopted an address to the federal authorities, namely the President and the Parliament of the Russian Federation, urging recognition of the independence of South Ossetia based on the results of referendum held in the Tskhinvali region/South Ossetia, although the majority of the population of the Former Autonomous Region of South Ossetia did not participate in the referendum because the Tskhinvali regime could not control the whole territory of the Region and ethnic Georgians residing in the territories under the proxy regime had been expelled as a result of the ethnic cleansing carried out in the context of armed conflict in 1991-1992.

On 6 December 2006, the State Duma of the Russian Federation adopted several statements in relation to the non-recognized republics existing on the territory of Georgia.⁹ Members of the Parliament considered that on 12 November 2006 referendum and elections in Tskhinvali region/South Ossetia were held in full compliance with international principles and norms.¹⁰ To that extent Russian policy regarding the Tskhinvali region/South Ossetia was declared to largely follow the results of the referendum with due regard given to the relevant legislation and international legal standards and precedents. Notably, the referendum was held in the conditions where the local Georgian population was expelled, and could not in any way contribute to the vote. Given its illegal nature, no state apart from Russia, recognized the legitimacy of the referendum. On the contrary, the entire international community, including the COE condemned the illegal referendum in the Tskhinvali region/South Ossetia.

In its 3 October 2005 statement, the Russian Government referred to Eduard Kokoity as the President of South Ossetia. The Georgian side has on numerous occasions expressed protest regarding the specific naming of the proxy regime in the Tskhinvali region/South Ossetia.

One of the notable instances was the official presence of Russia at the military ceremony dedicated to the day of independence of South Ossetia. On 20 September 2005, the proxy regime organized a demonstration of military forces during the celebration of the day of independence in Tskhinvali City.¹¹ The ceremony was attended by representatives of the proxy regime of Abkhazia as well as the *de facto* authorities of Transdnestria and Nagorno-Karabakh. There were

⁸ http://www.rrc.ge/law/dekr_1993_03_22_e.htm?lawid=398&lng_3=en

⁹ See statement of State Duma dated 6 December 2006.

¹⁰ See press-release of RIAN dated 6 December 2006. Available At <http://www.rian.ru/politics/20061206/56556963.html>

¹¹ See pres-release of REGNUM dated 20 September 2005 and enclosed photos. Available at <http://www.regnum.ru/news/515563.html> ;

also present members of the State Duma, mostly representatives of the ruling party, as well as representatives of the central and local governments, including the leaders of administrative territorial units of the Russian Federation.¹² Participation of a large number of Russian officials in the parade directly contradicts Russia's declared role of mediator in the conflict. Moreover, in light of the perceived role of Russia as a broker of the peace in the region, the fact that high officials of the government of Russia appeared by the side of representatives of the proxy government stands as an unambiguous gesture of political support to them.

All these measures of legal and political endorsement of the proxy regime were followed by practical measures of support. On a routine basis, the Russian Government cooperated with the proxy regime with no account taken of the official protests of the Georgian side expressed on many occasions regarding the interference of Russia into the internal affairs of the state of Georgia. In addition, the Russian Delegation consistently attended official ceremonies in the Tskhinvali region/South Ossetia, including the inauguration of Mr. Kokoity.¹³

On 18 September 2005, Teimuraz Mamsurov, leader of the Republic of North Ossetia and Eduard Kokoity, the self-proclaimed president of the Tskhinvali region/South Ossetia signed a joint statement regarding the intention to expand the legal framework of cooperation between the two republics with the declared "aim of preservation of the single Ossetia".¹⁴ On 20 September 2006, Moscow City Mayor Yuri Lujkov and *de facto* President Eduard Kokoity signed a friendship and cooperation agreement between Moscow City and South Ossetia.¹⁵

Since the Russian Federation is fully responsible for any act carried out by any branch of the government including by local entities of the federation, the above mentioned policy of North Ossetia amounts to a significant act of political support of the Tskhinvali proxy regime from the Russian Federation.

- **Visits of representatives of Russian official structures**

Without prior consultations with the Georgian authorities, the Tskhinvali region/South Ossetia has been frequently visited by representatives of official structures of the Russian Federation. While doing so they violated state border control regulations as well as practices established in line with the principles of territorial integrity and sovereignty of Georgia on visits to the Tskhinvali Region/South Ossetia of Georgia requiring proper notification and approval by Georgian authorities. Numerous meetings between the leaders of the proxy regime and the

¹² See <http://www.civil.ge/eng/article.php?id=10794>

¹³ <http://www.cacianalyst.org/?q=node/4376> ;
http://64.233.183.104/search?q=cache:yxbQXSSbThsJ:www.silkroadstudies.org/new/docs/CEF/Quarterly/February_2007/Ji_bladze.pdf+kokoity+inauguration+russia&hl=en&ct=clnk&cd=23

¹⁴ On 19 May 2006 joint session of the governments of the Republic of North Ossetia - Alania and South Ossetia reportedly commenced in Tskhinvali City. See press-releases of Foreign Ministry of Georgia dated 26 June 2006 as well as REGNUM dated 18 September 2005. See also press-release of REGNUM dated 1 January 2008

¹⁵ See press-release of REGNUM dated 20 September 2006.

highest officials and Members of the Parliament of the Russian Federation have taken place without prior approval from the central government of Georgia. To name but few examples of this type of “high-level” meetings, the following instances are noteworthy: meetings of the *de facto* President Kokoity with President Vladimir Putin of the Russian Federation (two occasions reported), Russian Minister of Foreign Affairs Sergey Lavrov;¹⁶, Moscow City Mayor Yuri Lujkov; Vice-speakers of the Russian State Duma Vladimir Jirinovski and Sergey Baburin; Chairman of the Committee of International Affairs of the State Duma Konstantin Kosachev; Chairman of the Committee of CIS Matters and Contacts with the Emigrant of State Duma, Andrey Kokoshin; Chairman of the Communist party of Russia, MP Genady Ziuganov; Chairman of the Russian political party “Rodina” (“Родина”), MP Dimitry Rogozin; Deputy Chairman of the Russian political party “Rodina” (“Родина”), MP Aleksey Mitrofanov; Leaders of the North Caucasus republics: Teimuraz Mamsurov (North Ossetia - Alania, Russia) Mustapha Batdiev (Karachai-Cherkess, Russia), Arsen Kanokov (Kabardino-Balkaria, Russia) and Alu Alkhanov (Chechnia, Russia); Governor of the Krasnodar Oblast, Aleksander Tkachov; Leaders of Cossack organizations operating in Russia, including the high military Cossack leader Viktor Lododatski. Beside these *ad hoc* visits/meetings mentioned above, Dimitry Medoev is present in Moscow as the South Ossetia’s permanent representative in the Russian Federation. Finally, Mr. Kokoity and other *proxy* leaders hold joint press-conferences in Russia,¹⁷ and Mr. Kokoity himself is a frequent guest of official circles in Russia.¹⁸

- **Staff composition as a direct means of control of the Proxy Regime**

In order to obtain full control over the political decision-making process in Tskinali Region/South Ossetia, Russia’s “support” extended beyond the frames of political, military and economic assistance. Rather, over the time that “support” transformed itself into direct control of administrative and executive functions through the assignment and placement of former and/or acting Russian functionaries (most of them officers of secret services) to the Tskinali Region/South Ossetia where they were appointed as high ranking officials in the proxy government. The following examples are illustrative (see also Annex A):

- a) **Aslanbek Soltanovich Bulatsev** – Prime Minister of South Ossetia since 31 October 2008. Born in 1963 in Mikhailovsk, North Ossetia, USSR. After graduating from North Ossetian State University with the specialization of an accountant, served at the Soviet KGB since 1986, later at the Russian Federal Security Service (FSB). For several years until 2006 headed the financial unit of FSB’s North Ossetian division. From 2006 until October 2008 served as the head of North Ossetian Federal Tax Inspection. In May 2007, was charged with

¹⁶ One of similar meetings between Kokoity and Lavrov is referred to in the letter of Minister Lavrov annexed to the present application. http://www.caucaz.com/home_eng/depeches.php?idp=1481 ; <http://www.regnum.ru/english/847601.html>; http://www.caucaz.com/home_eng/depeches.php?idp=1481 ; http://www.mfa.gov.ge/print.php?gg=1&sec_id=36&info_id=4601&lang_id=ENG

¹⁷ <http://www.unomig.org/media/headlines/?id=5172&y=2006&m=1&d=27>

¹⁸ <http://halldor2.wordpress.com/2006/09/30/koikoity-and-bagapsh-in-discussions-with-putin/>; <http://news.bbc.co.uk/2/hi/europe/3933933.stm>;

corruption and illegal extortion of money by the owners of the largest alcohol factories in Beslan.

- b) **Alexander Mikhailovich Bolshakov** – Head of South Ossetian President’s Administration since 31 October 2008. Born in 1954 in Murom, Vladimir Oblast, USSR. In 1978 graduated from Vladimir State Pedagogical Institute. In 1978-1993 worked at the local government and communist party structures in Vladimir Oblast. In 1998-2000 was the deputy director-general of “Avtopribor” factory in Vladimir. In 2001-2004 headed the control-revision board of business group “SOK” in Samara – one of the biggest producers of automobile parts in Russia. In 2005-2007 was Vice-Governor and the head of governor’s administration of Ulianovsk Oblast. Since June 2007 until October 2008 served as the deputy head of Ulianovsk Oblast government and the chairman of the local branch of Russia’s ruling party “Edinaya Rossia.”
- c) **Lev Viktorovich Pavliuchkov** – Deputy Head of South Ossetian President’s Administration since 31 October 2008. Since the late 1990s worked as a political and PR consultant in Samara, Samara Oblast, Russia. In the early 2000s, was the political consultant of business group “SOK” in Samara. In 2004 headed the election headquarters of governor of Ulianovsk Oblast Sergey Mironov and afterwards served as his counselor until October 2008. In 2007-2008 chaired the imitative group to support Vladimir Putin’s third term presidency.

The highest officials at the Ministry of Defence of Tskhinvali region/South Ossetia were and continue to be former and/or active high ranking military officials of the Russian Federation:

- a) **Iuri Anvarovich Tanaev** – Minister of Defense of South Ossetia since 31 October 2008. Major General of Russian army. In 1967 graduated from Minsk Suvorov Military School. For many years served as the head of intelligence division of Russian general staff in Ural military district. Since the mid 1990s served as the deputy commander of Ural military district.
- b) **Vasily Vasilevich Lunev** – Minister of Defense of South Ossetia since 1 March 2008. Major General of Russian Army. Born in 1956. Graduated from Moscow High Military Command School, Frunze Military Academy and General Staff Academy. Served as the commander of ground troops and armored vehicles platoon at Chebarkul military base in Ural region. In 2003-2004 was the deputy commander of army in Siberia. Until December 2007 worked as a military advisor in Syria. On 26 December 2007, was appointed as the military commissioner of Perm Krai, where he served until being sent on a mission to South Ossetia.
- c) **Andrey Nikolaevich Laptev** - Minister of Defence of South Ossetia since 11 December 2006 -2008 1 March, is a Russian citizen and colonel in the Russian army. He started his career in the Tskhinvali region/South Ossetia by serving in the JPKF and following the autumn of 2005, he headed the general staff of the Ministry of Defence of South Ossetia.

- d) **Anatoly Konstantinovich Barankevich** – former Minister of Defence of South Ossetia from July 2004 till December 2006, is a Russian citizen and colonel of the Russian army.¹⁹ Since 11 December 2006, he serves as the Secretary of the Security Council of South Ossetia.
- e) **Vladimer Grigorievich Kravchenko** – Chief of the General Staff of the Armed Forces of South Ossetia from September 2004 till September 2005, is a Russian citizen and a colonel of the Russian army.
- f) **Anatoly Ivanovich Sisoev** – Military Adviser of *de facto* president Eduard Kokoity in 2004, Russian citizen, former employee of the Main Intelligence Service of the Ministry of Defence of the Russian Federation. During the escalation of the conflict, he was the person making main decisions including the receipt and allocating of the mercenaries and volunteer corps in the region.

Head officers of the Security Service of the Tskhinvali region/South Ossetia are former and/or acting high-ranking officials from military and special services of the Russian Federation:

- a) **Boris Majitoviich Atoev** – Chairman of the State Security Committee of South Ossetia since 9 November 2006, is a Russian citizen and former officer of the Soviet intelligence service in Kabardino-Balkaria, Moscow and Afganistan.
- b) **General Mayor Nikolai Vasilevich Dolgopolov** - Chairman of the State Security Committee of South Ossetia from March 2006 till November 2006, Russian citizen, is a former officer of the Russian Federal Security Service, unit of the Republic of Mari El (from 1999 till April 2005).
- c) **General Mayor Anatoly Vasilievich Iarovoi** - Chairman of the State Security Committee of South Ossetia from January 2005 till March 2006, Russian citizen, is the former head of the Republic of Mordovia unit of the Russian Federal Security Service (2000-2004).
- d) Since January 2006 the Border Security Office of the State Security Committee of South Ossetia has been entirely controlled by active officers from the state border security unit of the Russian Federal Security Service sent to the region based on a contractual relationship. The head of the unit is **Lieutenant General Valery Alekseevic Chugunov**, the chief of the headquarters is **Colonel Oleg Genadievich Chebotariov**, and the first deputy head of the headquarters is **Vice-colonel Genady Nikolaevich Emelianenko**.

The law enforcement agencies of the Tskhinvali region/South Ossetia have also been and are fully controlled by Russian high-ranking officers:

¹⁹ At the moment of his appointment he was an active colonel of the Russian army and was officially on business leave.

