HUMAN RIGHTS WATCH ARMS PROJECT
HUMAN RIGHTS WATCH/HELSINKI

March 1995 Vol. 7, No. 7

GEORGIA/ABKHAZIA:

VIOLATIONS OF THE LAWS OF WAR AND RUSSIA'S ROLE IN THE CONFLICT

CONTENTS

Human Rights Watch
485 Fifth Avenue
New York, NY 10017
Tel.: (212) 972-8400
Fax: (212) 972-0905

Human Rights Watch
1522 K Street, NW, Suite 910
Washington, DC 20005
Tel.: (202) 371-6592
Fax: (202) 371-0124

Human Rights Watch
485 Fifth Avenue
New York, NY 10017
Tel.: (212) 972-8400
Fax: (212) 972-0905

Human Rights Watch
1522 K Street, NW, Suite 910
Washington, DC 20005
Tel.: (202) 371-6592
Fax: (202) 371-0124

I. EXECUTIVE SUMMARY, RECOMMENDATIONS

On August 14, 1992, a fratricidal war broke out on the resort beaches of Abkhazia, a small territory located on the Black Sea coast of the newly independent Republic of Georgia. A sixteen-month conflict ensued between, on the one hand, Abkhaz forces aided by local civilians as well as fighters from other countries, primarily neighboring areas of the Russian Federation, and, on the other hand, the central government of Georgia, in the form of National Guard, paramilitaries and volunteers. The Abkhaz fought for expanded autonomy and ultimately full independence from Georgia; the Georgian government sought to maintain control over its territory. Intensive battles raged on land, air and sea. Several thousand were killed and many more wounded on both sides[1]; hundreds of thousands were displaced from their homes.

Human Rights Watch takes no position concerning the causes of the conflict or the status of Abkhazia. It has, however, documented that both sides of the conflict showed reckless disregard for the protection of the civilian population, and are responsible for gross violations of international humanitarian law - the laws of war. Combatants both deliberately targeted and indiscriminately attacked civilians and civilian structures, killing hundreds of civilians through bombing, shelling and rocket attacks. Combatants deployed and used major weapons in civilian areas, recklessly endangering peaceful residents by situating legitimate military targets close to their homes. They also used weapons like the Grad rocket, although these were notoriously inaccurate. Troops on the ground terrorized the local population through house-to-house searches, and engaged in widespread looting and pillage, stripping civilians of property and food. We have received countless reports on both sides that combatants captured during combat were killed and abused, primarily by the Georgians, and that combatants raped and otherwise used sexual terror as an instrument of warfare. Human Rights Watch believes these allegations to be credible.

The combination of indiscriminate attacks and targeted terrorizing of the civilian population was a feature of both sides' deliberate efforts to force the population of the other party's ethnic group out of areas of strategic importance.[2] The practice was adopted first by the Georgian side, in the second half of 1992, and later, more effectively, by the Abkhaz side. The parties terrorized and forced the enemy ethnic population to flee, or took members of the enemy population hostage for leverage in later bargaining over population swaps. The Abkhaz conflict stands out in that in some cases entire villages were held hostage on the basis of the ethnicity of their population. Once Abkhaz forces had gained control of Abkhazia and the fighting died down, they prevented the free return to Abkhazia of displaced persons, who are overwhelmingly Georgian.[3]

Victims and eyewitnesses to atrocities in Abkhazia recounted that techniques used to terrorize people on the basis of their ethnic identities were similar. In a typical scenario, reportedly practiced by both Georgian and Abkhaz forces against civilians, a man would be stopped on the street by armed men and asked his identity or place of residence. If he identified himself as from an enemy group, the men would humiliate, threaten and beat him with fists and rifle butts. Then they would force him to take them to his home, where they would beat and intimidate the family, including children, and sometimes subject one or all to mock executions in front of the others. They would then typically rob the family, and sometimes take the male members, sometimes to terrorize them and their families, and sometimes to torture and execute them. Often these visits were repeated. Such ethnically-oriented abuse forced much population displacement.

Warfare in the Abkhaz conflict was characterized on both sides, most particularly in the beginning months and in rural areas, by a lack of formal, central military control over the operations of the rival forces. The command and control structures vital to military discipline and accountability were all but absent. Volunteers, mercenaries and other "outsiders" involved in combat in notable numbers collaborated with, but operated outside traditional military structures. At the same time, regular military commanders involved in joint operations with such forces or who otherwise acted in conjunction with irregular forces bore a high degree of responsibility for their acts. No serious measures to curb the abuses of their irregular allies have been documented. Individual combatants, both irregulars and those in traditional or formal structures, were allowed to commit atrocities and violate the laws of war largely without fear of punishment from senior military staff. Nor were orders setting out minimum humane

[1] According to the Georgian government's Committee on Human Rights and Interethnic Relations, 4,000 individuals from the Georgian side, both civilians and combatants, were killed, 10,000 were wounded, and 1,000 are missing. Human Rights Watch interview with Committee chairman Aleksandre Kavsadze, Tbilisi, January 2, 1995. The Abkhazian Committee for Human Rights gives the following casualty figures for the "duration of the war," which they set as August 14, 1992 through September 30, 1993: 4,040 killed (2,220 combatants, 1,820 civilians); approximately 8,000 wounded; 122 missing in action.

[2] Both parties have accused each other of engaging in "ethnic cleansing," a term that has gained currency during the war in Bosnia. Because of the euphemistic nature of the word "cleansing," Human Rights Watch has chosen not to use this term to describe practices of forced population movement or hostage taking on the basis of ethnicity during the Abkhaz war.

[3] It is important to note that pre-war Abkhazia had a highly mixed ethnic composition, that residents were multi-lingual, and that mixed marriages were common. As a result, loyalties during the conflict did not always align with ethnic affiliations. Georgian troops reportedly abused not only ethnic Abkhaz but Armenians, Russians and Greeks as well, believing them to be allied with the Abkhaz. Human Rights Watch also notes that in numerous independent testimonies, victims on both sides reported having been assisted and sometimes even saved by individuals from the "enemy" ethnic group.

standards given to these forces. In some conversations with combatants, it became apparent to Human Rights Watch that often there was no understanding of even the most elementary laws of war, such as the need to protect civilians.

A result of the lack of effective command and control is that it complicates the process of establishing personal responsibility for war crimes. That notwithstanding, military commanders have shown little evidence of efforts to impose restraints on either their own troops or those irregular forces allied with and effectively lent authority by them. This represents at best acquiescence in the abuses committed. The pattern of the abuses committed over time by all sectors of the opposing forces during the conflict, however, suggests that abuses were not casual or sporadic or unintentional; nor were they a consequence purely of individual initiatives. This raises the question of whether the pattern of abuse by the disparate forces fielded by each side was more a consequence of a lack of control, or of a considered intent to go beyond the limits of the law in the waging of the war. The evidence suggests a combination of both.

Russia's extensive involvement in the Abkhazia conflict brought with it certain responsibilities for the human rights and humanitarian law violations that occurred there. Russia was in various ways responsible for escalating human rights abuse: members of its armed forces made available weapons to groups or individuals known or likely to use them to commit atrocities, and members of its forces indeed carried out a large number of attacks against Georgian targets, which resulted in civilian casualties.

This report documents war crimes in order to determine responsibility for them, and to inform the international community about events in the region so as to mitigate and prevent additional abuses. The roughly 200,000 displaced persons who fled the conflict zone[4], mostly in a mass exodus at the end of 1993, are being deprived of their unconditional right to return home. Once returned, they may either perpetrate or be the victims of discrimination and physical abuse. Perpetrators of war crimes on both sides of the conflict are not, by and large, being prosecuted and punished, and there is a near certainty that individuals accused of war crimes will not receive fair trials.

A sustained cease-fire has been in force, with some lapses, since December 1993, enforced by some 136 military observers of the United Nations Observer Mission in Georgia (U.N.O.M.I.G.), and, since June 1994, by 1,600 Russian peacekeeping troops, nominally under the flag of the Commonwealth of Independent States (C.I.S.), the successor body to the Soviet Union. After more than two years of difficult Russian- and U.N.-mediated negotiations, as of this writing the parties are only marginally closer to a lasting peace settlement. The primary point of difference is over the political status of Abkhazia. The Abkhaz authorities seek full independence from Georgia or, at a minimum, confederative status within it; the Georgians seek to restore the full territorial integrity of the Georgian Republic.

No political settlement has been reached; only a handful of individuals have been prosecuted for war crimes; hostages reportedly continue to be held; about half of the pre-war population of Abkhazia, overwhelmingly Georgian, is living in temporary housing outside of Abkhazia, prevented from returning home safely; and the movement of arms into the region and among its people is uncontrolled. Even since the introduction of peacekeepers, violations have persisted. Several Abkhaz policemen reportedly have been killed in skirmishes, nine Georgian sailors were reported to have been taken prisoner in Sukhumi in September 1994, and several houses belonging to Georgians reportedly have been burned down in the Gali region, apparently as an act of collective punishment intended to deter the return of ethnic Georgians to the town.

The office of the United Nations High Commissioner for Refugees (U.N.H.C.R.), which has been supervising the repatriation of some 200,000 displaced persons to Abkhazia since the fall of 1994, suspended the repatriation process in late 1994 to show its dissatisfaction with the progress made (only 311 displaced persons had been formally repatriated as of December 1994), raising further doubts about the efficacy of a negotiated resolution to the conflict.[5] On November 26, 1994 the Abkhaz Supreme Soviet adopted a new constitution proclaiming Abkhazia an independent state, slowing progress to date in resolving political differences. The Abkhaz leader, Vladislav Ardzinba, was inaugurated as president on December 6. The outbreak of hostilities in the neighboring regions of Russia, Chechnya and Ingushetia, in December 1994 has further eroded the security situation in Abkhazia. On January 13, 1995, armed formations from Georgia headed for Abkhazia in buses, ostensibly to expedite the stalled repatriation process; they were stopped by government officials. All of these highly destabilizing developments raise fears that abuses will continue in the conflict.

EVOLUTION OF THE WAR

The earliest part of the war, from August to September 1992, was fought mostly in hand-to-hand combat on the streets and beaches of Sukhumi, then the capital of Abkhazia. Georgian combatants, loosely knit groups of soldiers and marauders, murdered and intimidated the local residents, who were taken by surprise and were almost entirely unarmed, and looted and pillaged homes extensively, targeting ethnic Abkhaz. Many, mostly Abkhaz, left in those first weeks, with the result that those

[4] Committee on Human Rights and Interethnic Relations, Human Rights Watch interview, January 1995.

[5] Human Rights Watch interview with Tore Börresen, U.N.H.C.R. representative in Georgia, Tbilisi, January 4, 1995.

civilians remaining – primarily Georgians – became the target of the heavier bombardments of Sukhumi that followed the initial incursions.

As several cease-fire agreements failed almost immediately, both sides increased their arms capabilities, fortified positions around Sukhumi, and through December of 1992 launched air strikes on each other's positions in and around the capital. Georgian forces also pressed south to eliminate resistance in the Ochamchira region, and began to lay siege to the mountainous town of Tkvarcheli, a stranglehold that held for most of the war, creating a severe humanitarian crisis in that region.

Gradually, the Abkhaz side caught up in terms of firepower, and through the end of 1992 the parties engaged in see-saw fighting along the Gumista River. The fighting escalated as both sides conducted air raids. Sukhumi and environs suffered almost daily air attacks, with heavy civilian casualties. By the beginning of 1993, Abkhaz forces had retaken all of the territory between the Gumista and the Russian border to the north, including the town of Gagra, taken in a bloody assault.

A stalemate set in along the Gumista in the first half of 1993. With the assistance of Russian military equipment and logistics, Abkhaz forces launched three major assaults on Sukhumi – on January 5, in mid-March and on July 1 – but failed to take the city. Persons interviewed by Human Rights Watch who lived through that period told of relentless shelling, long months of living in cellars without access to basic supplies, and the terror of seeing neighbors and relatives fall to indiscriminate shelling. At the same time, Abkhaz villages were being terrorized by Georgian troops in the Ochamchira district. Those interviewed by Human Rights Watch recalled daily intimidation, widespread looting and house-to-house murder. The humanitarian crisis peaked in the besieged town of Tkvarcheli, where Abkhaz and a relatively large number of Russians were effectively held captive.

On July 27, 1993, both sides agreed to a cease-fire. When the political agreement appeared to take hold, the U.N. deployed several of the promised fifty military observers to the conflict zone. During the lull, the violent power struggle between the Georgian central government under Head of State Eduard Shevardnadze and supporters of his predecessor, President Zviad Gamsakhurdia, reasserted itself after having been dormant for much of the war in Abkhazia. Indeed, the degree of the military threat from Abkhazia determined at various points in the fighting whether the anti-government forces would fight alongside Shevardnadze's forces or turn their guns on them. The renewed hostilities, concentrated on Abkhazia's southern border, complicated Georgia's troop withdrawal, mandated under the cease-fire agreement. On September 16, 1993, Abkhaz troops broke the cease-fire, citing Georgia's failure to comply with the terms of the agreement, and opened an all-front attack. The sudden incursion caused a hemorrhaging of civilians from the region. Some were evacuated by sea; others fled through mountainous Svanetia, where many died of hunger and exposure. Eleven days later the Abkhaz troops had regained control of almost the entire territory of Abkhazia and returned the military situation to the status quo ante bellum - boundaries which have not changed as of this writing.

Taking advantage of the weakness of the Georgian position, anti-government forces again reasserted themselves in October, taking control of critical railroad lines and other strategic facilities in western Georgia. In apparent desperation, on October 23 Shevardnadze paved the legal way for Russian troops to help retake the railroads and other key points by approving Georgia's membership in the Commonwealth of Independent States, of which Russia is the most powerful member - a step the Georgian government had adamantly resisted since declaring independence.

Following the first round of peace negotiations on December 1, 1993, the Georgian and Abkhaz sides signed an Agreement of Understanding. Despite the formal cessation of hostilities, fighting broke out in February and March of 1994 in and around the Gali region of Abkhazia. There have also been reports of local fighting where displaced persons were attempting to repatriate. Throughout 1994, the U.N. sponsored negotiations to resolve the political status of Abkhazia, the withdrawal of Georgian troops from Abkhaz territory, and the repatriation of displaced persons. Representatives of Georgia, Abkhazia, Russia and the O.S.C.E. (Organization on Security and Cooperation in Europe) regularly participated in these negotiations. Russian peacekeeping troops entered the conflict zone in June, demining the region and opening a safety corridor along the Inguri River. After several false starts, the repatriation program, sponsored by the U.N.H.C.R., began in September 1994 but was suspended soon thereafter.

The Role of the Russian Federation in the Conflict

The conflict in Abkhazia was heightened by the involvement of Russia, mostly on the Abkhaz side, especially during the war's initial stages. Whereas Russia has endorsed the territorial integrity of the Republic of Georgia, Russian arms found their way into Abkhaz hands, Russian planes bombed civilian targets in Georgian-controlled territory, Russian military vessels, manned by supporters of the Abkhaz side, were made available to shell Georgian-held Sukhumi, and at least a handful of Russian-trained and Russian-paid fighters defended Abkhaz territory in Tkvarcheli.

The motives of Russian military involvement have been the subject of much speculation. It has been regarded by some as post-imperial meddling, as genuine humanitarianism by others, and by still others as something in-between. The Russian role in this conflict has in part foreshadowed the brutal Russian behavior in Chechnya, and has contributed to a pattern of Russian disregard for human rights and violations of the laws of war.

Our sole purpose in investigating Russia's military involvement is to determine the extent to which it was responsible for committing violations of the laws of war and assisted abusive parties in committing atrocities; and determine as well at what level

of military command abuse was permitted, or even ordered to be carried out. Our focus on Russian involvement in the war should in no way detract from the responsibility of the major combatant parties for human rights abuses.

Russia has played a decisive role in determining the course and outcome of the war in Abkhazia, both positive and negative, because it has immediate stakes in the conduct of military action and its outcome. Stability in the region is important to Russia, which shares a border with Georgia, including Abkhazia. Abkhazia is a fertile area, and a treasured resort spot, particularly for the Moscow elite. Russia has also sought to protect ethnic Russians living in the region.

Throughout the conflict, Moscow maintained official neutrality, condemned human rights violations, and imposed sanctions on both Georgia and Abkhazia in response to their misconduct. It also provided essential humanitarian assistance, such as delivering emergency supplies, particularly to areas where there was a significant Russian minority in jeopardy, and evacuating civilians trapped in the fighting. From the first days of the war, Russia assigned diplomats to facilitate the peace process, and in 1994 deployed peacekeeping troops to enforce the cease-fire. Its military facilities and personnel, stationed in Georgia since before the break-up of the Soviet Union, came under attack and eventually Moscow gave the order to return fire.

Numerous Russian foreign policy statements have shown that Russia perceives special prerogatives and responsibilities for itself throughout the former Soviet Union. These prerogatives are legalized through bilateral accords and through a series of agreements that link almost all of the former Soviet republics under the rubric of the Commonwealth of Independent States. At the beginning of the outbreak of hostilities in Abkhazia, the Georgian leadership had consistently opposed joining the C.I.S., fearing it would impinge on Georgia's hard-won independence. Additional treaties regulating bilateral military relations with Russia, including the fate of Russian bases on Georgian soil, had not yet been finalized. Some analysts argue that a Georgian defeat was in Russia's strategic interest because it would make Georgia more willing to grant Russia military and political concessions. With the cessation of hostilities, Georgia has indeed acceded to the C.I.S. treaty, agreed to allow Russia to maintain three military bases in Georgia, and agreed to an open-ended Russian military presence in the form of peacekeepers in the break-away territory of Abkhazia. It is this scenario more than any other that may explain why Russia has neither acknowledged its own responsibility, nor condemned the acts of others when Russian weapons found their way into the hands of Georgia's enemy and Russian planes and ships were used to attack Georgian-controlled territory.

RECOMMENDATIONS

To the Government of the Republic of Georgia

- Condemn human rights abuses and violations of the laws of war committed by all perpetrators during the conflict in Abkhazia.
- Bring to justice such perpetrators of abuses in full conformity with international standards of due process.

To the Commanders of the Abkhaz Forces

- Condemn human rights abuses and violations of the laws of war committed by all perpetrators during the conflict in Abkhazia.
- Bring to justice such perpetrators of abuses in full conformity with international standards of due process under Common Article 3 of the 1949 Geneva Conventions.
- To the extent that Abkhaz commanders have invited, encouraged or accepted the services of "volunteers," both local and foreign, they must take full responsibility for holding actions by these irregular fighters to international humanitarian standards. This means bringing to justice those volunteers who are found to have violated the laws of war.
- Allow any individual residing in Abkhazia prior to the outbreak of hostilities to return to their homes unconditionally.

To the Government of the Russian Federation

- Condemn human rights abuses and violations of the laws of war committed by all perpetrators during the conflict in Abkhazia.
- Increase control of weapons armories belonging to the Russian armed forces, both on the territory of the Russian Federation and on the territory of Georgia and the conflict zone.
- Increase control of the border between the Russian Federation and Georgia to minimize the flow of arms and paramilitary combatants to the region.
- Clarify the status of members of the Russian armed or security forces in the conflict in Abkhazia, and bring to justice those who are found to have engaged in abuses of international humanitarian law. Moreover, the Russian Federation should assume full responsibility for the adherence to international humanitarian standards by fighters acting under its aegis or from its territories, and should take steps to ensure that fighters who do not agree to abide by such standards are prevented from taking up arms. Russia should not contribute to the capacity of a party to a conflict to wage a war where that party has shown an abject disregard for basic human rights norms.

- Give assurances that its peacekeeping forces will observe human rights and permit monitoring by international organizations.

To the Confederation of Mountain Peoples of the Caucasus

- Halt the flow of arms between the Caucasus states and Georgia until a firm commitment to international human rights and humanitarian law standards is made by the parties to the conflict.
- Assume full responsibility for the adherence to international humanitarian standards by fighters acting from its territories, and take steps to ensure that fighters who do not agree to abide by such standards are prevented from taking up arms.

To the United Nations

- Condemn and remove immediately any measures which restrict any categories of displaced persons from repatriation.
- Ensure that any individual residing in Abkhazia prior to the outbreak of hostilities be allowed to return to Abkhazia unconditionally.
- Impose conditions of compliance with human rights upon any deployment of military observers and/or peacekeeping forces by any parties.
- Extend the mandate of the United Nations Observer Mission in Georgia (U.N.O.M.I.G.), established by Security Council Resolution 858 (1993), when it expires in May 1995.

To the Organization on Security and Cooperation in Europe

- Deploy human rights monitors in Abkhazia, whose mandate should include the monitoring of abuses, intervention on behalf of victims, receipt of complaints, and periodic reporting to the Secretariat of the O.S.C.E.

II. INTRODUCTION: THE HUMAN RIGHTS CONSEQUENCES OF "MANAGED" CONFLICTS IN THE FORMER SOVIET REPUBLICS

On August 14, 1992, war broke out in Abkhazia, a small territory in the northwest corner of the Republic of Georgia that borders on the Black Sea. Attacked by Georgian forces nominally under the command of Georgian leader Eduard Shevardnadze, Abkhaz forces led by Vladislav Ardzinba have pressed for expanded autonomy within Georgia, and now full independence or at least confederation within Georgia. Though relatively small in scale, the conflict is reminiscent of the war in Bosnia as well as conflicts in other parts of the former Soviet Union, such as in Azerbaijan, Tajikistan, and Moldova and most recently in Russia's own southern territory of Chechnya. The fighting has been brutal, and marked by indiscriminate attacks on civilians, hostage-taking, and forced relocation of population groups on the basis of their ethnicity, all serious violations of human rights and the laws of war.

The Abkhazia conflict has also been marked by intervention, at various levels, of the Russian Federation. In that sense, this war appears to exemplify certain brutal patterns of conflict in what, in the post-Soviet world, is often referred to by Russians as the "near abroad." Some of these patterns are political, others economic, still others military, and some – the focus of this report – are patterns and antecedents of human rights abuse.

