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**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE
COUNCIL'S ATTENTION**

**Note verbale dated 9 September 2008 from the Permanent Mission
of the Russian Federation to the United Nations Office at Geneva
addressed to the Secretariat of the Human Rights Council**

The Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Human Rights Council and has the honour to enclose the comments* on the situation in South Ossetia.

The Permanent Mission of the Russian Federation requests the Secretariat to circulate the present note verbale and its annex as a document of the ninth session.

* The comments are reproduced in the annex to the present document and are circulated as received, in the language of submission only.

Annex

COMMENTS IN CONNECTION WITH THE SITUATION AROUND SOUTH OSSETIA

The Georgian leadership, in violation of the UN Charter and their obligations under international agreements and contrary to the voice of reason, on the night of 8 August 2008 unleashed an armed conflict victimizing innocent civilians. The most inhuman way was chosen to achieve the objective - annexing South Ossetia through the annihilation of a whole people.

That was not the first attempt to do this. In 1991, President Gamsahourdia of Georgia, having proclaimed the motto "Georgia for Georgians" ordered attacks on the towns of Sukhum and Tskhinval. The result then was thousands of killed people, dozens of thousands of refugees and devastated villages. And it was Russia who at that time put an end to the eradication of the Abkhaz and Ossetian peoples. Our country came forward as a mediator and peacekeeper insisting on a political settlement. In doing so we were invariably guided by the recognition of Georgia's territorial integrity.

Peacekeeping forces in South Ossetia and Abkhazia were created, respectively, in 1992 and 1994, along with the institutional infrastructure to facilitate, with Russia's mediation, confidence building, social and economic rehabilitation and the solution of issues related to political status. Those steps were supported by the UN and the OSCE which got involved in the work of the relevant mechanisms and sent their observers to the zones of conflict.

In spite of certain difficulties, peacekeeping and negotiating mechanisms did work helping to bridge positions and to achieve concrete agreements.

However, prospects for settlement which was already in sight were ruined when, at the end of 2003, the political power in Georgia was taken, by way of a revolution, by Mikhail Saakashvili who immediately started to threaten to use force to solve the South Ossetia and Abkhazia problems.

In May 2004, special forces and troops of the Internal Ministry of Georgia were deployed in the zone of the Georgian-Ossetian conflict, and in August that year Georgian troops shelled Tskhinval and tried to take it. With active mediation of Russia, the then Prime Minister of Georgia Zurab Zhvania and the leader of South Ossetia Eduard Kokoity signed a cease-fire protocol and, in November 2004, a document on ways to normalize relations in a step-by-step manner.

After the mysterious death, in February 2005, of Zurab Zhvania, who was a responsible politician, Mikhail Saakashvili categorically rejected all the previously achieved agreements. That was also the case with regard to the Abkhazian settlement on the basis of the Cease-Fire and Disengagement Agreement signed in Moscow on May 14, 1994. In accordance with the Agreement, collective peacekeeping forces were deployed in the zone of the Georgian-Abkhazian conflict. In addition, the UN Observer Mission in Georgia and the Group of Friends of the UN Secretary General on Georgia were established.

Having brought, in 2006, the Georgian military contingent into the Upper Kodori Gorge in violation of all the UN agreements and decisions, Mikhail Saakashvili disrupted the emerging progress in the settlement process within these mechanisms, including the implementation of the agreements of March 2003 between Vladimir Putin and Eduard Shevardnadze on joint efforts to bring back refugees and establish the railway communication between Sochi and Tbilisi.

Mikhail Saakashvili continued to overtly ignore Georgia's commitments and arrangements within the UN and OSCE and established puppet administrative institutions for Abkhazia and South Ossetia so as to drive the final nail into the coffin of the negotiating process.

All years of Mikhail Saakashvili's rule were marked by his absolute inability to negotiate, continuous provocations and staged incidents in the conflict areas, attacks against Russian peacekeepers, disparaging attitude towards democratically elected leaders of Abkhazia and South Ossetia.

Since the outbreak of the conflicts in Abkhazia and South Ossetia in early 1990s, as a result of Tbilisi actions, Russia has been doing its utmost to contribute to their settlement on the basis of recognition of the territorial integrity of Georgia. Russia has taken this position despite the fact that the proclamation by Georgia of its independence violated the right of Abkhazia and South Ossetia to self-determination. In accordance with the Law of the USSR "On the procedure for addressing the issues related to the secession of a Union's Republic", autonomous entities that formed part of Union's Republics were entitled to resolve themselves the issues of their stay within the Union and their state legal status in case of the secession of the Republic. Georgia prevented Abkhazia and South Ossetia from exercising that right.