- a) **Mikhail Mairamovich Mindzaev** – Minister of Interior of South Ossetia since April 2005, Russian citizen, police colonel, formerly served as a head of headquarters of the Ministry of Interior of North Ossetia.
- b) **General Aleksander Andreevich Shaposhnikov**, JPKF Deputy Commander in the field of coordination with law enforcement bodies. Since January 2006 he has served as an adviser to *de facto* President Eduard Kokoity in the internal matters. Previously, the same position was held by **Mr. Aleksander Aleksandrovic Klimenko**, a Colonel of Russian Interior Troops (from January 2006 till January 2007); then by **Major-General Igor Sergeevich Grudnov**, a Russian war veteran who fought in Afghanistan and Hero of the Russian Federation (from January 2005 till January 2006); then it was **General Vasil Alekseevich Platov**, a Russian General (in 2004).

- ***Illegal Passportization***

Illegal passportization of the remaining population of the Tskhinvali Region/South Ossetia has been a significant component of Russia's creeping annexation of the region. It can be assessed as a deliberate and well-constructed policy aimed at directly changing the legal status of the local population to establish a pretext of the right to protect or "R2P", in the event of direct Russian military intervention or even in the context of threats to intervene directly (notably the Russian Federation tried to employ the R2P argument as one of the legal justification for intervention in Georgia during the August 2008 events). Moreover, passportization served as a tool for the Russian Federation to extend its control over the population who have been paid pensions and other well-fare benefits as Russian passport holders. Russian citizenship made local population directly attached and dependent to the Russian state.

Russia's policy in this regard amounted to an artificial and illegal alteration of the landscape of citizenship in the Tskhinvali Region/South Ossetia.

A statement in this regard has been made by the OSCE High Commissioner on Ethnic Minorities, Mr. Knut Vollebaek. The High Commissioner, in his letter of November 27, 2008, addressed to the OSCE Chairman in Office, reiterates that "States should refrain from conferring citizenship en masse to residents of other States, which is in violation of the principles of sovereignty and good neighborly relations. The presence of one's citizens or "ethnic kin" abroad must not be used as a justification for undermining the sovereignty and territorial integrity of other States."²⁰

The process through which Russia designed and implemented this policy clearly confirms not only the assessment as stated above, but also the aims it was designed to serve²¹.

- ***Visa Free Regime***

As a result of withdrawal of the Russian Federation from the agreement on free movement of CIS states nationals in the territories of the commonwealth (Bishkek, 9 October 1992), since 5

²⁰ https://www.osce.org/hcnm/item_1_32663.html

²¹ See process and dynamics as well as Georgian assessment in detail in the Answer to the Legal Question #2

December 2000 a visa regime was introduced by Russia with relation to Georgia. However, the right to visa-free movement has been maintained with the two regions of Georgia not under the central government control: Abkhazia and the Tskhinvali Region/South Ossetia.

The European Parliament in its Resolution on the visa regime imposed by the Russian Federation on Georgia recalled that “[...] the imposition of visas with respect to international law is a matter for the sovereignty of a state, but regarding the plans to exempt residents of the secessionist Georgian regions of South Ossetia/Tskhinvali and Abkhazia from the visa regime imposed on Georgian citizens is a challenge to the territorial integrity and sovereignty of Georgia which the Government of the Russian Federation officially supports, and calls on the Government of the Russian Federation to reconsider these plans as they would **amount to de facto annexation** [emphasis added] of these indisputably Georgian territories.”²²

According to the Declarations and Recommendations adopted by the EU Parliamentary Cooperation Committee at its 3rd meeting on 18-19 June 2001, “regarding the exemption from the Russian visa regime of residents, who are Georgian citizens in the secessionist Georgian regions of Tskhinvali/South Ossetia and Abkhazia, [EU] maintains that this exemption is a challenge to the territorial integrity and sovereignty of Georgia, which could be considered as a *de facto* annexation of those regions, an annexation confirmed by the circulation of the Russian Rouble as the official currency for exchange in the Georgian regions Abkhazia and South Ossetia.”²³

In its resolution dated on 24 November 2000, the Parliament of Georgia made a statement on the introduction of a visa-regime between Russia and Georgia:

“ It is the sovereign will of Russia to introduce visa regime with another state, but no one is entitled without the consent of Georgia to put different regions of Georgia in varied legal conditions as it is going to be unilaterally laid down by Russia in an additional protocol of visa agreement.

The Parliament of Georgia considers the above-mentioned as a non-respectful step towards the sovereignty and territorial supremacy of Georgia which constitutes a breach of universally recognized principles of international law and is regarded as an attempt to interfere in the internal affairs of Georgia as well as extra proof of Russia’s illegal interest towards Abkhazia and so-called South Ossetia.

If the Russian Federation authority still remains on the proposed position of visa introduction which constitutes a grave breach of the fundamental principles of international law, the Parliament of Georgia will consider the above-mentioned as **an attempt of annexation of its territory** [emphasis added] as well as legal proof of title in regard to the seized historic territories of Georgia and declares with full responsibility that Georgia will use all necessary means recognized by international law to defend its sovereignty and integrity.”

²² Resolution of the European Parliament on the visa regime imposed by the Russian Federation on Georgia of 18 January 2001.

²³ EU – Georgia Parliamentary Cooperation Committee - Declaration and Recommendations, ref: IRE/PCC/GH/KM/es, 27 June 2001, para. 27.

On 2 March 2001, by virtue of the exchange of notes, an agreement was concluded between the two countries, which, based on the negotiation minutes of 1 March 2001, established a provisional procedure for cross-border movements for certain categories of persons. The given agreement however does not contain provisions that would introduce a visa free regime for Russian military personnel serving in the Russian contingent of the Joint Peacekeeping Forces stationed in the Tskhinvali region, Georgia. Similarly, the agreed categories did not cover any Russian officials travelling to the Tskhinvali Region, Georgia nor those residing and serving in the institutions of the proxy regime.] Respectively, since there had never been an agreement that would accord any kind of privileges to Russian peacekeepers in terms of entering Georgian territory, a normal visa regime between Georgia and Russia applied to the personnel of peacekeeping forces. In the same way, Georgia is not party to the document concluded within the CIS framework, which provides for the status of CIS collective forces with respect to passport and visa matters. Yet, Russian military contingents constantly travelled to the Tskhinvali region, Georgia without following proper visa procedures.

1.3. Attempts to create a single consolidated information space

In terms of creating a united information space, it is worth noting the presence of representatives of Russian mass media in Tskhinvali on a permanent basis without the normal accreditation procedure. Practical measures were accompanied by official statements of Sergey Trubitsin, Deputy Director General of the federal state unitary enterprise - Russian TV and Radio Broadcasting Network the TV and Radio networks saying that the decision that South Ossetia should be incorporated into Russia's uniform information space has become a reality'.²⁴

Efforts have been taken with a view to creating a common information space for the Tskhinvali region/South Ossetia and North Ossetia. Activities listed below demonstrate the extent of the financial and logistical support provided by the Russian side in terms of developing separate communications systems in South Ossetia and thereby detaching it from the single information space of Georgia.

The unauthorized transmission of the local TV channel "Alania" and Russian TV companies "HTB" ("NTV") and "OPT" ("ORT").

The illegal building and exploitation of radio communication networks by Russian radio communication companies, and illegal international telephone connection in the conflict zones, including the Tskhinvali region/South Ossetia.

Digital wireless communication lines have been installed in the *de facto* republic that led to:

- 1) An increase in the number of the Russian TV channels being transmitted in the region (at this point, the transmitted channels are "Культура" ("Culture"), "Россия" ("Russia"), "Первый Канал" ("First Channel")). It is also planned to expand the transmission network with a view to covering the whole territory of South Ossetia.

²⁴ See at http://www.mfa.gov.ge/print.php?gg=1&sec_id=36&info_id=1796&lang_id=ENG

- 2) A serious reduction of the telephone communication rates with Russia, and
- 3) Isolation of South Ossetia's communications network from that of Georgia.

As for the telecommunications field, since 2004, the Russian telecommunications company “Мерафон” (“Megaphone”) operates in the Tskhinvali region/South Ossetia without permission from the Georgian government.²⁵ *De facto* President Kokoity and his advisers, as well as other representatives of the proxy regime are actively using services of said network. The Russian company “Мерафон” (“Megaphone”) further undertook construction of a wireless network of telecommunications. The wireless network is exploited by “Мерафон” (“Megaphone”) using the wireless spectrum (radio-wave space) owned by licensed companies operating in Georgia and thereby violating Georgian laws. For the most part, “Мерафон” (“Megaphone”) antennas are fixed on Magticom (Georgian company) towers. With the help of said wireless network, it became possible to ensure direct interactions with analogous networks in Russia, ignoring and bypassing the united telecommunications system of Georgia. Moreover, to raise the service quality of “Мерафон” (“Megaphone”), six (6) sets of transmission antennas and four (4) computers were imported in Tskhinvali directly from Russia in January 2006.²⁶

By the above mentioned activities on the part of the Russian Federation, the latter violates the terms of various agreements with Georgia, including the “Agreement on Mutual Cooperation in the Communications Field between the Governments of Georgia and Russia” of 1994; “Agreement on the Cooperation in Rehabilitation of the Economy in Zone of the Conflict and Return of Refugees, between the Governments of Georgia and Russia” (2000), Statutes and Regulations of the Universal Postal Union (UPU) and International Telecommunications Union (ITU), as well as other international principles applicable in the field.

In regard of the arbitrary actions aimed at creating a uniform information space, the Georgian Government has raised the matter with the Minister of Communications and Information Technologies of the Russian Federation, at the Georgian-Russian Intergovernmental Commission meeting on cooperation in economic matters.²⁷ A response from the governmental authorities of the Russian Federation was received in October 2006, in Moscow, at the Ministerial Meeting among BSEC states and in November 2006, in Antalya, at the conference held within the framework of International Telecommunications Union (ITU).²⁸ The matters have been reported to Universal Postal Union (UPU)²⁹ and Regional Commonwealth in Communications Field

²⁵ <http://newsgeorgia.ru/geo1/20061112/41839887.html>;

²⁶ However, the company is not yet able to ensure the full coverage of the region.

²⁷ Letter of the Minister of Economic Development of Georgia to the Minister of Communications and Information technologies of Russia, 18 October 2005.

²⁸ See the Statement by Deputy Minister of Economic Development of Georgia David Tsiklauri, Antalya, Turkey, 6-24 November 2006.

²⁹ Letter of Director General Intskirveli of “Georgian Post”, Ltd to the Director of Operations and Technology, Mr. Msofe, Universal Postal Union, 9 October 2006.

(RCC).³⁰ Thus, Georgian government tried to use all international mechanisms available in order to settle these issues.³¹

1.4. Attempts of economic integration

Tremendous efforts have been consistently made by the Russian Federation in the field of economy to support and maintain the proxy regimes. Deliberate measures were taken with a view to integrating the local economy with Russian economic space. The local economy of the Tskhinvali region/South Ossetia survived by virtue of humanitarian assistance and direct budgetary subsidies received from Russia.

- **Direct Economic Support of the Proxy Regime**

Using the 2000 bilateral agreement (we need some description of the title of the agreement, we need footnote on that), the Russian Federation claimed that central and territorial administrative organs of the Russian Federation did not need special approval from the Georgian Government for rendering direct economic and humanitarian assistance to the proxy regime in Tskhinvali. However, Russian Federation never followed procedures established under the agreement and by that economic activities of the type described below lack any legal justification.

When referencing the claimed legality of such humanitarian assistance programs, particular account should be taken of Article 5 of the Agreement, which explicitly provides for the role of the Joint Control Commission as an organ responsible for monitoring and controlling implementation of economic rehabilitation programmes. The purpose of Article 5 is to ensure that the prohibited goods and items are not delivered to the proxy regime under the cover of the humanitarian assistance. By providing unilateral assistance to the Tskhinvali region/South Ossetia, the Russian authorities largely ignored and evaded conditions of the agreement, including the monitoring role of the Joint Control Commission. Furthermore, the veil of humanitarian assistance has often been used to conceal the real nature of economic involvement by Russia in the Tskhinvali Region/South Ossetia.

The above mentioned constitutes part of a well planned policy of the Russian Federation to enhance the dependency of the proxy regime on the Russian Federation in direct contravention to the effect that assistance to and engagement in multilateral efforts could have had, including the promotion of confidence building measures between communities and the peace process in general.

The Moscow Mayor's Office has been directly charged with and has been playing a leading role in providing so called humanitaian asistance to the Tskhinvali region/South Ossetia. With the objective to ensure uninterrupted supply, various commodities have been sent to the Tskhinvali

³⁰ Address of the Ministry of Economic Development of Georgia to Regional Commonwealth in Communications Field, 23 October 2006

³¹ Address of the Minister of Economic Development of Georgia to the Participants of the Meeting of Ministers in Charge of Information Technologies and Communications in BSEC Member States, 13 October 2006.

region/South Ossetia on a periodic 6-month basis via the route Moscow-Vladikavkaz-Tskhinvali. It is noteworthy that the Russian Federation was unresponsive to numerous protests on these matters made by the Ministry of Foreign Affairs of Georgia.

Diplomatic correspondence preceding transportation of one particular humanitarian cargo described below is an illustrative example of efforts of Georgian government to establish mutually agreed framework for implementation of humanitarian activities for the benefit of local population without jeopardizing principles of territorial integrity and sovereignty of Georgia as well as decreasing the risk of illegal provision of military munitions to proxy regimes under the disguise of humanitarian cargos.

On 9 September 2004, the Georgian government was notified through diplomatic note #111 dated 8 September 2004, of the intention of the Russian Ministry of Emergencies to send humanitarian cargo to the Tskhinvali region/South Ossetia over the period of 13 September to 1 October. The Cargo would include 1000 tone flour, 570 tone sugar, and 150 tone petrol oil. On 10 September 2004, the Georgian government expressed its consent to the humanitarian assistance provided the cargo was imported through the check-point “Kazbegi-Zemo Larsi” as that served as the only legitimate check-point over the Georgian-Russian border.