In the Russian government's worldview Russia has a duty to "manage" conflicts occurring in the former Soviet republics, much as the United States saw it as its responsibility to "manage" conflicts in its own "backyard" – Latin America and the Caribbean – from the Monroe Doctrine in the early 19th century onward.[6] In the case of Abkhazia, the Russian role has consisted of affording military and political support now to one side, now to another – thereby, in effect, "managing" the conflict.[7]

The role the Russian Federation played in 1992-93 compounded the severe human rights crisis generated by the fighting. Later, Russian peacekeeping forces mitigated abuses during 1994 by demining the larger part of the conflict zone and ensuring compliance with the cease-fire agreement for most of the year.

---

[6] On February 28, 1993, Russian president Boris Yeltsin declared that "the moment has come when responsible international organizations, including the United Nations, should grant Russia *special powers* as a guarantor of peace and stability in the region of the former union." Quoted in Helsinki Watch, "War or Peace? Human Rights and Russian Military Involvement in the 'Near Abroad'" (New York: Human Rights Watch, December 1993). (Emphasis added).

[7] "Inside Georgia itself," one political commentator has noted of the Abkhazia conflict, "the Russians have now afforded military and political support to all sides." And, he adds, "only they can mediate a political settlement. Whether they can do so successfully is an open question." Misha Glinny, "The Bear in the Caucasus," *Harper's Magazine*, March 1994, p. 52.

Human Rights Watch takes no position on the merits or demerits of a state's projection of its power in regional conflicts, as long as that state's actions, from a human rights perspective, satisfy two conditions. In the case of Russia's role in the Abkhaz conflict, these conditions are that Russia should not materially assist a party to the conflict that is, *prima facie*, responsible for abuses of human rights and the laws of war, and that Russian forces should not themselves violate internationally recognized human rights and the laws of war. Russia's government must take responsibility in particular for the actions of members of its armed forces and security apparatus who are deployed, overtly or covertly, to take part in hostilities.

Clearly, responsibility for human rights abuses in Abkhazia belongs first and foremost to the principal parties to the conflict: combatants from greater Georgia, Abkhazia and the North Caucasus. Yet, by supporting, at various times during the conflict, both Georgian and Abkhaz forces, Russia takes a prominent share in the responsibility for the abuses that have been committed, and the consequences of which continue to stare any visitor in the face in the form of refugees, shattered lives, and destroyed property.

The patterns of conflict visible in Abkhazia are important, apart from the simple fact of abuse. They shed light on similar patterns of abuse elsewhere in conflicts in the former Soviet republics, some of which have not yet broken out into open war.

NINE GENERAL PATTERNS OF CONFLICT IN THE FORMER SOVIET REPUBLICS

Ethnic War

Most obvious is the brute fact of ethnic war. In the Abkhaz fighting, people have been killed, hostages taken, property looted and destroyed, and whole populations forced out of their homes on the basis of ethnicity. This is true as well for many other conflicts in the former Soviet republics. What the Abkhaz war has in common with these other conflicts is that it is rooted in part in the rise of ethnic nationalist sentiments – on both the Georgian and Abkhaz sides – coincident with the collapse of the Soviet Union.

Contemporary Politics, Not Ancient Ethnic Hatred

Yet the fact of ethnic war does not explain very much either about the Abkhaz conflict or about ethnic wars elsewhere in the former Soviet republics. Ethnic conflict is not a *sui generis* phenomenon. The turn from ethnicity as a cultural fact in Abkhazia during the Soviet era to ethnicity as a reason for war is directly rooted in three closely linked contemporary phenomena. First was the rise of the late Georgian leader Zviad Gamsakhurdia, the first popularly elected president of the Republic of Georgia since Soviet rule. Having won the 1991 elections with 86 percent of the vote, he sought to build a strong state on a patriotic-nationalist platform which proved frightening to non-ethnic Georgians.

Second was the collapse of virtually all modern state structures and authority into the anarchy, gangsterism, and lawlessness that have characterized Georgia in recent years. This social breakdown was rooted in many causes, but one of them was surely Gamsakhurdia's tendency toward dictatorial rule, exemplified by systematic abuses of human rights during his tenure as head of state.[8]

Third, as a consequence of the second, was the rise of independent armed groups, some with political pretensions and some simply armed bands. These utterly undisciplined bands of armed men, some with loyalty to a warlord, had sufficient firepower in early 1992 to turn against what remained of the Gamsakhurdia state. The two most important armed militias, Tengiz Kitovani's National Guard and Jaba Ioseliani's "Mkhedrioni" ("Horsemen"), became the de facto armies of Eduard Shevardnadze's government (which replaced Gamsakhurdia's government following the latter's ouster in a coup in 1992) in the Abkhaz war.

In the vacuum left by the collapse of state controls, other loyalties were able to come to the foreground: loyalty to a militia leader, for example, or loyalty to one's ethnic group. Ethnic sentiment was then mobilized and whipped up even further by the militias and other paramilitary groups, who pursued ethnic agendas of the worst chauvinist sort to serve their own private ends.

The Lack of Democratic Legitimacy and the Rule of Law

It thus cannot be said whether, absent the breakdown of state and civil order in Georgia and the rise of militias not answerable to any civil authority, Abkhaz demands for expanded autonomy would have resulted in armed conflict or not. Nor is the breakdown of civil order the only way in which ethnic strife is catalyzed; strong states, too, are capable of unleashing and provoking ethnic war for state purposes. But it can be said, in many situations of the former Soviet republics, that among the direct causes of ethnically motivated war are the collapse of the state structures of the communist era coupled with the failure to erect democratically legitimate structures founded on the rule of law and the protection of basic human rights (including those of members of minorities).

Indiscipline and Lawlessness of Armed Units

[8]See, Helsinki Watch, *Conflict in Georgia: The Government of Gamsakhurdia* (Human Rights Watch, December 1991), and Helsinki Watch, *Bloodshed in the Caucasus: Violations of Humanitarian Law and Human Rights in the Georgia-South Ossetia Conflict* (Human Rights Watch, April 1992).

In many armies of the world, human rights abuse goes hand in hand with the strictest military discipline. Not so with these fighters; their disregard for human rights and humanitarian law matters is compounded by their general pattern of indiscipline in all things military. Military leaders, in turn, exhibit an evident disinterest in imposing restraint on their forces. One of the principal abuses in the Abkhaz armed conflict, and a consequence of the conditions described above, is the destruction wrought by undisciplined, heavily armed bands, with or without political pretensions. Often the violence is directed according to ethnicity. Over and over again the pattern in the Abkhaz conflict has been the looting and sacking of "enemy" ethnic towns, villages, neighborhoods, and individual homes.

These fighters are not real soldiers in the professional sense. Typically, they serve in loose units out of personal loyalty, or for booty, or revenge on specific individuals, or a desperate hope of protecting or regaining their territory. These are, significantly, armed formations without noncommissioned officers, the disciplinary backbone of professional armies. There are no sergeants in these ranks, no one to insist on discipline among the ordinary soldiers even of a strictly military, prudential nature – to sandbag positions, dig trenches, safeguard bivouacs.

Lawlessness on the Georgian side has been both a cause and symptom of its military ineffectiveness. Outlaw tactics by the Abkhaz, by contrast, particularly the violence following the fall of Sukhumi, proved singularly effective in driving out remaining Georgians, the strategic goal of the Abkhaz side. In either case, it is enormously violent and appallingly abusive.

It is important to recognize, though, that where there is a predisposition to particular brutality, as in the highly charged context of ethnic-driven warfare, military or paramilitary leaders can be expected to build on this prior motivation. There is a real incentive to free their forces from restraint for tactical reasons, so long as the intent to terrorize and drive away civilians is there. Commanders of both Abkhaz and Georgian forces must therefore be held accountable for failing to restrain the forces under their command when it was obvious that these were engaged in practices that amounted to serious abuses of the laws of war.

Forced Relocation

The pervasive forced relocations of populations by ethnicity have been a principal characteristic of the conflict, but are unsurprising. The Abkhaz conflict is an especially striking example of this fact of conflicts in the former Soviet republics.

In the 1989 census, only 17 percent of the population of Abkhazia were Abkhaz, while close to 50 percent were ethnic Georgians. An inescapable result of this demographic reality is that the Abkhaz side has little incentive to permit Georgians to return to their homes, because they would once again dilute the proportion of Abkhazians to the general population.

There are also areas in Abkhazia where the Georgians have sought to drive out the Abkhaz population en masse. Still, it remains an objectively greater long-term strategic interest for the Abkhaz, which has been reflected in the pattern of Abkhaz fighting.

Disordered Warfare

Wars in the former Soviet republics typically feature the use of highly advanced land weapons systems from the Soviet arsenal. Yet they also typically feature improvised, poorly executed arrangements to cover endemic shortages of fuel, ammunition, spare parts, medical
supplies and, sometimes, even food.

In the Abkhaz conflict, both sides have used heavy artillery, rockets, armored vehicles, and sophisticated anti-aircraft and anti-tank portable missiles. Fixed-wing aircraft have been used only on relatively few occasions, compared with the amount of artillery fire; attack helicopters have not typically been used, except in the early days by the Georgians; use of transport helicopters has been more common. However, there is little so-called "C3" (command, control, and communications) capability, considered essential for modern conventional warmaking and the militarily rational use of these advanced weapons systems, except when supplied by Russian forces. For example, actual aiming of artillery, mortars and rockets in a standard military manner is minimal because neither side is known to have employed forward spotters or fire control systems – a major factor in the extraordinary indiscriminateness of this and similar wars in the former Soviet republics.

Shortages and logistical impasses have occurred regularly on both sides, particularly in the matter of fuel and spare parts, forcing fighters to improvise. In the Abkhaz conflict, shortages are compounded by the fact that Russia controls much of the fuel supply (oil and natural gas lines) to Georgia, and even the telephone lines to Abkhazia. It can exert considerable logistical pressure on any party if it chooses. The result is a "disordered warfare" that is the analogue of the lawlessness of the fighters and the disinterest of their leaders in imposing restraint on their actions: high technology coupled with improvisation, weapons of great firepower which yet lack adequate control mechanisms from both the military and humanitarian points of view. This disordered warfare is perhaps symbolized by the use of an advanced model armored personnel carrier – seen on the Abkhaz side of the front line along the Gumista river – as a stationary bunker simply for lack of fuel to drive it anywhere.

Indiscriminate Attacks

In Abkhazia, as in other parts of the former Soviet republics, war results in vast indiscriminate destruction and militarily needless and indefensible collateral damage. The situation is not improved by the readily observable lack of interest among the fighters themselves in controlling their fire. Moreover, if one of the principal objectives of the conflict is to move populations, the destruction of civilians and civilian objects, and consequent terror, is often not merely collateral, but firepower's true aim.

The Russian Presence

Russia's presence in the former Soviet republics is strong; yet it is also fluid, ambiguous, and appears to represent varied interests and commands. It may involve the supply of weapons, logistical, financial or planning support, intelligence sharing, or military intervention by Russian forces. Yet who gives the orders often cannot be determined. For example, it is unclear in the Abkhaz conflict, as in some of the other wars in former Soviet republics, whether Russian military involvement emanates from local base commanders, senior levels of the Russian government, or one or another faction within the defense establishment. The Russian government must, regardless, be held responsible for this involvement. Questions about the Russian role take on more importance since Russia sent peacekeeping troops to Abkhazia in June 1994 under the flag of the Commonwealth of Independent States (C.I.S.). Human Rights Watch takes no position on the deployment of peacekeeping forces, or outside forces generally, in these conflicts, except that it believes that appropriate measures must be taken to ensure that these forces themselves will respect human rights, and press the parties to the conflict to do the same, including through monitoring an reporting abuses. The international community has a responsibility to secure these measures.

"Outsiders" in the Conflict

The Abkhaz conflict, like many other wars in the former Soviet republics, has featured the participation of numerous "outsiders" – i.e., fighters who were not resident in Georgia before fighting broke out. Press reports have suggested that "outsiders" far outnumbered local Abkhaz fighters in the September 1991 fall of Sukhumi. Many of these fighters appear to have come from other parts of the Caucasus, primarily southern Russia. Whether they are "mercenaries" or "volunteers" has been a subject of debate.

HUMAN RIGHTS WATCH'S ROLE IN MONITORING CONFLICTS IN THE FORMER SOVIET REPUBLICS

The Human Rights Watch Mandate

Human Rights Watch, including its Helsinki and Arms Project divisions, seeks to monitor, prevent, and demand accountability for human rights and humanitarian law violations. The organization takes no position on justifications for or against secession, border or territorial disputes, historical claims to land, the rights of "peoples" rather than individuals, the legality or illegality of the presence of foreign troops (whether as "peacekeepers" or in any other role), or the use of armed force or armed intervention per se.

But it does report the human rights consequences of any of these situations. Human Rights Watch seeks to answer, consistent with this mandate, the question of who supplies weapons or security assistance to parties to a conflict known to be abusive. Its purpose is to demand accountability from the supplier for the human rights consequences of the use of those weapons or security assistance. The purpose of this inquiry is to press for human rights accountability on the basis of the documented facts. Human Rights Watch takes no position on whether Russia's interventions in the former Soviet republics in general and in the Abkhaz conflict in particular, are humanitarian, peacekeeping, imperial, or something else in nature. Human Rights Watch's sole preoccupation is whether these interventions involve human rights abuse or the provision of weapons or security assistance to human-rights abusing forces.

Standards Applied by Human Rights Watch

Human Rights Watch applies internationally accepted norms of civil and political rights as standards in its monitoring and reporting on human rights. In situations of armed conflict, it also applies international humanitarian law (the laws of war).

In the view of Human Rights Watch, the Abkhaz conflict is a non-international armed conflict within the meaning of Article 3 common to the four Geneva Conventions of 1949 and the 1977 Protocol II Additional to the Geneva Conventions. At a minimum, both parties to the conflict are bound by Common Article 3. In addition, both parties are bound by Protocol II, as the conditions of Art. 1 of Protocol II have been met: Georgia acceded to Protocol II on September 14, 1993, while the Abkhaz forces have exercised such control over territory "as to enable them to carry out sustained and concerted military operations."

Moreover, those standards of humanitarian law that have achieved the status of customary international law also apply to the parties to the conflict, as do those standards that are recognized as an elaboration of standards that are described too generally in Common Article 3 or Protocol II. The right of displaced persons to return home at the end of the conflict (Art. 134 of the IV

Geneva Convention) is one such standard: it applies to the parties to the Abkhaz conflict even though it is mentioned explicitly in neither Common Article 3 or Protocol II.

Finally, as a State, the Republic of Georgia is also bound by the norms of international human rights law. This includes norms of customary international law, as well as treaties signed or acceded to by Georgia.

As for the Russian Federation, it too is bound by the laws of war. Whereas actions by Russian forces during the Abkhazia war did not necessarily transform the conflict from a non-international to an international one, such actions risked internationalizing the conflict, and in the view of Human Rights Watch, the Russian Federation is bound, in those instances where elements of the Russian army acted outside the border of the Russian Federation, by the full range of international humanitarian law, and can therefore be held accountable for such actions.

Chapters 2-6 offer a detailed factual description of the Abkhaz conflict since it broke out in armed violence in August 1992 to the early part of 1994, set against standards of international human rights and humanitarian law. The purpose of this factual review is to establish culpability and complicity in human rights abuses and to demand accountability from both those responsible for abuse and the suppliers of weapons that have helped make the abuses possible.

III. ANTECEDENTS TO THE ABKHAZ CONFLICT

CIVIL WAR IN GEORGIA

Although fighting did not begin in the Abkhaz conflict until August 1992, political events in Georgia during at least the two preceding years paved the way for open war.[9] First among these were the armed conflict between Georgia and its northern region of South Ossetia which broke out in 1991. Like Abkhazia later, South Ossetia was seeking autonomy from Georgia, and the Georgian central government fought to prevent its secession. Peacekeeping forces were introduced to South Ossetia, and after the fighting died down, the parties have pursued a political solution to the conflict through negotiation.

The other contributive event was the civil war between forces for and against then-president Zviad Gamsakhurdia, which was playing itself out in the Georgian capital and in Mingrelia, Gamsakhurdia's home province and the main base of his support.[10] Mingrelia is important also because it borders Abkhazia to the south. As a show of solidarity against the Abkhaz, supporters of Zviad Gamsakhurdia periodically threw in their lot with the government forces during the conflict.

Eduard Shevardnadze's inability to control the country's armed formations, when he became head of state in March 1992 following Gamsakhurdia's ouster in January of that year, was another factor contributing to the outbreak of war. Abkhaz rebels moved independently to take advantage of the opportunity presented by political disarray in Georgia.

In April 1991, the Republic of Georgia declared itself independent of the Soviet Union.[11] The following month, in May 1991, Gamsakhurdia was elected president of Georgia with about 86 percent of the vote. A philologist by training, Gamsakhurdia had stature within Georgia by reason of having been a dissident and political prisoner in the Soviet Union, and because his father, Konstantine, was a prominent writer.

Within months of his election as president, Zviad Gamsakhurdia became "increasingly dictatorial" in his methods of governance, "arresting political opponents, imposing censorship of the media, and blaming Moscow for any manifestations of dissent."[12] Human Rights Watch/Helsinki repeatedly expressed concern during this period about human rights violations committed during the Gamsakhurdia regime.[13]

---

[9] The purpose of this discussion of political factors leading to the Abkhaz conflict is not to seek to establish definitive causes or assign "fault," but instead merely to provide essential background to the nonspecialist as to the circumstances under which war broke out. The conclusions reached later in this report as to human rights violations committed in the course of fighting are independent of agreement or disagreement with this description of political factors.

[10] This report terms the Georgian conflict a "civil war" to signify that notwithstanding its regional flavor, especially by the end, unlike the ethnic separatist conflicts in Abkhazia and South Ossetia, the fundamental issue was political legitimacy with respect to all of Georgia. It always remained in important respects a war as to who was the legitimate ruler of Georgia – Gamsakhurdia or Shevardnadze. See generally Stephen F. Jones, "Georgia's Power Structures," *RFE/RL Research Report*, Vol. 2, No. 39 (October 1, 1993).

[11] On April 9, 1991, the Georgian parliament "endorsed," but did not vote on, "a statement by Gamsakhurdia declaring Georgia independent of the USSR." Elizabeth Fuller, "Eduard Shevardnadze's Via Dolorosa," *RFE/RL Research Report*, Vol. 2, No. 43, October 29, 1993, p. 17.

[12] Ibid.

[13] See generally Human Rights Watch, *Human Rights Watch World Report 1992*, pp. 523-74.

The formation of a broad range of political armed groups in Georgia, including extreme nationalist organizations along paramilitary lines (which played so important a role in the subsequent Abkhaz conflict), predated Georgia's formal independence from the Soviet Union by several years. In the late 1980s, there were numerous, mostly small paramilitary groups in Georgia; one estimate claims 60,000 total volunteers in paramilitary groups by early 1990.[14] In 1990, the principal paramilitary organization was the Mkhedrioni, established by Jaba Ioseliani in 1989, as a black-uniformed, extreme nationalist militia under his personal control, although "by late 1990 ... it had fallen foul of Gamsakhurdia. Ioseliani was subsequently jailed [in February 1991], while Mkhedrioni activity was barred."[15]

In the meantime, the Gamsakhurdia government in early 1991 formally established a National Guard, sworn to defend "Georgian territorial integrity, constitutional rights, and the freedoms of its citizens."[16] Although the National Guard was originally set up as a force loyal to the Gamsakhurdia government, within a few short months in 1991, internal factionalism centered around Gamsakhurdia's increasing authoritarianism brought its main element, commanded by Tengiz Kitovani, into opposition against the Georgian president. Elements remaining loyal to Gamsakhurdia increasingly became identified with him on the basis of region, rather than politics.

Kitovani and his faction of the National Guard broke for good with Gamsakhurdia when, in August 1991, Kitovani reportedly refused an order to open fire on demonstrators in the capital city Tbilisi, who were demanding new elections. For a period of some six weeks thereafter, "Tbilisi was the scene of mass pro- and anti-Gamsakhurdia demonstrations that petered out only when [Kitovani's] rebel faction of the National Guard withdrew from the capital."[17] On December 20, 1991, the political opposition to Gamsakhurdia issued new calls for his resignation. When the president ignored them, Kitovani's National Guard, together with members of Ioseliani's Mkhedrioni, launched an "all-out attack on the Georgian parliament building, where the president had gone to ground," leaving considerable parts of downtown Tbilisi in ruins, as they remain today.[18] This was the beginning of the Georgian civil war.

On January 6, 1992, Gamsakhurdia fled Tbilisi, eventually settling in Chechnya. (Chechnya, the neighboring republic in southern Russia that had declared independence from Moscow the previous year, came into open armed conflict with Russia over its status within the Russian Federation in December 1994.) The fighting that toppled Gamsakhurdia was in effect a coup by Kitovani's National Guard and Ioseliani's Mkhedrioni. Never renouncing the presidency, however, Gamsakhurdia continued to fight against the subsequent Shevardnadze government with his supporters until his death of uncertain causes on or around December 31, 1993 – albeit with lulls and occasional periods of cease-fire established in the interests of a common Georgian front against the Abkhazians.

THE SHEVARDNADZE GOVERNMENT

Shevardnadze returned to Tbilisi from Moscow in March 1992, declaring his motives to be patriotic and saying he had a moral obligation to help as best he could in a time of crisis.[19] In March 1992 he became head of a new State Council, which replaced the Military Council, established by Kitovani and Ioseliani; his official title at that time was chairman of the State Council Presidium, and Kitovani and Ioseliani were appointed deputy chairmen along with former prime minister Tengiz Sigua. Because of his efforts as Foreign Minister of the Soviet Union under President Mikhail Gorbachev's reformist leadership, Shevardnadze's return to Georgia brought a certain international legitimacy, and his government was soon granted recognition by the United Nations and almost the entire international community.

