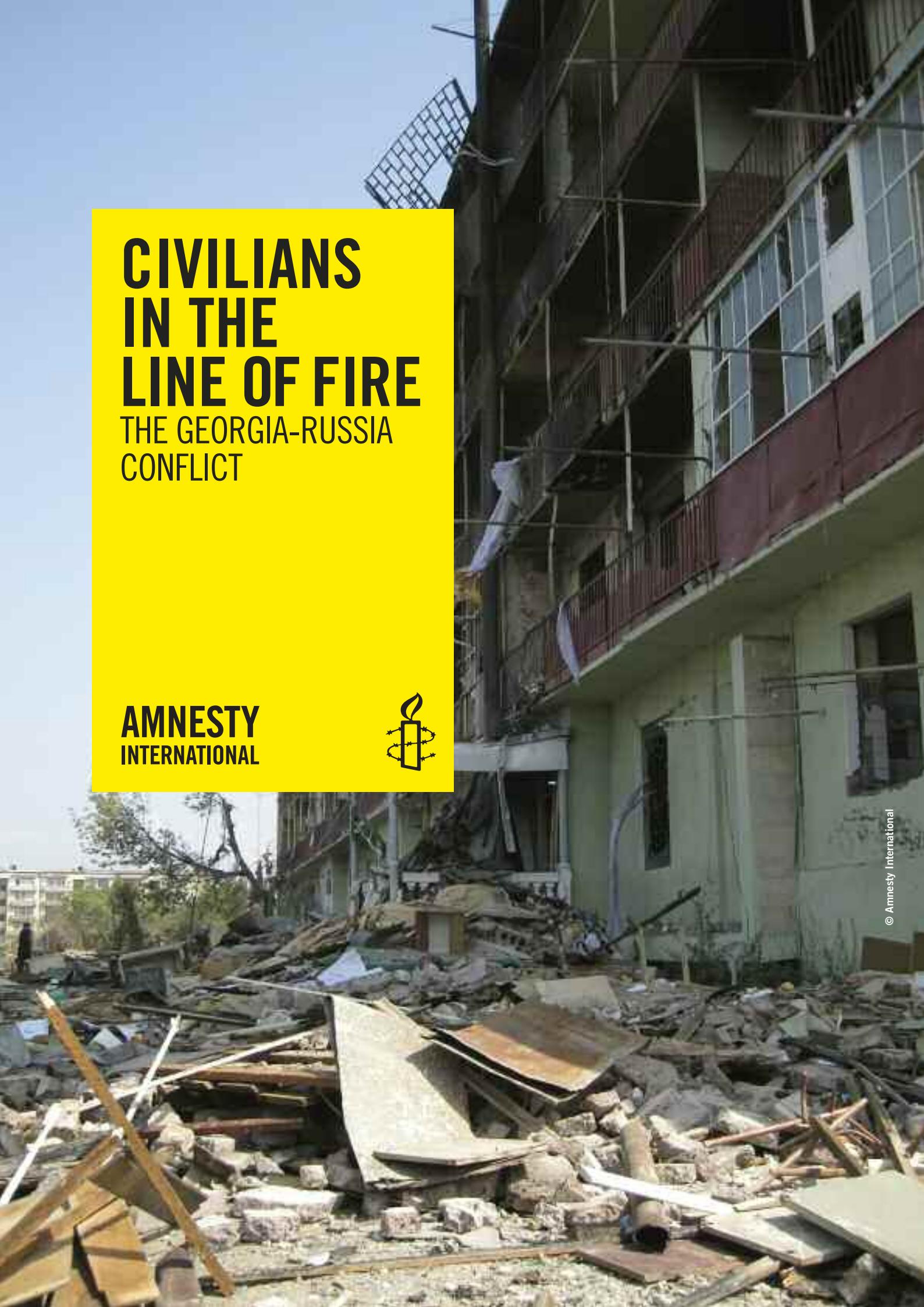


CIVILIANS IN THE LINE OF FIRE

THE GEORGIA-RUSSIA
CONFLICT

AMNESTY
INTERNATIONAL



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The Georgia-Russia conflict

The five-day war between Georgia and the Russian Federation resulted in hundreds of civilian deaths, thousands of injuries and, at its peak, the displacement of almost 200,000 people.