Further, on 17 September 2004, the Russian Ministry of Foreign Affairs by diplomatic note #6080-н/4дсгн, notified the Georgian side that on the same day it was planned to transport the humanitarian cargo coming from Vladikavkaz, North Ossetia, Russia, on twelve(12) lorries loaded with 150 tone flour. In response, the Georgian side, reminded the Russian Government of its earlier position and reiterated its request to keep the Georgian side informed of the route and movement of the cargo in a timely manner.

On 7 October 2004, the Russian Ministry of Foreign Affairs, through the diplomatic note #6542-н/4дсгн notified the Georgian side of their intention to import humanitarian cargo allocated by the Moscow government in the first half of October in the Tskhinvali region. The cargo would include food, commodities, ambulance cars, medicines, etc. In response, on 7 October 2004 (by letter #1751), the Georgian side through its Embassy in Russia, reminded Russia of their earlier diplomatic stand on the matter, and renewed its request regarding the indication to the Georgian side of the route and movement of the cargo.

On 11 October 2004, disregarding numerous requests of the Georgian side regarding the use of the legitimate border crossing point, a column of 16-20 lorries with cargo claimed to be of humanitarian nature (food, medicines, power generators, ambulance cars, etc) from Moscow entered the Tskhinvali region *via Roki Tunnel*.

On 7 June 2005, it was reported that on 25 June Moscow Mayor Yuri Lujkov was planning to provide the Tskhinvali region/South Ossetia with humanitarian cargo exceeding the value of 60 million rubles. On 9 June 2005 a diplomatic note of protest from the Ministry of Foreign Affairs (#11-06/983) was communicated to the Russian side. Despite this, on 25 June 2005, disregarding the legitimate requests of the Georgian side, the Russian Government, in a largely ceremonial way, with the leaders of the separatist government involved, sent the given humanitarian cargo to the Tskhinvali region/ South Ossetia *through the Roki Tunnel*. Most importantly, part of the cargo

was of dual use, part of it for military purposes. In this connection, special memoranda of protest were additionally conveyed to the Ministry of Foreign Affairs on 24 and 27 June 2005.³²

Despite numerous diplomatic protests the series of humanitarian cargoes started to be transported through the Roki tunnel. In July 2005, on the initiative of Moscow Mayor Yuri Lujkov, humanitarian cargo was sent to the Tskhinvali region/South Ossetia including food, clothes, subjects of daily need, ambulance car, buses, construction equipment, diesel power generators. Furthermore, on 10 October 2006, the Moscow Mayor's Office allocated more than twenty million (20.000.000) rubles (approximately 800.000 USD) for humanitarian assistance to the Tskhinvali region/South Ossetia. That included 25 transport units, compressors, welding machines, furniture and books for school, and medical equipment.

As all the above mentioned cargoes were imported with the declared goal of humanitarian assistance, however due to the fact that no monitoring of the Roki tunnel was being implemented by international monitors no verification of the real nature of the cargoes could have been conducted by any independent neutral mechanism. Georgian government on numerous occasions asked for the possibility of strengthening of the mandate of the OSCE military observer mission, including for extension of its monitoring mandate over the Roki tunnel. (for more info we need reference). Unfortunately at all occasions Russia blocked this possibility.

Thus, in essence cargoes transported under the pretext of humanitarian assistance with the aim of strengthening the proxy regime in Tskhinvali Region had the effect of enhancing control over proxy regime as well as weakening the legitimate government of Georgia. That policy was further expanded by the conclusion of a friendship and cooperation agreement between Moscow City and the proxy regime of South Ossetia, signed by Moscow Mayor Yuri Lujkov and *de facto* President Eduard Kokoity on 20 September 2006, at the Moscow Mayor's Office.

Russia's Pension Fund activities in Tskhinvali: Another aspect of the interventionist economic policy of Russia has well been manifested in the official opening of a branch office of Russia's Pension Fund in Tskhinvali in 2006. On 19 August 2006, Russia's Pension Fund opened a consultation office in Tskhinvali.³³ The opening ceremony was attended by the Tskhinvali region/South Ossetia's proxy leader, Eduard Kokoity, the Head of the Pension Fund of the Russian Federation, Genady Batanov, and the Head of the Pension Fund of North Ossetia-Alania, Bela Ikoeva. According to Madina Chekoeva, who was intended to head the Tskhinvali branch of Russia's Pension Fund, the claimed objective of the office was to 'speed up the process of pension registration and receipt for the residents of the Tskhinvali region/South Ossetia'.³⁴ The Georgian side immediately expressed its firm protest in relation to those events and asked for a relevant explanation from the Russian side, including the immediate closure of the consultation

³² See also press-releases of RIAN dated 14 and 21 October as well as 1 December 2006. Available at <http://www.rian.ru/politics/20061014/54809443.html> ; <http://www.rian.ru/politics/20061021/55012024-print.html> ; <http://www.rian.ru/society/20061201/56313071.html>

³³ <http://geotimes.ge/index.php?m=home&newsid=1428>;
<http://www.unomig.org/media/headlines/?id=6692&y=2006&m=8&d=23>.

³⁴ OSCE Mission to Georgia, Activity Report No. 15/06: 16 -31 August 2006 (Vienna, 7 September 2006).

office, as well as the withdrawal of all Russian officials illegally present in the Georgian territory in violation of the customs rules. On 22 August 2006, the Provisional Trustee in the Matters of the Russian Federation, Mr. Vilinkin was given a memorandum of protest from the Georgian Ministry of Foreign Affairs to that effect.³⁵ The Georgian side expressly stated that these measures were naturally understood as being aimed at the factual annexation of an integral part of Georgia. Indeed, through these types of ‘supportive’ measures, Russia consistently identified itself as a party having a special interest and involvement in the Georgian-Ossetian conflict.

Salaries paid from Russia: Special funds have been transferred to the closed salary and pension accounts of the National Bank of South Ossetia. Since September 2004, budgetary organizations of the Tskhinvali region/South Ossetia were funded directly from the Russian Federation for paying salaries and meeting other expenses. As for the pensions, twenty thousand (20.000) pensioners in the Tskhinvali region/South Ossetia were paid pensions in the amount of 1.200-1.800 rubles, while former employees of the law enforcement agencies were normally paid 3.000 rubles pensions on average. From July 2006 to June 2007, the number of Russian paid pensioners increased from 1.300 to 2.200.

The funds allocated for the Tskhinvali region/South Ossetia have been transferred to the following banks “АРТ БАНК” (“ART Bank”) and “БАНК МОСКВЫ” (“Bank of Moscow”) based in Vladikavkaz city, from where they are taken to the Tskhinvali ‘National Bank’. Apart from North Ossetia, the money intended for the Tskhinvali region/South Ossetia was transferred through other territorial-administrative units of the Federation. After the opening of a joint-stock savings bank in Tskhinvali, pensions were issued locally.³⁶

Banking: In 2006, a joint-stock savings bank was established in the Tskhinvali region/South Ossetia by the order of de facto President Kokoity. The Tskhinvali Proxy regime owns 51% of shares of the National Bank is the only stock holder of the savings bank. Among other banking activities, it pays out pensions transferred from the Russian Federation. On 3 July 2007, a commercial bank titled the “First Republican Bank” was opened in Tskhinvali City,³⁷ which in fact represents a branch office of the “Eurasian Investment Bank” based in Moscow and is owned by Russian businessman Albert Jusoev. The premises of the “National Bank” in Tskhinvali were renovated by a Russian construction company based on direction from the Central Bank of Russia. It is also worth noting that the miserable amount of commissions on the money transfers directed to and from the banks operating in Tskhinvali region/South Ossetia stands as another proof of an integrated banking system between the Tskhinvali region and the Russian Federation.³⁸

³⁵ http://www.mfa.gov.ge/print.php?gg=1&sec_id=461&info_id=2018&lang_id=ENG

³⁶ See press-release of Yujnaya Osetiya dated 4 April 2007.

³⁷ See more generally press-releases of Yujnaya Osetiya dated 7 July 2007 and interview with Eduard Kokoity published by VSESMI.

³⁸ Press-release of ОСИНФОРМ, dated 4 July 2007.

All the aforementioned has taken place in violation of established rules for the regulation of financial services and represents a clear intrusion into the Georgian economic and financial sphere.

- **Illegal Capital Investments from Russian Companies**

In addition to governmental-funded assistance programmes, engagement of Russian companies had been used as an additional tool for enhancing the total economic dependence of the region on the Russian Federation. The following may serve as an example, but is in no way an exhaustive list of Russian capital investments in the Tskhinvali region/South Ossetian economy:

1. The Ural ore-mining enterprise (“ООО УГМК-Холдинг”) purchased the Kvaisi lead-zinc underground mine;
2. The Ural ore-mining enterprise (“ООО УГМК-Холдинг”) made orders to Tskhinvali “Эмалпровод”. Since 2004, the company “ЗАО Сибкабель” purchased the Tskhinvali plant “Эмалпровод”;
3. In 2004, the Company “ЗАО Трансмашхолдинг” make an investment in the Tskhinvali plant “Электровибромашина”. Notably, both “Эмалпровод” and “Электровибромашина” work on orders from Russia.³⁹

- **Attempted economic integration in the field of electricity and gas**

Without prior consultation with the Georgian side and the Joint Control Commission, Russian and Ossetian experts carried out design works aimed at attaching the “South Ossetian” electrical power and gas systems to the relevant Russian systems.

Gas pipeline: In the second half of 2006, the Russia's state-owned monopolist “Gazprom” started rapid construction of the “Dzuarikau-Tskhinvali” gas pipeline.⁴⁰ In general, the region is supplied from the central Georgian pipeline. The construction aimed to supply the Tskhinvali region/South Ossetia with natural gas circumventing Georgia. The Russian Federation invested about fifteen (15) billion rubles (about 600 million USD) in that project. On 1 September 2006, the Georgian Ministry of Foreign Affairs made an official statement assessing the illegal nature of the construction of the pipeline that equally goes to all parties involved in the project. The Ministry expressly stated that any unilateral deal with the *proxy* government of Tskhinvali, including the participation of any foreign company in the planned construction tenders, not agreed with the central government of Georgia, will be qualified as an act of infringement of the territorial integrity of Georgia and intervention in the internal affairs of the country.⁴¹ The construction of

³⁹See the interview with Director of the factory “EmalProvod” published by REGNUM on 28 August 2006.

⁴⁰http://www.redorbit.com/news/business/717327/gas_pipeline_linking_north_south_ossetia_to_be_commissioned_in/index.html;http://www.redorbit.com/news/business/699080/georgia_construction_of_gas_pipeline_between_russia_south_ossetia_to/index.html; The gas pipeline connects Alagiri (North Ossetia, Russia) with Tskhinvali, South Ossetia, Georgia.

⁴¹ Ministry of Foreign Affairs of Georgia, http://www.mfa.gov.ge/print.php?gg=1&sec_id=36&info_id=2054&lang_id=ENG

the above mentioned pipeline would not bring significant, if any, economic benefit or income to Gazprom, therefore, from an economic point of view, (especially considering that the Tskhinvali Region/South Ossetia has been supplied with natural gas from Georgia) there was no necessity for pipeline construction. Investment in the amount of 15 billion rubles was not justified and was aimed rather at strengthening political and economic control over the region, severing of its ties with Georgia, and annexation to the Russian Federation.

Electrotransmission line (electricity main line). In September 2007, the separatist government completed construction of the 110 km Java-Tskhinvali electro-transmission line with substantial involvement of the Russian state owned company “RAO EES”. The line has been intended to supply the Tskhinvali City and some ethnic Ossetian villages, leaving aside the adjacent Georgian settlements. It has also been planned to build the electricity distribution station near the Itrapi Village with the declared aim to ensure distribution of electricity throughout the territory of the Tskhinvali region/South Ossetia.

Water-main. With the contribution of North Ossetian experts, construction of the Edisi-Tskhinvali water-main project was considered. This project envisaged the provision of water supplies to Tskhinvali City bypassing Georgian villages. Construction of the water pipe is funded by the North Ossetian Ministry of Municipal Economy and has been implemented under immediate supervision by experts representing North Ossetia and Russia.

Road constructions. Dzara detour road constructed with active support of the Russian Federation enabled the proxy regime in Tskhinvali to block the Georgian villages of Great Liakhvi and to bring arms from Russia through routes beyond the control of international monitors. Moscow Mayor Lujkov allocated 1.5 million US Dollars specifically for funding this project.⁴² The funds were periodically transferred to one of the banks of Vladikavkaz. Construction works have started from the summer of 2005, and were carried out by the Alagiri and Ardoni construction agencies.

The Dzara Road had vital strategic importance; putting the road in operation enabled Russian Federation to enhance the process of political and economic affiliation with Russia of the proxy regime in Tskhinvali. Since the road is a roundabout route, its use facilitated isolation of Georgian villages in the Liakhvi Gorge without adverse effect to the local economy.

In addition, Dzara Road provided an easy and fast way to bring military munitions into the conflict zone as has often been the case.⁴³ The role that the Dzara road played in the implementation of military intervention into the Georgia of Russian Military forces in August 2008 further explains degree of strategic importance attached to the construction of this road. (we can add footnote here with reference to relevant question in military section).

1.5. MILITARY ASPECTS OF SUPPORT

⁴² In 2006, the Russian Federation allocated 120 million rubles (48 million USD) for the construction of the Dzara Road.

⁴³ http://www.mfa.gov.ge/print.php?gg=1&sec_id=36&info_id=1792&lang_id=ENG

Provision of weaponry and military support: After the conflict of the early 90s finished, the Russian government through different means accelerated military support to the proxy regime of Tskhinvali, though the scope and nature of the support differed over the last seventeen years. Military support provided to the proxy government consisted of large amounts of weaponry, and military instalments. Reportedly, the *de facto* Ministry of Defence of South Ossetia has been permanently supplied with weaponry, ammunition and military equipment from the Russian Federation.

