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Annex #1 to the JCC Decree of 6-12-1994

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

6 december 1994

Article 1. Military contingents and groups of military observers of the parties taking part in the settlement of the conflict were created in accordance with the Agreement on the Principles for the Settlement of the Georgian-Ossetian conflict, signed in Sochi on 24 July 1992 by the President of the Russian Federation, B. N. Yeltsin, and the Chairman of the Parliament and Head of State of the Republic of Georgia, E. Shevardnadze.

They have been earmarked for the support of peace in the zone of conflict, and for its resolution by peaceful, political means.

They have the responsibility of assuring control of the situation in the zone of conflict and in the localities adjacent to it, which have been determined by agreement of the sides.

Article 2. The military contingents and the military observers are subordinate to the united military command which consists of the representatives of the Russian, Georgian, and Ossetian sides. The united military command is headed by a commander from the Russian side.

A decision on the use of the military contingents and military observers in case the conditions of the ceasefire are violated by one of the sides will be taken by the commander of the JPFK with the aim of restoring peace; and the JCC will be notified.

The groups of military observers created by agreement of the sides, and guided by the common status adopted for them, are subordinated to the united military command.

Article 3. The military contingents and the military observers resolve the following tasks:

- they decisively block the activity and disband any military formations not controlled by the sides, and rapidly settle all types of conflicts among groups, including armed groups;

- they carry out measures for introducing and supporting a heightened regime of security in the zone of conflict, and, if necessary, also in the localities adjacent to it;

- they maintain control over the fulfillment of the agreement

On the removal of heavy technology and weapons from the zone of conflict;

- They bar entry into the zone of conflict of armed groups and other uncontrolled formations capable of destabilizing the situation by their actions;

- they do not permit, without appropriate permission, the transit in the zone of conflict and the removal through it (from it) of weapons, armaments, military technology, other military property, as well as explosive and poisonous substances and of other materials which could be used for terrorist and diversionary purposes and also for conducting military activities;

- They carry out the passage of persons, transport, and cargo into the zone of conflict and out of it through established points, and, if needed, the limit the movement of means of transport in the zone and carry out its inspection; and

- They assist law enforcement organs in the establishment of law and order and in the

battle with crime in the zone of conflict and in localities adjacent to it.

Article 4. Military contingents and military observers in the zone of conflict have the right

- to make use of military details (patrols, inspectors, observation posts, control posts, etc.), to stop movement on roads (to set up barriers), and, by decision of the united military command, to move about any sectors of the locality, without causing damage to dwellings, buildings, gardens, crops, roads, and other installations;

- to pursue, detain, and, in case of armed opposition, destroy armed band formations, groups, and persons, who do not carry out and do not submit themselves to the requirements of the regime of the state of emergency in the zone. The pursuit and conduct of combat operations with criminal elements beyond the borders of the zone of conflict will be carried out with obligatory notification of the local and law enforcement organs.

- To carry out military operations with the means available to motorized firing units in accordance with the orders of the united military command;

- to check citizens' documents, certifying identity, concerning the right of entry, exit, and movement, as well as to carry out the inspection of persons, cargos, and means of transport;

- to hold citizens violating the established rules of the regime of the state of emergency with their subsequent transfer to law enforcement organs on the basis of the legislation in effect.

Article 5. The organizational-personnel structure of the military contingents and military observers has been confirmed by the JCC. Changes in it are permitted only with JCC permission.

The places of deployment of the military contingents and of the groups of military observers will be determined by the JCC, which will proceed from the necessity of assuring the ceasefire regime in the zone of conflict.

Article 6. In their daily activity, the military contingents and the military observers will be guided by the requirements of the present Decision, by the decisions of the JCC, and by the orders and directives of the united military command.

Article 7. In their daily activity, the members of the military contingents and of the military observers are obliged to show maximum attentiveness and correctness in relation to the local population, and to refrain from any actions and statements contradicting their status and mission. They fall under the exclusive jurisdiction of their sides in regard to any violation of law, which might have been committed by them.

Article 8. The military observers will have uniform insignia, and the military contingents will also have their uniform flag and symbols, which will be confirmed by the JCC and remain valid for the whole period in which they carry out the functions envisaged in the present Decision.

The established insignia showing affiliation with the military contingent and with the observers will be drawn on the means of transport, on control posts, and on other technical items and equipment relating to the given contingents.

Article 9. The Joint Control Commission will assure the manufacture and issuance to every member of the military contingents and military observers of a badge of uniform model with photograph, sequential number, military title, family name, given name, middle name, and the number of the assigned weapon.