The injured were taken to the basement; they arrived not one by one, but in groups of five or 15, fighters and civilians. The most serious cases we started to operate right in the corridor. Blood loss was the most serious problem. During the shelling, there had been no possibility to bring the injured here, they had been sitting somewhere for many hours, bleeding. Many people died because of this. We had space for two operating tables here in the corridor; the others were taken down to the basement.

A doctor describes the events of the morning of 8 August 2008 in a hospital after the Georgian bombardment of Tskhinvali, South Ossetia

We were bombed. We came out of the house where we had been hiding in the cellar with relatives, got into the car and headed down the road that leads into the forest. We wanted to get to Tbilisi. That's when we were bombed. As we approached Eredvi village a bomb fell on the car in front of us. The four people inside were killed. From the car we could also see that the houses in the village had been bombed too.

Georgian villager from South Ossetia describes Russian aerial attack of 8 August 2008

Georgian-Russian hostilities and subsequent pillage and arson by South Ossetian militias in areas under Russian control caused extensive damage to civilian homes in South Ossetia and adjacent areas. The security situation along the de facto border dividing South Ossetia from the rest of Georgia remains extremely tense. And, at the end of October 2008, around 24,000 ethnic Georgians were unable to return to their homes in South Ossetia.

Information collected by Amnesty International in the region in August 2008, and from other sources, strongly suggests that serious violations of both international human rights law and international humanitarian law – the laws of war – were committed by all parties, both during the course of the conflict and in its aftermath.

Amnesty International calls for the parties to the conflict to investigate all such allegations thoroughly and impartially, and to bring those responsible to justice. Given the evidence of serious violations of international law, all parties should agree to, and the international community to deploy, a mission to investigate the conduct of hostilities and their aftermath and to report publicly on its findings. Amnesty International also calls on all parties to guarantee the security of all people in the conflict-affected areas and ensure conditions allowing displaced people to return in safety and dignity.

ATTACKS BY GEORGIAN FORCES

The Georgian army entered South Ossetia at around 11pm on 7 August 2008. The entry of Georgian ground forces into Tskhinvali itself was preceded by several hours of shelling and rocket attacks as well as limited aerial bombardment. Eyewitness reports, the nature of the munitions used and the evidence of scattered destruction in densely populated civilian areas, strongly suggest that Georgian forces committed indiscriminate attacks in the assault on Tskhinvali. These resulted in scores of deaths and many more injuries among South Ossetian civilians as well as considerable damage to civilian infrastructure, such as schools, hospitals and public buildings.

Much of the destruction in Tskhinvali was caused by GRADLAR MLRS (GRAD) launched rockets, which are known to be difficult to direct with any great precision. The Georgian authorities informed Amnesty International that GRAD rockets were employed to target pre-identified locations in and around Tskhinvali and points of origin of South Ossetian shelling. However, Amnesty International delegates observed damage caused by GRAD missiles during the night of 7 August in built-up areas at least half a kilometre from pre-determined targets, such as the bases of the Russian peacekeepers and munition and fuel depots on the southern and western fringes of the town.



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The shelling started on 7 August, late in the evening – bombing, tanks, airplanes. My family... was asleep when it started, so we jumped out of our beds in our night clothes and dived into the cellar of that big building nearby. That night we spent in the cellar, without light, without water. The children were asking for water and as there were male civilians in the cellar, one of them, a man of about 50 by the name of Vassili Bazayev, volunteered himself to fetch

some water. He brought a bottle of water and as he was stepping down into the cellar, he was killed... Next time they wanted water I thought I cannot send anybody to die and I decided to go myself... As I went out of the cellar at about 10 o'clock the following morning I saw my house [in Thaelmann Street] had burnt down. Just the walls were left standing.
“Ana” – not her real name – a South Ossetian woman in Tskhinvali on the night of 7 August 2008

A house in the South Ossetian village of Khetagurovo destroyed by Georgian bombardment, 30 August 2008.