But Shevardnadze's ascension did not bring internal stability; real military power continued to be exercised by Kitovani, who retained command of the National Guard, and Ioseliani, whose Mkhedrioni effectively became an arm of the state.[20] To deal

---

[14] Richard Woff, "The Armed Forces of Georgia," *Jane's Intelligence Review,* July 1993, p. 307.

[15] Ibid. See also Fuller, "Via Dolorosa," p. 18. It should be noted that although Gamsakhurdia was not elected president until May 1991, he had been ruling Georgia at least since his election as chairman of the Supreme Council in late 1990, and effectively since early 1990.

[16] Ibid. It also set up a formal ministry of defense, although that institution remained politically much weaker than the paramilitary forces, or else identical with parts of them, during this period.

[17] Fuller, "Via Dolorosa," p. 18.

[18] Ibid.

[19] The Los Angeles Times, March 9, 1992.

[20] Fuller, "Via Dolorosa," p. 18.

with continuing support for Gamsakhurdia, Shevardnadze imposed press censorship and detained some opponents. This did not stop the continuing civil war, however; in Mingrelia (on the Abkhaz border), armed Gamsakhurdia supporters continued hit-and-run attacks, blew up bridges, and disrupted rail traffic.[21]

[21] Ibid., pp. 18-19. These actions particularly distressed the Russian government, for whom the rail line was, and is today, an important link with the Nagorno-Karabakh region as well as the border with Turkey.

In a bid for political legitimacy, Shevardnadze scheduled parliamentary elections for October 11, 1992, which Gamsakhurdia promptly announced he and his supporters would boycott as unconstitutional. Central to the October 1992 election was the provision of a "parliamentary chairman," who was not part of any of the forty-seven parties registered to put up candidates; the sole candidate for the post was Shevardnadze himself.[22] Shevardnadze won the October 1992 election with 96 percent of a vote that, as one commentator noted, "enhanced Shevardnadze's international prestige without substantially augmenting his authority."[23]

A cease-fire was reached in late 1993 with the pro-Gamsakhurdia side, and in July 1994, the head of the pro-Gamsakhurdia paramilitary group, Vakhtang "Loti" Kobalia, was arrested on criminal charges, effectively decapitating the armed political opposition. Acts of violence in the power struggle have all but ceased.

ABKHAZ SEPARATISM

The October 1992 election was overshadowed by the outbreak of war in Abkhazia in August. The history of Abkhaz, Georgian, and Russian relations is long, and the facts subject to disputations by experts for one side or the other.

Russia annexed Abkhazia in the time of the tsars, in 1864. Four years after the Russian Revolution, in March 1921, Abkhazia was proclaimed an independent Union republic in the USSR, separate from the Union republic of Georgia. Later that year, however, Abkhazia became part of the Soviet Socialist Republic of Georgia as a result of the Treaty of Union between Georgia and Abkhazia, although Abkhazia retained its status as a Union republic until the early 1930s. In 1925 Abkhazia adopted its own constitution and existed for decades in federated status in the Georgian republic.

In 1978, Abkhazia tried unsuccessfully to secede from the Georgian Soviet Socialist Republic and become incorporated into the Russian Federation. Twelve years later, in 1990, an amendment to the Abkhaz constitution was adopted – with the agreement of the Georgian Union republic parliament in Tbilisi – establishing ethnic quotas for elected representatives to the local Abkhazian assembly: Abkhazians would receive an automatic minimum of twenty-eight deputies, Georgians twenty-six, and the "Russian-speaking population" eleven.

Objections to the ethnic quota law caused a reversal of policy in the Georgian Supreme Soviet, which in August 1990 adopted an election law prohibiting the participation of locally based parties, including the Abkhaz Popular Front (the Aydgylara). In response, the Abkhaz Supreme Soviet declared the Abkhaz republic independent of the Georgian republic; the government of Georgia refused to recognize the declaration. In December 1990, an Abkhaz parliament was formed.

In March 1991, Georgia boycotted the all-Union referendum on preserving the USSR. The Abkhaz republic (or at least the ethnic Abkhaz population) took part in the referendum, rejecting the boycott; among that population, the treaty preserving the USSR passed with a reported 98 percent of the vote. Later that same year, in November, Abkhaz representatives joined an agreement of confederation with "thirteen peoples of the North Caucasus and Abkhazia."[24] The Georgian government did not recognize the declaration. Instead, in February 1992, it announced a return to the 1921 constitution, which, if made effective, would have reduced Abkhaz legal autonomy by eliminating its confederated status with Georgia. A few months later, Georgian deputies in the Abkhaz republic's parliament in Sukhumi announced they would boycott the assembly; ethnic Abkhazians and ethnic Georgians each then formed rival local Abkhazian parliaments, boycotting each other's votes.

On June 23, 1992, the Abkhaz Supreme Soviet passed a resolution purporting to terminate the validity of the 1978 Abkhaz constitution, thereby returning to the 1925 constitution, which established Abkhazia merely in federation with Georgia. One month later, on July 23, 1992, the Abkhaz Supreme Soviet declared sovereignty under the 1925 constitution.

[22] See generally Elizabeth Fuller, "The Georgian Parliamentary Elections," *RFE/RL Research Report*, No 47 (November 27, 1992).

[23] Fuller, "Via Dolorosa," p. 20.

[24] *Radio Liberty Daily Report,* August 26, 1992, p. 1.

Following several tense days in Sukhumi in June 1992, in which armed groups assaulted the Minister of Internal Affairs of Abkhazia in his office,[25] the Georgian government under Shevardnadze (which had just survived an attempted coup by Gamsakhurdia's supporters in Tbilisi)[26] announced a "political warning strike" by radio, demanding the dissolution of the Abkhaz parliament, the resignation of the Abkhaz Autonomous Republic government, and new elections for the Abkhaz Supreme Soviet.[27] The Georgian government cut electricity and telephone service to the Abkhaz capital Sukhumi for several hours on July 1, 1992, as part of its pressure campaign.[28]

The next day, on July 2, an agreement was reached between Georgian and Abkhaz representatives subordinating all armed forces on the territory of Abkhazia to the Georgian Defense Ministry, although day-to-day control was to be exercised by the Abkhaz parliament and a military coordinating council. The Georgian Defense Ministry, however, was little more than a paper entity, since the real fighting forces in Georgia (nominally under the command of Shevardnadze's civilian government) were Kitovani's National Guard and Ioseliani's Mkhedrioni. Mid-July 1992 through August 1992 saw a series of armed actions in the civil war by Gamsakhurdia supporters which ultimately had great bearing on the outbreak of the Abkhaz war. On July 6, 1992, Gamsakhurdia forces reportedly blew up two bridges in western Georgia and laid siege to a school building where Mkhedrioni fighters were garrisoned; the siege was finally broken by other Georgian troops.

Still more importantly, on July 9, 1992, Chairman of the Georgian governmental Committee for Human Rights and Interethnic Relations and key negotiator Aleksandre Kavsadze and other government officials were taken hostage by Gamsakhurdia forces and held in their home territory of Mingrelia in northwest Georgia near Abkhaz territory. On August 11, 1992, Georgian Interior Minister Roman Gventsadze and ten other Georgian officials, who had gone to the town of Zugdidi in western Georgia, a region of Gamsakhurdia supporters, to negotiate the release of Kavsadze and other Georgian government hostages, were themselves taken hostage by Gamsakhurdia's forces.[29] It appeared that the hostages were held in Kokhra village, in the Gali region of Abkhazia.[30] The Abkhaz interior minister, after unsuccessfully negotiating for the hostages' release, announced that Georgian and Abkhaz soldiers would jointly conduct an operation to release the hostages.[31] Meanwhile, on August 13, 1992, the Georgian Interior Ministry Press Center announced that Georgian police officers were forming combat units under the command of Kitovani to go and free the hostages.[32]

On the night of August 13-14, 1992, a mechanized battalion of the Georgian National Guard, commanded by Kitovani and comprised reportedly of about 1,000 men, five tanks, a helicopter, and ten cannon entered the Gali region of Abkhazia, avowedly for the purpose of releasing the thirteen Georgian government hostages. However, the Georgian battalion went on from villages of the Gali region to the Abkhaz capital of Sukhumi where, as detailed in the next chapter, it attacked Abkhaz government buildings and proceeded, after fierce but disorganized fighting, to take the city. Thus open warfare began in Abkhazia.

THE RUSSIAN ROLE BEFORE THE CONFLICT

Like nearly every other aspect of Russian action in the Caucasus, Russian involvement in Abkhazia prior to the outbreak of war was fluid, ambiguous, contradictory, and appeared to represent the interaction, sometimes collusion and sometimes collision of several different political and military interests, rather than any single coherent policy.[33] Some trends can be discerned, at least with respect to the supply of weapons and security assistance.

Weapons supplies to the parties

[25] Reportedly, they were acting under orders of the Abkhaz parliament. *Nezavisimaia Gazeta*, July 1, 1992, cited in *FBIS-SOV-92-131*, July 8, 1992, p. 86.

[26] *The New York Times*, June 25, 1992, p. A3.

[27] Tbilisi Radio, July 1, 1992, cited in *FBIS-SOV-92-127*, July 1, 1992, p. 67.

[28] Ibid.

[29] *Radio Liberty Daily Report*, August 13, 1992.

[30] Interfax, August 14, 1992, cited in *FBIS-SOV-92-158*, August 14, 1992.

[31] Ibid.

[32] Georgian Interior Ministry Press Centre, cited in ITAR-TASS, August 13, 1992, cited in *FBIS-SOV-92-157*, p. 64.

[33] It is possible, as some commentators have contended, that a hidden, consistent policy was at work. See Glinny, p. 47.

The Georgian forces inherited a certain amount of former Soviet equipment from military bases on Georgian territory, commanded by the Transcaucasus Military District headquarters, originally of the Soviet Union and subsequently of the Russian Federation, in Tbilisi.[34] Some of this equipment was gained by local raids on supply depots by irregular Georgian paramilitary forces, but the transfer of the bulk of the military equipment took place under bilateral agreements between Russia and Georgia pursuant to the breakup of the USSR.[35] It is apparently this equipment that has largely sustained Georgian forces during the course of the Abkhaz conflict. It included such major weapons systems as main battle tanks, armored personnel carriers, heavy artillery and heavy mortars.[36] These transfers have not been secretive, and the general types of weapons transferred have been acknowledged by the parties.

Abkhaz weapons sources prior to the conflict are harder to identify, although there is little doubt that whatever weapons there were came from Russian or Soviet sources. But this fact does not address the more important question, viz., what Russian sources supplied the weapons, and at what level of command? Several sources indicated to Human Rights Watch that, in their view, Abkhaz forces prior to the outbreak of hostilities had relatively few weapons except for small arms, and especially few, if any, heavy weapons, such as heavy artillery, that later came to play a prominent role in the fighting.[37] Methods of fighting by the Abkhaz forces upon the immediate outbreak of hostilities appear to bear out this claim for initially few, if any, heavy weapons.

IV. ACTS OF LAWLESSNESS DURING THE FIRST TWO MONTHS OF FIGHTING, AUGUST TO SEPTEMBER 1992

The thirteen Georgian hostages held by Gamsakhurdia forces in an Abkhaz village served as the declared reason for the movement of Kitovani's National Guard units into Abkhazia. Ten of these men were freed by August 14, 1992 under Georgian military pressure. The remaining three were freed on August 19.[38]

THE GEORGIAN ATTACK ON SUKHUMI

Georgian National Guard forces, estimated to be around a thousand troops, continued on from the villages of the Gali region of Abkhazia where the hostages were held to the Abkhaz capital city of Sukhumi.[39] They reportedly took control of the Sukhumi airport – about twenty-five kilometers from the city center – around noon on August 14. By 1:00 p.m. they were forcing their way into the city. Although a news blockade was imposed on journalists, by 2:00 p.m. reliable reports filtered out of the city that the Abkhaz Council of Ministers building in Sukhumi was being shelled from the sea.[40] A parliamentary deputy, Natela Akaba, told Human Rights Watch:

> On August 14 I was in the parliament building in Sukhumi. Around 11 a.m. we got a call. They said that a huge line of tanks had entered Ochamchira region. [A fellow deputy] didn't believe it because he had had a very friendly conversation with Shevardnadze. We completely did not expect this turn of events. There had been an agreement in the Gali region to send joint [Abkhaz and Georgian] troops to retrieve hostages, but that was far from Sukhumi....I went to the window of the Council of Ministry building. There was cross-fire. I saw helicopters and realized it was really serious, a landing of troops. It was decided that all deputies get into cars

[34] Woff, p. 310.

[35] Ibid.

[36] Human Rights Watch interviews with Western military observers, August 1993.

[37] Human Rights Watch interviews, Georgia, August 1993.

[38] *Radio Liberty Daily Report*, August 28, 1992.

[39] Abkhaz leaders Vladislav Ardzinba and V. I. Zarandia put the number at 1,500, in a telegram (no date given) published in *Pravda*, August 15, 1992, p. 1, cited in *FBIS-SOV-92-159*, August 15, 1992, p. 35.

[40] Reporter Christian Bzhani reporting from Sukhumi on Moscow Radio, August 14, 1992, cited in *FBIS-SOV-92-158*, August 14, 1992, p. 47.

and leave because it was assumed that we would be the first targets. We went straight to Gudauta. The city was captured in the course of a half hour.[41]

Refugees and others present in Sukhumi at the time of the fighting conveyed to Human Rights Watch a picture of chaotic fighting. Georgian troops moved forward with tanks and armor, street by street, damaging many buildings with artillery shells, particularly government installations. Shevardnadze confirmed from Tbilisi that afternoon that there were clashes between Kitovani's National Guard troops and what were described as Abkhazia's MVD (Ministry of Internal Affairs) troops.[42]

Armed opposition to the Georgian incursion initially came from Abkhaz members of the MVD troops. The latter were relatively few in number, however, and armed only with small arms and light weapons. They faced what the press described as a mechanized battalion.

[41] Human Rights Watch interview, Gudauta, August 1993.

[42] ITAR-TASS World Service, August 14, 1992, cited in *FBIS-SOV-92-159* August 17, 1992, p. 35.

The Abkhaz defenders, who came to include members of the local Abkhaz population, used whatever weapons were available, built barricades in the streets, and hurled Molotov cocktails at Georgian troops.[43] A man in his sixties on crutches, his left leg amputated up to his thigh, recounted the following to Human Rights Watch:

> I lost my left leg at 5 p.m. on the first day of the battle. I was shot by machine gun fire. We had gone out to meet [the Georgian forces] on the White Bridge. I was armed with a house gun. Of course, they were stronger than we were. We were completely unprepared. We didn't have five machine guns among us. They came in with tanks and machine guns.[44]

A doctor on duty in one of the Sukhumi hospitals described a scene of bedlam, with the wounded being brought in from both sides, an utter lack of essential supplies, and the hospital occasionally being attacked in the course of the night with small arms fire and sometimes shells.[45] The number of civilian casualties was highest relative to combatant casualties in the early days of fighting in and around Sukhumi. An estimated fifty persons were killed on the first day.[46]

THE AFTERMATH OF THE ATTACK

Although Sukhumi was reported calm on August 15, and cease-fire negotiations went forward, fighting resumed across the Gumista river, just north of Sukhumi, on the morning of August 16.[47] The cease-fire agreement drafted the previous day called for Georgian troops to withdraw from the conflict zone, but on August 18, Kitovani's National Guard instead entered downtown Sukhumi and stormed the parliament building.[48]

In the face of losing Sukhumi, the Abkhaz government withdrew to the town of Gudauta north of Sukhumi, where it announced a full-scale mobilization of all Abkhaz men from eighteen to forty years of age.[49] Abkhaz forces also reportedly captured around 1,000 automatic weapons from an army unit of the Commonwealth of Independent States deployed in Abkhazia.[50] Georgian National Guard troops entered the village of Gantiadi on the afternoon of August 15.[51] Georgian troops also entered and took the towns of Leselidze and Gagra, close to the Russian border, landing from the sea. At this stage of the fighting, Abkhaz defenders were essentially hemmed in on the southeast, where the Georgians held Sukhumi, and on the northwest, where the Georgians held the border towns. The Abkhaz held only a slice of territory in the middle, around the town of Gudauta.

Fighting escalated following the arrival of volunteers from north Caucasus republics sympathetic to the Abkhaz – mostly from the republics that had signed the Confederation of Mountain Peoples document, including ethnic Chechens and Ingush. These volunteers amounted to at least hundreds in the first days of fighting. Russian volunteers and perhaps mercenaries – apparently not ethnic Russians from Abkhazia but instead "outsiders" – also quickly began arriving in the conflict zone.

---

[43] Human Rights Watch interviews, August 1993.

[44] Human Rights Watch interview, Gagra, August 1993.

[45] Ibid.

[46] *Radio Liberty Daily Report*, September 4, 1992.

[47] ITAR-TASS, August 16, 1992, cited in *FBIS-SOV-92-159*, August 17, 1992.

[48] *Radio Liberty Daily Report,* September 4, 1992, p. 71.

[49] Christian Bzhani, Moscow Radio, op. cit.

[50] Moscow Mayak Radio, August 15, 1992, cited in *FBIS-SOV-92-159*, August 17, 1992, p. 36.

[51] ITAR-TASS World Service, August 17, 1992, cited in *FBIS-SOV-92-159*, August 17, 1992, p. 39.

On August 18, there were reports of intensive shelling of those parts of Sukhumi still holding out against the Georgian forces, as well as Abkhaz positions across the Gumista river and Gudauta, the last stronghold of the Abkhaz. Georgian helicopters and jet aircraft were reported to be taking part in the hostilities.[52] On that same day, Georgian troops took the Council of Ministers building in Sukhumi and raised the Georgian flag. Soon thereafter they took the remaining state institutions, including the television broadcasting station, telegraph and telephone companies, and the port. Kitovani declared the next day that the entire territory of Abkhazia was under Georgian control, except for the town of Gudauta and its suburbs.[53] The strategic issue, therefore, given the will of Abkhaz forces to resist, was whether they could lay hands on enough weapons to oppose Georgian forces before the Georgians had time to consolidate their positions.

RUSSIAN INTERESTS AT THE OUTSET OF HOSTILITIES

The Russian Federation was drawn into the conflict in a number of ways. The resort towns along the Abkhaz coastline, including Sukhumi, were filled with tourists, many Russian, who on the afternoon of the attack were literally lying on the beaches. Most were able to flee north along the coastal highway toward the Russian border at the town of Sochi.[54] On August 16, Russian paratroopers began to evacuate civilians from the conflict.[55] By August 20, nearly 10,000 civilians had been evacuated by sea by the Russian Black Sea fleet.[56]

Russian forces also faced pressure and sometimes outright attacks on their military installations, at Batumi, Vaziani (near Tbilisi), Gudauta, Poti and Akhalkalaki, the defense research center at Eshera, and personnel by both sides, most often in an effort to seize weapons. Although for a variety of reasons, ranging from corruption to sympathy for one side or the other (typically for the Abkhaz), there was leakage of weapons from these facilities, the official Russian government position was one of neutrality. Russia became less tolerant of armed raids on its installations and began to enunciate a policy of forcible neutrality, declaring that its installations would be defended with force – as they were on several occasions as the conflict went on.[57] At the same time, pursuant to pre-existing bilateral agreements with the Georgian government, the Russian government turned over to the Georgians several large military facilities, including the Akhaltsikhe motorized rifle division on September 22.[58]

From the outset, Russia called upon both sides to negotiate, though the Russian Supreme Soviet adopted a resolution on August 25, as fighting continued and cease-fires brokered by the Russian government did not hold, accusing Georgia of provoking the armed conflict by its military incursion. Days later, the Russians had mediated an agreement between Shevardnadze and the Abkhaz leadership, signed on September 3, 1992, which provided for a cease-fire and the withdrawal of Georgian troops from the conflict zone.[59]

In keeping with this official position of neutrality, the Russian procuracy initiated criminal proceedings against the Confederation of Mountain Peoples of the Caucasus as an unregistered association "for inciting national discord, carrying out terrorist acts and taking hostages."[60] Under pressure from the Russians, agreement was reached on August 26 for the withdrawal of non-Abkhaz volunteers from the Confederation. Two days later, on August 28, Russian helicopters landed in Abkhaz-controlled Gudauta to take the first hundred mostly Chechen fighters out.

---

[52] Kristiay Nabzhani reporting from Sukhumi, Moscow Radio Rossii, August 18-19, 1992, cited in *FBIS-SOV-92-160*, August 18, 1992, p. 57.

[53] Interfax, August 19, 1992, cited in *FBIS-SOV-92-161* August 19, 1992, p. 70.

[54] The distance between Sukhumi and Sochi in Russia is an hour or two by car.

[55] ITAR-TASS, cited in *FBIS-SOV-92-159*, August 17, 1992, p. 37.

[56] Interfax, August 20, 1992, cited in *FBIS-SOV-92-163*, August 21, 1992, p. 6.

[57] See Dale, op. cit.; *Small Arms World Report*, August 1993, p. 39.

[58] ITAR-TASS World Service, September 22, 1994, cited in *FBIS-SOV-92-187*, September 25, 1992, p. 53.

[59] Elizabeth Fuller, "Russia's Diplomatic Offensive in the Transcaucasus," *RFE/RL Research Report*, Vol. 2, No. 39, October 1, 1993, p. 30.

[60] *Radio Liberty Daily Report*, August 28, 1992.

In addition, the Russian government consistently saw itself as having a humanitarian role to play in the conflict. The rescue operations conducted by the Black Sea fleet in the first days of the fighting were not limited to the evacuation of Russian nationals. On September 22, the Russians brokered an agreement for the distribution of Russian humanitarian aid to both sides.[61] Later in the war, Russian humanitarian assistance proved crucial in the evacuation of Georgian refugees from areas retaken by the Abkhaz. It was also crucial in relieving the suffering of civilians in the mountain town of Tkvarkcheli, held by the Abkhaz and besieged by the Georgians.

