



EMBASSY OF GEORGIA TO THE REPUBLIC OF AUSTRIA
PERMANENT MISSION OF GEORGIA TO THE OSCE AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

S T A T E M E N T

Of the Permanent Representative of Georgia to the OSCE
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On main findings of the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia

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Madam Chair,

Allow me to start by stating that Georgia agrees with the main findings and observations of the Report of the Independent International Fact-Finding Mission on the Conflict in Georgia (IIFFMCG). Even though we still disagree on some assessments, we believe that by and large the fact-finding Commission has done a good job in assembling and analyzing facts. Thus, this is a valuable report for continuing dialogue over how to solve this existing security problem in Europe.

I also want to take this opportunity and to ask my Russian colleague, whether Russia subscribes to the findings of the Report? I understand that Russia is keen on emphasizing only one small part of the Report, but the question is whether remaining 99 % of the Report is relevant and acceptable to her?

If so, then Russia would be agreeing that it has violated the UN Charter and the Helsinki Final Act and a series of principles and norms of the international law, and that it, together with its proxy regimes is responsible for the crimes against humanity. And if this is the case, responsibility of some high ranking decision makers, starting with the Prime Minister Putin and President Medvedev could be at stake.

Dear Colleagues,

One main finding of the Mission was that the events of the 7-8 August represented a “culminating point of a long period of increasing tensions, provocations and incidents”. Report also shows that “any explanation of the origins of the conflict cannot focus solely on the artillery attack on Tskhinvali in the night of 7/8 August”. And if this is the case and we are to look at the

report in its entirety, I am not surprised why my Russian colleague, having read the Russian MFA statement of 30 September, 2009, only focused on two pages of the report, disregarding other 99 % of the document.

The Mission established the facts, confirming that Russia invaded Georgia before Georgia took military action. It also confirms that Georgian civilians and peacekeepers were under attack, on Georgian soil, before August 7. The report gives ample evidence of Russia's military buildup in the months before August 2008, and of Russia's political and military provocations that violated Georgian sovereignty and international law. In addition, the Mission confirms that Russian-backed forces undertook the ethnic cleansing of Georgian citizens.

Let me remind you that the Report clearly states that Russian military operations in 2008 appear to most analysts to have been well-planned and well-executed, whereas the operational planning has been validated in practice during the Kavkaz-2008 and previous exercises since 2005.

Mission documented that regular armed Russian forces and mercenaries illegally crossed into Georgia before August 8, 2009. The Report documents in detail the Russian military buildup in the months before the invasion, as well as Russia's provision of military and security assistance to South Ossetian and Abkhaz irregular proxy forces prior to August 7 2008. It also documents a series of intensifying political, economic, legal, and other provocations.

While the Report acknowledges that Russia armed and supported Tskhinvali and Abkhaz separatists, it avoids assigning the explicit responsibility for their actions to the Russian Federation. However, there is extensive evidence to prove Russia's direct control of proxy authorities according to the report.

Furthermore, while acknowledging the military buildup and assistance to the proxy authorities, as well as the influx of mercenaries, the report fails to highlight explicitly the flagrant violations committed by the Russian peacekeepers, although all these actions were strictly forbidden by all international agreements. It is worthwhile to mention that Georgia provided the Mission with extensive evidence on how the Russian peacekeepers directly coordinated with proxy irregular forces before August 7, including coordinating attacks on the villages controlled by the Georgian government.

With respect to its invasion of Abkhazia and the rest of Georgia, the Report confirms that Russia did not even bother to fabricate a pretext, and hence was in direct and gross breach of international law.

In terms of preventive efforts, the Mission clearly states that in the years and months preceding the conflict Georgia had tried to prevent the conflict by diplomatic means. The Report confirmed that the Georgian Government exerted intense, sustained diplomatic efforts for many months before the war to provide a peaceful solution and to prevent a Russian invasion of Georgia. Regrettably, these efforts were blocked by the Russian Federation and its proxy authorities.

The report clearly states that the recognition of the Georgian regions of Abkhazia and South Ossetia by Russia is a clear violation of international law. This should be a warning to those few states, who might be thinking to sell the illegal and immoral recognition for Russian money.

Overall the Report confirms that Russia committed act of aggression against a sovereign state, thereby gravely violating international law, including the UN Charter, Helsinki Final Act, UN Security Council Resolutions as well as its own Constitution and the Criminal Code.

Madam Chair,

Nothing I have said so far represents a novelty to anyone in this organization, as everything mentioned above has been said on numerous occasions by the Georgian delegation here in Vienna. Findings and conclusions of the Report fully coincided with all the concerns and allegations that my delegation has put forward for last years.

The Report goes into detail in confirming the obvious - that Russia invaded Georgia; Georgia never attacked Russia or any other country. It confirms that attacks and warfare happened on the Georgian soil. Among the key findings in this respect are the following:

- The Mission found evidence that certain units of the Russian regular forces-not peacekeepers-entered sovereign Georgian territory prior to the August 8. This constitutes an illegal invasion. We would have appreciated if the Mission had used this term, but by the end of the day what matters is that the irrefutable fact has been established.
- Specifically, as mentioned earlier, the Report says: "There seems to have been an influx of volunteers or mercenaries from the territory of the Russian Federation to South Ossetia through the Roki tunnel and over the Caucasus range in early August, as well as the presence of some Russian forces in South Ossetia, other than the Russian JPKF [Peacekeeping] battalion, prior to 14.30 hours on 8 August 2008."
- The Mission also found evidence that separatist forces were armed and trained by Russia in defiance of international law and Russia's peacekeeping obligations.
- The Report also points out that these Russian-backed separatist forces broke international law by attacking Georgian civilians in the days before August 7.
- **The Report concludes: "The vastly superior political and military weight of Russia toppled the balance of what might have been possible otherwise, if at all, in terms of arrangements between Tbilisi and its two breakaway provinces."**

Madam Chair,

The Report, meanwhile, refutes the reasons Russia gave for invading Georgia. Let me remind you, that Russia stated three different reasons – (1) act of alleged genocide against Ossetian people; (2) attack on the Russian

peacekeepers and (3) humanitarian intervention to protect its citizens. Commission refutes all three reasons one by one.

