



# HELSINKI COMMISSION REPORT

July 16, 2018

## IN BRIEF

### The Russian Occupation of South Ossetia and Abkhazia

#### *A Decade of De Facto Annexation in Georgia*

August 2018 marks 10 years of Russian occupation of approximately 20 percent of Georgia’s internationally recognized sovereign territory. The Russian occupation, and the ensuing recognition by Moscow of the “independence” of South Ossetia (referred to in Georgia as the Tskhinvali region) and Abkhazia, represent material breaches of international law and an active disregard for the Charter of the United Nations, and the founding principles of the Organization for Security and Cooperation in Europe (OSCE) embodied in the Helsinki Final Act and subsequent OSCE commitments.

This report offers a brief overview of the history of the outbreak of war in August 2008; the evolution of the unresolved conflict since that time; and an overview of the U.S. Helsinki Commission’s efforts to advance a resolution and restore Georgia’s territorial integrity.

#### **The Five Day War of August 2008<sup>1/2</sup>**

In the summer of 2008, longstanding tensions between the Government of Georgia and the regions of South Ossetia and Abkhazia burst into open conflict—but not for the first time. As autonomous regions of the Georgian Soviet Socialist Republic, South Ossetia and Abkhazia sought to remain in the collapsing Soviet Union when Georgia declared its independence in 1991. Open hostilities in the early 1990s caused thousands of deaths and the displacement of hundreds of thousands of people.

Under President Vladimir Putin, Russia worked to increase its influence with the separatists. In addition to “seconding” Russian officials to the leadership of the separatist regions, Russia in the 2000s strengthened its ties to these regions through a campaign of creeping annexation that included granting Russian citizenship and passports to local residents. Many observers considered Moscow’s involvement in South Ossetia and Abkhazia a gambit to prevent Georgia’s accession to NATO. This dynamic effectively transformed the separatist conflicts into proxy battles in the tense bilateral relationship between Russia and Georgia and the complicated larger relationship between Russia and the West.

There were significant indications in the first half of 2008 that Russia was spoiling for a fight. The Kremlin fumed after key Western powers swiftly recognized Kosovo’s declaration of independence in February and NATO affirmed Georgia and Ukraine’s future accession to NATO during a summit in April in Bucharest. With tensions rising, Russia began delivering military equipment to Abkhazia and announced “government-to-government” contact with Abkhazia and Ossetian authorities. In late July, Russian armed forces staged a major exercise named Caucasus 2008 near Georgia’s border, mobilizing more than 8,000 troops. The exercise scenario featured an intervention in a fictional neighboring country involving Russian



Map of Georgia showing the Russian-occupied regions of South Ossetia and Abkhazia. Credit: United Nations Cartographic Section

land, sea, and air units. Many analysts regard the steady escalation of these Russian provocations in the first part of the year as a Russian-orchestrated effort to goad Georgia into a conflict that would lead to Tbilisi’s loss of these territories.

In August 2008, tensions surrounding the disputed regions ignited a full-blown war. Following increased clashes between Georgian and separatist forces earlier in the month, hostilities erupted on August 7 between Georgia and separatist Ossetian forces, creating the pretext for an overwhelming Russian military intervention. On August 8, Georgian forces advanced toward the capital of South Ossetia, Tskhinvali, seeking to preempt Russian forces from seizing control of the city. An intense battle ensued between Georgian and Ossetian forces, with the latter backed by Russian air and

ground units. This salvo gave way to a broader Russian-led artillery and aerial assault on Georgian forces in South Ossetia and well inside Georgia’s sovereign territory.

The next day Russia marched troops into Abkhazia, opening a second major front in the war. With Russian forces pressing further into Georgian territory on August 10, Russia deployed ships to Georgia’s Black Sea coast and imposed a naval blockade on the country, destroying most of Georgia’s nascent navy in the process. That day, Russian troops occupied the central Georgian city of Gori and pushed further eastward toward Tbilisi, stopping just an hour from the Georgian capital.

Russia’s initial military operations were coordinated with a cyber assault on Georgian and West-

ern government websites, marking the first time Russia paired a cyber campaign with a military onslaught and foreshadowing a much more sophisticated cyber campaign against Ukraine during the Russian military campaign in Crimea and eastern Ukraine in 2014.