Vast majority of the legal documents regulating deployment and operation of the Joint Peacekeeping Forces in Tskhinvali Region/South Ossetia envisaged elimination/disbanding of the armed formations operating in the region. The Sochi Agreement of May 24, 1992 specifically provides for “withdrawal of armed formations ... and ...disbanding of forces of self-defense.”⁴⁴ Breakdown of the similar provision is also reflected in the regulations of the JPKF⁴⁵, which prohibits specifically “existence and activities of illegal armed persons and formations.” The same article lays explicit and rigorous prohibition on “delivery (transportation) of weapons, techniques, other means, which may be used in acts of terror and sabotage to the zone of conflict.”⁴⁶ Based on the JCC decision of Decree of 6 December 1994, JPKF has had the responsibility to “decisively block the activity and disband any military formations”, “removal of heavy technology and weapons from the zone of conflict”, “not to permit ... the transit in the zone of conflict and ensure removal from it of weapons, armaments, military technology, other military property, as well as explosive and poisonous substances and of other materials”.⁴⁷ In defiance of the mentioned obligations, armament and heavy military hardware has been constantly flowing into the conflict zone, armed groups operated in there and have been constantly attacking and terrorizing civilian population of the ethnic Georgian villages, firing at the positions of the Georgian battalion of the JPKF, etc.⁴⁸ The Ministry of Defense of the proxy regime operated freely under the shelter of the Russian and North Ossetian battalions, as well as so called special forces: OMON, ‘President’s’ Special Guards.

In 2006 due to Russian military assistance, the military arsenal of the separatists included eleven infantry battalions that have two (2) units of antiaircraft emplacement (while there was only one

⁴⁴ Sochi Agreement, Article 3, Para 1;

⁴⁵ Regulations of Joint Peacekeeping Forces (JPKF) and Law and Order Keeping Forces (LOKF) in the Zone of Conflict (Annex 1 To Protocol #3 of the JCC Session dated July 12, 1992), Article 3;

⁴⁶ See *idem*. See also Article 10 of the Regulation on the Joint Control Commission for the Settlement of the Georgian-Ossetian Conflict (Annex to the Joint Control Commission Decision of 31 October 1994. Moscow) “*On the basis of the mandate ... the command of the peacekeeping forces will ... implement necessary measures ... for the disarming of illegal militarized formations.*”

⁴⁷ Regulation Concerning the Basic principles of Operation of the Military Contingents and of the Groups of Military Observers Designated for the Normalization of the Situation In the Zone of the Georgian-Ossetian Conflict (Annex #1 to the JCC Decree of 6 December 1994), Article 3.

⁴⁸ For more details, see the Chronology, Answer to the Question 1 of the First Set of Questions on Military issues, and see answer to question #3 of the First set of questions on legal issues to the Governments of Georgia and Russian Federation;

unit in the summer of 2006) The number of antitank grenade cup discharges (as well as the mobile antitank missile complex “ФАГОТ” (“Fagot”)), howitzers and grenade cup discharges, belonging to the said battalions has tripled.

Significant changes occurred in terms of the number of tank and anti-aircraft artillery mounts as well. In 2007 the proxy regime of Tskhinvali possessed at least twelve (12) units of T-60 type tanks (deployed in the Java region) and twenty-two (22) units of 122-mm self-propelled artillery equipment 2С1 “Гвоздика” (“Gvozdika”) (deployed in Zivgomi, Java region). The military parade dedicated to the ‘day of independence’ on 20 September 2005, gave a display of military detachments and armoured vehicles, three (3) self-propelled howitzers (2S1), four (4) tanks (T-55), four (4) armoured personnel carriers (BTR-70), 3 BMP-2, four (4) armoured infantry fighting vehicles (BMP -2), three (3) 120 mm mortars and three (3) anti-aircraft guns ZU 23-2. This armour was openly paraded in Tskhinvali irrespective of the fact that Tskhinvali was defined as a limited weapons zone under existing agreements.

The 58th Army of the Russian Federation deployed in the North Caucasus has been used as an active tool in providing the separatists with military equipment. Different kinds of military equipment allocated to the 58th army have periodically been transferred to proxy authorities. Vehicles loaded with firearms, munitions and technical equipments were constantly crossing the Georgian border via Roki Tunnel with a view to supplying the proxy regime.

To further strengthen the military capacity of the proxy regime of Tskhinvali, the Russian side actively used transports registered in the possession of Russian peacekeepers. During the rotation of peacekeeping forces of Russian and so called North Ossetian Battalions, regular transfers of military columns and equipment took place through the Roki Tunnel, which has not been under the control of Georgian authorities since the 1990s war (*see answer to Legal Q3 for more information regarding the issue of Roki Tunnel control*) as well as was beyond the reach of international monitors. In addition, the Russian-registered vehicles at the disposal of Russian Military contingent periodically drove in the direction of Tskhinvali through the Dzara Road, specifically built to facilitate illegal arms delivery. In the same way, the commodities, including the munitions and fuel, officially allocated to the peacekeeping contingent has been transferred to the *de facto* Ministry of Defence of South Ossetia.

Aside from the role of Russian peacekeepers in the provision of above mentioned commodities to the proxy regime, direct military support was further provided under the disguise of humanitarian assistance.

Beyond and above, when special needs would arise, the Russian Federation provided *direct military assistance* to the separatist government, by sending its military personnel. During the August 2004 events marked by the escalation of the conflict, mercenaries from the North were arriving in the composition of military contingents for the assistance of Tskhinvali proxy regime.

By the end of 2002 appointment of Russian officials to high ranking position of the proxy regime’s security agencies (defence, security, intelligence etc.) accelerated (see sub-chapter ***Staff composition as a direct means of control of the Proxy Regime in the text above***). On January 17, 2005, Moscow named the Head of the Federal Security Service’s (FSB) office in the Russian Republic of Mordovia, Anatoly Yarovoy, as chairman of the South Ossetian KGB. In March

2005, Lieutenant-General Anatoly Zaytsev, former deputy commander-in-chief of the Russian Trans-Baikal Military District, already Deputy Minister of Defense of the proxy regime in Abkhazia, was appointed Chief of the General Staff. On April 25, 2005, the former Chief of Staff of the North Ossetian branch of the Russian Ministry of Interior, Mikhail Mindzaev, was appointed Minister of Interior of South Ossetia. On July 4, 2005, Yuri Morozov, the commercial director of the Kursk fuel company in Russia and an old business partner of the South Ossetian leader, Kokoity, was named Prime Minister of South Ossetia.

These appointments were accompanied by an increase in Russian subversive activities in Georgia. In a remarkably brazen incident, an explosion on February 1, 2005, destroyed the police headquarters in the Georgian town of Gori, killing three policemen and wounding seventeen others. A five month-long investigation by the Georgian Ministry of Interior established that the explosion had been organized by the Russian military intelligence service, the GRU.⁴⁹

▪ **Construction of Russian military bases**

Construction of military facilities had been taking place intensively over the past years in the territory of the Tskhinvali region/South Ossetia, with the direct engagement of the Russian Federation.

In 2006-2008, the Russian government built two military bases in South Ossetia – one in **Ugardanta**, Java district and the other in the north-western part of the town of Tskhinvali , both for 2000-2500 soldiers each⁵⁰. The construction works of the Tskhinvali military bases were carried out by “Praktika.LTD,” a Russian construction company registered in the town of Essentuki, Stavropol Krai, headed by **Leonid Mikhailovich Vaganov**, a former GRU officer.

Construction of a similar military base was planned in the area surrounding Daba Znauri as well. Russian military experts have visited the place chosen as an intended location of such base.

In 2005-2006, the Russian government opened new military base in the **Zaka valley**, North Ossetia, just 7 kilometres from the northern entrance of the Roki Tunnel. In August 2008, Russian troops used this base as a bridgehead for entering South Ossetia.

Furthermore, in the area of Tskhinvali “Эмальпровод” (“Emalprovod”), a military equipment repairing point has been installed, which also produces launching devices for NURS-type missiles. All these activities take place without the prior agreement or approval from the Georgian government.

In this connection, particular attention should be given to the statement of Znaur Gassiev, the Chairman of the self-proclaimed parliament of South Ossetia to the effect that construction of

⁴⁹ “Georgian interior minister proud of “high precision” work on Gori blast case”, Imedi TV, Tbilisi, 27 July 2005, in BBC Monitoring; “Georgian minister says Russia not helping with car bomb probe”, Radio 1, Tbilisi - 10 November 2005, in BBC Monitoring; “Georgian TV shows documentary on Gori car bombing”, Rustavi-2 TV, Tbilisi, 1 February 2006, in BBC Monitoring

⁵⁰ Visual materials enclosed Under “Reference 50”.

Russian military bases in the Tskhinvali region/South Ossetia is a matter of common knowledge.⁵¹

- **Training of the Military Forces of the proxy Regimes**

Beyond what has already been stated, the military staff of the South Ossetian proxy regime has been periodically undergoing military trainings at the Russian military base of the 58th army, located in North Ossetia. It is a notable fact that only in the course of last year, Russian military instructors held eighteen (18) military exercises for different units of the de facto ‘Ministry of Defence’ of South Ossetia. These exercises for the most part took place on the base of North Ossetian peace-keeping battalion and were carried out with the application of heavy weaponry. (*More information is provided in Answers to Legal and Military Questions on roles and activities of the peacekeepers.*)

2. ABKHAZIA, GEORGIA

2.1. ASPECT OF POLITICAL CONTROL

In terms of political support, same trend as it is described in the sub-chapter on Tskhinvali region/South Ossetia, has been applied to Abkhazia. Statements supporting independence of the region were part of this pattern. On 6 December 2006, the State Duma of the Russian Federation adopted several statements in relation to the non-recognized republics existing on the territory of Georgia;⁵² On 22 December 2006, the Council (upper chamber) of the Parliament of the Russian Federation passed a special statement on the recognition of the independence of Abkhazia and South Ossetia. In the given statement the Russian Parliament expressly called on the international community to recognize the right to self-determination of South Ossetia and Abkhazia. Later on, the statement of State Duma was upheld by the Parliaments of other territorial administrative units of the Russian Federation.

Numbers of agreements was concluded between entities of the Russian Federation and the Abkhaz proxy regime without seeking the consent of the Government of Georgia. For instance, agreements have been concluded with the Stavropol Territory (the Russian Federation) in the fields of industry, commerce, culture and education; and with the Administration of Krasnodar Territory (the Russian Federation) in the field of rehabilitation and reconstruction of highways and railways in Abkhazia.

- ***Visits of representatives of Russian official structures***

Without prior consultations with the Georgian authorities, the Abkhazia, Georgia has been frequently visited by representatives of official structures of the Russian Federation, and while

⁵¹ “It does not represent secret to anybody that Russian military bases are being built in South Ossetian territory, which are built by special construction agency of the Ministry of Defense of the Russian Federation”. The interview was given on 14 September 2007 to www.utro.ru

⁵² See statement of State Duma dated 6 December 2006.

doing so they violated state border control regulations as well as established practices on visits to the Abkhazia, Georgia being conducted after proper notification and approval by Georgian authorities. Numerous meetings between the leaders of the proxy regime and the highest officials and Members of the Parliament of the Russian Federation have taken place without prior approval from the central government of Georgia. To name but a few examples of this type of “high-level” meetings, the following instances are perhaps worthy to note: 19.12.1997-

Chairman of the Foreign Affairs Committee of Duma of the Russian Federation- V. Lukin; 20.01.1999- The State Duma Deputy – Baturin; 21.01.1999- The State Duma Deputy- Mitrofanov; 22.08.1999-Chairman of the CIS Affairs Committee of Duma of the Russian Federation - G. Tixonov; 28.11.2001-Commander of the North Caucasus Military District of the Ministry of Defence of the Russian Federation - General G. Troshev (11-08/61); 06.08.2002- Deputy Chief of the President Administration of Russian Federation -V. Surkov (11-08/927); 06.08.2002- Chief of the Secretariat of the President Administration of the Russian Federation - V. Rumiantsev; 06.08.2002- Deputy Minister of Finances of Russian Federation - A. Petrov; 06.08.2002- Deputy Minister of Economic Development and Commerce- M. Tsikanov; 30.09.2003- President of the Republic of Tatarstan- M. Shaimiev; 30.09.2003- President of the Kabardino-Balkar Republic - V. Kokovi; 30.09.2003-President of the Republic of Bashkiria- M. Raximov and etc. throughout the years and up to now.

• *Staff composition as a direct means of control of the Proxy Regime*

- a) On March 10, 2006, **Alexander Stranichkin** was appointed as Vice Premier of Abkhazia. He was born on April 5, 1955 in town Chita. In 1983 he graduated from the State Ecological Institute of Rostov as an economist. He has been elected in Abkhazian parliament twice and was elected Vice Speaker in 2002.
- b) **Olga Koltukova**, a Russian citizen, was appointed as the Minister of Labor and Social support of Abkhazia in March 2005.
- c) On April 30 2008, **Aleksandr Pavliushko** was appointed Deputy Minister of Defense of Abkhazia by a decree of the Abkhazian *de-facto* President. Mr. Pavliushko is a former head of the Russian peacekeeper’s staff. Later, in August 2009, Mr. Pavliushko, was responsible for planning and conducting operation for the occupation of the Kodori Gorge.
- d) In March 2005, **Anatoly Zaitsev** was appointed as Chief of the General Staff of the Abkhazian *de-facto* Ministry of Defense; he had been a high-ranking official at the Russian Ministry of Defense.
- e) Sultan **Sosnaliev** served as the Chief of General staff until 2005 and Minister of Defense and Vice Premier of Abkhazia since 2005 (he died in 2007). He was born in 1944 and graduated from Sizransk Aviation College and Military Academy. After he resigned to the reserve forces, he served as a deputy director of the joint stock company “Kabbalgrazhdanstroy”. Since August 1992 he participated in military activities in Abkhazia, Georgia as Chief of the Defense Staff and Chief of the General Staff. He then resigned to reserve in rank of Lieutenant General of the Abkhazian Army.