HUMAN RIGHTS ABUSES IN THE FIRST WEEKS OF HOSTILITIES

The military situation of the opening weeks of the conflict was characterized by Georgian forces exercising control of Abkhaz territory. Because of the ethnic make-up of the population, both Georgian and Abkhaz forces were operating among both hostile and friendly population groups. This fact inevitably figures in the pattern of human rights abuses committed over the course of the conflict, because it establishes both parties' incentives to drive civilian populations from one place to another.

Within days after Sukhumi was taken by Georgian National Guard troops, and as additional Georgian forces flowed into the city (including the Mkhedrioni), a pattern of vicious, ethnically based pillage, looting, assault, and murder emerged.[62] Although some of the victims in Sukhumi were Georgian, the city's Abkhaz residents were the main victims during this period of the conflict. No one disputes that all sides engaged in high levels of criminality. One young Abkhaz refugee told Human Rights Watch, for example:

> On September 13, Georgian guardsmen came to my neighbors on the ninth floor. I live on the sixth floor. They were yelling, so I heard everything. They said: "Give us your gold!" My Georgian neighbors went up to them and said: "Why are you doing this?" They answered: "They are Abkhaz and we can do what we like." The next morning I left. I was unable to leave earlier because of my child, who is nine. I left everything behind. I took just a small bag with the bare necessities for the child. Mkhedrioni would drive around at night and shoot out the windows. They would yell: "Abkhaz!...This is your death!" They would [also] go out on the balconies and just throw things off: crystal, dishware, [you name it]."[63]

Another Abkhaz refugee from Sukhumi reported to Human Rights Watch, in an account typical of many others, that a few days after the invasion was over, armed men broke into his house at night and threatened him with death if he did not leave Sukhumi. He reported that after they smashed his possessions and beat him up, he decided to flee.[64]

Another refugee family described how drunken men broke into their apartment firing automatic weapons and telling them to leave Sukhumi "forever, because Sukhumi is Georgian." The family claimed that the soldiers stole jewelry, assaulted the husband, and then threw them all out into the street. The same witnesses reported seeing dead civilians, including women and elderly people, in the street, although fighting had been over for days.[65]

The pattern that emerges from refugee testimony taken by Human Rights Watch is one of gross intimidation by Georgian forces for the purpose of terrorizing, robbing and driving the Abkhaz population out of their homes. While the Georgian forces appeared to be operating under no particular command, they did seem to have a clear agenda. They roamed through the city at will, especially at night, looting and pillaging. While political negotiations took place in Moscow, armed Georgian men poured daily into Sukhumi, intoxicated by a heady mixture of nationalism and privateering. The first of many cease-fire agreements, signed August 16, called for Georgian troops to withdraw from the conflict zone; fighters in Sukhumi therefore had plenty of incentive to take whatever loot they could with them at every opportunity.

Many of the Georgian fighters were from Abkhazia themselves. Whereas eyewitness accounts emphasize that some local Georgians assisted and protected ethnic Abkhaz during the course of the conflict, sometimes at great personal risk, many local Georgians proved to be among the most stubborn and cruel fighters on the Georgian side. In part this was because they saw

---

[61] Moscow Mayak Radio, September 24, 1992, cited in *FBIS-SOV-92-187*, September 25, 1992, p. 53.

[62] Although it was unable to verify specific allegations of rape and other forms of sexual assault, the Human Rights Watch mission received sufficient indirect accounts to believe that cases did occur.

[63] Human Rights Watch interview, Gudauta, August 1993.

[64] Human Rights Watch interviews, August 1993.

[65] Human Rights Watch interviews, August 1993.

themselves as fighting to protect their homes and families. But once Georgian forces held sway over most of the territory, these fighters had a different aim as well: to make clear that Abkhazia would always be part of Georgia, and that the Abkhaz were an ethnic minority even in Abkhazia.

Many of the Georgians of Abkhazia, on the evidence of Human Rights Watch interviews, bitterly resented earlier political concessions made by the central government in far-away Tbilisi that gave the minority Abkhaz a guaranteed majority in the local Abkhaz parliament. The ethnic Abkhaz had exercised that majority, in the view of the local Georgians, to oppress the non-Abkhaz. Clearly, there were political scores to settle in Sukhumi, not the least of which was, in the eyes of many local Georgians, to prove that Sukhumi was subordinate to Tbilisi.

The Abkhaz population thus lived in terror of fighters from elsewhere in Georgia but also of its neighbors. Over the course of a few weeks, most Abkhaz fled Sukhumi. Those who remained were often the elderly who tried to stay in their family homes either because they had nowhere else to go or because they thought their presence might deter looters and squatters.

On August 20, 1992, the Georgian military commander of Sukhumi, Maj.-Gen. Giorgi Gulua, ordered troops to shoot looters on the spot; it had little effect, however, on pillage in the city.[66] Interviews with eyewitnesses suggest that crimes at this point in the conflict were largely committed by Georgian fighters against Abkhaz civilians. There has been little or no effort, then or now, to make individual fighters or their commanders accountable for these crimes. The Georgian political leadership, while expressing regret for these actions, has done almost nothing to pursue their perpetrators.

In addition to the looting, Abkhaz cultural monuments (the city was the cultural as well as political capital of Abkhazia) were destroyed in a manner that suggests deliberate targeting. University buildings were sacked, and museum and other cultural collections broken up. The irreplaceable Abkhaz national archives were set upon and burned by Georgian forces; reportedly, local firefighters did not attempt to douse the blaze. These are serious crimes for which no accountability has been sought by Georgian authorities.[67]

LAWLESSNESS AND ACCOUNTABILITY

Kitovani's declaration that Abkhazia was under Georgian control did not by itself settle matters militarily. The Georgians sacked Sukhumi (at least those parts belonging to the Abkhaz) while the Abkhaz regrouped and mobilized north of the city and pursued a desperate search for military supplies and Russian political support. The ethnically-based policies initiated by the Georgians in Sukhumi created simultaneously refugees and a core of fighters determined to regain lost homes.

Yet the Georgian attack on Sukhumi was only one part of a larger Georgian military strategy. A simultaneous Georgian attack from the sea had also taken the small resort towns north of Sukhumi, near the Russian border, including the town of Gagra. Gagra, like Sukhumi, remained in Georgian hands during the weeks following the August 14 attack, although there was fierce fighting in the zone during much of the month of September, various cease-fires notwithstanding. This had the effect of pinching the Abkhaz between Georgian forces. For military as well as logistical reasons, the Abkhaz had to break out.

Many human rights abuses – principally looting, pillage, and other outlaw acts, along with hostage-taking and other violations of humanitarian law, described in subsequent chapters – were committed by all sides throughout Abkhazia. Despite repeated denunciations of these abuses by both sides, little in fact was done during these opening months or subsequently to control the troops. As one ethnic Svan (Georgian) refugee told Human Rights Watch:

> Beginning from the end of August, Abkhazians from Gagra would come to my house and take food out of the refrigerator. They were from the Abkhaz military headquarters. Chechens came in countless buses from the direction of Ritsa with automatic weapons. The buses were covered in leaves, camouflaged. We had maize, three cows, one ox, and hens. But soldiers took the cows. [They took] all the pigs from the village because they needed the food for themselves. They came many times, taking things piecemeal. They would come and look around the house and remember what you had, so you couldn't hide anything. We were hungry; we didn't even have bread. Once they came and asked us to kill the cow and to prepare the meat ourselves. They would take people to the river, threaten them with guns to get them to say who in the village had guns. Then they would go to that family. They took turkeys and hens. They also took the television. They came every day, not the same people every time. They would speak in Russian to us and sometimes spoke Abkhaz among themselves. When

[66] ITAR-TASS, August 20, 1992, cited in *FBIS-SOV-92-163*, August 21, 1992, p. 78.

[67] Such acts are prohibited in international law by, *inter alia*, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and Article 53 of Additional Protocol I of 1977.

we left the house, we had only furniture left: beds and so forth. They had taken all the good things. They used to come and say: "Give us your money and gold!"[68]

[68] Human Rights Watch interview, Tbilisi, August 1993.

Pillage and all the other criminal acts associated with it are prohibited by, among other things, customary international law of war as found in the 1907 Hague Regulations on the conduct of land warfare.[69] This does not require an extended legal analysis; no one in Abkhazia denies the patent illegality of the acts that transpired against the civilian population in Sukhumi, principally the Abkhaz, during this part of the conflict, nor their scale.

In the view of Human Rights Watch, Georgian commanders and military leadership are responsible for having undertaken warfare with troops from whom such acts might reasonably be anticipated. Senior Georgian government officials admitted privately that Georgian units were filled by "emptying the jails."[70]A prisoner in a Tbilisi jail confirmed this, and gave a detailed description of how some inmates were released on condition they fight in Abkhazia.[71] Even the military leadership has dubious backgrounds; Ioseliani, for example, spent seventeen years in Soviet jails on charges of armed robbery and other violent crimes.

Human Rights Watch believes it was plainly evident that the breakdown of order and control that occurred in the aftermath of the Sukhumi attack was likely to occur. It was foreseeable, and to that extent, the Georgian commanders who ordered the attack are responsible, along with the actual perpetrators, for the crimes of war that could reasonably have been foreseen to follow.[72] The failure to attempt to bring any of the perpetrators to justice only compounds these crimes.

V. MASS HOSTAGE-TAKING AND POPULATION EXCHANGES DURING SEE-SAW FIGHTING, SEPTEMBER TO DECEMBER 1992

Georgian forces had two principal objectives during September 1992. The first was to overrun the main Abkhaz stronghold at Gudauta from two sides – pushing north from Sukhumi and south from Gagra. Thus the main front lines were along two small rivers separating the two sides: the Byzp river, between Gagra and Gudauta, and the Gumista river, between Sukhumi and Gudauta. The second was to eliminate Abkhaz resistance in the Ochamchira region south of Sukhumi and the mountain town of Tkvarcheli and its surrounding villages.

Georgian forces used increasingly heavy weapons in their attempts to achieve these objectives during September, including air power. Although helicopters were used more for transport than for combat as the war progressed, in the early days (September 19-22), Georgian forces were reported to have used them in rocket, bombing, and strafing attacks in both the Ochamchira and Tkvarcheli zones. [73] Georgian forces reportedly also used "armored force" in the attacks. By September 30, press reports began to mention the appearance of Georgian SU-25 fighter-bomber aircraft at the Georgian-controlled Sukhumi airport. Clearly, a significant escalation in firepower was underway on the Georgian side, simultaneous with yet another cease-fire agreement, on September 24, which like so many before and after, turned out to be a failure.

THE ABKHAZ ATTACK UP THE HIGHWAY TO GAGRA

Although the situation in late September was relatively calm in Sukhumi (excepting gunfire across the Gumista river) heavy fighting was underway, around Gagra in the north. Gagra is a small resort town on the Black Sea, spread out in a relatively narrow band on either side of a coastal highway. It is a rich agricultural and tourist zone with orchards, vineyards and beaches. It sits immediately south of Gantiadi and Leselidze, two small towns on the Russian border.

---

[69] See the IV Hague Convention of 1907 Respecting the Laws and Customs of War on Land, Annex (Regulations thereto), reprinted in Adam Roberts and Richard Guelf, *Documents on the Laws of War*, 2nd edition (Oxford: Oxford University Press, 1989), p. 44.

[70] Human Rights Watch interviews, July 1993.

[71] Human Rights Watch interview, July 1993.

[72] It should be noted that a plea of military necessity – i.e., that the attack was militarily necessary despite the likelihood that war crimes would take place – cannot be used to absolve commanders who ordered the attack. Military necessity must, under international law, conform to the requirements of the laws of war, including the prohibition against pillage.

[73] For example, Russian press reported Georgian helicopter attacks against the villages of Arasadzykh, Gvada, and Gup, in the Tkvarcheli region, on September 23. *Sovetskaia Rossiia*, September 26, 1992, p. 1, cited in *FBIS-SOV-92-191,* October 1, 1992, p. 52. And on September 26 and 29, 1992, Georgian helicopters reportedly bombed the Ochamchira
villages of Atara Armianskaia, Aradu, Merkula, and Mokva. ITAR-TASS, September 30, 1992, cited in *FBIS-SOV-92-191*, October 1, 1992, p. 51.

At the very end of September, Abkhaz forces began a concerted drive across the Bzyp' river front toward Gagra. Press reports described the Abkhaz forces as 3,000 to 4,000 men composed of Abkhaz national guardsmen and north Caucasus volunteers. Fighting was bitter as the Abkhaz sought to drive north along the main highway. Many homes and structures were damaged from shelling and mortar attacks; the destruction was still visible during Human Rights Watch's visit a year later, in August 1993.

The Abkhaz were armed with small arms and light weapons such as rocket-propelled grenades.[74] They did have some tanks and armored vehicles of their own, including at least several T-72 tanks.[75] Abkhaz forces had now also acquired both heavy and light artillery, as well as variously-sized mortars.[76] Thus by October 1992 both sides had most of the types of weapons systems that have characterized the conflict; in later months only the quantities increased.

Georgian forces around Gagra were fewer in numbers than the Abkhaz – hundreds rather than thousands – but they reportedly had more tanks and armored personnel carriers. These vehicles may not have been very effective against Abkhaz fighters in Gagra's hilly terrain, however, and were therefore often confined to the main road. Georgian forces were commanded by a young officer, Giorgi Kharkharashvili, who was later appointed Defense Minister by Shevardnadze.

Ethnic Abkhaz and Georgians interviewed by Human Rights Watch reported a see-sawing battle line, with Abkhaz infantry attempting to take out Georgian vehicles with rocket-propelled grenades from houses bordering the roadway. The Georgians responded with shelling from their vehicles. Both sides caused considerable damage to structures in the area. These accounts do not by themselves establish violations of the laws of war; the damage caused to the civilian structures instead must likely be regarded as legitimate collateral damage on either side.

Testimonies given to Human Rights Watch show that at least some residents were trapped in their homes as the fighting came upon them. For example, one Abkhaz resident of the area (still living there in August 1993) recounted how the fighting swept up the road, "faster," she said, "than anyone thought possible. We wanted to run, but it was too late. So we hid in our houses, or else we went to other people's houses down the street," away from the main highway. Another resident (also still living there in August 1993), an Armenian woman, pointed out her house directly on the main road, and said: "I took my children and went to relatives living nearby, in the direction of the sea. My house was hit by gunfire, but we are still living in it." However, it appears that massive violations of the laws of war that occurred in connection with the fall of Gagra were related less to the fighting than to its aftermath.

THE FALL OF GAGRA AND ACCOMPANYING HUMAN RIGHTS VIOLATIONS

Gagra fell to Abkhaz forces on October 2-3, 1992. Western news agencies reported some 100 dead fighters;[77] Russian news sources reported some 300 dead on the Georgian side alone.[78] As the Georgian situation grew more desperate, Russian forces evacuated the Georgian commander Kharkharashvili and some of his men by helicopter to Russian territory.

The fierce combat that characterized the Abkhaz drive up the coast was compounded, on the night of October 2, by the flight of thousands of Georgian refugees. As it became apparent that Georgian forces would not hold the town, the Georgians fled to Gantiadi and Leselidze on the border with Russia. Their flight was the mirror image of the flight of Abkhaz refugees in August when Georgian forces seized Gagra. Unsurprisingly, many of the violations of human rights in October matched those in August. Many fighters on the Abkhaz side were Abkhaz refugees who had fled Georgian forces earlier, and it is evident from refugee accounts that they took revenge for what they themselves had been forced to endure.

One elderly Georgian woman who lived through the October attack in Gagra recounted the following:

> Fierce fighting began on October 1, so the street was empty. There were only four women in the street; everyone else had left. I was with my husband. Evening was quiet. I wanted to go to the neighbors' to call my daughter and say we were OK. When I returned home I was surprised to see a lot of armed people on the street. They were quiet. I mistook one of them for my Georgian neighbor, and I said, "How are you?" in Georgian. He grabbed me by the wrist and said, "Keep quiet." I wasn't afraid for myself; I thought they had killed my family.

[74] Human Rights Watch interviews, August 1993.

[75] Human Rights Watch interviews with former soldiers who witnessed parts of the fighting, August 1993.

[76] Human Rights Watch interviews, August 1993.

[77] *Radio Liberty Daily Report*, October 5, 1992.

[78] Moscow Mayak Radio, October 4, 1992, cited in *FBIS-SOV-92-193*, October 5, 1992, p. 32.

He asked me in Russian, "Where are your young people? We won't kill you, we'll kill them." I said they weren't here, that there were only old people left.

The soldiers heard voices coming from the cellar of a neighboring house, a Georgian house. [They] asked me who was there. I knew my husband had intended to go there. They told me to get the people from the cellar, and said that they were going to blow up the house. One soldier recognized me and said: "Aren't you the one who works as a cashier?" I hugged him and threw myself at his feet and said, "I've worked for twenty-eight years. Have you ever heard anything bad about me?" He said, "I'm not going to kill you. Call your husband, but not the others." I said, "God be with you." He said: "There is no God; there is only Allah." I said: "OK. Let it be Allah." I said: "I'll call them, but what shall I tell them?" I thought it would be better for them to kill my husband so as to give the others a chance to escape and be safe.

My husband came out. I said I needed help tying up the cow. He yelled at me: "Woman, is this a time to be thinking of a cow?" The soldiers told him: "Come here, boy!" and they began beating him. One began to hit him in the stomach and kick him with his feet. I thought they were going to kill him. I thought of the young people. I knew that a young man, about 33, was sleeping in a house not far away. I ran to the house and told them the Chechens were here. I told his mother, "Try to hide your son. They are killing my husband." Then I ran back. This took five minutes. My husband was no longer there. I saw the same young guys shooting at the house, a two-story house. There were about fifteen men, some in guardsmen's uniform, some in civilian clothes. They were speaking Russian. I said, "Have you killed my husband?" [They said:] "We haven't killed him yet, but we will. We told him to call out all the young people. Then he ran away." Then they said: "We'll kill you instead."

They brought over a blind man and his brother, who always stayed with him. They began to beat the blind man, his brother and his wife with a gun butt, calling him "dog!" and kicking him. He fell over. I saw blood. One soldier said: "We won't kill you, but where are the young girls?" I said there weren't any. The soldier told me: "Mother, go home and don't show yourself again."

They would come every day beginning October 2. I used to tell them that my son-in-law is Abkhaz; everyone knows him. So they would tell me not to leave the house. My son-in-law told me to say that it was his house. He even wrote his name on the outside. But they would say: "Speak to me in Abkhazian," and when I couldn't, they said: "This can't be your house."[79]

Thus, the pattern of abusive acts by fighters seen when the Georgians took Sukhumi was repeated by Abkhaz fighters when they found themselves on the winning side. Georgian neighborhoods were looted and sacked, and those Georgian residents who had not fled had every reason to live in great fear. Abkhaz refugees who had lost their homes in other places began to take over homes abandoned by fleeing Georgians. As one Georgian resident of Gagra told Human Rights Watch: "There was a lot of theft, mostly by Chechens, Cossacks and Russian mercenaries who had been promised apartments and residency permits in the area."[80]

Abkhaz forces, however, apparently initiated steps to bring looting and other crimes under control. Human Rights Watch learned from both official and unofficial sources, for example, that in the wake of the fall of Gagra, Abkhaz forces executed an Abkhaz fighter for looting.[81] Scenes of the execution were reportedly broadcast on Abkhaz television as a warning against further looting; it is not clear what effect, if any, broadcasts had on looting and pillage committed by both sides in the conflict.[82]

ETHNICALLY-BASED HOSTAGE-TAKING AND POPULATION EXCHANGES

In addition to extensive acts of random abuse and personal profiteering by fighters, the conflict in Abkhazia has also been characterized by hostage-taking and forced movement of population groups. The war witnessed several phenomena in this regard: there were acts of hostage taking of individuals, either to enable exchanges or to extort money; and there were efforts alternatively to confine ethnic population groups to, or expel them from, areas controlled by forces of another ethnic group.

[79] Human Rights Watch interview, Tbilisi, August 1993.

[80] Human Rights Watch interview, Tbilisi, August 1993.

[81] Human Rights Watch interviews, August 1993.

[82] Human Rights Watch interviews, August 1993.

The phenomenon of hostage taking of individuals was evident on both sides of the conflict. For example, a Georgian man married to an Abkhaz woman, who lived with his family in a village outside the provisional Abkhaz capital of Gudauta, told Human Rights Watch that he believed that, on account of his wife's ethnicity, he had not personally been at any risk.[83] Nevertheless, he and his family had gone to live with her in-laws in a nearby village. As the fighting worsened, he had come under "more and more pressure from the villagers. They would taunt and threaten me if I went out into the street. They accused my family of harboring a Georgian, and said bad things about my wife for not having married an Abkhaz." In the end, he reported, he did not dare go out on the street at all, and decided to flee. But the villagers stopped him when he tried to leave. "They told me they had my name on a list, and I could not leave until I was given permission, because they needed me to make sure that Abkhazians in Georgian hands were not mistreated. I was terrified, but what could I do?"[84]

Thus, this Georgian man was kept as an all-purpose hostage, useful as a member of the Georgian population and kept for the sake of the Abkhaz population. This phenomenon – individuals and individual families being prevented from leaving – occurred in many parts of the conflict zone; the victims were both Georgians and Abkhaz.

Some hostage-taking may also have been conducted primarily for the purpose of extorting money from those wanting to leave. A Georgian refugee from the village of Bzyp', near Gagra, told Human Rights Watch that when she left in late December, "you needed ten grams of gold and 100,000 rubles to leave Abkhazia and cross the border. Chechens and Abkhaz would come to the house and tell us how much money would be needed to leave. I believe my husband is dead because he had no money to leave. It is expensive."[85] Another Georgian refugee told Human Rights Watch: "They destroyed my home in February [1993], and I had to move to my sister's. They told me that if I sold my furniture to my Abkhaz neighbor I could at least get some money. My Abkhaz neighbor gave me 20,000 rubles for it. A ticket out cost 25,000 rubles. The neighbor added the 5,000 and asked me not to tell anyone."[86]

In some places whole groups of families – an ethnically homogeneous village, for example, or a neighborhood – were not allowed to leave. Human Rights Watch received testimony from Georgian residents of Gagra who attempted to flee when Gagra fell to the Abkhaz and were trapped by the fighting. After the fighting died down, they attempted to leave but were not allowed to go. One resident recounted that her family had not been allowed to make the twenty-minute trip to Leselidze near the Russian border, even though they were simultaneously threatened with death if they did not leave. She reported that their house was looted several times. She described a group of families trapped in the same situation in Gagra: unable to leave town, but at the same time unable to safely move about in town.[87] Such testimony about mass hostage-taking was characteristic of what Human Rights Watch was told on both sides of the conflict. Yet the purpose of holding these hostages was not for anything immediate; they were all-purpose hostages for possible use in future negotiations.

