

Annex F

JCC meeting of **September 30 – October 2, 2004**

DECISION on the progress of implementation of the previous JCC decisions on ceasefire, withdrawal of illegal armed units and measures for further stabilization of the situation in the conflict zone

The sides note that the ceasefire, established in the conflict zone on August 20 of this year through the efforts of the Joint Control Commission, is maintained.

At the same time, tension has not been completely defused yet and corresponding decisions of the JCC, in particular the decisions of June 2, July 14-15, August 13-14 and August 18 of this year, have not been implemented. Moreover, a tendency towards the resumption of confrontation between the sides has emerged. It is particularly alarming that the sides have been resorting to such new forms of confrontation as the installation of remote-control landmines, building of fortifications, attempts to block the Transcaucasian Highway and restrict the movement of people and cargoes, including humanitarian ones.

In order to end the crisis situation and prevent further escalation in the conflict zone, the JCC has decided:

1. To take into consideration the information of Major-General M.M. Kulakhmetov.

The JPKF Command and the military leaders shall take measures to eliminate by October 15 the violations related to the illegal checkpoints and the number of military personnel stationed at the authorized checkpoints of which M.M. Kulakhmetov and the military leaders of the sides notified the JCC. The JPKF Commander shall inform the JCC Co-Chairmen in writing on results of these efforts.

2. To stop the building of fortifications. To submit minefield maps to the Joint Command (JC) of the JPKF by 20.10.04.

3. To bring the composition of the observation posts (OP) in strict correspondence with the instructions of the Joint Command.

3.1. The number of personnel at the observation posts should be sufficient for the accomplishment of tasks in their responsibility area. The number of personnel and munitions at Georgian and South Ossetian permanent observation posts should be equal to that of motorized rifle platoon. The number of personnel and munitions at Russian permanent observation posts should be equal to that of motorized rifle platoon. The number of servicemen at each post should not exceed 50 men. The Joint Command can revise the quota if necessary. The JPKF Commander shall set military tasks for every post until 20.10.04. Joint posts should be set up in the disputed areas.

- 3.2. The number of permanent posts:

Three observation posts (OP) of the Russian Federation: in Artsevi, Avnevi, and Eredvi with the control post (CP) in Eredvi;

Six observation posts of the Republic of North Ossetia – Alania: in Muguti, Sunisi, Tsinagari, Didi Gromi, Ioncha and Tselisi with the CPs in Sunisi and Tsinagari;

Four observation posts of Georgia: in Koda, Kurta, Eredvi and Dvani with the CP in Kurta.

3.3. The checkpoint Kekhvi, controlling the entrance (exit) into the JPKF responsibility area continues to work according to its routine schedule. The checkpoint in Megvrekisi will be dismantled in case of stabilization by the Joint Command's decision.

In compliance with the JCC decision (Minutes #2 35 of 14.07.04), the Joint Command of the JPKF shall set up until 15.11.04 a trilateral peacekeeping post in Kekhvi, preliminarily agreeing the order of service at the post with law-enforcement agencies.

The Georgian side shall remove until October 20 the post in Dirbi that was set up without the JCC's sanction.

3.4. The observation posts of Pauk, Prisi, Tserkov, Tkviavi and the checkpoint of Vanati should continue to work if not decided otherwise. The Georgian side shall complete the dismantling of the concrete blocks in Tamarasheni until October 15. A trilateral post should be set up in Tamarasheni until July 31, 2004 in compliance with clause 2 of the JCC resolution of July 31, 2004.

4. By JCC's decision, the rotation of the motorized rifle battalions should be conducted once in six months, while the Georgian motorized rifle battalion should be rotated once in 3 months in 2004. The replacement of the personnel should be conducted in the daylight from 7 am to 6 pm. The plan of rotation should be submitted to the JPKF Commander with the notification of the JCC Co-Chairmen no later than one month before the appointed day. The plan should outline the routes of movement and the number of personnel and munitions. Preparedness of the personnel and munitions for the accomplishment of the set tasks should be checked upon the report of military leaders.

5. The Georgian and South Ossetian sides shall submit to the JCC until 20.10.2004 approved plans of military and quantitative composition of their law-enforcement (militia/police) posts in the JPKF responsibility area with specification of their locations.

7. In view of the growing number of observation posts and the scope of tasks to be accomplished by the observers, the JCC decided to accept the proposition of the sides to commission additionally 3 (three) observers from each side to the JPKF and to submit the amendments to be introduced into the list of members of staff to the JCC for approval.

8. The Joint Command of the JPKF should carry out reconnaissance on the ground to reveal illegal posts set up by the sides in order to dismantle them in the future.

9. To take into consideration the appeal of the JCC Co-Chairman from the Georgian side to the JCC Co-Chairman from the South Ossetian side and the JPKF Commander for returning communication equipment and light weapons of a Georgian car crew that are currently held by the South Ossetian side.

10. To oblige the sides in the conflict to fulfill the earlier adopted JCC resolutions until October 15 of this year.

11. To entitle the working group to carry out investigation into the installation of the remote-control landmines in Kekhvi together with the OSCE representatives and JPKF Command and to inform the JCC on results of the investigation.

12. With regard to the conducted rotation of several groups of the JPKF, to complete the compilation of the list of staffs of the peacekeeping battalions until October 15.

13. To resume the work of the Joint Information Centre of the JPKF by October 15, 2004.

14. To set up a working group of representatives of the sides and the OSCE in compliance with clause 6 of the JCC Regulations in order to meet the Georgian side's request for clarifying such notions as "conflict zone", "security corridor", "JPKF responsibility area" and the corresponding principles of operation of the JPKF troops and mechanisms of cooperation of law-enforcers of the sides in the mentioned areas. To inform the JCC on results of the group's work during the next session.

15. The South Ossetian side urges the JCC to consider the removal of the stationary post of the OSCE military observers that was established without its consent.

(Archive of the OSCE Mission to Georgia)

http://rrc.ge/law/danprot38_2004_30_09_E.htm?lawid=1639&lng_3=en

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, cm 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 aides, of proposals for improving the activity of the Joint Forces.

(Archive of the OSCE Mission in Tbilisi)

http://www.rrc.ge/law/Skkprot3dan1_1994_12_06_e.htm?lawid=1248&lng_3=en