- f) **A. Voinsky** - Deputy Secretary of the National Security Council of Abkhazia, former Russian Naval Commander.
- g) **D. Markov** – russian citizen appointed as Chief of Air Defense of Abkhazia.
- h) **V. Gaidukov** – russian citizen appointed as Deputy Interior Ministry of Abkhazia.
- i) **D. Ermichev** – russian citizen appointed as Deputy Head of the Division of International Military Cooperation of the Ministry of Defense of Abkhazia.
- j) **V. Solovyov**- russian citizen appointed as Chief of Staff of the Service of Armament and Equipment of the Defense of Abkhazia.

- ***Russia's direct engagement in illegitimate elections in Abkhazia, Georgia***

Russia's direct engagement in illegitimate elections in Abkhazia, Georgia held in October 3, 2004 is a good example of non tolerance by the Russian Federation of any possibility of any kind of decision making on important political issues by population remaining in the region independently from the Russian authorities. Above all it clearly shows that total dependence of the region over Russian Federation enabled Russian authorities effectively to attain their goal.

The nature of these elections was well assessed in the letter of Mr. Revaz Adamia, the Ambassador and the Permanent Representative of Georgia to the UN, addressed to the President of the UN Security Council, dated 26 October 2004: "The holding of the illegitimate and self-proclaimed presidential elections by the Abkhaz separatists on October 3, is yet another attempt to imbue legality to the demographic changes resulting from the conflict. It is being done in flagrant disregard of the position of the international community manifested in numerous Security Council resolutions and Presidential Statements to affirm the illegitimacy of the elections when nearly 300.000 civilians are forcibly driven out of the region. By the same virtue, the elections fail to sustain even scant semblance of democracy putting aside its violation of international law in the environment where violence and human rights violations constitute routine of life."

Russia not only disregarded the position of Georgia and of the international community in general but did not refrain from openly showing its interest in the elections as well as its preferred outcomes. The President of the Russian Federation Vladimir Putin openly endorsed Mr. Raul Khajimba, one of the Abkhaz Presidential candidates, when Mr. Putin met him in Sochi on 29 August 2004.

On September 30, 2004, a member of the State Duma of the Russian Federation, Vladimir Zhirinovskiy and Konstantin Zatulin attended the celebration of Independence Day of Abkhazia in Sokhumi. The same day, Vladimir Zhirinovskiy declared that if the Abkhaz do not support the candidacy of Mr. Khajimba, Russia will close its borders and stop granting pensions and citizenship to the Abkhaz population.

Following the elections, the Russian Federation -which praised the elections in a statement of October 4, 2004 - as “calm and democratic”, was the only member of the international community to lend its support. Members of the Russian Government were directly involved in the pre-electoral campaign in Abkhazia. The support was so strong and open that the President of the Russian Federation himself directly supported one of the candidates, Mr. Raul Khajimba, in the Presidential elections on August 29, 2004.”⁵³

The candidate supported by President Putin did not receive enough popular support to take office. As a result, Russia interfered immediately and the self-proclaimed Central Electoral Commission and the self-proclaimed Supreme Court of Abkhazia nullified the results of the elections. N. Khashba, a Russian citizen and the Head of the Department for Investments and Main Funds of the Ministry of the Emergency Situations of the Russian Federation, the former Mayor of Sokhumi, was appointed as the *de facto* Prime Minister of Abkhazia and immediately dispatched to Sokhumi.

On November 1-2, 2004, both Mr. Khajimba and Mr. Bagapsh, the winning Presidential candidate, were summoned to Moscow. As mentioned above, both Mr. Khajimba and Mr. Bagapsh are Russian citizens. On November 10, 2004, the Prime Minister of Georgia, Zurab Zhvania, criticized the Russian authorities for holding consultations with the representatives of breakaway Abkhazia in Moscow: “It is alarming when open consultations are being held in Moscow with the separatist regimes.”

On November 12, 2004, a representative of the Ministry of Foreign Affairs of the Russian Federation, A. Iakovenko, made a declaration, noting, that “the Russian Federation would be obliged to resort to any means in case of deterioration of the situation in Abkhazia in order to protect its own citizens.” Furthermore, Russia closed the Georgian-Russian border on Psou River to exert pressure and achieve desirable outcome.

Immediately, on 12 November 2004, the Ministry of Foreign affairs of Georgia responded in a statement declaring that:”The Ministry of Foreign Affairs of Georgia expresses its strongest protest in relation with the declaration made by the Russian Ministry of Foreign Affairs...”

These unilateral and illegal actions in breach of the UN Security Council resolution 1554 (2004), remind “all concerned to refrain from any action that might impede the peace process” clearly show a divergence of Russia’s actions from its formal role of the facilitator in the UN-led peace process in Abkhazia, Georgia,

As a result of Russian interference, including the visit of the Deputy General Prosecutor, Kolesnikov and Deputy Minister of Interior Alexander Chelkalin, Mr, Baghabsh was announced President and Mr. Khadjimba – Vice President, in a coordinated “electoral compromise”.

⁵³ See - the letter of the Permanent Representative of Georgia, Mr. Revaz Adamia, addressed to the UN Security Council, 26 October 2004.

- ***Passportization: Abkhazia, Georgia***

The passportization policy in Abkhazia, Georgia has been conducted with the same pattern described above in the case of the Tskhinvali Region/South Ossetia. Numerous protests over this policy have been made and registered by the Government of Georgia however no results or changes have taken place.⁵⁴ Despite the numerous appeals of Georgia at the UN General Assembly, including protest notes of the Ministry of Foreign Affairs of Georgia and protest resolutions of the Parliament of Georgia (20 March 2002).

(Information on process and dynamics as well as aims of this police are given in the Answer to the Legal Question #2.)

- ***Visa Free Regime***

(The same pattern has been used as in the Tskhinvali Region/South Ossetia, see relevant section above.)

2.2 Policy of Economic Support

The Russian Federation, in direct violation of the fundamental norms of international law and CIS decisions, has been engaged in unilateral economic and financial assistance to the proxy regime in Abkhazia, Georgia. Under the pretext of economic assistance Russian Federation maintained the regime in Abkhazia which was directly responsible for the ethnic cleansing and other gross violations committed during the hostilities in 1992-1994 and have been permanently pursuing the policy of ethnic discrimination against the Gali Georgian population.

In violation of Decision made by the Council of the Heads of States of CIS on Measures for Settlement of the Conflict in Abkhazia, Georgia on 19 January 1996, according to Article 6 of which “Confirming, that Abkhazia is an integral part of Georgia, the member states of CIS, without consent of the Government of Georgia will not exercise trade-economic, financial, transport or other operations with the authorities of the Abkhaz side”, state agencies and authorities, commercial entities and business institutions of the Russian Federation have nevertheless established close relationships with the proxy regime of Abkhazia, advancing and maintaining its survival.

The Russian Federation and the proxy regime in Sokhumi actively cooperate in export-import of electricity; joint production of brick and roofing slate; construction of a gas-transmitting terminal in the territory of Abkhazia and export of propane through it; expansion of Russian Mobile communications operator services on the whole territory of Abkhazia; television and radio broadcasting; distribution and realization of Abkhazian agricultural products on the Russian

⁵⁴ For example: Resolution of the Parliament of Georgia of 20 March 2002; The note of the Embassy of Georgia in the Russian Federation of 17.07.2003; As for the practice of granting citizenship see Statement By Mr. I. Menagarishvili, Minister of Foreign Affairs of Georgia, New York, 19 September 2002, the 57th Session of the UN General Assembly.

market; licensing Russian fishing-ships in Abkhazian waters; methodical consultations to the Abkhazians by the authorities of Moscow in the fields of stock-taking, farming, legislation etc.

▪ **Policy of acquisition of the immovable property in Abkhazia by the Russian Federation**

After the armed conflict proxy regime of Abkhazia started to dispose abandoned property that previously belonged to the Georgian population ethnically cleansed from their homeland. The purchasers are mainly citizens of the Russian Federation. Confiscation of private property of Georgians is being carried out by the *de facto* administrations of local governance bodies. Namely, with assistance of Abkhaz forces, local administrations blame the IDPs, who actually were forced to flee from their homes more than fifteen years ago, for non-payment of utility or other payments for a long period of time. Explanations like this became grounds for seizing property, which later were sold to citizens of the Russian Federation.

Russian entrepreneurs and entities have gotten engaged in acquisition of land, estates and natural resources in Abkhazia. The Ministry of Foreign Affairs of Georgia protested to Russian authorities with regard to implementation of trade-economic projects and conclusion of agreements between Russian entities and the proxy regime of Abkhazia.

Large investments have been made by Russian high-ranking officials and influential businessmen in the rehabilitation of seaside resorts. The contracts were concluded with travel agencies of Russia (“Amtatsa,” “Ruta,” “Jhar-Ptitsa,” “Rustal-Tour,” “Gladolious” etc), which offer holidays in famous Abkhazian resorts.

Purchase of real estate, resorts and food objects by private firms, companies and citizens of the Russian Federation led to dramatic increase in real estate prices in Abkhazia, Georgia. If in 2005 the cost of a two-storey house in the centre of Sokhumi was approximately 15 – 20 000 USD, in 2007 the similar house would cost about 60 000 USD.

Increased demand of citizens of the Russian Federation to purchase real estate in Abkhazia has led to the increased number of real estate agencies in the region. For instance, a real estate agency “Iug” (South) is functioning in Sokhumi at the address: No.69, Peace Avenue. The majority of clients of the agency are citizens of the Russian Federation.

Facts of purchasing houses of Georgians by citizens of the Russian Federation:

2004 – 2006:

- Sergeant of the No.309 checkpoint of the Russian Peacekeeping Forces Andrey Zhilin (Located in the village Anaklia of the Zugdidi region), has purchased a house in the city of Ochamchire, in he Gamarjveba Street for 80 000 Russian Rubles; assistance in this case was rendered by the proxy regime of Abkhazia.
- Andrey Kalugin, military servant, residing in Moscow, has purchased a three-room apartment in Sokhumi, Tbilisi Highway (currently (Akirtava Street), in the 14- storey building located adjacent to the tourist base.

- Former servant of the Ministry of Defense of Russia, the Moscow resident, has purchased an apartment at the address: apt. No.76, 13, Tbilisi Highway (currently Akirtava Street), Sokhumi. Shortly after arrival to Sokhumi, the mentioned person has started working at the Ministry of Defense of proxy regime.
- A citizen of the Russian Federation has purchased a three- room apartment in the 14- storey building, located at the tourist- base territory for 25 000 USD. A new owner of the apartment uses it only during summer.
- In 2005, upon initiative of Aslan Bagatelia, Gamgebeli (governor) of the village Ganakhleba of the Gulripsh region, and his deputy Edic Tsargosh, 20 Chechen families were settled in abandoned houses in the village of Nikolaevka, previously belonging to ethnic Georgians, currently forcibly displaced and residing in other parts of the country.
- With assistance of the de facto administration of the village Estonka of the Gulripsh region, citizens of the Republic Armenia are being settled in abandoned by Georgians houses. Armenians enter Abkhazia from the territory of the Russian Federation, crossing the border on the river Psou; then they try to obtain residential land plots.
- A hotel was built on the territory of compact settlements of Georgians in Sokhumi, in the Lakoba Street. The private houses were dismantled.
- In Gagra, Rustaveli Avenue:
 - Hotel is built on the territory of the Nukri Kakuchia's residence;
 - Shops chain is built on the residential territory of Sichinava, Gulordava and Pipia;
 - Café-bar and a restaurant is opened on the residential territory of Zura Jinjaradze and Shota Jinikidze;

Representatives of the separatist regime of Abkhazia actively work in the republics of the North Caucasus. Their aim is to attract and settle as many residents of the North Caucasus as possible. Namely:

- In the city of Ochamchire, the 5-storey building (the so-called “Khrushevka” type) was transferred to Khatal-Ali Kunzhiev from Karachay-Cherkessia, who, in turn brought his relations there. In addition, residencies are given to Mukhamed Uzdenov and Gennady Tsiutov.
- In Sokhumi, a so- called Militia school, functions in the premises of the No.2 Secondary school; students from the North Caucasus attend the Militia School. The majority is trying to purchase living houses in Abkhazia. Namely, one of the students, of Kabardinian nationality, Burat Pliev, has purchased a flat in Sokhumi.
- Lately, the number of brokers from the North Caucasus has increased. Mainly, they are engaged in the business of sale-purchase of dachas. One such broker is Alkhazur Suleimanov from Chechnya.

In 2002-2006 representatives of the Russian Authorities as well as private companies purchased the following sites in Abkhazia:

- In Sokhumi, at a prestigious location, a park situated between the “Tbilisi” Hotel and seashore was purchased by the Moscow Mayor – Yury Luzhkov. The mentioned territory is located 20 meters from the sea and is an ideal location for hotel construction.