Let's start with the allegation of genocide: In particular Russia claimed that over 2,000 people had been killed in South Ossetia and that it invaded to prevent genocide-this was the pretext for Russia's illegal actions. Later Russia itself could not confirm more than 165 deaths of the civilians and militaries from South Ossetia. Obviously no intent from Georgian side with regard to genocide could have been confirmed and Commission verified this. Commission's report confirms that these Russians claims were an outright lie. Here is a straightforward quote from the report – "The Mission has found that genocide did not take place".

Second argument was about the alleged attack on the peace-keepers. According to the report, Commission could not verify that Russia's peacekeepers were attacked. Moreover, in the volume II of the report, which provides a legal analysis of the facts and on which the findings of the report are based it is stated, and once again I quote – "the fact of the Georgian attack on the Russian peacekeepers' basis could not be definitely confirmed by the Mission". On page 275 of the Volume II, Mission once again states that "doubts remain whether the Russian Peacekeepers were attacked in the first place". Moreover, dear colleagues, Mission finds, that even if the peacekeepers had been attacked, it was impossible to establish, if by the time of the attack they had lost their protection as peacekeepers, by virtue of participating in the armed conflict. Important conclusion reached by the Mission in this regard is quoted as follows: **"The Mission was unable to establish whether, at the time of the alleged attacks on Russian peacekeepers' bases, the peacekeepers had lost their protection owing to their participation in the hostilities. The Mission is consequently unable to reach a definite legal conclusion on these facts."**

Third justification by Russia was the concept of humanitarian intervention to save its citizens. The report simply rejects the Russian concept of protecting its citizens abroad in the context of this conflict. According to the report "humanitarian intervention cannot be justified at all".

At the same time the report denounces the Russian so-called "passportization" policy in the Tskhinvali Region and Abkhazia as in contravention with international law. Report clearly says that South Ossetians were given Russian passports in violation of Georgian sovereignty. Let me quote the Report once again: "The mass conferral of Russian citizenship to Georgian nationals and the provision of passports on a massive scale on Georgian territory, including its breakaway provinces, without the consent of the Georgian Government runs against the principles of good neighborliness and constitutes an open challenge to Georgian sovereignty and an interference in the internal affairs of Georgia". The Russian Federation therefore simply manufactured the citizens to "protect" them later.

Madam Chair,

After all what I have said I would like to raise a question: how can Russian actions be assessed, if not as an invasion and occupation of Georgia's territories?

Now, let me turn to the most horrible findings of the Report, which have to do with the horrendous facts of ethnic cleansing. I will simply quote the Report:

“The Mission found patterns of forced displacements of ethnic Georgians who had remained in their homes after the onset of hostilities. In addition, there was evidence of systematic looting and destruction of ethnic Georgian villages in South Ossetia. Consequently, several elements suggest the conclusion that ethnic cleansing was indeed practiced against ethnic Georgians in South Ossetia both during and after the August 2008 conflict. “

Volume II of the report states that “Russian forces did not participate directly in the destruction of villages, aside from a brief period in mid-August, but neither did they intervene to stop it”. Report also says that “The Russian authorities and the South Ossetian authorities failed overwhelmingly to take measures to maintain law and order and ensure the protection of the civilian population as required under IHL and HRL.”

Further the report goes on saying that **“During and, in particular, after the conflict a systematic and widespread campaign of looting took place in South Ossetia and in the buffer zone against mostly ethnic Georgian houses and properties. Ossetian forces, unidentified armed Ossetians, and even Ossetian civilians participated in this campaign, with reports of Russian forces also being involved. The Russian forces failed to prevent these acts and, most importantly, did not stop the looting and pillage after the ceasefire, even in cases where they witnessed it directly.”**

What further evidence can be brought by the Mission to prove that Russia and its proxy regimes engaged in the inhuman acts of ethnic cleansing? And to continue the question I asked in the beginning: what further evidence do we need to incriminate those, who gave the orders to invade Georgia and conduct these acts? Should the status of a prime minister, or president prevent those who gave such orders from being responsible? It should not be so, and the perpetrators of these crimes should be brought to justice sooner or later.

Madam Chair,

Nothing we have heard here today was new to any of us. The Mission put their ideas on the paper and presented them to us. Nonetheless, Russia repeated its position and we presented ours. Nothing seems to have changed. But we do have the report, which together with other authoritative sources, like the report of the ODIHR and HCNM of the last year represents valuable tool in our hands that can be used to improve the security situation on the ground and to focus on the future. Even though Russia and Georgia disagree on what are the main findings of the report, we all should be engaged in a substantial dialogue. We

should not allow a renewal of the hostilities on the ground, which is still possible according to the Mission and we need to concentrate on finding the ways for peaceful conflict resolution. So how should we proceed?

Dear Colleagues,

The last part of the Commission's report is dedicated to the observations and the recommendations to various stakeholders. Georgia agrees with these observations. May be we should continue focusing our discussions on these concrete recommendations and observations in the future. May be we could convene at a later date and engage in finding ways how to implement these observations. Obviously this is a suggestion to my Russian colleague first and foremost and I would like to hear his comments on this matter.

Thank you.