The Russian military bombed targets around Tbilisi and cut the Georgian capital off from its Western provinces, precipitating the full retreat of Georgian forces from South Ossetia and intensifying international talks to bring the fighting to an end. Most major military operations ceased by August 12 and Russia agreed to a French-brokered ceasefire on August 16 having occupied more than 20 percent of Georgia's sovereign territory.

### **A Decade of Unimplemented Commitments and Creeping Annexation**

Although the August 2008 conflict abated thanks to a peace plan brokered by French President Nicolas Sarkozy, the provisions of the plan—for both sides to cease hostilities and pull troops back to pre-conflict positions, as well as to provide for humanitarian aid and the return of displaced persons—remain largely unimplemented by Russian and local leaders to this day.

Further entrenching the conflict over the territories, Russia unilaterally recognized their “independence” on August 26, 2008. Moscow has subsequently signed illegitimate “integration treaties” with the Georgian territories. These so-called treaties, signed in 2014 with Abkhazia and 2015 with South Ossetia, constitute *de facto* annexation by providing for the near-total integration of the territories' legal, military, economic, and social sectors into Russia's.<sup>3</sup>

Russia has maintained its occupation of a wide swath of Georgia's territory, including by installing barbed wire fences, “border” signs, surveillance posts, and other barriers along what it determines to be the “border” between Georgia and the regions. Further, in a policy described by many as a “creeping annexation,” Russian forces have on numerous occasions unilaterally physically moved the fences and other barriers marking the internal

“administrative boundary line” of the regions deeper into Georgia. These moves increasingly encroach on sensitive Georgian infrastructure, including a critical east-west highway and the Baku-Supsa oil pipeline, part of which now lies within Russian-occupied South Ossetia.<sup>4</sup>

Moscow has also furthered its aims in Georgia by using its veto power in international organizations to eliminate or degrade the presence of international missions there. In December 2008, Russia blocked the continuation of the OSCE Mission to Georgia when the office's mandate came up for renewal for the first time since the occupation; the mission assisted Georgia's government with conflict settlement, democratization, human rights and rule of law reforms. Russia scuttled the office after rejecting Georgia's requirement that the office have access to all of Georgia's internationally-recognized territory, including the occupied regions.

In June 2009, Russia also blocked the extension of the UN Observer Mission in Georgia (UNOMIG), a mission established in 1993 to monitor a ceasefire agreement between Georgian and Abkhaz authorities.

The EU's Monitoring Mission in Georgia (EUMM) maintains the sole remaining set of monitors on the ground and possesses a mandate that extends throughout all of Georgia, although it is denied access to South Ossetia and Abkhazia by Russian and *de facto* regional authorities.

Since October 2008, the Geneva International Discussions (GID)—a process co-chaired by the OSCE, European Union, and United Nations—have been convened regularly to discuss issues of security and stability and the return of internally displaced persons.<sup>5</sup>

### **A Tragic Legacy**

Russia's invasion and occupation has resulted in the sustained displacement of approximately 25,000 Georgians who previously resided in South Ossetia and Abkhazia, compounding a legacy of more than 200,000 internally displaced persons (IDPs) stemming from earlier conflicts over these

territories in the 1990s. These IDPs are denied access to their property and the right to a safe and dignified return to their past livelihoods.<sup>6</sup>

Meanwhile, on the other side of the disputed boundary, ethnic Georgians face systematic discrimination and harassment, particularly in Abkhazia, which has the largest Georgian population of the two territories<sup>7</sup>. These abuses have been well-documented despite the *de facto* authorities that regularly block the UN's Office of the High Commissioner on Human Rights and other international bodies from accessing the territories to conduct proper assessments of the human rights situation there.<sup>8</sup>

In violation of OSCE commitments to guarantee freedom of education in one's native tongue, local authorities in both regions have begun restricting Georgian language instruction in grade schools, ostensibly with the aim of facilitating the social integration of ethnic Georgians.<sup>9/10</sup> In reality, however, these measures serve as a pressure tactic, marginalizing Georgian culture within the occupied regions and pushing ethnic Georgians to relocate.

Due to the ambiguously demarcated "administrative boundary line" maintained by Russian-backed South Ossetian and Abkhazian forces, ethnic Georgians are regularly detained for so-called "illegal border crossing." A 2017 report from the UN Human Rights Council states that individuals can be detained simply for attempting to visit their properties or harvest crops. In 2016 alone, Russian Federation border guards detained more than 300 Georgians, according to the State Security Service of Georgia. Often, detentions last for several days and individuals are only released after the payment of a heavy fine.<sup>11</sup>

In recent years, local security services in the breakaway regions have been responsible for the deaths of at least three Georgians: Archil Tatunashvili, Giga Otkhazia, and Davit Basharuli.<sup>12</sup> In each case, Ossetian and Abkhazian authorities failed to conduct credible investigations into the incidents or to ensure accountability for the security services involved.