In addition to mass hostage-taking for the purpose of engaging in territorial negotiations in the future, fighters are also known to have taken mass hostages in the midst of battle in order to force the other side to break off an attack or for other military purposes. It happened with frequency throughout the conflict, particularly in the contested Ochamchira region. For example, Abkhaz fighters reportedly seized around 800 Georgian civilians in the village of Kutol in the Ochamchira region on January 20, 1993. Nine were then freed to deliver an ultimatum to the Georgian commander to break off the attack that was taking place.[88] In a similar situation in the Georgian village of Kvirauri, outside Tkvarcheli, Abkhaz fighters were reported to have taken some 500 villagers hostage, threatening to kill them unless Georgian forces ended their offensive in the Ochamchira region.[89]

[83] Human Rights Watch interviews, August 1993.

[84] Human Rights Watch interviews, August 1993.

[85] Human Rights Watch interview, August 1993. The woman had received no news from her husband, who had stayed behind in Abkhazia, at the time of the interview.

[86] Human Rights Watch interview, Tbilisi, August 1993.

[87] Human Rights Watch interviews, July 1993.

[88] ITAR-TASS, January 21, 1993, cited in *FBIS-SOV-93-013*, January 22, 1993, p. 85.

[89] Interfax, February 28, 1993, cited in *FBIS-SOV-93-038*, March 1, 1993, p. 74.

Hostage-taking of any kind is strictly forbidden by international humanitarian law, and indeed counts as a grave breach – for which infractors will be held individually criminally liable – under the 1949 Geneva Conventions and 1977 Additional Protocol I; as such it is equivalent to a war crime.[90] Yet hostage-taking affected many thousands of people on both sides throughout the conflict. So far as Human Rights Watch can determine, neither side ever applied any sanction for the taking of hostages.

To the contrary, one peculiarity of the Abkhaz conflict has been the development of sophisticated mechanisms for the exchange of hostages and populations on a mass basis. Human Rights Watch interviewed numerous refugees on both sides who had been exchanged as part of highly organized, computerized lists of hostages on each side. One Abkhaz woman, for example, explained to Human Rights Watch that she had wanted to flee Ochamchira, but was not allowed to do so by Georgian forces until her name had been entered into a computer, matched with the name of a Georgian (or in some cases, several Georgians, as there were significantly more Georgians seeking to leave Abkhazia than Abkhaz seeking to get in), and then approved for exchange. She received a special paper indicating that she had been officially exchanged and was permitted to travel.[91]

Both Georgian and Abkhaz civil authorities characterized this work of automating population exchanges as essentially humanitarian in nature. Refugee officials on both sides expressed great pride in how they had overcome difficulties to create an efficient and "fair" mechanism for hostage exchange. On both sides, Human Rights Watch was shown lists of those who had been exchanged, and how names were shared, matched, and then approved for exchange.[92]

These officials were greatly surprised when Human Rights Watch expressed strong disapproval of the procedure, pointing out that taking hostages in the first place was absolutely contrary to international law, and that automating the exchange process did not solve the problem but indeed compounded the breach of the Geneva Conventions and 1977 Additional Protocol I. Civilians on either side had an absolute right not to be held hostage, irrespective of whether the other side was taking hostages; the laws of war disallow any right of reprisal in the matter of taking hostages. Human Rights Watch condemns in the strongest terms all mechanisms, no matter how apparently benevolent or humanitarian, that collude in the keeping of hostages.

The practice of mass hostage-taking gradually became synonymous with population exchanges aimed at producing ethnically homogeneous zones. As the Abkhaz fighters established dominance over Abkhazia, most of the population exchanges amounted to the departure of Georgian refugees from the territory. Although many of those who left departed "voluntarily," at least in the sense that they were not pushed out at gunpoint, the great majority of Georgian civilians who fled Abkhazia did so because they feared they would be attacked once under Abkhaz control. Many of those who remained departed under Abkhaz pressure, for example in Gagra.[93] Human Rights Watch received numerous testimonies from Georgian refugees of Abkhaz fighters coming into their homes and telling them to leave or be killed, and committing pillage clearly aimed at intimidating Georgians into leaving.[94]

THE RUSSIAN ROLE

Slightly over two months into the war, in October 1992, Russia began to make clear its concern about the inviolability of its military installations in the region, and resorted to concrete action. Agence France Presse reported on October 26 that Moscow had ordered Russian forces to return fire when fired upon.[95] A Russian military laboratory at Eshera had been repeatedly shelled since early in the conflict, and the new policy was designed to make clear that Russia would not tolerate provocations aimed at its troops.[96]

---

[90] Articles 3(b) and 147 of the Fourth Geneva Convention of 1949; Article 85 of 1977 Additional Protocol I.

[91] Human Rights Watch interviews, August 1993.

[92] Human Rights Watch interviews, July and August 1993.

[93] For a description of various exit procedures used to pressure departing persons not to return, including the practice of forcing persons to sign statements saying they were leaving voluntarily and giving up all property rights as well as their right of return, see *Report of the Secretary-General's Fact Finding Mission to Investigate Human Rights Violations in Abkhazia, Republic of Georgia*, S/26795, November 17, 1993, p. 8. Human Rights Watch found extensive evidence of this practice.

[94] Human Rights Watch interviews, July 1993.

[95] *Radio Liberty Daily Report*, October 27, 1992.

[96] Dale, p. 52.

The new policy was quickly put to the test. On October 27, a Russian Mi-8 helicopter, allegedly carrying humanitarian supplies, was reportedly fired at with cannon by a Georgian aircraft. Russian forces responded by launching an air-to-air missile from a SU-25 fighter-bomber against the Georgian aircraft.[97]

[97] Moscow Radio Rossii, October 27, 1992, cited in *FBIS-SOV-92-209*, October 28, 1992, p. 65.

The Russian government claimed that such actions represented no departure from neutrality, but were aimed at enforcing the legal rights of a neutral not to be interfered with.[98] Later, on November 19, a special cease-fire in the Sukhumi area allowed the evacuation of Russian troops from the Russian Defense Ministry's 903rd Independent Radio-Technical Center and the 51st Russian Army Road Depot near Sukhumi. These evacuations were completed by November 28.

Although the Russian government continued to declare itself officially neutral in the war, parts of Russian public opinion and a significant group in the parliament – primarily Russian nationalists who had never been favorably disposed toward the Georgians – began to tilt toward the Abkhaz at least by December. A political watershed was reached when on December 14 a Russian army helicopter, reportedly evacuating Abkhaz civilians from the besieged mountain town of Tkvarcheli to Gudauta, was shot down. Reports of the dead ranged from fifty-two to sixty-four, including twenty-five children.[99] Although the Georgian government denied responsibility, few believed it, especially in Russia. This incident was apparently one reason why "during the autumn of 1992 the fighting in Abkhazia increasingly impinged on the Russians' collective consciousness."[100]

The tilt translated at first into a series of parliamentary attacks on the Yeltsin government's official position, and soon the debate took on a military dimension.[101] The Russian military opposed the transfer of various bases, equipment, arms, and vehicles to Georgian control, as demanded by the Georgian State Council on October 3, 1992 (and pursuant to preexisting bilateral agreements.)[102] Indeed, Russian Defense Minister Pavel Grachev stated that "Russian troops would resist forced appropriations of military and housing facilities and that any such attempted seizures could provoke clashes with the Russian Armed Forces."[103]

It was also evident from other Russian military statements that there was support for the Abkhaz cause within the military establishment. For example, several key articles published in *Krasnaya svezda*, the daily newspaper of the Russian Ministry of Defense, "fundamentally challenged Yeltsin's [neutralist] approach, asserting that many members of the Russian Armed Forces in fact sympathized with the plight of the Abkhaz."[104] Against this trend, some of the previously agreed transfers of equipment to the Georgian armed forces took place as scheduled.

It also appears that the shooting down of the Russian relief helicopter on December 14 was a catalyst to the assertive Russian government view that Russia has a special right and obligation to maintain peace and security within the former Soviet republics.[105] Yeltsin declared in a speech to the Civic Union coalition on February 28, 1993 that the world community ought to recognize and grant Russia "special powers as the guarantor of peace and stability in this region."[106] The Russian government has been increasingly assertive of this view, not just with respect to Abkhazia, but other conflicts in the former Soviet republics as well.[107]

These sometimes conflicting currents of Russian policy have existed side by side with Russian humanitarian actions during the Abkhaz conflict. The Russian Black Sea fleet evacuated Russian and Abkhaz civilians from the conflict zone during the initial fighting; Russian military helicopters also evacuated Russian and Abkhaz civilians from Tkvarcheli once it came under attack by the Georgians. They continued to keep it supplied with food and medicine during the Georgian siege.

---

[98] Human Rights Watch interviews, July 1993.

[99] *RFE/RL News Briefs*, December 10-23, 1992, p. 10; Moscow Radio Rossii, December 15, 1992, cited in *FBIS-SOV-92-242*, December 16, 1992, pp. 55-56.

[100] Fuller, "Russia's Diplomatic Offensive," p. 30.

[101] Dale, pp. 50-52.

[102] ITAR-TASS, October 4, 1992.

[103] Dale, p. 52.

[104] Ibid., p. 53.

[105] Ibid.

[106] Ibid.; ITAR-TASS, March 1, 1993; see also Suzanne Crow, "Russia Seeks Leadership in Regional Peacekeeping," *RFE/RL Research Report*, No. 15, April 9, 1993.

[107] See "Russia Seeking U.N. Backing for Caucasus Force," *New York Times*, May 27, 1994, p. A3.

These actions largely benefited the Abkhaz side; yet the Russian Black Sea fleet also evacuated thousands of Georgians when the Abkhaz counterattacked and retook Gagra in October. The Russians also allowed many thousands of Georgian refugees fleeing from Gagra to cross the Russian border, and then transported them to Tbilisi. Prisoner-of-war exchanges have often taken place under Russian sponsorship. One Russian diplomat remarked that while the humanitarian strategy was not consistent with any other calculation of Russian "interests," it was consistent with the concept of Russia's "special responsibility" to maintain "peace and security in the near abroad, since they cannot maintain it themselves."[108]

The question remains whether, by the end of December 1992, Russian forces, under orders or acting on their own, were supplying the Abkhaz with weaponry or other security assistance. The Georgian government accused the Russian military throughout the fall of 1992 of supplying the Abkhaz with equipment – particularly T-72 and T-80 tanks – through its base at Bombora (near the Abkhaz stronghold of Gudauta). But it also claimed that the "Russian generals in the area had acted on their own initiative."[109]

It is possible that the Abkhaz obtained their equipment, at this juncture of the fighting, through purchases from unofficial sources, or from their own raids on Russian installations. Yet the sudden presence of armor, tanks, and heavy artillery among the previously lightly armed Abkhaz in the fighting between October and December 1992 realistically leaves little room for any conclusion except that some parties, within the Russian forces, decided to supply the Abkhaz. The equipment had to come from somewhere, and given that the Georgians did not supply it, the likely source was Russia.

FURTHER FIGHTING IN 1992

Gagra was not the only site of fierce fighting during the fall of 1992. At the end of October, Abkhaz forces attacked the Ochamchira region and fighting spread from one village to another over many months continuing into the winter of 1993-94. Meanwhile, the conflict was at a stalemate along the Gumista river front at Sukhumi. In addition, the mountain town of Tkvarcheli – held by the Abkhaz but home to many ethnic Russians considered sympathetic to the Abkhaz – was under siege by the Georgians from the fall of 1992 onwards.

The net effect of the Abkhaz counterattack during the fall of 1992, however, was that by the end of December 1992, the Abkhaz had regained all the territory north of the Gumista river, or in other words, everything north of Sukhumi to the Russian border. They also held Tkvarcheli and several other remote mountain towns, while they continued to fight inconclusively with the Georgian forces for control over the Ochamchira region southeast of Sukhumi.

Ochamchira, apart from its own importance as a territory, was critical to control of Sukhumi's supplies and logistics. If Ochamchira (and especially its vital railway line) fell to the Abkhaz, then Sukhumi as a Georgian garrison would be cut off. The Russians, too, were concerned about the integrity of the rail line, as a vital link to Nagorno-Karabakh and other points beyond Georgia. The situation of the Abkhaz conflict was, finally, complicated by the fact that the contested Ochamchira region bordered on the zone of strongest Gamsakhurdia support in the Georgian civil war, Mingrelia. In the midst of battling Abkhaz forces, Georgian forces discovered on several occasions that they also had to battle supporters of ousted President Gamsakhurdia. Yet on various occasions, Gamsakhurdia forces announced that they would fight under Georgian government command in common cause against the Abkhaz.

The human rights situation by the end of 1992 remained appalling. In the see-saw fighting that characterized this period of the war, fighters on each side took the opportunity to sack and pillage the places of the "wrong" ethnicity that they occupied. Lawlessness prevailed, official pronouncements that looters would be severely punished and even executed notwithstanding. Both sides undertook to hold large populations hostage – refusing to let frightened and harassed civilians leave the area voluntarily – quite plainly for the sake of being able to negotiate for territory or other advantages down the road. Still others were pushed out or left under conditions of dubious "voluntariness."

VI. INDISCRIMINATE FIRE DURING THE STALEMATE AT THE GUMISTA RIVER, SUKHUMI, DECEMBER 1992 TO JULY 1993

The Gumista river runs along the north edge of Sukhumi about half a mile from the center of town. It is narrow, shallow and borders citrus orchards. During certain times of the year, the shores of the river are swampy. Along its bank on the Sukhumi side stands a row of residential apartment buildings. As the Abkhaz were driven from Sukhumi in August 1992, they succeeded in

[108] Human Rights Watch interviews, July 1993.

[109] Dale, p. 53; see also *Reuters*, September 17 and October 6, 1992; Moscow Radio Rossii, October 29, 1992.

holding off the Georgian forces at the Gumista river. Throughout the fall of 1992, each side fortified its position. In particular, each side brought up to the front line heavy artillery, mortars, armored vehicles and rockets to complement the machine guns and light arms already present. Over time, too, both sides heavily mined the area with both antipersonnel and antitank mines, leading to extensive injury to civilians, and posing a long-term threat to the safety of the civilian population well after the fighting has stopped.

The standoff at the Gumista river continued during 1992-93; despite several failed offensives by the Abkhaz, and at least one serious counterattack by the Georgians, the line held. In between the Abkhaz offensives, the war along the Gumista front – with Sukhumi held by the Georgians and, on the other side, a series of villages reaching back to Gudauta held by the Abkhaz – fell into a stalemate. Each side tried to wear down the other with a practically unceasing barrage of shells and rockets. In the course of this long-distance duel of artillery, mortars and rockets, the civilians of Sukhumi were the primary victims.

INDISCRIMINATE FIRE

Both sides at the Gumista river were guilty of engaging in indiscriminate attacks. Bombing and shelling began with the opening attack on Sukhumi in August 1992. In the fall of 1992, there were many instances of shelling, including in the Sukhumi region. For example, Human Rights Watch was told by a Georgian who had been resident in Sukhumi at the time that Sukhumi had been bombed or shelled by the Abkhaz from the far side of the Gumista river as early as October 3, 1992.[110] The Russian press reported in October 1992 that Georgian forces were shelling the villages of Adziubzha, Kindgi, Tamysh, and Tkvarcheli.[111] Besides land-based guns, the Georgians reportedly used aircraft in bombing runs; on October 27, it was reported that a Georgian SU-25 fighter-bomber bombed Eshera.[112] By the night of November 2, 1992, Sukhumi had come under a heavy Abkhaz artillery attack sufficient to cut electricity to the city; this also had the effect of shutting off the water supply, forcing the population to rely on wells and springs for most of the fighting.[113]

Beginning in roughly December 1992 and January 1993, both sides greatly escalated the level of artillery, mortar, and rocket attacks against Sukhumi on one side and Abkhaz villages on the other.[114] One Western military observer described the warfare along the Gumista river – extending up to the villages of Shroma and Akhalsheni in the hills above Sukhumi – as the "static warfare of World War I reduced to a teacup. Every time the Abkhaz make an assault to try and take Sukhumi, it's like seeing the battles of Ardennes reduced to a space the size of Malibu, California."[115]
He added with respect to the artillery duels that took place during the months between assaults that "of course the frontal ground attacks go nowhere, and after they're repulsed everyone goes back to lobbing stuff at each other from a safer distance."[116]

Artillery, mortar, and rocket attacks are not per se forbidden by the laws of war; they are prohibited only if conducted in an indiscriminate manner. The laws of war define an indiscriminate, and hence prohibited, attack in article 51(4) of 1977 Additional Protocol I:

> Indiscriminate attacks are prohibited. Indiscriminate attacks are:
> (a) those which are not directed at a specific military objective;
> (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or
> (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;
> and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without discrimination.

[110] Human Rights Watch interviews, August 1993.

[111] ITAR-TASS World Service, October 14, 1992, cited in *FBIS-SOV-92-200*, October 15, 1992, p. 9.

[112] *FBIS-SOV-92-209*, October 28, 1992, p. 66.

[113] *FBIS-SOV-92-220*, November 13, 1992, p. 82.

[114] The Abkhaz villages included Novyi Afon, site of an ancient monastery, Mokva, Katsikhabla, Tomysh, Atara, Merkula, Baslakhu, and Bedia.

[115] Human Rights Watch interviews, August 1993.

[116] Human Rights Watch interviews, August 1993.

Among others, the following types of attacks are to be considered as indiscriminate:

(a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and

(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Evidence that these attacks were indiscriminate within the meaning of the law is overwhelming. While Human Rights Watch does not dispute that there were legitimate military targets on both sides of the Gumista river it is evident from interviews and physical inspections of damage that combatants on both sides, far from satisfying their obligation to attempt to distinguish between civilians and military targets, simply sought to fire at or in the direction of any inhabited space, whether the city of Sukhumi or the Abkhaz villages.

Typical of the situation encountered by Human Rights Watch is a Tass photograph appearing in *Jane's Intelligence Review*, described in the caption as: "mortarmen of the Georgian 23rd Mechanized Brigade bomb Abkhazian positions around Eshery. *Accuracy must be minimal without a sight*."[117] In a visit to the Sukhumi frontlines in August 1993, Human Rights Watch found several such instances of complete lack of aiming or sighting among both Abkhaz and Georgian forces. Discussions with the fighters revealed that it seemingly had never occurred to them that there was any reason to distinguish between military and nonmilitary targets across the front. "It's all part of the war," said one Abkhaz fighter at the Gumista river. "We don't want to destroy Sukhumi, because it's Abkhaz, but we'll flatten it if we have to."[118] A Georgian fighter told Human Rights Watch that "if civilians don't want to get hit, they should get out of the way. It's their problem, not ours."[119]

There were considerable numbers of civilians in the regions under shelling and bombardment during all these months, especially in Sukhumi. The pre-war population of Sukhumi was about 120,000; at the height of the fighting, and after the Abkhaz had been driven out, its population fell to some 50,000, mostly Georgians. Human Rights Watch interviewed some of these civilians, on both sides, during its mission in August 1993. One refugee reported to Human Rights Watch:

> At the end of December, I used to wake up at 7:30 a.m. because there was shooting every night. I slept badly, so I would wake up from exhaustion. One morning, I was woken by the building shaking. I jumped up from fear and terror. I heard neighbors running around. I was sick to my stomach. I can't find the words to describe it. A shell had hit the top floor. The guy who usually sleeps there by a miracle wasn't there that night. His mother was in the back bedroom, which saved her. First one shell fell, then a second. It didn't flare; it just hit. It blew out doors and windows. All of the dishes were broken. We had high morale, and some stayed – patriots. But when I saw my neighbor, a young guy, walking in the street crying and screaming....His wife and neighbor had been killed. Her head was blown off and they couldn't find it. That's when I decided to leave.[120]

Human Rights Watch also interviewed a man whose house in Sukhumi had been hit with a shell in February 1993. He recounted that he had been asleep with his family when the shell slammed into the top corner of his house, taking off much of the roof, collapsing part of the second floor, and injuring his wife.[121] A woman in Sukhumi showed Human Rights Watch the remains of her house, which had been hit with a shell and then burned inside. Medical workers, including international relief workers, while unable to provide complete statistics, confirmed that there had been thousands of civilian casualties in Sukhumi over the course of the shelling attacks.[122] The International Committee of the Red Cross, which had established a small field station in Sukhumi, was forced to sandbag it heavily, and even then did not consider it safe. Human Rights Watch conducted an informal visual survey of Sukhumi in August 1993 and concluded that at that time, the city was perhaps 30-40 percent bomb damaged, 20-25 percent severely. According to eyewitnesses, shelling had been occurring on virtually a daily basis.

---

[117] Woff, p. 309 (emphasis added).

[118] Human Rights Watch interviews, August 1993.

[119] Human Rights Watch interviews, August 1993.

[120] Human Rights Watch interview, Tbilisi, August 1993.

[121] Human Rights Watch interviews, August 1993.

[122] Human Rights Watch interviews, August 1993.

The villages and small towns of the Abkhaz side had fewer civilian inhabitants to start with, and so there were fewer casualties and smaller targets. However, the type of destruction was essentially the same. An ancient monastery and cultural site had been hit severely, for example, as had apartment houses and individual homes – still inhabited by residents who had few other places to go.