- The building (under construction) hotel at the adjacent to the “Dioskuria” restaurant territory in Sokhumi belongs to Yury Luzhkov as well.
- In 2005, territory of the collective farm in the village of Machara of the Gulripsh region, was purchased by a member of the Russian Federation Duma, Vladimir Zhirinovskiy. Currently, about 45 000 units of different varieties of grapes are being grown.
- A member of the Duma of the Russian Federation, Joseph Kobzon, has purchased approximately 1-hectare land plot in the Gulripsh region, where construction of a dacha is underway.
- Beria’s dacha in Gagra – was purchased by the Governor of the Krasnodar Kray Alexander Tkachev for 25 million Russian Rubles; however, the mentioned dacha is registered in the name of the Nizhegorod Company “Invest Plus”.
- Rest – house “Communist” for 420 beds was purchased for amount of 1.5 million USD by the Saratov oblast Governor Pavel Ipatov. The rest house is registered in the name of the company “Stroyex”.
- The Stalin dacha “Kholodnaia Rechka” was bought for 10 million USD by the Russian billionaire Oleg Deripaska.
- Hotel “Ritsa” was bought by the former member of the de facto Abkhazia parliament, currently - a businessman - Beslan Butba for 60 000 USD.
- Citizens of the Russian Federation have purchased some fashionable dachas in Daba Bichvinta. Some of them are built in the Bichvinta-Miusera preserved territory. The Governor of the Orel oblast Igor Stroevev built a dacha on the preserved territory; the dacha occupies quite a large land plot (is surrounded by the concrete fence), which is also located close to the seashore.
- Businessmen from the Russian Federation have privatized sanatoria “Ukraine” and “Samshitovaia Roshka”.
- A firm “Beriozka” registered in Mordovia (Russian Federation) has become an owner of the rest house “Miusera” in Gudauta and the rest- house “Abrskili” in Gagra.
- In Ochamchire, a seashore territory between rivers Ghalidzga and Anaria (former ordnance yard (so-called “Tsarka”) of the USSR Military Forces) was entirely purchased by the Russian businessmen and the resort system is being constructed there.

Following sites are transferred (rented) to the State structure, private persons and companies of the Russian Federation:

- On August 15 2001, by the Resolution of the de facto Cabinet of Ministers of Abkhazia, the Gagra rest- house “Kavkasia” was rented to the enterprise “Yaroslavna”, which represents an affiliated company of the Russian Society “Russian Compatriots” from the city of Tiraspol of “Transnistria Republic”.
- In January 2004 the 4th Division of the Ministry of Defense of Russia has leased a rest- house “Archfund” for the term of 25 years. The rest house is located in Gagra, Lenin Street. Negotiations with the Abkhaz side were conducted by General Yasov and General Vladimirov.
- In 2004, the sanatorium “Armenia” was transferred for use to the Ministry of Defense of Russia for a term of 25 years.
- In 2004, the house of art “Litfund” in Bichvinta was leased for a term of 15 years to the Ministry of Energy of the Russian Federation.

- In August of 2005, the construction company “Promishlennoe Grazhdanskoe Stroitelstvo” from the city of Nizhny Tagil (Russian Federation) has purchased several sites in Ochamchire, including the Farm market and private apartment houses. The company conducts repair works, financed by the Russian Joint-Stock Company “Uralnepht”.
- In 2005, in the village Kindghi of the Ochamchire region, the rest house “Sokhumi” and the Sokhumi rest house “Tkvarcheli” became property of the companies “Zarli and “Kagov Garant” from Karachay-Cherkessia of the Russian Federation.
- In 2005, the Russian company “Mostorg Invest” leased the citrus farm located in the village of Makhunja of the Gali region; rehabilitation works have been completed.
- The rest house, so-called “Literaturnaia Gazeta”, located in the village Agudzera of the Gulripsh region was leased by the *de facto* authorities to the company “Rakada” registered in St. Petersburg of the Russian Federation.
- The *de facto* President of Abkhazia Sergey Bagapsh transferred the Sokhumi rehabilitation centre for children with heart diseases to the President of the Karachay-Cherkessia Mustafa Badiev.
- The control stock of the hotel “Sokhumi” located in Sokhumi was obtained by a Russian businessperson residing in the city of Samara in the Russian Federation.
- Some resort and recreation sites were transferred into temporary use to companies like “Lukoil” and “Gazprom”.
- In 2006, citizens of the Russian Federation purchased some land located on the territory of the so-called “viem” in the Baratashvili Street of Sokhumi; according to the disseminated information some modern rest houses and sanatoria will built there.

Official structures and private companies of the Russian Federation carry out significant investments in Abkhazia; as a result of such investments, the infrastructure of Abkhazia is being rehabilitated with Russian financial resources: Mr. Bagapsh and Moscow Mayor Yury Luzhkov have signed an agreement on economic cooperation in March of 2005.

2005

- The St. Petersburg Telephone Company replaced outdated equipment at the Sokhumi Telephone Station with a digital one. The cost of the work amounted to \$ 600 000. On October 29, Mr. Bagapsh and the Speaker of the *de facto* Parliament of Abkhazia Nugzar Ashuba met representatives of the St Petersburg Amalgamation “Dorservice”, who will take part in construction of roads, streets and squares, as well as fortification of the coastal and mudflow zones.
- The bread bakery joint-stock company “Starooskolsky Combinat Khleboproduktov” and the Sokhumi LLC “D.D. and Komp” signed an agreement, based on which in October of 2005, flour for the cost of 38 000 USD was brought into Abkhazia.
- Joint-stock company “Papillon” of the city of Miasi of the Cheliabinsk oblast delivered to the separatists’s Ministry of Internal Affairs a dactyloscopic equipment at the cost of 26 790 USD.
- In the framework of the cooperation agreement, signed between Omsk Academy of the Ministry of Internal Affairs of the Russian Federation and the Sokhumi Militia School, the Omsk Academy supplies the Sokhumi School with the special equipment and printed materials.

- The company “Yakhont” in Sokhumi is established based on the Russian investment; the company bottles and sells the mineral water “Avadrakha” in Russia.
- It is planned to modernize and privatize the Sokhumi plant “Sokhumkhelsatsko” with assistance of Russian businesspersons. Currently, the tea cutting manual electric devices workshop is being assembled at the plant.
- The Russian company “ROEL-consulting”⁵⁵ is rendering assistance to Abkhazia in developing economic strategies.

2006

- By instructions of Yury Luzhkov, the Moscow City Hall planned repair works at the Gali School No.1 and purchase of school inventory and computers for the same school.
- A well known company in Russia “Interdormstroy” has started rehabilitating the Psou-Sokhumi 107 km section; Director General of the company is Sergey Sirinko. The “Interdormstroy” intends to create a sound industrial base in Abkhazia.
- The affiliated company JFC “Fruit Company” has started its activities in Abkhazia; the company is engaged in preparation of fruit juices. The company received seasonal harvest from the local population and exports citrus to Russia.
- Administration of the Rostov oblast intends to lease the TB dispensary in the Gulripsh region for a term of 25 years; it is planned to open a cardiology section there with assistance of Russian specialists; heart surgeries and, most probably, human organs transplantation operations will be conducted there.
- The Abkhaz LLC “Integral” and Armavir closed JSC “Armavir Communications Factory” signed an agreement on replacement of cables.
- On February 10, in Sokhumi, the Tula Armory representatives and “Sokhumkhelsatsko” achieved agreement on cooperation. Based on the agreement, the Sokhumi factory will allocate a workshop, where the Tula Armory will install the special equipment to produce wooden butts.

▪ *Russian control over the financial institutions in Abkhazia, Georgia*

The Russian Federation established absolute control over the financial sector in Abkhazia including through provision of financial assistance to the proxy regime by extending long-term credits with favourable terms.

The Russian currency, Rouble, has been in circulation on the territory of Abkhazia and represents Abkhazia’s legal tender.

The proxy regime and its commercial banks have close business relationships with and are dependent on banking and financial structures of the Russian Federation. The banking institutions functioning in this region operate without a license issued by the National Bank of Georgia: they

⁵⁵ Established in 1995, is engaged in the consulting business aimed at optimization of organizational activities of enterprises. It is owned by the Russian businessman Vladimir Kakhman. Annual turnover amounts to 340 million USD

violate principles set under Georgian legislation, including the norms which deal with the supervision and inspection of banking institutions, ensuring elimination of money laundering and terrorism financing, and, therefore, they represent illegal structures.

Abkhazian banks enjoy credit and settlement services of Russian banks and are engaged in the international money transfer system such as “Contact” (organizer – JSC C/B “Russlavbank”), VIP Money Transfer (Organizer – “VIP-Bank”), Russian Inter-Bank Payment System “Golden Crown” (functioning of the system is provided by the Uniform Settlement Center-Non-Bank Clearing Credit Organization (NCCO) “Payment center”), etc. Through the above-noted systems, as well as various banks of Russia, Abkhazia, Georgia may carry out financial operations practically worldwide. It should be emphasized in this regard that not only commercial banks have close financial relationships with the Russian banking system but also the so-called “national bank” of Abkhazia, which has a number of accounts opened in “Krainvestbank” of Krasnodar Region of the Russian Federation.

All of the above mentioned was in violation of Memorandum concluded by CIS member countries on February 10, 1995 on “Facilitating the Peace and Stability in CIS”, Pursuant to paragraph 8 the parties (including the Russian federation) are committed not to provide the separatist regimes with economic, financial, military and any other assistance, and the Resolution of the member states to CIS on “Actions for Regulating Abkhazian Conflict” (January 19, 1996) by which the signatory parties recognizing the territorial integrity of Georgia, assume the obligation not to perform commercial, economic, financial, transport and any other types of operations with the illegitimate government structures of Abkhazian party without agreement with Georgian authorities.

In fact, financial and credit institutions of the Russian Federation that cooperate with the illegitimate banks operating on the territory of Abkhazia, Georgia ignore the Base Core Principles for Effective Banking Supervision as well as the customer due diligence for owners of bank accounts (including paragraphs 49-50, according to which banks should establish correspondent relationship with only those banks that are subject to appropriate control on the part of respective organs. The National Bank of Georgia should be regarded as such an organ for Abkhazian banks). This has created a situation where financial and credit institutions of the Russian Federation violate Russian laws as well as the norms established by Provision #262-II dated August 19, 2004, issued by the Central Bank of Russia.

Georgian authorities have discussed with Russian authorities the problems caused by the illegitimate banking system in Abkhazia. The issue has been raised at meetings of top authorities of the central banks of the CIS member states and directly discussed with the Central Bank of the Russian Federation. Official notification was sent to the Financial Action Task Force which the Russian Federation is a member of and to the Council of Europe MONEYVAL Committee by Georgia.

This policy continued by withdrawal of the Russian Federation from the January 19, 1996 CIS Heads of States Decision on “the Measures for the Conflict Resolution in Abkhazia, Georgia.” In particular, on March 6, 2008, the Ministry of Foreign Affairs of the Russian Federation officially informed the Executive Committee of the CIS on its withdrawal from the January 19, 1996 CIS Heads of States Decision on “the Measures for the Conflict Resolution in Abkhazia, Georgia.”

The said CIS decision imposes restrictions and bars the transfer of military hardware and assistance to Abkhazia. While the Russian Foreign Ministry sought to emphasize the 'humanitarian' motives of its withdrawal from the CIS restrictions—arguing that these measures prevent “realization of socio-economic programs”—in fact the document in question primarily prohibits military assistance and weapons transfers to the separatists. Moreover, various UN agreements stipulating restrictions on Abkhazia specifically exempt humanitarian assistance from the list of prohibitions. It is the view of the Government of Georgia, therefore, that supposed humanitarian motives are merely pretence.

By this withdrawal, Russia formally and officially refused to obey international obligations taken within the frameworks of that decision. Namely, the obligation:

- To prevent the sale or supply of arms, military equipment all of types, spare parts, ammunitions, military vehicles and equipment by their citizens, or from their respective territories, or through their ships and aircraft to the conflict zone (article 3).
- To prevent recruitment of their citizens and their detachment to the conflict zone for participation in the activity of any armed formations (article 5.a).
- Not to exercise trade-economic, financial, transport or other operations with the authorities of the Abkhaz side without consent of the Government of Georgia (article 6.a).
- Not to engage in official contacts with the representatives or officials of the structures established in the territory of Abkhazia, nor with the members of military formations of Abkhazia without consent of the Government of Georgia (article 6.b.).

Russia's unilateral withdrawal from the above-mentioned decision was a clear manifestation of its policy and position about the conflict in Abkhazia, Georgia, which run contrary to the formal role of a mediator effectively abused for years by the Russian Federation.

▪ ***Railway, sea and land connections between Russia and Abkhazia***

On December 25, 2002, the Sochi (Russia) - Sokhumi (Abkhazia, Georgia) railway link was opened by Russia without seeking agreement of the Georgian Government and in violation of the decision of CIS leaders of 1996. According to paragraph 6 of this document, State parties declared that “Abkhazia is an integral part of Georgia and they affirm that they will not carry out any economic, financial, transport or other kind of operations with the Abkhazian authorities without the permission of Georgian Government”. In his statement made at the 58th Session of the United Nations General Assembly General Debates on 2 October 2003, in New York, Minister of Foreign Affairs of Georgia, Mr. I. Menagarishvili, protested the opening of the railway connection.

On December 26, 2002, the Ministry of Foreign Affairs of Georgia sent a protesting note to the Ministry of Foreign Affairs of Russia, which stated that “the Ministry of Foreign Affairs of Georgia considers the unilateral action of the Russian Federation – resumption of railway commuting between Russia and Abkhazia - as an infringement of the sovereignty of Georgia in glaring disregard of the principles of inviolability of borders, refraining from intervention into internal affairs and execution of international obligations in good faith. The Georgian side is once again compelled to draw attention of the Russian side that the crossing of the border between Georgia and Russia is subject to the rules set forth in the Agreement between the Government of

the Republic of Georgia and the Government of the Russian Federation of October 8, 1993, which is the only legal instrument in force that governs the above-mentioned issues. Pursuant to Article 4 of the Agreement, “the Parties undertake to open and close the points for crossing through the customs border by mutual agreement.” It was agreed to determine the timeframe for opening the points, as well as all forms of transportation through these points by exchange of notes. These rules have not been complied with in respect of the Abkhazian section of the Georgian-Russian border. It has also to be noted that the Ministry of Foreign Affairs of Georgia has brought several times to the attention of the Russian side that by the Order of the President of Georgia No. 140 of 31 January 1996 the Abkhazia section of the Georgian-Russian border is closed for all forms of international shipments and transportation. By virtue of its actions, the Russian side ignored the decision of a sovereign State, violated universally recognized principles and norms of international law, in accordance to which the decision to open the state border shall be carried out only on the basis of agreement with the bordering state.”