Most recently, in mid-February 2018, Ossetian security services detained the 35-year-old Tatunashvili on national security charges. After a week in custody, South Ossetian authorities announced that he had died but refused to release his body. After weeks of negotiations between Tbilisi and Ossetian authorities, his body was released, reportedly missing several internal organs and bearing marks of torture.<sup>13</sup>

The impunity of the perpetrators led the Georgia's parliament in March 2018 to pass the Otkhazia-Tatunashvili Act, a resolution that calls on Georgia's government to work with international partners to impose travel bans on those "accused of murder, abduction, torture, and inhuman treatment of Georgian citizens."<sup>14</sup>

### **Helsinki Commission Engagement**

Helsinki Commissioners have been vocal supporters of Georgia's territorial integrity and its right to choose its own security alliances, two principles enshrined in the 1975 Helsinki Final Act.

In March 2017, Helsinki Commission Chairman Sen. Roger Wicker and Ranking Senate Commissioner Sen. Ben Cardin introduced a bipartisan resolution "*expressing the sense of the Senate to support the territorial integrity of Georgia.*"<sup>15</sup> S.Res.106 condemns the ongoing military intervention and occupation of Georgia by the Russian Federation, as well as Russia's continuous illegal activities along the occupation line in the regions. The resolution also urges Russia to live up to its commitments under the Helsinki Final Act, which calls upon signatories to respect the territorial integrity of each of the other participating States of the OSCE.

The resolution mirrors a similar measure co-sponsored by Helsinki Commission Co-Chairman Congressman Christopher Smith and Commissioner Rep. Steve Cohen that passed the House on September 8, 2016, H.Res.660, "*expressing the sense of the House of Representatives to support the territorial integrity to of Georgia.*"<sup>16</sup>

The Helsinki Commission has also directly intervened in humanitarian causes stemming from Russia's occupation. Co-Chairman Smith traveled to Georgia in the immediate aftermath of the 2008 war to secure the safe return home of two young girls from Howell, New Jersey who were trapped behind Russian lines in the conflict zone.<sup>17</sup>

In addition to defending Georgia's territorial integrity in the U.S. Congress, Commissioners are also active on this conflict in international meetings, including in the OSCE's Parliamentary Assembly. On July 5, 2016, in Tbilisi, the U.S. delegation to the Annual Session of the OSCE Parliamentary Assembly shaped and endorsed the Assembly's 2016 Tbilisi Declaration<sup>18</sup>, which called upon the Russian Federation to comply with the principles and norms of International Law, implement fully and in good faith the EU-mediated August 12, 2008 Ceasefire Agreement and respect the territorial integrity and sovereignty of Georgia, within its internationally recognized borders.

Additional Commission engagements on Georgia have included hearings on domestic developments in Georgia,<sup>19</sup> meetings with senior Georgian officials,<sup>20</sup> and expert-led travel<sup>21</sup> and briefings<sup>22</sup> to monitor developments in the conflict and related issues such as NATO enlargement.

Russian aggression and occupation in Georgia is only one of several instances where Russia's leadership has chosen to bypass established channels of conflict resolution and unilaterally sought to redraw the borders of an OSCE participating state by force. As a result, the goal of restoring Georgia's territorial integrity will remain at the forefront of Helsinki Commission's mandated work to monitor the implementation—or flouting—of fundamental commitments undertaken under the Helsinki Final Act of 1975.

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## About the Helsinki Commission

The Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is an independent agency of the Federal Government charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

Learn more at [www.csce.gov](http://www.csce.gov).

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<sup>1</sup> Largely taken from/summarized from Russia-Georgia Conflict in August 2008: Context and Implications for U.S. Interests, March 3, 2009 (RL34618).