A particularly egregious feature of this pattern on both sides of indiscriminate fire has been the use of Grad rockets. These rockets are long rockets mounted in vehicle-based hollow tubes. The tubes are arranged in racks, with up to forty in a set; the rockets are then fired in barrages. A key military purpose is to slow the advance of infantry. The rockets have a maximum range of twenty-one kilometers but have relatively little accuracy. They are highly mobile, since they are mounted in their tubes on the back of a truck, highly lethal to unprotected victims and, when used in mixed civilian and military zones, notoriously indiscriminate. They have become almost a signature weapon of the Nagorno-Karabakh conflict,[123] and are highly effective, if illegal, when used as a weapon of civilian terror.

Human Rights Watch saw launchers on both sides. Human Rights Watch also saw considerable evidence of the destruction caused by these weapons in zones occupied by civilians on both sides. It saw houses where civilians were living that had been hit on several occasions by Grad rockets. There were often characteristic fragments of the weapons still at the site. Civilians spoke of the Grads with special fear. Because of their fragmentation and tendency to come in barrages, they saw them as particularly horrifying weapons.

Human Rights Watch also saw direct evidence that both sides had deliberately deployed and used major weapons within civilian zones – itself a violation of the rule against indiscriminate fire. For example, walking through Sukhumi, Human Rights Watch came upon two 120mm guns, aimed in the direction of the frontline and fully operational, set up in the courtyard of a civilian apartment building where civilians were still living. On the Abkhaz side, Human Rights Watch also saw 120mm artillery pointed at Sukhumi set up in the middle of civilian-occupied apartment houses.

Human Rights Watch therefore concludes that both sides committed violations of the rule against indiscriminate fire and the deliberate shielding of artillery in civilian areas. Human Rights Watch believes that the forces on each side were targeting inhabited zones per se, without any attempt to discriminate between civilian and military targets. As a method of war, this is clearly illegal.

ABKHAZ ATTEMPTS TO RETAKE SUKHUMI

The months of shelling between December 1992 and July 1993 were punctuated with three major attempts by the Abkhaz to retake Sukhumi. The first came early on the morning of January 5, 1993, when Abkhaz forces attempted to cross the Gumista river frontally, together with a flanking attack from the sea. The attack succeeded in breaking through the Gumista front line to the village of Achandara.[124] The Georgians, reportedly taken by surprise, nonetheless managed to regroup and force back the Abkhaz later that morning. This attempt to take Sukhumi set the pattern of the two assaults that followed.

The second assault across the Gumista took place in mid-March 1993. The Abkhaz and Georgians in succession each tried to break out across the Gumista river. Each side failed, although Abkhaz units did succeed in taking control of certain heights in northeast Sukhumi, which permitted them to shell the town center with devastating consequences. One Georgian man from a village near Sukhumi who lived through this assault told Human Rights Watch:

> The most serious attack came on March 16. At 12:30 a.m. the artillery shelling started. Abkhaz troops came in, spread out on foot, 100 meters from me and 500-600 meters from my house, entering the village. We were surrounded on three sides. There were fifteen persons in our cellar, the whole family. One son, my wife, father, brother, and in the connecting house was my brother's family. We moved in with my brother because it was farther from the front.
>
> At 9 a.m. my father was walking toward that point. Seven Abkhaz soldiers took him behind the house and killed him. Soldiers told us: "There is a body behind the house. See if it belongs to you." We saw the body on March 18. He was brought home by my cousin and a friend. He had all his identification papers on him, but the page with his name on it in Georgian had been torn out. We recognized him from his tattoo. The middle finger of his right hand had been cut off. He had bullet wounds: two to his neck, two to his chest: one near the

[123] Glinny, op. cit.

[124] *FBIS-SOV-93-003*, January 6, 1993, p. 53.

heart, and one near the middle. He had seven or eight bullet holes across his stomach. The left top part of his head was blown off: no ear, no eye. I am a fighter, so I know: these were bullets from a whole magazine.[125]

[125] Human Rights Watch interview, Tbilisi, August 1993.

The third assault took place on July 1, and it also involved a simultaneous rear attack in which Abkhaz fighters landed by sea just south of Sukhumi and attempted to engage the Georgians from two sides at once. After several days of fierce fighting, this assault also failed, but barely. The Georgians responded with a counteroffensive, attempting to retake Shroma and other villages lying in the heights above Sukhumi. Shevardnadze, who spent much of this period at the front lines, was nearly hit by shrapnel as he travelled by car near Shroma.[126]

A man in his fifties described to Human Rights Watch the circumstances which led to his war injury in Sukhumi on July 1:

> I was in the center of the city, near the new part of town. There were apartment buildings there, about a ten-minute walk from the hospital. It was about 6:30 a.m. I was walking to the train station to visit family in my home in Senaki. There had been some shelling at the moment that I was hit. There were sounds of shelling and shooting coming from different directions. I saw something dark and rather long falling in front of me, and I was hit. It exploded as soon as it struck the ground, about five or six meters from me. There were some people standing nearby and I told them where I lived and what my name was. I saw four or five others wounded in front of my eyes, and schools destroyed. The night after the operation the shelling was terrible. I thought the whole city was going to fall. It started up at 4 a.m. and then stopped again.[127]

The U.N. Security Council responded to this third wave of fighting in July 1993 by passing Resolution 849, calling for an end to the fighting and agreeing to send fifty military observers to Georgia to monitor a cease-fire – if the parties achieved one.[128]

THE RUSSIAN ROLE

The role of Russian actors in the conflict became considerably more pronounced during the first six months of 1993. This was precisely at a time when human rights abuses and violations of the laws of war attributable to heavy weapons obtained from Russian sources were becoming more serious. The Russian military took a direct role in hostilities on several occasions, and appears to have provided logistical support and supplies to the Abkhaz. At the same time, the Russian government went forward with prearranged transfers of certain bases and equipment to the Georgians, pursuant to agreements concerning the break-up of the Soviet Union. At the end of July 1993, it was largely Russian pressure that brought about the cease-fire in the war.

Russian policy appeared to follow three different lines during the first six months of 1993: forceful neutrality, intervention, and mediation and humanitarian aid.

Forceful Neutrality

In asserting its neutrality, the Russian government stated that it would defend its neutrality, and its humanitarian role in particular, with force if necessary. This policy was tested by a series of Georgian actions in January and February. On January 18, Georgian troops forced down a Russian Mi-8 helicopter that had reportedly been delivering humanitarian aid to the besieged inhabitants of Tkvarcheli under the auspices of the Red Cross; the crew was arrested for making an "illegal flight through Georgia." This was followed by Georgian weapons raids on the Russian Fourth Supply Base located in Tbilisi and on Russian units at Eshera. In addition, forty-five Russian soldiers were held for some time by Georgian forces at Lagodekhi, ostensibly to prevent weapons being taken from the base.

On February 20 the Russian Defense Ministry sent an SU-25 fighter-bomber to bomb Sukhumi in retaliation. An American journalist who witnessed the attack, Thomas Goltz, noted in a 1993 *Foreign Policy* article that Russian defense minister Pavel Grachev, who first denied that any raid had taken place, next claimed that Georgia had bombed its own citizens, and finally admitted that "a Russian attack had taken place in revenge for Georgian shelling of areas close to Eshera, a Russian defense research center and military base not far north of the Gumista River."[129]

---

[126] Reuters, cited in *RFE/RL News Briefs*, vol. 2, no. 29, July 5-9, 1993.

[127] Human Rights Watch interview, Tbilisi, August 1993.

[128] Reuters, cited in *RFE/RL News Briefs*, July 12-16, 1993.

[129] Thomas Goltz, "Letter from Eurasia: The Hidden Russian Hand," *Foreign Policy*, no. 92, Fall 1993, p. 107.

It is clear from eyewitness accounts that the Russian retaliation, by targeting civilians, was conducted in an illegal manner. As Goltz describes it, the raid consisted of at least one SU-25 plane dropping a 500-pound bomb that "pulverized a two-story residence and [tore] off the back halves of four surrounding houses....miraculously, only one man – a local doctor – was killed outright, though his wife was said to have died later in a hospital." Afterwards the plane conducted a strafing raid; its "wing cannon and machine guns raked a street about 200 meters away from the bombing site, catching people outdoors who had emerged from the relative safety of their homes to help neighbors buried under the rubble ... that nobody was killed was a miracle, although there were around a dozen wounded."[130]

A Right to Intervene in "The Near Abroad"

Russia's forcible assertion of a neutral's rights has gradually become less and less distinguishable from its assertion of a special role to maintain peace and security in what it refers to as its "near abroad."[131] In the case of Abkhazia, this translated into increased Russian support
for Abkhaz forces.

The February 20 air attack on Sukhumi was followed by other raids on the town, although the Russian defense ministry consistently denied involvement, saying that the "Georgians are bombing themselves."[132] By contrast, Shevardnadze was quoted as saying: "There is no other place [than Russia] where the planes could be coming from."[133] To Human Rights Watch, the weight of the evidence strongly indicates that the air raids were carried out by Russian forces.

This presumption becomes practically irrefutable upon examination of the March 19 air raid on Sukhumi, when Georgian forces succeeded in downing an SU-27 fighter-bomber. A U.N. military observer invited to inspect "both the downed aircraft and the dead pilot confirmed that it was the advanced aircraft the Georgians claimed it was and that the pilot's papers identified him as a major in the Russian air force."[134]

The air attacks over Sukhumi were the most verifiable case of Russian forces aiding the Abkhaz. But there were other instances in which the evidence is persuasive that Russian forces were involved in logistics and supply at this point in the conflict. It is very likely, for example, that Russian forces supplied extensive military assistance to the Abkhaz fighters during sea-borne landings in attempts to retake Sukhumi.

The evidence regarding the supply of heavy weapons and armored vehicles to the Abkhaz is more ambiguous. Heavy weapons and vehicles were ultimately available to the Abkhaz only from Russian sources. Those sources, however, spanned a range that leaves open possibilities of illicit supply not reasonably attributable to senior levels in the Russian military. The same holds true for ordnance supply. On the other hand, the speed and quantities with which 120mm guns and other heavy artillery appeared – as distinguished from man-portable mortars, for example – make Human Rights Watch believe that at least some heavy weapons, transport and fuel were supplied by Russian forces.[135]

---

[130] Goltz, p. 106. Human Rights Watch verified this description of the damage during the delegation's visit to Sukhumi in August 1993.

[131] One of the clearest statements of the new policy came in an address by Russia's foreign minister, Andrei Kozyrev, at the General Assembly on September 28, 1993, in which he declared that no other group of nations "can replace our peace-making efforts" in the near abroad. He asked for U.N. endorsement and funding, adding that "Russia has made peace keeping and the protection of human rights, particularly those of national minorities, key priorities of its foreign policy, first of all in the territory of the former Soviet Union." *Washington Post*, "Russia Asserts Role in Ex-Soviet Republics," September 29, 1993. See also *The Economist*, "Russia's Armed Forces: The Threat That Was," August 28, 1993; Melor Sturua, "Yeltsin's Newest Proconsul," opinion page, *New York Times*, October 27, 1993.

[132] Goltz, p. 108.

[133] Ibid., p. 107.

[134] Ibid., p. 108.

[135] Human Rights Watch's general conclusion as to the provision of military assistance by the Russian military to the Abkhaz during the first six months of 1993 echoes that drawn by Goltz:

> ...without the active assistance of the Russian military, it is impossible to imagine that the separatists could have pushed the conflict out of control...the idea that the Abkhaz fighters, drawn from a population of just 90,000 could hold off forces drawn from 4 million Georgians is surely incredible. With the greatest respect to the scrappy fighters in ...Abkhazia, who may well be the best trained, battle-hardened, and highly motivated fighters in the former USSR, there are limits beyond which reason cannot leap.

Goltz, p. 104.

Human Rights Watch is equally concerned that during 1992 and 1993 the Russian government proceeded to transfer to the Georgian government extensive military supplies, bases, facilities and transport under pre-existing bilateral agreements, knowing that these supplies would be used in a war in which the Georgians were at that very moment massively violating human rights and humanitarian law. Human Rights Watch is not aware that the Russian government placed, or sought to place, any conditions on the transfer of military supplies to the Georgian government.

Mediation and Humanitarian Aid

The third strand of Russian policy during the first six months of 1993 was a continuation of its earlier attempts to mediate an end to the conflict and bring humanitarian aid to victims. Russia continued to send humanitarian relief into the conflict, although increasingly it seemed to go to the Abkhaz side during the first half of 1993. Assistance to the besieged town of Tkvarcheli, with its large ethnic Russian population, remained a priority for Russian helicopter flights. Indeed, reports of landmines along the mountain highway to Tkvarcheli made helicopters the only safe means of transportation into the town by mid-1993.

Russian government mediation efforts were consistent with its self-declared role of ensuring peace and stability in the former Soviet republics. Yet Russian negotiating positions seemed to drift back and forth between a purely neutral position and implicit support of the Abkhaz.[136]

THE SITUATION BY THE END OF JULY 1993

By the end of July 1993, repeated attempts to take Sukhumi, see-saw fighting in Ochamchira and the continuing siege of Tkvarcheli had pushed the total number of casualties in the war probably "into the middle thousands."[137] Prisoner exchanges became somewhat more
common, sometimes under the mediation of the Russian military or the International Committee of the Red Cross. There were however continual rumors of battlefield executions of wounded and captured combatants on both sides, in obvious violation of the laws of war.[138] Levels of indiscriminate fire from heavy weapons, especially against Sukhumi and Abkhaz villages on the other side of the Gumista, were extraordinarily high during this period.

The forced movement of populations and the mass taking of hostages continued during the first half of 1993. An elderly Abkhaz man told Human Rights Watch that beginning in February 1993, "We were held hostage for six months [in the village of Adzubzha, Ochamchira region]. Georgian troops would come in and check on us to see that we were all in the house; they would count heads. We eleven were the last to leave the village. Everyone else was dead."[139]

Yet the situation is not adequately described without noting the continuing political upheaval in Georgia itself. The Georgian economy was in ruins. Tbilisi was in desperate straits, with severe shortages of food and fuel. Georgian mafia, sometimes associated with the Mkhedrioni, had the run of much of the city. The Georgian military, which nearly collapsed following the Abkhaz counterattack in the fall of 1992, was no better organized in 1993 and in fact barely hung on in the face of repeated Abkhaz attempts to retake Sukhumi. On May 6, Shevardnadze appointed 28-year-old General Giorgi Kharkharashvili – the same who had been forced to abandon Gagra – as defense minister, replacing acting minister Kitovani. In the same period Ioseliani, commander of the Mkhedrioni, was also forced to resign his government post (although he returned to influence shortly afterwards).[140]

The task of the Georgian military was complicated by the fact that Gamsakhurdia supporters in Mingrelia became more active in mid-1993, cutting the railways and roads. This made it more difficult for Georgian forces to resupply Sukhumi. Abkhaz successes in the Ochamchira region meant that at least on occasion, Sukhumi was surrounded on all sides except the sea, and

---

[136] See Bruce D. Porter and Carol R. Saivetz, "The Once and Future Empire: Russia and the `Near Abroad'." *The Washington Quarterly*, Vol. 17, No. 3, Summer 1994, p. 85.

[137] Goltz, p. 109.

[138] Specifically, Article 12 of the First Geneva Convention of 1949, and Article 13 of the Third Geneva Convention of 1949.

[139] Human Rights Watch interview, Gagra, August 1993.

[140] *Jane's Intelligence Review* described the changes in this period as designed "above all to outflank the dilettanti and military adventurers surrounding Kitovani." Woff, pp. 309-10.

Abkhaz forces sometimes even put Grad rockets on boats and fired them from offshore. At least some in the Georgian military saw the July 1993 cease-fire, even if not permanent, as at least a necessary respite.[141]

VII. THE FALL OF SUKHUMI AND FLIGHT OF THE GEORGIAN POPULATION, AUGUST TO DECEMBER 1993

[141] Human Rights Watch interviews, August 1993.

The cease-fire that took effect on July 27, 1993 was the only significant lull in the fighting, lasting about seven weeks. The terms of the cease-fire required both sides to withdraw their heavy weapons from the contested area of Sukhumi. Human Rights Watch observed heavy artillery being withdrawn on both sides in August 1993. Pursuant to U.N. Security Council Resolution 854, U.N. observers began arriving to monitor the cease-fire at the end of July.[142]

In fact, the cease-fire never held perfectly; hostilities continued in Shroma, above Sukhumi, for several days after the cease-fire went into effect.[143] On August 11, the first arriving U.N. observers to the conflict zone were fired on at the Gumista frontline in Sukhumi.[144] Meanwhile, talks on the immediate issues of prisoner exchanges and troop withdrawals went forward between the parties. The U.N. Security Council adopted Resolution 858, calling for a six-month deployment of eighty-eight cease-fire observers, while plans were discussed for talks on longer-term issues such as refugee repatriation under U.N. and Russian mediation. In Sukhumi, electricity came on sporadically during the last week of August while running water remained "virtually nonexistent and the few stores ... not destroyed in the shelling [were] empty ... Even bread [was] still a luxury."[145]

In the meantime, Gamsakhurdia's forces launched an offensive against Shevardnadze's forces in Georgia. At the end of August, they had taken three key towns in Mingrelia – Senaki, Abasha, and Khobi.[146] By early September, they had also taken the port city of Poti, and occupied local government buildings in Gali. The Shevardnadze government was thus increasingly distracted by these renewed challenges which, because of their proximity to Abkhazia, made it difficult for Georgian forces to withdraw their heavy weapons according to the cease-fire timetable. In fact, the Russian Black Sea fleet had to withdraw a portion of Georgian weaponry by sea to avoid the risk of it falling into the hands of Gamsakhurdia's forces.

THE ABKHAZ ATTACK

On the morning of September 16, 1993, Abkhaz forces broke the cease-fire and launched simultaneous attacks against Sukhumi, Ochamchira and Georgian forces blockading Tkvarcheli. Abkhaz authorities cited Georgia's failure to effect a complete withdrawal of its weapons and troops from the conflict zone as justification for their action.[147]

The world at large appeared taken by surprise. Both the United Nations Security Council and the Russian foreign ministry issued strong condemnations of the Abkhaz action, and called on Abkhaz forces to withdraw immediately.[148] Although there was fierce fighting, Abkhaz forces reportedly had a clear advantage in heavy equipment. On September 17, Russian peacekeeping monitors returned to Georgian forces the essential breech-blocks taken from their artillery pieces pursuant to the cease-fire agreement.[149] After Russian defense minister Pavel Grachev met with Abkhaz leader Vladislav Ardzinba in Gudauta and Georgian leader Eduard Shevardnadze in Sochi, the Russian government formally condemned the Abkhazians for breaching the cease-fire, criticized the Georgians for refusing to negotiate, and called for economic sanctions to be imposed on both sides. Russia then cut off electricity, radio relay stations, and phone lines to Abkhazia.[150]

---

[142] Human Rights Watch met with the initial contingents of cease-fire monitors as they arrived in Tbilisi, July 1993; it is noteworthy and unfortunate that their mandate included no monitoring of human rights violations, not even violations of international humanitarian law. See also, *The Lost Agenda: Human Rights and U.N. Field Operations*, Human Rights Watch, 1993.

[143] ITAR-TASS, July 29, 1993, cited in *FBIS-SOV-93-144*, July 29, 1993, p. 68.

[144] Human Rights Watch interviews, August 1993.

[145] Celestine Bohlen, "Sukhumi Journal: War Makes a Ghastly Visit to a Black Sea Resort," *New York Times*, August 30, 1993, p. A4.

[146] *RFE/RL Daily Report*, August 30, 1993.

[147] *RFE/RL Daily Report*, September 17, 1993.

[148] *Reuters*, September 21, 1993.

[149] *Reuters*, September 17, 1993.

[150] *Reuters*, September 18, 1993. Sanctions on Abkhazia were lifted by the end of December 1993.

By September 20-21, Abkhaz forces had reached the outskirts of Sukhumi, nearly surrounding it, but Georgian troops refused an Abkhaz offer to withdraw through a guaranteed cease-fire corridor from the city.[151] As the battle for the city went on, and flights into Sukhumi airport became the only means of reaching the Georgian side, one aircraft after another, including civilian craft, was shot down with what press on the scene described as Stinger-type heat-seeking missiles fired from gunboats in the Black Sea. Twenty-eight people were reportedly killed in the first downing of a Tupolev-134 passenger jet; the second attack, days later, claimed eighty lives, according to Georgian officials.[152]

On September 27, Sukhumi fell to Abkhaz fighters as the Russian Black Sea fleet evacuated tens of thousands of Georgians by sea.[153] Many tens of thousands more attempted to flee to the south and east through Ochamchira and Mingrelia. Other tens of thousands sought to cross the Caucasus mountains east of Sukhumi.

VIOLATIONS OF THE LAWS OF WAR IN THE FALL OF SUKHUMI

The fall of Sukhumi in September 1993 offered Abkhaz fighters an unprecedented chance at revenge for what Georgian fighters had done the year before, and a wave of atrocities followed. According to *The Independent*,

> Truck-loads of booty have been carted out by soldiers, murders of civilians have been common and houses have been marked according to the ethnic affiliation of their inhabitants ... Tales of looting, murder, rape and arson have also been recounted by exhausted Georgians on the two main escape routes [from Sukhumi].[154]

The 1994 U.S. State Department *Country Reports* also describes scenes of massive human rights abuse:

> The [Abkhaz] separatist forces committed widespread atrocities against the Georgian civilian population, killing many women, children, and elderly, capturing some as hostages and torturing others ... they also killed large numbers of Georgian civilians who remained behind in Abkhaz-seized territory...
>
> The separatists launched a reign of terror against the majority Georgian population, although other nationalities also suffered. Chechens and other north Caucasians from the Russian Federation reportedly joined local Abkhaz troops in the commission of atrocities... Those fleeing Abkhazia made highly credible claims of atrocities, including the killing of civilians without regard for age or sex. Corpses recovered from Abkhaz-held territory showed signs of extensive torture.[155]

The evidence available to Human Rights Watch supports the U.S. State Department's findings.