Cover image: Bombed building in Gori, Georgia, 29 September 2008.

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INTERNATIONAL LAW

Both international human rights law and international humanitarian law apply to the conflict between Georgia and the Russian Federation. International humanitarian law, also known as the laws of war, binds all parties to armed conflict, including non-state armed groups. The four Geneva Conventions of 1949 and their two Additional Protocols of 1977, to which both Georgia and the Russian Federation are party, are among the principal instruments of international humanitarian law.

The specific obligations laid out in international humanitarian law include:

- **the ensuring of adequate precautions to spare civilians and civilian infrastructure during attacks;**
- **the prohibition on indiscriminate and disproportionate attacks;**
- **the prohibition of the use of weapons that are by nature indiscriminate or which cause superfluous injury or unnecessary suffering;**
- **the prohibition of wilful killing and causing serious injury;**
- **the prohibition of the forced displacement of civilians except for reasons of ensuring their own safety or for imperative military reasons;**
- **the prohibition of pillaging; and the prohibition of the destruction of property not justified by military necessity.**

There are strong indications that all of these standards were violated during the Georgia-Russia conflict.

ATTACKS BY RUSSIAN FORCES

Russian aerial and artillery attacks took place over four days from 8 to 12 August 2008. According to the Georgian government, there were more than 75 aerial bombardments of Georgian territory by Russian air forces. Eyewitness accounts suggest that the bulk of the bombardment occurred in a relatively small area around Tskhinvali in South Ossetia and in the area just north of Gori in Georgia. The town of Gori was hit in four or five localized areas in the course of a number of separate attacks between 8 and 12 August.

Most of the Russian bombardment appears to have targeted Georgian military positions outside built-up areas. However, villages and towns were also hit, even if the damage seems to be limited to stretches of streets and isolated houses in the villages affected. Eyewitness accounts suggest that some Russian attacks on Georgian settlements and main roads, which resulted in civilian deaths and injuries, may have failed to distinguish between legitimate military objectives and civilians. If so, they would have constituted indiscriminate attacks, in violation of international humanitarian law. In some cases, Amnesty International has not been able to identify any nearby military target, raising concerns that some Russian attacks may have directly targeted civilians and/or civilian infrastructure.



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I was injured [in the main square in Gori]... I was out with two other women. The plane flew over and the bomb exploded soon after. Pieces of the bomb affected my eyes and we were all wounded. A journalist died in this incident. I also saw three other dead bodies. I live close to the local municipality building. The window panes in my house broke during the bombings. This was on 12 August at about 12pm. Before the bombing, humanitarian aid was being distributed. Elderly people were walking around and waiting to get assistance... There were no Georgian soldiers there at that moment, only elderly people who stayed in the city.

Maneli Maisuradze, a woman injured in a Russian aerial attack on the main square of Gori



Eyewitnesses to the activities of the Russian military and South Ossetian armed forces and militia groups contrasted the disciplined conduct of the Russian infantry with accounts of looting and pillaging by Ossetian fighters and militia groups. Amnesty International was widely informed by Georgians displaced from South Ossetia that Russian soldiers had, on the whole, conducted themselves in a disciplined and orderly fashion with regard to Georgian civilians.

However, there are many other reports of Russian forces looking on while South Ossetian forces, militia groups and armed individuals looted and destroyed Georgian villages and threatened and abused the residents remaining there.

As the occupying power, the Russian army had a duty to ensure the

Houses set on fire in the Georgian village of Eredvi in South Ossetia, 26 August 2008.

protection of civilians and civilian property in areas under their control. This may have been difficult in practice in the early days of the conflict, when Russian forces were still engaging the Georgian army. But the looting and destruction of property owned by ethnic Georgians, and the threatening of remaining Georgians in South Ossetia and the neighbouring "buffer zone", continued on a large scale for several weeks after the formal cessation of hostilities. It is clear that the Russian authorities singularly failed in their duty to prevent reprisals and serious human rights abuses being carried out by militia groups loyal to South Ossetia.