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- <sup>2</sup> Ariel Cohen; Robert E. Hamilton. “The Russian Military and the Georgia War: Lessons and Implications.” *Strategic Studies Institute*. June 2011. <http://ssi.armywarcollege.edu/pdf/files/pub1069.pdf>.
- <sup>3</sup> Natalia Konarzewska. “Tensions Remain around Georgia's Breakaway Regions Nine Years After Five-Day War.” *The Central Asia-Caucas Analyst*. October 26, 2017. <https://www.cacianalyst.org/publications/analytical-articles/item/13479-kadyrov-moscow-and-rohingya.html>.
- <sup>4</sup> Ibid.
- <sup>5</sup> UN General Assembly. “Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.” New York: United Nations. May 3, 2017. <https://reliefweb.int/sites/reliefweb.int/files/resources/N1712489.pdf>.
- <sup>6</sup> Ibid.
- <sup>7</sup> According to *de facto* authorities in Abkhazia and South Ossetia, ethnic Georgians that have not been displaced from the two regions represent nearly 18 percent of the population of Abkhazia—or 43,166 inhabitants—compared with approximately 7 percent of the South Ossetian population—or 3,966 inhabitants. The Georgian government disputes these figures and is unable to verify them independently.
- <sup>8</sup> Office of High Commissioner for Human Rights. “Report of the United Nations High Commissioner for Human Rights on cooperation with Georgia.” United Nations. August 17, 2018. <https://reliefweb.int/sites/reliefweb.int/files/resources/G1724097.pdf>.
- <sup>9</sup> Maxim Edwards. “No More Georgian in South Ossetia’s Schools?” *EurasiaNet*. September 20, 2017. <https://eurasianet.org/s/no-more-georgian-in-south-ossetias-schools>.
- <sup>10</sup> “Georgian schools in South Ossetia are switching to Russian.” *Jam News*. September 27, 2017. <https://jam-news.net/?p=61029>.
- <sup>11</sup> Ibid.
- <sup>12</sup> “Georgian man found dead in Russian-occupied Akhagori.” *Agenda.ge*. January 5, 2015. <http://agenda.ge/news/27441/eng>.
- <sup>13</sup> “Georgia drafts lawsuit against Russia for Tatumashvili’s case in European Court.” *Agenda.ge*. May 8, 2018. <http://agenda.ge/news/100328/eng>.
- <sup>14</sup> Parliament of Georgia. *The Interim Commission on Territorial Integrity adopted the draft Resolution on “Otkhozoria-Tatumashvili Act.”* March 20, 2018. <http://www.parliament.ge/en/saparlamento-saqmianoba/komisiebi-dabachoebi-8/teritoriuli-mtlianobis-agdgenis-sakitxta-droebiti-komisia/axali-ambebi-teritoriuli/teritoriuli-mtlianobis-agdgenis-sakitxta-droebiti-komisiis-sxdomaze-otxozoria-tatumashvilis-siis-shesaxeb-saqartvelos-parlamentis-rezolu-ciis-proeqti-miiges.page>.
- <sup>15</sup> U.S. Congress. Senate. *A resolution expressing the sense of the Senate to support the territorial integrity of Georgia*. S.Res.106. 115<sup>th</sup> Cong., 1st sess. Introduced in Senate March 30, 2017. <https://www.congress.gov/115/bills/sres/106/BILLS-115sres106is.pdf>.
- <sup>16</sup> U.S. Congress. House. *Expressing the sense of the House of Representatives to support the territorial integrity of Georgia*. H.Res.660. 114<sup>th</sup> Cong., 2nd sess. Passed in House September 8, 2016. <https://www.congress.gov/114/bills/hres/660/BILLS-114hres660eh.pdf>.
- <sup>17</sup> Representative Chris Smith. “Smith Leaves for Tbilisi, Georgia.” August 18, 2008. <https://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=100232>.
- <sup>18</sup> Organization for Security and Co-operation in Europe Parliamentary Assembly. *Tbilisi Declaration*. July 1-5, 2016. <http://www.oscepa.org/documents/all-documents/annual-sessions/2016-tbilisi/declaration-24/3371-tbilisi-declaration-eng/file>.
- <sup>19</sup> U.S. Congress. House. Commission on Security and Cooperation in Europe. *Georgia’s Parliamentary Election: How Free and Fair Has the Campaign Been, and How Should the U.S. Government Respond?* 112th Cong., 2nd sess. September 20, 2012. <https://www.csce.gov/sites/helsinkicommission.house.gov/files/Georgia.pdf>.
- <sup>20</sup> Commission on Security and Cooperation in Europe. “Senators Wicker, Cardin Meet with Georgian Prime Minister.” May 10, 2017. <https://www.csce.gov/international-impact/senators-wicker-cardin-meet-georgian-prime-minister>.
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