[151] *RFE/RL Daily Report*, September 21, 1993.

[152] *RFE/RL Daily Report*, September 22-23, 1993; "80 Are Reported Killed in Downing of a 2nd Jet Over Georgia," *New York Times*, September 22, 1993.

[153] *Reuters*, September 29, 1993.

[154] *The Independent*, October 23, 1993, p. 32.

[155] U.S. State Department, *Country Reports on Human Rights Practices for 1993*, February 1994, pp. 877, 881.

The Abkhaz attacks triggered a mass flight of Georgian civilians that international relief organizations "roughly estimated at 230,000 to 250,000 people."[156] Some 50,000 of those fleeing came from Sukhumi. Those who fled along the main highway leading southeast through Ochamchira and Mingrelia to Tbilisi had to contend with continuing fighting not only between Georgian and Abkhaz forces, but fighting between pro-Shevardnadze and pro-Gamsakhurdia forces as well. A second road out of Sukhumi led across the mountains behind Sukhumi, the 10,000 foot passes of the Caucasus, through the Kodori valley to the peaks of Svanetia and the Russian border beyond. This route – described by one journalist as a "caravan of trauma"[157] – spelled tragedy for thousands. The narrow mountain tracks turned to mud under the immense volume of traffic and the worsening autumn weather. Journalists described scenes of "refugees who had been stranded for weeks, lashed by rain and snow, sleeping fifty to a house or camping out in rickety Soviet-era cars."[158] A blizzard in early October claimed many; their bodies remained by the sides of trails in the mountain passes. Those who managed to reach Tbilisi found that the city had little to offer. By October 8, it was reported, Tbilisi itself had "only a week's supply of grain."[159]

Human Rights Watch finds Abkhaz forces responsible for the foreseeable wave of revenge, human rights abuse, and war crimes that was unleashed on the Georgian population in Sukhumi and other parts of Abkhazia. In Human Rights Watch's judgment, these practices were indeed encouraged in order to drive the Georgian population from its homes. The Abkhaz leadership is responsible in precisely the same way that Human Rights Watch holds the Georgian government responsible for human rights abuse and war crimes unleashed against the Abkhaz civilian population when Georgian forces entered Sukhumi and other parts of Abkhaz territory a year earlier.

THE AFTERMATH THROUGH DECEMBER 1993

Abkhaz forces pressed their advantage between October and December 1993, and by year's end had achieved most of their territorial aims, as well as the flight of most Georgians previously living in Abkhazia. Abkhazia declared itself an autonomous republic, a status that has not been recognized by the international community. To the contrary, the U.N. Security Council adopted Resolution 876 on October 19, reaffirming support for Georgia's territorial integrity and condemning the violation of the July 27 cease-fire agreement and subsequent violations of international humanitarian law by Abkhaz forces.[160]

During this period Georgian government forces were pitted in an increasingly bitter and desperate fight against forces supporting Gamsakhurdia, who threatened to take over portions of western Georgia and began advancing on Tbilisi itself. On October 2, the latter occupied Poti, Georgia's last remaining major port on the Black Sea.[161] The next day they took Khoni and Vani, two towns near Kutaisi (about 145 miles west of Tbilisi).[162] By mid-October, they had also captured Samtredi, an important junction on the strategically important Transcaucasus railway.[163]

These successes by the anti-Shevardnadze forces, as well as continuing successes by Abkhaz fighters, pushed the Shevardnadze government into a step that it could explain only on the basis of military and political desperation.[164] On October 8, after a meeting with Yeltsin in Moscow, Shevardnadze announced a reversal in policy toward Georgia's incorporation into the Commonwealth of Independent States (CIS): after rejecting it consistently since Georgia's independence in 1991, he now stated he would press for incorporation.[165] On October 22, he signed the decree approving Georgia's membership.[166] On October 25-26,

---

[156] Ibid., p. 881.

[157] Glinny, p. 53.

[158] *The Independent*, October 23, 1993, pp. 32-33.

[159] Ibid., p. 30.

[160] *RFE/RL Daily Report*, October 21, 1993.

[161] *Washington Post*, October 4, 1993, p. A20.

[162] Ibid.

[163] *Reuters*, October 9, 1993; Akaky Mikadze, *Moskovskie Novosti*, No. 43, October 22, 1993.

[164] See Porter and Saivetz, p. 85.

[165] *Reuters*, October 8, 1993.

Georgia and the CIS finalized a collective security treaty, with the immediate consequence of paving the way for Russian and other CIS troops to secure the Poti-Tiflis-Yerevan-Baku railway line.[167]

[166] *RFE/RL News Brief*, October 25-29, 1993, p. 7.

[167] *Transcaucasus: A Chronology*, November 1993, p. 6.

Amidst confused fighting in October and November between supporters and opponents of Shevardnadze's administration in which numerous towns and villages in western Georgia changed hands, often several times, Russian Black Sea fleet forces sailed from Sevastopol to secure the ports of Poti and Batumi.[168] On November 8, 750 Russian marines and forty armored vehicles reportedly landed in Poti, taking control of transportation, railways, bridges, and the port.[169]

By late November, Abkhaz forces, taking advantage of fighting between the two Georgian groups, initiated large offensives in Abkhazian Svanetia, as well as Gali and Kodori. After two days of fighting, by November 29, Abkhaz forces had seized the eastern part of Svanetia province.[170] This fighting continued through December 1993, even as U.N. mediated peace talks continued and some prisoner exchanges took place.[171] In November and December, the Georgian government began to mark successes against the pro-Gamsakhurdia forces, finally defeating them, and by the end of 1993, the Georgian civil war was over.

THE RUSSIAN ROLE

When the Abkhaz broke the cease-fire in September 1993, the Russian government seemed surprised. It condemned the attack, issued calls to Abkhaz forces to cease the offensive and its accompanying human rights violations, and cut off electricity and telephone service to Abkhazia. It also supported resolutions in the Security Council condemning Abkhaz forces for breaching the ceasefire. At the same time, the Russian government criticized the Georgian government for refusing, once the attack was underway, to negotiate.

It is doubtful, however, that Russian forces in or near Abkhazia were as surprised as the Russian government seemed to be. Initiating an offensive as large as the one undertaken, in three different directions at once, must have required extensive movement of forces and resupply during the days leading up to it. In addition, Abkhaz forces brought heavy artillery, supposedly moved back from the frontlines, to bear very quickly in the fighting, suggesting either that less of it was moved than indicated, or that careful transport plans had been established to bring the guns forward. As Porter and Saivetz observe, "Russian forces stationed on the border between Abkhazia and greater Georgia, whose ostensible role was to police the ceasefire, made no attempt to forestall the attack."[172]

Russian policy during the battles immediately after the breach of the cease-fire appeared to follow four lines. First, the government condemned the breach and imposed certain sanctions on the Abkhaz. Second, Russian forces returned essential artillery parts to Georgian forces that had been turned over to them as part of the cease-fire, thus allowing the Georgians to return the guns to action. Third, the Russian Black Sea fleet participated in the humanitarian evacuation of tens of thousands of Georgians from Sukhumi. Fourth, Russia continued to sponsor peace talks under U.N. auspices between the parties.

With respect to the civil war between Georgian government and pro-Gamsakhurdia forces, Russian policy appears to have been explicitly predicated on Georgia's membership in the CIS.[173] On October 19, for example, Russian defense minister Grachev stated that Russia could not offer military assistance to Georgia since Georgia was not part of the CIS; he added, according to Western reports, that any other action might be interpreted as interference in Georgian affairs.[174] The next day, however, the Russian foreign ministry declared that once the Georgian parliament had endorsed CIS membership, Russia would send troops to protect the main railway lines.[175] On October 23, Georgia joined the CIS, and Russian troops moved swiftly thereafter to secure Poti, as well as the key rail lines.

---

[168] Akaki Mikadze, *Mosckovskie Novosti*, October 29, 1993, p. 1.

[169] *RFE/RL Daily Report*, November 10, 1993. Porter and Saivetz, p. 85, put the number at 4,200 paratroopers.

[170] *Reuters*, November 29, 1993.

[171] ITAR-TASS, December 20, 1993, cited in *FBIS-SOV-93-242*, December 20, 1993.

[172] Porter and Saivetz, p. 85.

[173] Ibid.

[174] *RFE/RL Daily Report*, October 21, 1993, citing Reuters.

[175] *Transcaucasus, A Chronology*, Vol. 2, No. 11, November 1, 1993, p. 6.

Georgian membership in the CIS, and the deployment of Russian troops, was a hotly debated political issue in Georgia. Shevardnadze and his supporters argued that they had little choice if they wanted to defeat the political opposition and regain control of Abkhazia. Others argued that Russian intervention would mark the end of Georgian sovereignty.[176] Human Rights Watch takes no position on these political debates, but is concerned, based on the earlier Russian role in the fighting, about the serious possibility of human rights abuse that might arise from the deployment of Russian forces in Abkhazia.

VIII. RESPONSES OF THE INTERNATIONAL COMMUNITY TO HUMAN RIGHTS VIOLATIONS IN THE ABKHAZ CONFLICT, JANUARY TO DECEMBER 1994

The Abkhaz conflict lurched between sputtering fighting and shaky, de facto, and often-breached cease-fires in the first months of 1994. Although in theory, with the civil war against the anti-Shevardnadze camp seemingly over, Georgian government forces might have regrouped once again to battle their Abkhaz opponents, they seemed as disorganized as ever, exhausted, and dependent on the Russian military.[177] Abkhaz forces controlled most of the contested territory, and while shelling of villages and occasional engagements between the forces occurred each month, strategically significant battles were noticeably absent.

For example, on February 7, at least eight combatants died in a clash in the Gali region, and Georgian artillery reportedly blew up a bridge on the Inguri river.[178] Much more serious fighting flared two days later, reportedly leaving at least one hundred dead and over 3,000 homeless.[179] The following month, on March 24, Georgian forces were reported to enter Abkhaz-held territory at two places, Gulripsh and Orobaia, and engaging in clashes with Abkhaz forces.[180] Although some of these clashes were bloody and left civilians homeless or pushed out of their homes as refugees, they did not fundamentally change control of territory between the parties.

In fact, it appears that both sides believed that the strategically significant ground in the conflict had shifted from the battlefield to diplomatic ventures. The first round of talks between Georgians and Abkhaz, conducted under U.N. sponsorship in Geneva in December 1993, resulted in the Declaration of Understanding, the first lasting agreement between the parties. Following a second round of talks in January 1994, the two parties issued a joint communiqué agreeing to the deployment of Russian "peacekeeping" forces in Transcaucasia in order to strengthen confidence and security, and the repatriation of the some 200,000, mostly Georgian, refugees.

On February 10, the Abkhaz parliament declared independence from Georgia.[181] This declaration effectively repudiated the earlier U.N.- and Russian-brokered agreement that the status of Abkhazia would be determined through referendum. In further negotiations, the parties agreed that international peacekeepers should be dispatched, and in June Russia began deploying peacekeepers to the conflict zone.

RESPONSE OF THE INTERNATIONAL COMMUNITY

Notwithstanding the various agreements that were reached between the parties, the U.N. Security Council took a skeptical approach to each of those propositions. Despite heavy lobbying by the Russians, the U.N. declined to grant their peacekeeping forces U.N. auspices.

The attitude of the United Nations and the Security Council throughout the conflict has reflected at least five distinct concerns. First, the U.N. has been aware of and expressed concern over the serious human rights abuses in the conflict. For example, the Security Council issued a number of resolutions registering dismay over human rights violations by the parties. In addition, the Secretary General, pursuant to instructions of the Security Council, sent a mission in October 1993 specifically to

---

[176] Glinny, p. 47.

[177] Porter and Saivitz, pp. 85-86.

[178] *Novoe Russkoe Slovo*, February 7, 1994, p. 1.

[179] *Transcaucasus: A Chronology*, Vol. 3, No. 3, March 1994, p. 6.

[180] *RFE/RL Daily Report*, March 25, 1994.

[181] *RFE/RL News Briefs*, February 7-11, 1994, p. 9; *Transcaucasus, A Chronology*, Vol. 3, No. 3 (March 1994), p. 6.

investigate human rights conditions in Abkhazia, and released a report in November.[182] However, the U.N. has not gone beyond expressions of concern over human rights, and its cease-fire monitoring team was given no human rights mandate, not even to monitor violations of the laws of war.

This attitude seems to Human Rights Watch unjustified, particularly with respect to international humanitarian law. Formation of the Yugoslavia war-crimes tribunal under the direct mandate of the Security Council to maintain international peace and security pursuant to Chapter VII of the U.N. Charter decisively established that the maintenance of international peace and security includes conformity with international humanitarian law. If U.N. cease-fire monitors are sent to a zone with the mission of reporting to the Security Council any breaches of a ceasefire, pursuant to the Security Council's mandate to maintain international peace and security, it seems to Human Rights Watch that they ought also to be instructed to monitor serious breaches of humanitarian law.

[182] *Report of the Secretary-General's Fact Finding Mission to Investigate Human Rights Violations in Abkhazia, Republic of Georgia*, S/26795, November 17, 1993.

Second, the Security Council has repeatedly expressed support for the territorial integrity of Georgia.[183] Abkhazia's declaration of independence has not been recognized by the world community. Human Rights Watch takes no position on territorial disputes. Nevertheless, the U.N.'s failure to take more decisive action on human rights issues appears partly related to its concerns about the territorial integrity of Georgia, and so cannot be ignored.

The U.N. has, for example, sacrificed the unconditional right of all refugees to return home in order to win political concessions from the Abkhaz side in negotiations. Article 3(c) of the April 4, 1994, quadripartite (U.N., Georgia, Abkhazia, Russia) agreement denies returnees immunity when there are"serious signs" that they had committed a "military offense...a serious criminal offense or earlier participated in military actions and currently belong to armed formations that are preparing for military actions in Abkhazia." No one should be immune to investigation of alleged human rights violations. However, the very real fear of biased prosecution discourages displaced persons from returning to Abkhazia. The restrictions stipulated in the April agreement are also objectionable since they target a particular group - the overwhelmingly Georgian population that fled Abkhazia.

Third, the U.N. has been concerned with the safety and utility of sending U.N. troops to the Abkhaz conflict zone in any capacity, particularly as peacekeepers deployed in the thousands and not just as cease-fire observers numbering, as of this writing, only 155. This concern has mirrored the general disquiet of Security Council members over the ability of U.N. forces to carry out missions successfully. During the course of the Abkhaz conflict, the Security Council has observed the experience of foreign troops in Somalia, Bosnia, and Rwanda, among others. Its enthusiasm, or lack thereof, for deployment in Abkhazia has reflected its evolving views of those experiences.[184]

Fourth – and contrapuntal to the generally ambivalent view on deploying U.N. troops – the Security Council and particularly the Secretary General have been optimistic as to the ability of the U.N. to help resolve the Abkhaz conflict, both diplomatically and through the deployment of small numbers of U.N. forces. In part this appears to reflect a belief that the Abkhaz conflict is relatively small and amenable to political solution.[185] The Security Council has therefore been reasonably willing to authorize the dispatch of a few cease-fire observers to the zone.

Fifth, western Security Council members have been reluctant to permit Russia to proceed with its stated intent of deploying Russian troops as the backbone of a U.N. peacekeeping force in Abkhazia.[186] This may in part reflect concern about Russian forces' complicity in human rights abuses in the conflict. Western powers are more likely to also be concerned about the security implications of Russian forces redeploying in the former Soviet republics, whether or not under the U.N. flag. Western powers fear a revival of Russian imperialism in the former republics, under the guise of "peacekeeping" or "peacemaking."

Human Rights Watch takes no position on the circumstances under which peacekeeping troops are or are not deployed, nor on their national composition or command. It does, however, express concern that the existing record of the Russian forces, both directly and in support of abusive parties, warrants serious concern.

UNITED STATES POLICY TOWARD THE ABKHAZ CONFLICT

In the post-Cold War world, the influence of the United States in the former Soviet republics has grown tremendously. U.S. policy toward the conflict in Abkhazia therefore also merits scrutiny. American policy appears to have been guided by three overall principles: first, support for the independence of Georgia; second, support for the territorial integrity of Georgia with respect to Abkhazia; and third, support for Shevardnadze personally. Although these three policies are themselves political matters beyond Human Rights Watch's mandate, they have led the U.S. to be, in Human Rights Watch's view, less demanding on matters of human rights from the Georgian government than it might have been. They have also led the U.S. to pursue a policy of engagement with the Georgian government that appears to Human Rights Watch, from the standpoint of human rights protection, unjustifiably credulous.

[183] See, for example, U.N. Security Council Resolution 876, adopted October 19, 1993, which reaffirms support for Georgia's territorial integrity; see also *RFE/RL Daily Report*, October 21, 1993.

[184] It also reflects a concern about costs. The Russian government has sought not only that the Security Council authorize its peacekeeping deployment to Abkhazia, but pay for it as well. Thus far the Security Council has declined on both counts.

[185] Human Rights Watch interviews, July 1993.

[186] *New York Times*, May 1994.

The U.S. has, however, been sensitive to the humanitarian crisis in Abkhazia. Shevardnadze stated during his March 1994 visit to Washington that the U.S. had provided some $200 million in humanitarian aid, principally for the support of refugees from the Abkhaz war.[187] President Clinton, too, noted the need for continuing humanitarian aid, stating that the U.S. intended to render another $70 million for humanitarian purposes.[188] Shevardnadze's meeting with Clinton on March 8 was reported to include discussion of deployment of U.N. peacekeeping forces to Abkhazia, humanitarian and economic aid to the Georgian government; and Washington's support for Shevardnadze and the territorial integrity of Georgia.[189] With respect to the deployment of peacekeeping forces to the region, Clinton stated that if a durable political settlement were reached in Abkhazia, the U.S. would be "inclined to support a U.N. peacekeeping operation in Georgia"; he added that U.S. forces would "not participate in it."[190] Shevardnadze met in Washington with both the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili and U.S. Defense Secretary William Perry. Shalikashvili subsequently stated that any peacekeeping force sent to the Abkhazia, under the "moral and legal mandate" of the U.N., should be made up of Russians and representatives of "as many other nations as possible."[191] Those talks reportedly concerned military cooperation between Georgia and the United States, including military assistance to train Georgian forces and "contribute to restructuring the Georgian military complex in the conditions of democracy and civil control."[192] If it included discussion of human rights matters, this fact was not disclosed in the press with the result that, publicly, the U.S. painted the situation in Abkhazia as exclusively a humanitarian crisis, rather than a playing field for gross human rights abuse, some committed under the command of Mr. Shevardnadze himself.[193]

Human Rights Watch shares the generally accepted assessment that Georgian armed forces are characterized by an abysmal lack of respect for civilian authority, military discipline, command and control responsibilities, or the restraints required by human rights and humanitarian law. During the conflict in Abkhazia they showed themselves to be little more than paramilitary militias responding primarily to their warlords and only in few respects to civilian authority.[194] It therefore understands the viewpoint, supported by Pentagon policy, that an important way to improve the dismal human rights record of the Georgian forces is by training those forces. Human Rights Watch believes, however, that this effort is premature and likely to be counterproductive from a human rights standpoint. Human Rights Watch therefore opposes the provision of any security assistance to Georgian forces until there is real evidence that it will not simply be swallowed up by corrupt and abusive forces.

IX. "VOLUNTEERS," "MERCENARIES," AND "OUTSIDERS" IN THE ABKHAZ CONFLICT

[187] Georgia had been granted $225 million in US humanitarian aid as of December 1993, ranking third among states of the former Soviet Union, behind Russia and Armenia. *U.S. Policy Toward the New Independent States*, Hearing before the Committee on Foreign Affairs, House of Representatives, January 25, 1994; (Washington, D.C.: U.S. Government Printing Office, 1994), p. 62.

[188] Ibid.

[189] ITAR-TASS, March 7, 1994, cited in *FBIS-SOV-94-045*, March 8, 1994; ITAR-TASS, March 8, 1994, cited in *FBIS-SOV-94-045*, March 8, 1994.

[190] *FBIS-SOV-94-045*, March 8, 1994, p. 35. Clinton's statements raised some concerns in the U.S. Congress about Russia's military presence in the former Soviet republics; see Senator Dole, "Peacekeeping in Georgia," *Congressional Record*, March 8, 1994, p. S2472.

[191] *Jane's Defence Weekly*, March 26, 1994, p. 16.

[192] *FBIS-SOV-94-049*, March 14, 1994.

[193] Human Rights Watch's Helsinki division released a press statement and letter to Shevardnadze raising these human rights concerns on March 8, 1994; it is reproduced as Appendix 3.

[194] Although Georgian authorities issued an order in January 1994 that the Mkhedrioni must disarm or be expelled from the organization, Human Rights Watch is not satisfied that this measure has resulted in anything other than cosmetic changes. See *RFE/RL Daily Report*, January 12, 1994.

A persistent feature of many conflicts in the former Soviet republics is the participation of fighters who are not from the conflict zone and who did not reside in the territory of any of the formal parties to the conflict before the conflict began. Human Rights Watch does not take a position on the legality or illegality of "volunteers," "mercenaries," or other such "outsiders" to the conflict per se; and unlike mercenaries, "volunteers" and "outsiders" do not even have particular status in international law, unless they are formally incorporated into the armed forces of a party to a conflict. A mercenary is defined in Protocol I, Article 47(2) as any person, not a national of a party to the conflict or a resident of territory controlled by a party to the conflict, who has been specially recruited to fight in an armed conflict, takes part in hostilities, and is motivated to do so by the desire for private gain.[195]

Rather than focusing on the status of mercenaries and other outsiders in international law, Human Rights Watch limits itself to documenting and criticizing human rights and humanitarian law violations by any party or combatant of whatever origin, including mercenaries and volunteers. Moreover, to the extent that such mercenaries or volunteers offer their services to a party to the conflict that consistently commits atrocities, they would be complicit in these abuses regardless of the question of whether or not they participate directly in the commission of such abuses.