USE OF CLUSTER BOMBS

Cluster bombs were used by both Russian and Georgian forces. Cluster munitions pose severe risks to civilians' lives and livelihoods both at the time of their use and after hostilities have ended. This is due to their wide-area effect and the large number of unexploded "bomblets" they leave behind after deployment. For these reasons, Amnesty International has called for many years for a moratorium on their use. There is an emerging international consensus that the use, stockpiling and transfer of cluster weapons should be banned, as evidenced by the adoption of the Convention on Cluster Munitions by 107 countries in May 2008.

The Georgian authorities have stated publicly that while cluster bombs had been used, they were deployed only against Russian forces in the vicinity of the Roki tunnel and along the Dzara road running north from Tskhinvali on 8 August 2008.

However, M85 cluster munitions – of the type used by the Georgian army – have also been found in large numbers across an arc of Georgian villages in the Gori region just south of South Ossetia.

While the intention may have been to hit military objectives, the nature of cluster weapons makes it particularly likely that civilians will also have been affected. It is clear that several thousand civilians were fleeing their homes both towards central Georgia and to North Ossetia during the course of 8 August. The Dzara road was an obvious avenue of flight for South Ossetians heading

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north. The use of cluster munitions in the more heavily built-up areas adjacent to South Ossetia is of particular concern.

Although the Russian Federation continues to deny the use of cluster bombs, Amnesty International representatives heard numerous independent eyewitness accounts detailing their use and observed the remains of a variety of types of Russian cluster munitions found in areas just north of Gori. These areas were still populated by civilians, many of whom were on the roads trying to flee the conflict.

It was evening. Suddenly I heard a terrible sound. I saw an explosion in the air, then bombs were falling like hailstones each covering an area of 3 or 4 metres. Everything exploded, the ground, the roofs of the houses. Seven people were wounded and cows too. There weren't any Georgian troops in the area – they had already left for Gori in the afternoon.

Bejam Basilidze describes a cluster bomb attack over Kvemo Kviti on 8 August 2008

“Everything exploded, the ground, the roofs of the houses. Seven people were wounded and cows too.”

THE CONDUCT OF SOUTH OSSETIAN FORCES AND MILITIA GROUPS

The advancing Russian army was accompanied by both regular South Ossetian forces and an array of paramilitary groups, who committed serious abuses against ethnic Georgians in South Ossetia and adjacent “buffer zones” under effective Russian control.

Eyewitnesses reported unlawful killings, beatings, threats, arson and looting perpetrated by armed groups associated with the South Ossetian side and acting with the apparent acquiescence of Russian armed forces.

There was a lot of shooting around Gori by marauding gangs of militias. They were stealing anything that crossed their path. Three paramilitaries were firing full magazines into my car. I was hit in the kidney, and another passer-by was also shot.

“Revaz” – not his real name – injured in Gori during the looting of the town shortly after the truce was agreed

The armed groups generally identified by eyewitnesses as “South Ossetian militias” were typically described as containing both Ossetian fighters and an array of fighters from the North Caucasus and other parts of the Russian Federation. The majority of these groups answered, if only loosely, to a South Ossetian chain of command, which in turn operated in co-operation with the Russian army.

The looting and pillaging of ethnic Georgian villages was initially focused on South Ossetia, and limited, in the immediate aftermath of the conflict, to largely opportunistic raids on Georgian property and villages along the main roads beyond the region’s borders. It then extended to the adjacent “buffer zone” under effective Russian control in the weeks that followed. While the destruction of the ethnic Georgian majority villages in the Tskhinvali region of South Ossetia which were under de facto Georgian administration prior to the conflict was almost total, property owned by ethnic Georgians in other parts of South Ossetia was less severely affected. Whilst Ossetian militia groups continued to loot on a large scale throughout the Russian occupation of the “buffer zone” adjacent to South Ossetia, arson and the destruction of ethnic Georgian-owned property was much less extensive here than in South Ossetia itself.