Article 10. The JCC working groups, military contingents, and military observers have the right in their discretion to use stationary and mobile radio stations with the aim of assuring effective and reliable communications.

Besides radio communications, they will possess as a priority right the use of telephone, telegraph, radio relay, and other communications to carry out their direct obligations.

Article 11. Billeting for the military contingents and military observers, as well as for JCC working groups who arrive, and arranging for their daily living conditions during their stay and activity will be assured by organs of the local authorities.

Article 12. The JCC and the united military command will take

All necessary measures to assure order and discipline among the personnel of the military contingents and military observers.

By agreement of the sides participating in the work of the JCC, a joint (united) military procuracy will be created with 2 persons from each side.

Article 13. The military contingents and the groups of military observers are staffed by the sides on a volunteer basis by contract from among persons subject to the draft who have gone through military service and from among those presently serving, who have not been convicted of a crime, who are between 18 and 50 years old, who have done military service, whose health condition is good, and who (if possible) did not take part in armed clashes during the period of the conflict.

Persons expressing a desire to join military contingents will present to a selection commission of their own side the following documents: declaration, passport, military card or identification paper as a serviceman, character recommendation from the place of service, of work, or of the organ of local administration, and the conclusion of a medical commission in the established form.

Military observers will be selected exclusively from among the officers and warrant officers of active and reserve ranks of the sides.

Article 14. The senior military chiefs from each side will be appointed by the appropriate organs for a term of not less than 6 months.

The commander of the joint forces for maintaining peace will be appointed by the JCC on the recommendation of the Ministry of Defense of the Russian Federation. He is the senior military chief of the united military command and will coordinate the activities of the senior military chiefs of the sides.

Article 15. Persons recognized as fit for service in the military contingents and as military observers will conclude a contract with the commander of their side for a term of six months with the right of its subsequent extension on the basis of need. The term of service is counted from the day of enrollment of the serviceman by order of the military unit.

All privileges envisaged by decisions of the corresponding organs of the executive authority of the sides will be preserved for him (put at his disposal).

Article 16. The validity of the contract will cease

- at the expiration of the contract's term;
- in connection with a violation of the conditions of the contract;
- for health reasons;
- for family obligations;
- for incompatibilities of service;
- in case of a reduction of personnel; or
- in connection with conviction for committing a crime.

In case of an early abrogation of the contract at the initiative of the command without a legitimate reason, and also in case of a reduction of personnel or for health reasons, the serviceman will be paid severance pay in the amount determined by legislation (rules of the Ministry of Defense) of the sides. If the contract is annulled ahead of time by the fault of the serviceman without a legitimate reason, then he will be deprived of the severance pay.

Service in the military contingents and groups of military observers will be counted as an uninterrupted period of working service in the ratio of 1 to 3.

Article 17. The personnel of the military contingents and military observers are obliged

- To comply with the requirements of the present Decision and the established procedures in the zone of conflict;
- To uphold peace bravely and skillfully in the zone of conflict; and
- To carry out all commands and orders of the united military command, as well as of immediate commanders and superiors.

Article 19. Oversight of the legality of the activity of the military contingents and

military observers will be carried out by organs of the Procuracy of each of the sides.

(NOTE: One article of the draft of this Decision was combined with another in the final document; Article 19 should thus really be numbered "18".)

Annex No. 1

to the Decision Concerning the Basic Principles of Operation of the Military Contingents and of the Military Observers Designated for the Normalization of the Situation in the Zone of the Georgian-Ossetian Conflict

Rights and Obligations

of the Commander of the Joint Forces for the Maintenance of Peace in the Zone of the Georgian-Ossetian Conflict

1. Coordination of the operations of the Joint Forces with the leadership of the sides, and organization of cooperation with local law enforcement organs.

2. The organization, through the senior military chiefs of the sides, of mutually agreed operations to carry out the tasks placed upon the Joint Forces.

3. Verification of the execution of the "Decision" by the service personnel of the peacekeeping forces of the sides.

4. Organization of methodical work with the command staff of the Joint Forces regarding the practical implementation of their functional obligations.

5. through the senior military chiefs of the sides, the adoption of disciplinary measures to influence the servicemen of the Joint Forces in accordance with the "Decision".

6. The adoption of decisive measures against the inadmissible taking of hostages by any one of the sides in conflict.

7. The combined use of the units of the Joint Forces in case of the threat of the outbreak of armed conflict in the zone of responsibility.

8. Systematic reporting to the JCC about the situation of affairs in the zone of the Georgian-Ossetian conflict, and preparation, together with the senior military chiefs of the sides, of proposals for improving the activity of the Joint Forces.

(Archive of the OSCE Mission in Tbilisi)