In the view of Human Rights Watch, it is the obligation of the parties to a conflict, as well as those having influence over the parties, to ensure that those taking part in armed conflict comply with international law regarding combatants. Parties to a conflict have an obligation to maintain discipline among all their fighters, including those who come from the "outside." In addition, to the extent that a state has a legal capacity to prevent its nationals or residents from joining a party to a foreign conflict that engages in gross abuses of international humanitarian law, Human Rights Watch would urge that government to enforce its laws. If the persons involved are active members of that government's armed forces, the absence of measures to restrain or recall such forces would tend to support conclusions that their deployment was on the authority of that government.

OUTSIDE FIGHTERS IN THE ABKHAZ CONFLICT

In the case of the Abkhaz conflict, many of these "outside" fighters came from the Confederation of Mountain Peoples, a loose coalition of ethnic, tribal, and regional groups in the Caucasus mountains (unrecognized by Moscow), which early on in the conflict aligned itself with the Abkhaz. Fighters from the regions represented by this Confederation, Chechens in particular, showed up on the Abkhaz side very soon after fighting started. Several hundred of these fighters were airlifted from Gudauta during one of the early, Russian-brokered, cease-fires.

It may be overstating matters to say that these fighters were "sent" by the Confederation. The fighters in the Confederation respond to local leaders; some of those leaders, however, sent fighters or went with their men, while other fighters went individually. According to interviews conducted by Human Rights Watch, motivations for joining the fighting varied. Some fought because they felt solidarity with a small ethnic group (the Abkhaz) who were fighting for independence from a larger administrative territory. The Chechens, in particular, were fighting a similar fight, trying to win independence from the Russian Federation.[196] Others fought merely for the purpose of gaining weapons; they showed up to be issued a rifle and ammunition, and then slipped away.[197] Others fought for booty; in numerous interviews by Human Rights Watch, refugees and captured combatants stated that the worst pillage was committed by the "outside" fighters.[198]

In addition to these fighters, a significant number of ethnic Russians who did not previously reside in Georgia or Abkhazia have been seen fighting on the Abkhaz side. Although Human Rights Watch has evidence that at least some of these fighters were professionals paid and sent to the conflict by some branch of the Russian government in Moscow, many more appear to have been freelance, including Cossacks.[199] Their motives for fighting also appear to have been mixed. Some fought for various perceived political causes, including Russian nationalism, others for what they perceived as the oppression of the Abkhaz (identified for these purposes with Russia), and again others for the perceived oppression of ethnic Russians in Georgia.

---

[195] In addition, a wide variety of reports, recommendations, resolutions, and other documents have been issued by various bodies in recent years on the role of mercenaries and outsiders in various conflicts. See, in particular, the *International Convention Against the Recruitment, Use, Financing and Training of Mercenaries*, adopted by General Assembly Resolution 44/34 of December 4, 1989. This convention has not yet entered into force. Moreover, the Abkhaz conflict is specifically described in a 1994 report of the Special Rapporteur on Mercenaries to the U.N. Commission on Human Rights. Cf. "Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1993/5, E/CN.4/1994/23, 12 January 1994 (Economic and Social Council, Commission on Human Rights, 50th Session, Item 9 of the Provisional Agenda).

[196] Likewise, there are reports that some ethnic Abkhaz repaid the debt of solidarity when Russian forces began bombing Chechnya in December 1994.

[197] Human Rights Watch interviews, August 1993.

[198] Human Rights Watch interviews, July-August 1993.

[199] Glinny, p. 48.

A third category of "outsider" combatants consisted of ethnic Abkhaz from Turkey, Syria or other places of Abkhaz diaspora. Abkhaz authorities acknowledged that they had received significant financial assistance from the Abkhaz diaspora, in addition to an unspecified number of essentially freelance fighters.[200]

These categories of outsiders fought almost entirely on the Abkhaz side. Their numbers were so significant at certain points in the conflict that press reports and the U.S. State Department estimated that they constituted a majority in the September 1993 battle for Sukhumi.[201]

RUSSIAN GOVERNMENT SURROGATES?

A second issue is the question of whether, and to what extent, any outside fighters were surrogates for branches of the Russian government or armed forces, apparently operating on their own or under command of the Abkhaz, but in fact following orders laid down by officials in the Russian government. This latter question is central with respect to Russian nationals fighting in the conflict. It is also central to one of the key inquiries of this report, viz., whether the Russian government has provided security assistance to abusive parties; whether its forces, acting either overtly or covertly, have directly committed human rights abuses in the conflict; and at what level of command such actions were permitted or ordered.

In August 1993, Human Rights Watch interviewed a group of six Russian fighters at a refugee hotel in Gudauta, Abkhazia.[202] Human Rights Watch found the six in a small room of the hotel, late at night, cleaning their weapons. They said they had arrived a few days earlier by helicopter from the then-besieged town of Tkvarcheli. When asked what they had been doing in Tkvarcheli – a city under siege, by that time, for nearly a year, whose residents were reportedly suffering from malnutrition and deprivation – the leader initially said they were "businessmen just visiting the area." After a little more conversation, he acknowledged that he and his men had been fighting "against the Georgians who were trying to wipe out our little brothers, the Abkhaz."

Human Rights Watch asked the backgrounds of the men. All of them reported they had been either KGB- or Russian-army trained. They said they had been part of an "independent formation that had decided to fight for the rights of Russians." One man showed us a photograph of what he described as the original group of some thirty men in Moscow. When asked when the photograph was taken, he said it was before the group first saw action in Moldova.[203] Asked where the group had seen action, another replied, "Abkhazia, Transdniester,[204] and some other places," but he did not elaborate. The leader said they had started out in Moscow with about thirty men, "all experienced, disciplined Russian professionals, not like the Georgians here," but that over time they had been reduced to just these six. Most of the casualties had occurred elsewhere, but, he said, they had lost half a dozen or so in Tkvarcheli during the months they had been there.

Asked how the fighters had reached Tkvarcheli in the first place, and how they were kept supplied with ammunition, the leader replied that they had gone in on Russian helicopter flights under the auspices of the Russian government's State Committee for Extraordinary Situations. The leader emphasized that, as he saw it, the mission of the fighters and the humanitarian relief workers was the same – to protect the civilian population in Tkvarcheli from being driven out of their homes by the Georgians. It was his opinion that the entire operation of feeding civilians and delivering humanitarian assistance to Tkvarcheli was integrated with a military effort, of which he was part, to prevent what he referred to as the "ethnic cleansing" of Tkvarcheli. If the Georgians "broke through," he said, they would "destroy these people. They have elsewhere." He also emphasized that Tkvarcheli had a large ethnic Russian population for which he had a special responsibility.

Human Rights Watch asked how the fighters were paid. One said that the Abkhaz government "has nothing." Another said that they were paid by the authorities of the "Dniester Moldovan Republic," the autonomous region in eastern Moldova that won de facto independence and finances itself with Russian assistance. They would not reveal how much they were paid, but did say that they were paid in U.S. dollars and that the money was deposited into bank accounts in Moscow.

Asked directly whether they were Russian government troops, the leader appeared to consider carefully before replying. He then said that no, they were not Russian government forces. They were, he said, "independent patriotic fighters – but

[200] Human Rights Watch interviews, August 1993.

[201] U.S. State Department, *Country Reports*, p. 877.

[202] The material in this section is drawn, unless otherwise noted, from Human Rights Watch interviews, August 1993.

[203] For a report on the human rights situation in Moldova, see Helsinki Watch, *The Turbulent Dniestr: Human Rights Abuses in Moldova* (New York: Human Rights Watch, March 1993).

[204] An area of eastern Moldova which was the scene of a bloody conflict between Moldovan government forces and secessionist-minded local residents backed by Russian troops in 1992.

professionals who know how to fight well." After a moment he added, "Of course, there are many in the [Russian] Army who share our patriotism."

Human Rights Watch's interviews with these Russian fighters are of significance because they provide evidence that Moscow may have been supplying direct military assistance in the Abkhaz conflict. The fighters stated that they, their weapons, and ammunition were transported on official Russian government relief flights. Human Rights Watch is inclined to believe that the Russian officials who arranged the entire relief effort may have thought of the provision of Russian fighters as consistent with the humanitarian nature of the mission, just as these men did. These men saw preventing the Georgians from achieving their military aims – the fall of Tkvarcheli – as inextricably intertwined with protecting the civilian inhabitants from pillage and forced relocation by Georgian forces who, as they correctly pointed out, had engaged in such practices in Sukhumi and elsewhere. In this respect, at least, they saw little reason to conceal their connection with the Russian government.

On the basis of these interviews, and in light of the abuses that have taken place in the Abkhaz war, Human Rights Watch is concerned that Russian government officials in Moscow have sanctioned the sending of Russian fighters to Abkhazia as agents of the Russian Federation. Regardless of the question as to which Russian officials were in charge of sending Russian fighters to Abkhazia, Human Rights Watch holds the government of the Russian Federation responsible for the actions in Abkhazia of individual active-duty members of Russia's armed or security forces.

X. SUMMARY OF WEAPONS TRANSFERS TO ABUSIVE PARTIES IN THE CONFLICT AND THE ROLE OF THE RUSSIAN GOVERNMENT AND ARMED FORCES

The evidence of the preceding chapters demonstrates that both parties in the Abkhaz conflict – Georgian government forces and Abkhaz secessionist forces – have been appallingly abusive of human rights and international humanitarian law. Each side has engaged in numerous and serious violations of international humanitarian law. Moreover, there has been almost no effort to hold anyone accountable for these crimes of war. Human Rights Watch believes that such serious human rights abusers ought not to receive weapons or security assistance unless and until it is shown that they will comply with fundamental norms of human rights and humanitarian law, and will seek accountability for past abuses. The evidence of the preceding chapters also shows, however, that the two sides have obtained considerable quantities of weapons and other security assistance. The weight of the evidence and conclusions to which it points regarding sources of supply of these weapons and security assistance can be summarized as follows.

GEORGIAN GOVERNMENT FORCES

Georgian government forces inherited a certain amount of weaponry in the break-up of the former Soviet Union. To this were added, during the Abkhaz war, weapons, bases, transportation, and other material under bilateral agreements reached between Georgia and the Russian Federation in connection with Georgia's independence and initial refusal (later reversed) to join the CIS. In addition, Georgian forces obtained supplies by raids on Russian military bases in Georgia, until Russian forces made clear that such raids would be met with force. These three categories account for the vast majority of armaments used by Georgian forces in the conflict.

Significant categories of weapons used by the Georgian forces have included Kalashnikov rifles of several varieties; rocket-propelled grenade launchers (RPG-7); light and heavy machine guns; many varieties of Soviet antipersonnel and antitank landmines; light mortars and artillery; heavy mortars and artillery, including self-propelled guns; Grad (multiple, rack-mounted) rockets on mobile launchers; various types of armored personnel carriers and tanks, including T-72s, heat-seeking surface-to-air missiles; helicopters armed with rockets and machine guns; and SU-25 fighter-bombers armed with bombs, rockets, missiles and cannons.[205]

ABKHAZ FORCES

Abkhaz forces used ground systems that were essentially the same as those of the Georgian forces listed above. The Abkhaz used heat-seeking surface-to-air missiles far more than the Georgian forces did, at least measured by effectiveness in shooting down aircraft, which included several civilian craft.

[205] Human Rights Watch observed at least one example of each of these weapons deployed in the field in August 1993, with the exception of heat-seeking missiles and aircraft. The use of all these weapons systems by not only the Georgians, but the Abkhaz, was readily confirmed to Human Rights Watch by a variety of expert military sources, including Western military observers.

So far as Human Rights Watch has been able to determine, Abkhaz forces did not have their own aircraft or ships. Air attacks carried out against Georgian forces were, on the weight of the evidence and consistent with what other Western observers believe, carried out on their behalf by Russian forces.[206] The clearest case of such attacks was that of the SU-27 shot down by Georgian forces in March 1993 and piloted, according the U.N. military observers, by a Russian major.[207]

Possible sources for Abkhaz weapons included raids on Russian facilities in Abkhazia, black market purchases from corrupt Russian sources, supplies and support authorized by local Caucasus commanders of the Russian forces, and supplies and support authorized by branches of the Russian army or government in Moscow. Human Rights Watch believes that the sources included raids on Russian facilities and black market purchases. At the same time, however, these sources would have fallen far short of the massive quantities of supplies consumed over the period of conflict between August 1992 and May 1994. Other cases of military supply where the weight of the evidence points to Russian military involvement, such as the shot-down SU-27 and air intervention on the side of the Abkhaz generally, do not allow Human Rights Watch to reach any conclusion as to whether these operations were arranged or approved from Moscow, or were instead the work of local Russian commanders.

The same holds true for the extensive logistical support given by Russian forces to certain Abkhaz operations, such as the sea attacks on Sukhumi during 1993. Human Rights Watch reaches no conclusion as to what parties might have approved these operations, whether in Moscow or locally, except that it believes the evidence suggests that Russian forces were involved at some level.

THE RUSSIAN ROLE IN WEAPONS SUPPLY AND HUMAN RIGHTS ABUSE

Evidence presented in this report has shown that on occasion, Russian forces have intervened directly in the Abkhaz conflict in ways
that were violative of the laws of war. The February 1993 air attack against civilian areas of Sukhumi was one such instance, one admitted to by the Russian ministry of defense.

Evidence in this report has also shown that the Russian government provided security assistance to the Georgian government in fulfillment of its bilateral agreements, although that aid went to forces that were engaged in serious human rights abuse. Human Rights Watch believes that treaty obligations notwithstanding, the Russian government was not obligated and ought not to have transferred security assistance to forces engaged at that very moment in serious human rights and humanitarian law abuse.

This report has further presented evidence that Russian forces provided weapons and security assistance to Abkhaz forces which themselves engaged in serious human rights and humanitarian law violations. Whereas the transfer of bases and supplies to the Georgians was fundamentally a continuation of policies and agreements separate from the Abkhaz conflict, Russian military aid to the Abkhaz was directly related to the conflict and intended to influence its course in favor of the Abkhaz.

Most of the legally-transferred material passed from Russian to Georgian hands prior to the outbreak of hostilities in August 1992. However, pursuant to the bilateral agreements, some significant transfers took place after the war began, such as the transfer of the Akhaltsikhe motorized rifle division to the command of the Georgian defense ministry in September 1992. At this date, there was considerable public evidence of massive human rights and humanitarian law abuses by Georgian forces in Abkhazia. Human Rights Watch believes that the Russian Federation should have withheld any such transfers pending resolution of the human rights issues.

Russian officials, in conversations with Human Rights Watch, stressed their obligations under pre-existing agreements to make the transfers. They emphasized that failure to make the transfers would have undercut the Russian government's ability to broker a peace. In addition, a refusal would have undercut its credibility with other republics of the former Soviet Union as to its willingness to abide by its agreements.

Human Rights Watch, while understanding the force of such concern, nonetheless believes that all agreements for security assistance should be subject to human rights terms, and that a party to an agreement is obligated to refuse to transfer security assistance on bona fide human rights grounds. Where the abuses are massive and on-going, as in Abkhazia in September 1992, the norms of human rights and humanitarian law are peremptory and overriding. The Russian government might have considered seeking a finding by the Security Council as to the human rights abuses to buttress its human rights bona fides in refusing to make the transfer.

[206] Human Rights Watch interviews, July-August 1993.

[207] *RFE/RL Research Report*, Vol. 2, No. 34, August 27, 1993, p. 55.

ACKNOWLEDGMENTS

This report was written by Kenneth Anderson, former director of the Human Right Watch Arms Project, and Louis Hammond, consultant to Human Rights Watch/Helsinki (formerly Helsinki Watch). It was edited by Joost R. Hiltermann, director of the Arms Project.

The report covers violations of the laws of war and the misuse of weaponry during the armed conflict in Abkhazia from August 1992 through December 1994. It is based in part on field research conducted in Abkhazia, Georgia, and Russia by Mr. Anderson, Erika Dailey, research associate and Moscow office director for Human Rights Watch/Helsinki, and journalist David Rieff, a member of the Arms Project's advisory committee, in July and August 1993, with follow-up work conducted in Georgia and Russia throughout 1994, as well as early 1995. Kathleen Bleakley, research assistant with the Arms Project, provided additional research and prepared the report for publication.

Human Rights Watch interviewed government officials, diplomats, fighters in both armed forces, displaced persons, prisoners taken during the conflict, wounded combatants and noncombatants, medical personnel, journalists, human rights monitors, representatives of international humanitarian organizations, and representatives of the United Nations and the Organization on Security and Cooperation in Europe (O.S.C.E., formerly C.S.C.E.). Human Rights Watch expresses its thanks to all of them, and regrets that confidentiality and safety do not permit them to be identified individually.

Human Rights Watch also thanks Elizabeth Fuller, Senior Analyst at the Open Media Research Institute in Prague for her advice and expert review of the draft report; Human Rights Watch is, however, solely responsible for its contents.

Finally, Human Rights Watch gratefully acknowledges funding from the Rockefeller Foundation, New York.

APPENDIX 1: NOTES ON GEOGRAPHY, ETHNOGRAPHY, AND TRANSLITERATION

GEORGIA AND GEORGIANS

Today's Republic of Georgia covers 26,872 square miles (69,700 square kilometers) of the Caucasus Mountains on the southeastern coast of the Black Sea, sharing a border with the Russian Federation to the north (specifically the republics of Karachaevo-Cherkessia, Kabardino-Balkaria, North Ossetia, Chechnya, Ingushetia and Dagestan), Turkey and Armenia to the south and Azerbaijan to the southeast. The Georgian nation was formed from the consolidation of Kartvelian groups living in the Caucasus Mountains.

In the modern era, Georgia became a protectorate of the Russian empire in 1783 and was incorporated gradually until 1878, gaining a brief independence from May 1918 to 1921 following the collapse of tsarist Russia. On March 12, 1922, Georgia joined Armenia and Azerbaijan in signing the treaty that formed the Federal Union of Soviet Socialist Republics of Transcaucasus, later part of the USSR. In 1936 Georgia became a separate part of the USSR – the Georgian Soviet Socialist Republic – eventually declaring independence from the Soviet Union on April 9, 1991. Two years later, on October 23, 1993, Georgia became a member of the Commonwealth of Independent States, the successor body to the USSR.

According to the most recent census (1989), Georgians (in Georgian, "Kartvelebi") number some seventy percent of the republic's 5.5 million population; almost all ethnic Georgians live in Georgia. The rest of the population is mixed, with Abkhaz representing two percent of the general population, or around 100,000 people. The Georgian language belongs to the southwestern branch of the Caucasic language family, and has used its own unique script (Georgian), with systematic changes, since before the fifth century. Most Georgians are nominally Eastern Orthodox Christians, although some Georgians are Muslim or Jewish; it is not known how many are practicing.

ABKHAZIA AND ABKHAZIANS

Abkhazia spans 3,300 square miles on Georgia's northwest coast, sharing a border with the Russian Federation to the north, and the region of Mingrelia, within Georgia, to the south. Some three-quarters of the land is mountainous, although its coastline is subtropical. There were some 525,000 residents of Abkhazia recorded in the last (1989) census: forty-six percent ethnic Georgians (239,872); eighteen percent ethnic Abkhaz (93,267); fifteen percent ethnic Armenians (76,541); fourteen percent ethnic Russians (74,914); three percent ethnic Greeks (14,664); and the rest mixed.[208] Although no reliable data exist, it is certain that the ethnic composition of the area is significantly different as of this writing.

Abkhazia became a Russian protectorate in 1810, and was forcibly annexed in 1864, sending thousands fleeing into the arms of Russia's rival, the neighboring Ottoman empire. Following the 1917 Russian Revolution, Abkhazia became part of the Allied Union of Cossack Troops; between 1918 and 1924, it was part of the Mountainous Autonomous Soviet Socialist Republic. On March 31, 1921, the Soviet Socialist Republic of Abkhazia was declared; in February 1931, Abkhazia was made an autonomous republic within Georgia. On July 23, 1992, the Abkhazian parliament voted to replace the region's 1978 constitution with the constitution of 1921, which made Abkhazia a sovereign state.

About 93,000 ethnic Abkhaz (in Abkhazian, "Apswa") live in Abkhazia; although no reliable statistics are available, there is a significant Abkhaz diaspora in Turkey.[209] Abkhaz belong to the Abazgo-Circassian ethnic group. The Abkhaz language is part of the Abazgi division of the northwest branch of the Caucasic language family. It developed a literary language in the mid-nineteenth century using the Cyrillic alphabet; after periods of using the Latin and Georgian alphabets under Soviet rule, the Abkhaz language readopted Cyrillic in 1954. Traditionally, the dominant religion among Abkhaz was Sunni Islam; since the mass emigration of the majority of Abkhaz to Turkey in the mid-nineteenth century, however, most of those remaining by far are nominally Eastern Orthodox Christians, although it is not known how many are practicing.

TRANSLITERATION

Some locations in Abkhazia bear various names for speakers of various languages. The regional capital, for example, is "Sukhum" in Abkhaz, "Sokhumi" in Georgian, and "Sukhumi" in Russian. For the sake of simplicity, Russian transliterations are used throughout this report. No linguistic preference is thereby implied. This report uses the Library of Congress system of transliteration.

---

[208] *Natsional'nyi sostav naseleniia SSSR po dannym vsesoiuznoi perepisi naseleniia 1989g.*, Moscow: "Finansy i statistiki," 1991, p. 114.

[209] The Turkish Embassy in Washington, DC had no information about Turkey's Abkhaz population. The American-Abkhazian Center reports that some 400,000 Abkhaz live in Turkey, with another 30,000 in the North Caucasus.

APPENDIX 2: EXCERPTS, LETTER OF HUMAN RIGHTS WATCH/HELSINKI TO RUSSIAN PRESIDENT BORIS YELTSIN

APPENDIX 3: LETTER OF HUMAN RIGHTS WATCH/HELSINKI TO GEORGIAN HEAD OF STATE AND PARLIAMENTARY CHAIRMAN EDUARD SHEVARDNADZE