Opening of the railway link between Sochi (Russia) and Sokhumi (Abkhazia, Georgia) was also protested by Revaz Adamia, the Permanent Representative of Georgia to the UN at the UN Security Council on 30 July 2003.

On July 25, 2004, a railway repair-work army brigade of Russia began rehabilitation and reconstruction of Vesioloe (Russia) – Sokhumi (Abkhazia, Georgia) railway line. With regard to this fact, the Ministry of Foreign Affairs of Georgia sent protesting notes on August 3, 2004, on August 9, 2004 and on August 4, 2004.

On September 9, 2004, the Ministry of Foreign Affairs of Georgia sent another note to its Russian counterpart, according to which, the Government of Georgia protested the planned opening of two new railway routes: Sokhumi (Abkhazia, Georgia) – Rostov (Russia) and Sokhumi (Abkhazia, Georgia) – Moscow (Russia). Russia has never protested the fact of railway connection with Abkhazia, but stated that the railway crossing was carried out by private entities of Russia and the Russian Government had no information in this respect.

Argument of the Russian Federation used in its reply to numerous protests of Georgian government that the railway connection was carried out by the private entity and it had nothing to do with the Russian government had no standing in international law.

In addition, with the opening of railway communications Russia directly violated the Sochi Agreement of 6-7 March 2003, which envisages opening of the Sochi-Sokhumi railway communication, provided that, it is synchronized with the return of refugees and IDP's to Abkhazia.

Russia displayed disregard for the Security Council resolutions on the conflict in Abkhazia, Georgia in particular the resolution 876(1993) which “calls on all States to prevent the provision from their territories or by persons under their jurisdiction of *all assistance*, other than humanitarian assistance, to the Abkhaz side.”

On March 31, 2004, bus connection between Sokhumi (Abkhazia, Georgia) and Rostov (Russia), as well as sea connection, in August 2004, between Sochi (Russian) and Akhali Atoni (Abkhazia, Georgia) were opened by Russia. These unilateral acts of Russia constitute an infringement upon

the sovereignty and independence of Georgia and violation of the basic principles of international law. Notes of protest in this respect were sent to Russian authorities by the Ministry of Foreign Affairs of Georgia.

On August 1, 2003, the Ministry of Foreign Affairs of Georgia submitted a letter to the UN General Assembly, protesting the sailing of a motor ship, Vega-1, between Russia and Abkhazia. According to this letter:

“Such actions by the Russian side are incompatible with the principles of good neighbourliness between the two States, the requirements of international law, particularly the 1982 United Nations Convention on the Law of the Sea, and the provisions of the Agreement between the Governments of Georgia and the Russian Federation on Commercial Navigation.

Such actions by the Russian side are in flagrant violation of the provisions of the Memorandum on the maintenance of peace and stability in the Commonwealth of Independent States (CIS) of 10 February 1995 and the decision of the CIS Council of Heads of State on measures for the settlement [of the conflict] in Abkhazia, Georgia, of 19 January 1996 and constitute virtual approval of the initiation of maritime service with the so-called “Republic of Abkhazia”, which, together with other illegal and unilateral steps, particularly, the establishment of a simplified procedure for crossing the border on the Abkhaz section of the Georgian - Russian border, the granting of Russian citizenship to inhabitants of Abkhazia, Georgia, the resumption of the rail service and so forth, is a continuation of the policy of all-round support for the separatist regime in Abkhazia, Georgia.

The Ministry of Foreign Affairs of Georgia reiterates that the Sokhumi seaport and port points, the maritime area and the section of the State border lying within Abkhazia, Georgia, are closed for all forms of international transport, with the exception of shipments of humanitarian aid, in accordance with the established rules. Should similar illegal actions recur, the Georgian side demands that it be notified immediately and that the violator vessels be detained pending an appropriate response by the Georgian side.”

2.3. MILITARY ASPECTS OF SUPPORT

After the cessation of armed hostilities in the 1990’s, the Russian Federation continued military support for the proxy regime in Abkhazia (**details about the violations attributable to peacekeepers are provided in Answers to Legal Question #3 and Military Question #3**). Military support to the proxy regime has been comprehensive and thorough throughout the years and included both provision of arms and munitions and manpower/training. Some of the most vivid examples include but are not limited to the following:

- ***Russian Security/Officials in Abkhazia***

On April 30 2008, **Aleksandr Pavliushko** was appointed Deputy Minister of Defense of Abkhazia by a decree of the Abkhazian *de-facto* President. Mr. Pavliushko is a former head of the Russian peacekeeper’s staff. Later, in August 2009, Mr. Pavliushko, was responsible for planning and conducting operation for the occupation of the Kodori Gorge. In March 2005,

Anatoly Zaitsev was appointed as Chief of the General Staff of the Abkhazian *de-facto* Ministry of Defense; he had been a high-ranking official at the Russian Ministry of Defense. **Sultan Sosnaliev** served as the Chief of General staff until 2005 and Minister of Defense and Vice Premier of Abkhazia since 2005 (he died in 2007). He was born in 1944 and graduated from Sizransk Aviation College and Military Academy. After he resigned to the reserve forces, he served as a deputy director of the joint stock company “Kabbalgrazhdanstroy”. Since August 1992 he participated in military activities in Abkhazia, Georgia as Chief of the Defense Staff and Chief of the General Staff. He then resigned to reserve in rank of Lieutenant General of the Abkhazian Army.

▪ ***Military Base of the Russian Federation in Gudauta, Abkhazia, Georgia***

The Gudauta Base once served as the dislocation spot for the Soviet Air Force and provided major military support for the Abkhaz proxy regime during the conflict in early 1990's. The Bombora Airfield outside Gudauta was home to a Soviet-era unit, the 345th Airborne Regiment, later redesigned as the 10th Independent Peacekeeping Airborne Regiment. The base has always been a significant factor in during the conflict. Virtually all command and control over the military operations has been planned and supervised from that base.

Russia has maintained a military base in Gudauta, Abkhazia, which operates against the consent of Georgia and in contravention with the international commitments undertaken by the Russian Federation during the OSCE Istanbul Summit to withdraw the base by 2001.

Non-fulfilment by Russia of its obligations in accordance with the decision of 1999 OSCE Istanbul Summit, regarding the withdrawal and closure of Gudauta military base, was the subject of protest by the Parliament of Georgia in its resolution of 20 March 2002.

Georgia has consistently protested against the illegal presence of the Russian military base in Gudauta. On July 30, 2003, Georgian representative in the United Nations declared at the Security Council Meeting that the "illegal operation of the Russian military base in Gudauta is another element exacerbating the situation in Abkhazia and straining bilateral relations... It would appear that this imperative has limitations once it concerns a permanent member of the Security Council. No other definition but indirect annexation of Abkhazia can be given to the process of accumulation of political and military control, together with illegal acquisition of property. Continued infringement on the sovereignty of Georgia can hardly be considered helpful to the peace process...”

In his statement at the 58th Session of the United Nations General Assembly General Debates of 2 October 2003, the Minister of Foreign Affairs of Georgia, Mr. I. Menagarishvili, protested the illegal presence of the Russian military base in Gudauta (Abkhazia) and stated that it was an additional element exacerbating the situation in Abkhazia.

The protests of Georgia have been supported by international organizations as well. In the Declarations and Recommendations adopted by European Union Parliamentary Cooperation Committee at its 3rd meeting on 18-19 June 2001, the EU underlined the importance of respecting the terms and conditions of withdrawal of the Russian military bases from the territory of

Georgia as set out in the OSCE Istanbul Summit Declaration and expressed its concern because of the delays in the withdrawal of the military detachments from the Gudauta base.⁵⁶

Pursuant to the 1999 Istanbul Summit decision, Russia claimed that the base was abolished in 2002. However Russia never handed over documents of closure to Georgian side. Georgian intelligence confirmed that the base was kept fully operational. Russian side has even publicly admitted that the base has been used by peacemaking forces (footnote needs to be added). In this regard it should be noted that any use of the base even for peacekeeping mission's purposes where in violation not only of already existing obligations with regard to the closure of Gudauta base but even of the mandate of the peacekeeping mission itself. Under the Decision made by the Commonwealth of Independence States of 22 August 1994, the CIS peacekeepers should have been located only within the territorial limits of the security zones (within 12 kilometers radius of the both sides of Enguri River). Any presence of peacekeepers in the Gudauta military base, any use of the military equipment and of airport of the base were clearly in violation of the territorial limits of the mandate of the peacekeeping mission.

On numerous occasions at various international fora Georgia requested possibility of international verification of claimed withdrawal of Russian military forces from Gudauta Base, Russian Federation never allowed its materialization.

On 10 march 2005, the parliament of Georgia adopted a resolution on the military bases of the Russian Federation located on the territory of Georgia, according to which:

“[...] In accordance with the Istanbul joint statement, the Russian Federation committed itself to liquidate the Vaziani and Gudauta military bases prior to July 1, 2001, while in the course of 2000 the sides had to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Akhalkalaki. On the ground of the Istanbul joint statement, so far, eight round of Georgian-Russian negotiation on military issues have been held.

With regard to the liquidation of the Gudauta and Vaziani military bases, Russia has fulfilled the international commitment taken within the Istanbul joint statement only partially. Namely, the Vaziani military base has been liquidated, however, only weaponry and military machinery restricted by the CFE Treaty have been removed from the Gudauta base.

Due to the unconstructive stance of the Russian side, up to now it has been impossible to carry out inspection of the base, which would verify its closure. At the same time, one-off inspection is not good enough to prove closure of the military base; it is essential to take specific measures aimed at guarantying permanent transparency in terms of further usage of certain facilities of the base.

⁵⁶ EU – Georgia Parliamentary Cooperation Committee - Declaration and Recommendations, ref:IRE/PCC/GH/KM/es, 27 June 2001, para. 28.

Despite the fact that the Russian side declares the Gudauta military base closed, about 300 Russian military servicemen still remain there. This means that the base is not closed and that position had been maintained repeatedly by the Georgian side at the Joint Consultation Group (JCG) meeting in Vienna and shared by the majority of OSCE member States.”

Thus, Russia maintained the Gudauta military base in violation of international agreements while the base has been used to ensure military and political support of the proxy regime of Sokhumi and was used as a significant tool for enhanced control of the region by the Russian Federation.

During the intergovernmental negotiations on withdrawal of the Russian military bases from Georgia, the Georgian government put forth comprehensive and clear criteria by which Russia’s claim on shutting down the base could have been verified. This included not only regular international inspections, but destruction of the runway in the base that has capability to receive significant number of airborne troops in a very short time.

The fact of illegal exploitation of the military base of Gudauta by the Russia for its military and political interests was once again confirmed by the fact of shooting down an Unmanned Aerial Vehicle belonging to the Ministry of Internal Affairs of Georgia by a Russian MIG-29. In particular, on April 20, 2008, at 9:48 a.m. a Russian MIG-29 took off from the Gudauta military airport and shot down a Georgian UAV. The information is confirmed by the Ministry of Defense of Georgia based on the information of radars. After the shooting down, the MIG-29 left to the north and entered the airspace of Russia at 10:06. The Government of Georgia has distributed a high quality video⁵⁷, which undoubtedly illustrates Russian ownership of the aircraft, not to mention that the proxy regime in Sokhumi could not afford to purchase or maintain a modern fighter of this class.⁵⁸ This act of Russian aggression has been verified by UNOMIG Joint Fact Finding Mission, OSCE within the framework of Vienna Document as well as independent international experts.

The above mentioned incident violates paragraph 4 of article 2 of the United Nations Charter, which envisages the prohibition of the use of force against the territorial sovereignty and political independence of any other state. Furthermore, the abovementioned action represents an “act of aggression” as defined in paragraph “b” of Article 3 of the Annex to the UN General Assembly Resolution of 1974 on Definition of Act of Aggression, which states that any act of use of weapons against the territory of other state represents the act of aggression. The presence of fighter aircraft at the Gudauta airport represents a direct violation of the 1999 OSCE Istanbul undertakings, which oblige Russia to shut down the Gudauta military base and to withdraw the personnel.

▪ ***Russian Activities in Upper Abkhazia/Kodori Gorge***

⁵⁷ Please, see the annexed video file under “Reference 57”.

⁵⁸ Report by UNOMIG, pages 3-6 is available at http://www.unomig.org/data/other/080526_unomig_report.pdf

On 20 September 2007, a special task unit of the MIA of Georgia neutralized an armed grouping of 10 people in Kodori Gorge, which had planned an attack on the new road connecting Upper Abkhazia with the rest of Georgia. The commander of the grouping and his deputy were killed in the exchange of fire. They were identified as Igor Muzavatkin (Vice-Colonel of Russian armed forces, a former member of the CPKF, who served on the contract basis in the border troops division of the Abkhazian separatist security service) and Artur Zorin (Major of Russian armed forces, also a former member of the CPKF). Seven members of the subversive group that identified themselves as members of the border troops division of the Abkhazian separatist security service, were arrested and later, as a gesture of good will, released and handed over to the Abkhazian separatist government.