Men in military uniform were going through the gardens. They were Russian-speaking but not Russian soldiers. I took them to be Ossetians, Chechens, some Asians, maybe Uzbeks and Cossacks. They were all wearing the same military uniform and they were armed with Kalashnikovs. They burnt about 15 houses in Kurta, and took the livestock away on trucks. As we were leaving Kurta we saw two neighbours being abducted, they were pushed into a car boot by the marauders.

Nina, an elderly woman from Kurta village in South Ossetia

DISPLACEMENT

At its height the conflict displaced almost 200,000 people, including approximately 130,000 in Georgia, 30,000 within South Ossetia and 35,000 from South to North Ossetia in the Russian Federation.

Amnesty International calls upon all parties to uphold the right of every internally displaced person or refugee to return to their original place of residence in conditions of safety and dignity, under conditions allowing returnees to live without threats to their security and under economic, social and political conditions compatible with the requirements of human dignity.

In the aftermath of the conflict, the majority of those displaced were able to return to their homes. Of those displaced to Russia from South Ossetia, some 6,800 were thought to have remained in Russia as of early September 2008.

In Georgia as of late October about 24,000 people, displaced from South Ossetia itself, were thought to be facing long-term displacement. Some 10,000 people had also not been able to return to their homes in the former "buffer zone" due to ongoing security concerns or damaged homes. This new wave of displacement compounds the longer-term problem of the approximately 220,000 people internally displaced as a result of the conflicts of the early 1990s.

Amnesty International's findings indicate that the immediate needs of the displaced were generally



adequately met on the both sides of the conflict by the relevant authorities: the Russian Federal Migration Service and Ministry of Emergency Situations in Russia, and the Ministry for Refugees and Accommodation in Georgia. The Georgian authorities have actively engaged with the construction of interim accommodation for those unlikely to be able to return in the foreseeable future.

However, impediments still exist to the fulfilment of the right of return for those still displaced. Many Georgians seeking to return to their homes in the former "buffer zone" have been prevented from doing so because of reported lawlessness and pillaging by militias loyal to South Ossetia. Also, all unexploded ordnance remaining from the conflict needs to be cleared. Cluster bomb munitions, used by both Russian and Georgian armed

A camp for displaced people near Gori, Georgia, 29 September 2008.

forces in the conflict, present an ongoing threat to civilians long after their deployment.

There are also reports of humanitarian groups not gaining access to Tskhinvali and other conflict-affected areas in South Ossetia. Amnesty International is calling for all parties to the conflict to allow unimpeded access to all areas for humanitarian organizations, so that they may contribute to the establishment of conditions appropriate for their return.

Amnesty International is also calling for unimpeded access for international observers to all areas affected by the conflict, in order to monitor the political and security situation and the respect for human rights in areas of prospective return.



Ruined building on Thaelman Street,
Tskhinvali, South Ossetia,
29 September 2008.

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This is a summary of the Amnesty International report, *Civilians in the line of fire: the Georgia-Russia conflict* (Index: EUR 04/005/2008)

RECOMMENDATIONS

Amnesty International calls upon all parties to the conflict:

- To ensure the investigation and prosecution of anyone within their armed forces suspected of violations of national and/or international law, in proceedings which comply fully with international fair trial standards;
- To ensure the security of those residing in conflict-affected areas, and those displaced and wishing to return to territories under their effective control, without regard for their ethnic affiliation. This should include, but not be restricted to, taking all relevant action to ensure the clearance of unexploded ordnance;

■ To agree to, and actively facilitate, universal access for humanitarian organizations and international human rights monitors throughout the conflict-affected area;

■ To agree to the establishment of, and fully co-operate with, a mechanism which ensures full reparations for unlawful acts and omissions, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Amnesty International calls upon the Georgian and Russian governments:

- To facilitate and fully co-operate with any expert and authoritative international team mandated to

investigate the allegations of violations of international human rights and humanitarian law during the conflict and in its immediate aftermath.

Amnesty International calls upon the international community:

- To ensure that an expert and authoritative team is mandated to investigate allegations of violations of international human rights and humanitarian law committed by all parties during the conflict and its immediate aftermath. The team should make recommendations for addressing impunity for violations and preventing violations in the future.