- ***Russian military Attack on the Kodori Gorge***

On 11 March, 2007, from 22:10 till 24:00 the Kodori Gorge suffered from simultaneous artillery and air attacks. At least 17 “Grad” type missiles were fired from the ground, and at least one “Ataka” type guided missile from the air. The investigation revealed that the attack was carried out by BM-21 type artillery system and two MI-24 type helicopters. The target of the air-attack was the Administration building in the village of Chkhalta. The targets of the artillery attack were the Administration building in the village of Chkhalta, the storehouse of oil and fuel materials and the Police station in the village of Ajara. The combined use of aviation and artillery, the night flight of helicopters in the mountainous area, highly precise air attack by modern missiles and massive artillery bombing indicate that this was a well-organized and planned military operation, which could only have been conducted in this region by the Russian side.

- ***Significant increase of Russian military presence and support to the proxy regime in 2008***

Since April 30, 2008, the Russian Federation has been deploying its military forces in the conflict zone under the cover of the peacekeepers and without the consent of the Government of Georgia. Notification was sent to the Ministry of Defense of Georgia on April 29, 2008, by the Head of the CIS Peacekeeping Forces Mr. S. Chaban, who in fact was suspended from his position in February 2008. This notification did not contain information about the time and place of deployment as well as the number of the troops deployed.

In violation of the CIS’s agreement on peacekeeping operations, Moscow deployed an airborne battalion from the Novorossiysk airborne division to Abkhazia beginning in April 2008. In early May these forces were equipped with three “Buk” anti-aircraft complexes, fourteen additional D-30 self-propelled cannons, ten 122mm BM-30 multi-rocket launchers, twenty anti-tank cannons, 120 anti-tank rockets, two helicopters, and 180 Russian technical specialists to service this equipment.⁵⁹ The Russian Black Sea Fleet performed eight military exercises focusing on

⁵⁹ David Kezerashvili’s comments to the Temporarily Parliamentary Commission on October 27, 2008
[http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1329&info_id=21926]

infantry shore landings. On May 1, Russian troops set up additional unauthorized checkpoints within Abkhazia on roads in the Tkvarcheli and Ochamchire districts. A week later, Moscow confirmed an increase of its troop numbers in Abkhazia from 1,997 to 2,542.⁶⁰ Georgian sources, on the other hand, claimed that the real number of Russian troops on their territory was 4,000. On May 14, Sergei Bagapsh asked Russia to establish a permanent military presence in Abkhazia.⁶¹ Immediately, Commander-in-Chief of the Russian Air Force colonel-general Alexander Zelin supported the idea.⁶²

Several new Russian Su-25 and Su-27 fighter aircraft landed at the air base in Gudauta by June 6 and, at the same time, the Zelenchuk Mountainous Infantry Brigade of the NCMD (North Caucasus Military District), deployed in the immediate vicinity of the Georgia- Russian border, began a ten-day exercise “to perfect its actions on unknown territory and at a distance from its permanent base.” Soon thereafter, Georgian authorities detained a group of Russian peacekeepers in the Zugdidi district on the Georgian side of the Georgian-Abkhaz administrative boundary, confiscating twenty anti-tank missiles and other heavy armament that were transported in violation of agreed procedure and without any documentation. In response, the Deputy Head of the Russian General Staff, General Alexander Burutin, promised a bloodletting the next time Georgia confiscated Russian arms since, according to him, Russian “peacekeepers” had the right to open fire.⁶³ In his interview to the Rezonansi newspaper, Russian military analyst Pavel Felgengauer said that the decision to launch war against Georgia was already taken and predicted that military operations would supposedly start in August.⁶⁴ The Russians started to rebuild the military base in Sokhumi’s Maiak (lighthouse) settlement. On 30 April about 40 train cars entered the Sokhumi railway station loaded with various types of armament, part of the cargo was taken to the Maiak military base, and another part to Tsebelda mountain battalion.

In the beginning of May, 2008, 400 soldiers from the Novorossiysk and Pskov Airborne Divisions, together with 30 units of BMD-2 (combat vehicle of airborne troops), artillery and air defense units were moved to Abkhazia⁶⁵.

In the beginning of May, 2008, a delegation of Don Cossacks visited Abkhazia and met with Sergei Bagapsh. According to the head of Don Cossacks, in case of a Georgian attack, about 10-15 thousand volunteers will be sent to Abkhazia.

⁶⁰ Russia’s MOD threatens to increase number of peacekeepers in the zone of the Georgian-Abkhaz conflict up to the highest limit, http://www.newsru.com/russia/08may2008/minobor_print.html

⁶¹ Sokhumi is ready to deploy the Russian base in Abkhazia, <http://www.regnum.ru/news/999755.html?forprint>

⁶² Air Force Chief: Air base in Abkhazia will improve quality of border protection, <http://www.regnum.ru/news/1000830.html?forprint>

⁶³ “Russian General to Georgia: Russian peacekeepers’ patience running out”, *International Herald Tribune*, 19 June 2008.

⁶⁴ Pavel Felgengauer, Russia will supposedly launch the war against Georgia in August, <http://www.apsny.ge/news/1213985330.php>

⁶⁵ Komsomolskaya Pravda, May 7, 2008.

On May 3, 2008 5 units of 120mm artillery systems and several anti-aircraft defense systems BUK-M1 were located at the military base in the Ochamchire seaport.

On May 6, the Minister of Foreign Affairs of the separatist government, Sergei Shamba stated that Abkhazia is ready to place its territory under Russia's military control in exchange for security guarantees.

In April-June Russia has additionally deployed in Abkhazia approximately:

- 3 BUK air defense systems;
- 40 D-30 type howitzers;
- 10 BM-21 "Grad" systems;
- 20 Shilka, ZU-23-2, ZU-23-4 AA guns;
- 120 anti-tank missiles.
- 2 MI-24 helicopters;
- 50 aviation Specialists;
- 30 military experts;
- 100 communication and anti-aircraft defense experts;

In May, Russian armed forces strengthened the following check-points, increasing the number of soldiers there:

- Akamara
- Rechki
- Muzhava
- Lekukhona
- Saberio
- Dikhazurga
- Chuburkhinji
- Pichori
- Nabakevi
- Otabaia Nakarghali

On May 31, 2008, explaining its actions as "humanitarian assistance for Abkhazian population", the Russian Ministry of Defense deployed 400 soldiers of Volgograd's 76th Unit of Railway Forces in Abkhazia. In order to provide logistical support to planned Military operations, those troops repaired 54 kilometers of railway from Sokhumi to Ochamchira. The Russian forces also repaired the strategically important railway bridges on the Mitka River leading to the Kodori Gorge. The reconstruction works were finished by August 2. Those railway routes have not functioned during the last 10 years and their economic importance was close to zero. During a short period of time, Russian military forces repaired 55 buildings, 2 large and 44 small bridges, one tunnel and other infrastructure. During the August invasion of Russian military forces, these infrastructure were exclusively used by Russian troops for transportation of armored vehicles and other military equipment and cargo. All the above mentioned facts allow us to conclude that the

reconstruction works done by Russians in haste were aimed at providing logistics support to Russian troops during the intervention.

On June 6 2008, several “SU-25” and “SU-27” type fighter planes (in armed condition) were detected at the Bombora military base in Gudauta.

According to the press-service of the Abkhazian Ministry of Defense, on June 24-27, 2008, Abkhazian armed forces were conducting mobilization and operation-tactical trainings. High level representatives of Abkhazian MOD, including commanders and officers of the Eastern Group of the Armed Forces, representatives of air defense and artillery together with officers of Russian General Staff participated in the trainings⁶⁶.

On June 28, 2008, the Academy of Security, Defense and Law Enforcement Problems of the Russian Federation awarded Minister of Defense of Abkhazia Lieutenant General Merab Kishmaria and First Deputy Minister of Defense of Abkhazia Lieutenant General Anatoly Zaytsev with the Academic Degree “candidate of military science”. An Academic Degree of law was given to Deputy Minister of Defense of Abkhazia colonel Gary Kupalba⁶⁷.

With the help of Russian specialists, the construction of Okhurei military base in Tkvarcheli district was finished. On July 8, 2008, additional Russian soldiers, 4 BTR-70 and 4 BRDM type military vehicles and several anti-aircraft systems were deployed at the base.

In his July 7, 2008 interview with Russian information agency “Utro”, *de facto* Minister of Defense of Abkhazia Merab Kishmaria declared: “Russian instructors prepare Abkhazian soldiers. I pay them according to contract... We are just doing this without publicity”

By mid July 2008 several hundred soldiers and 44 military vehicles were observed at the Bombora military base, which should have been closed according to the Istanbul agreement of 1999. With Russian assistance, three large barracks were rebuilt at the Bombora military base, waiting for the deployment of fresh forces.

On July 30, 2008, the Commander of Russian railway troops, Lieutenant General S. Klimets visited Abkhazia and together with Abkhazia’s Vice Premier, Alexander Stranichkin opened the reconstructed railway.

The Moscow Agreement of 1994, which is a reference in the CIS decision of August 22, 1994 and the protocol thereto, explicitly defines territories where peacekeepers enjoy freedom of movement. Accordingly, in any other case, movements of peacekeepers, including opening of new check-points shall be agreed with the Government of Georgia.

Despite this obligation, the exact location of new checkpoints, place of deployment of the military personal as well as the number of personnel itself was never agreed with Georgia. The

⁶⁶ Respublika Abkhazia, June 28, 2008.

⁶⁷ Respublika Abkhazia, June 28, 2008

United Nations Observer Mission in Georgia (UNOMIG), which has a mandate to monitor peacekeeping operations did not provide accurate information about the location of additional troops deployed in the conflict zone. This is a violation of the sovereignty of Georgia since no country is allowed, either under cover of the peacekeeping or without it, to deploy its military troops on the territory of another country without the consent of the latter. Moreover, even in the case of consent, the host country has the sovereign right to be informed about the number and location of the troops. Georgia was most alarmed about the declared and verified presence of the Russian military forces in Abkhazia Georgia that, according to the Russian media and officials were beyond the peacekeeping mandate and served, as claimed for the, “security of Russian forces and nationals in the conflict zone.”

III. THE DECLARATION OF THE ESTABLISHMENT OF DIRECT LEGAL TIES WITH PROXY REGIMES, BY THAT BEGINNING AN OPEN POLICY OF UNDERMINING GEORGIA’S TERRITORIAL INTEGRITY AND SOVEREIGNTY AND ENHANCING ITS POLICY OF CREEPING ANNEXATION

I. RUSSIAN PRESIDENT OFFICIALLY DECLARES INTENT TO ESTABLISH DIRECT COMMUNICATION LINKS WITH THE DE FACTO AUTHORITIES

On April 3, 2008, Russian President Vladimir Putin wrote a letter to the proxies in Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, referring to them as “presidents” and promising them firm Russian support. In the letter, Mr. Putin asserted that any policies implemented by the Government of Georgia “to exert pressure on Abkhazia and South Ossetia” will be “unsuccessful and counter-productive.” More importantly, Mr. Putin claimed that Russian support of the separatists will be “not declarative, but practical”—citing Russia’s withdrawal from the abovementioned CIS restrictions as one such practical step.

On March 21, 2008, the State Duma of the Russian Federation adopted a resolution urging the Russian Government to consider “the expediency of recognizing the independence” of two regions of Abkhazia and the Tskhinvali region/South Ossetia. The resolution also calls upon the Kremlin to intensify efforts aimed at protecting Russian citizens in the regions under proxy regime control, once again highlighting genuine aims of the illegal Russian passportization policy. Additionally, the resolution calls upon the Russian Government to consider reinforcing the Russian troop contingents in both regions.

On April 11, 2008 the Chief of Staff of the Russian Armed Forces announced that his country would undertake both military and “other measures” if Georgia enters NATO, refusing to clarify what those “other measures” could have been.

On April 16, 2008, the President of the Russian Federation issued decree instructing the Government to intensify direct cooperation with proxy authorities in Abkhazia, Georgia without any prior consultation and communications with the Georgian Government.⁶⁸

⁶⁸ See on the official web-side of the Ministry of Foreign affairs of Russia Federation : http://www.mid.ru/brp_4.nsf/sps/FD56A80A7198CD7CC325742D003F807C

The decree enabled various ministries and state structures of Russia to open representations in Abkhazia and South Ossetia, in order to establish direct official cooperation with the respective structures of both proxy regimes; deployment of its active service diplomats in the Georgian conflict regions without the Government of Georgia's approval.

According to the open sources citing the Decree, further steps could have included signing military agreements with Abkhazia and South Ossetia; followed by the deployment of Russian forces on the Gudauta military base and re-opening the navy base in Ochamchire. Formal recognition of Abkhazia and South Ossetia would also remain an option if Georgia would have joined NATO or attempted to use force against the separatists.⁶⁹

By this act the Russian Federation began to openly undermine the territorial integrity and sovereignty of Georgia. The establishment of direct legal ties of this nature represented a blatant violation of Georgia's territorial integrity and sovereignty, and a continuation of the policy of creeping annexation of the Tskinali Region/South Ossetia and Abkhazia, Georgia.

Establishing a range of legal ties between Russia and Georgia's separatist territories of Abkhazia and South Ossetia marked a dramatic escalation in Moscow's annexation policy. The move had profound consequences on the prospects for peace in the region, on the fate of hundreds of thousands of persons forcibly expelled from the territories, and on relations between Russia and Georgia.

Russia's actions were immediately condemned by the international community. "I am deeply concerned by the actions Russia has taken to establish legal links with the Georgian regions of Abkhazia and South Ossetia," NATO Secretary-General Jaap de Hoop Scheffer said, noting NATO's support for Georgia's territorial integrity. "The Russian steps undermine that sovereignty. I urge the Russian Federation to reverse these measures." EU foreign policy chief Javier Solana criticized Russia's "unilateral decisions," expressing "concern" while underscoring the Union's support for Georgian sovereignty.

⁶⁹ Article text is available at http://www.ng.ru/cis/2008-04-14/1_abhazia.html?mthree=1