Nevertheless, Russia consistently followed its policy, performed its peacekeeping and mediating functions in good faith, and sought to contribute to attaining peace agreements, showed restraint and patience in case of provocations. Our positions remained intact even after the unilateral declaration of independence by Kosovo.

By the aggressive attack against South Ossetia on the night of 8 August 2008, which resulted in numerous human losses, including among the peacekeepers and other Russian citizens, and by the preparation of a similar action against Abkhazia, Mikhail Saakashvili has himself put paid to the territorial integrity of Georgia. Using repeatedly brutal military force against the peoples, whom, according to his words, he would like to see within his State, Mikhail Saakashvili left them no other choice but to ensure their security and the right to exist through self-determination as independent States.

It is hardly possible that Mikhail Saakashvili did not realize the consequences with which an attempt to resolve the Abkhaz and South Ossetian conflicts by force was fraught. As early as in February 2006, he said in an interview: "I will never give an order to start a military operation. I do not want people to die since blood in the Caucasus means blood not even for decades but for centuries". Thus, he knew what he was doing.

One should not forget about the role of those who have been conniving all those years with the military regime of Mikhail Saakashvili, who have been discouraging him from assuming obligations not to use force, who have been fostering a feeling of impunity in him, inter alia, as regards his authoritarian actions aimed at stamping out dissent in Georgia. We are concerned about the fact that some failed to draw objective conclusions from the aggression. What is more disturbing, the USA and some European states promise Mikhail Saakashvili protection of NATO, call for rearming the Tbilisi regime and even start to deliver new shipments of weapons. This is an overt invitation to new reckless ventures.

Taking into account the appeals of South Ossetian and Abkhaz peoples, of the Parliaments and Presidents of both Republics, the opinion of the Russian people and both Chambers of the Federal Assembly the President of the Russian Federation decided to recognize the independence of South Ossetia and Abkhazia and to conclude treaties of friendship, cooperation and mutual assistance with them.

Making this decision, Russia was guided by the provisions of the Charter of the United Nations, the Helsinki Final Act and other fundamental international instruments, including the 1970 Declaration on Principles of International Law concerning Friendly Relations among States. It should be noted that in accordance with the Declaration, every State has the duty to refrain from any forcible action which deprives peoples of their right to self-determination and freedom and independence, to adhere in their activities to the principle of equal rights and self-determination of peoples, and to possess a government representing the whole people belonging to the territory. There is no doubt that Mikhail Saakashvili's regime is far from meeting those high standards set by the international community.

Russia has sincere good and friendly feelings towards the Georgian people, and is confident that Georgia will eventually find worthy leaders who would be able to show proper concern over their country and develop mutually respectful, equal, and good-neighborly relations with all the peoples of the Caucasus. Russia will stand ready to contribute to this in every way.

Humanitarian relief efforts in South Ossetia

Due to the timely and large scale relief efforts of the Russian Federation provided through EMERCOM of Russia to the civil victims of war the humanitarian situation in South Ossetia is improving, vital infrastructure facilities have been restored and put into operation in Tskhinval. As a humanitarian and security situation in South Ossetia is being stabilized the refugees have started returning back to their homes. 29108 refugees have returned to South Ossetia from the Russian territory, starting since August 12, 2008.

Due to the fact, that no more refugees are need to be accommodated in temporally shelter facilities on the territory of the South Federal District of the Russian Federation, all these facilities have been closed. 6828 refugees are currently staying with relatives on the territory of North Ossetia.

The emergency phase is over and operation has turned to the recovery phase. The main part of relief items being delivered to the region now consists of construction materials to be used for reconstruction of Tskhinval city and destroyed villages.

8007 MT of relief items have been delivered to North Ossetia, including 2495 MT of food, 637 MT of potable water, about 100 MT of medicines and medical equipment, 58 generators, 26 water purification units, 748 large tents, 3206 MT of construction materials, 1147 MT of fuel.

7200 MT of relief items have been delivered to Tskhinval (South Ossetia), including 2519 MT of food, 721 MT of potable water, 99 MT of medicine, 31 MT of medical equipment, 2784 MT of construction materials, 260 large tents, 45 generators, 21 water purification units, one mobile gas station and 160 gas cylinders, 50 MT of fuel, 667 MT of other goods and materials.

One bakery is working since August 13, 2008 and since August 25, 2008 increased its capacity up to 14 MT of bread per day.

The mobile medical group with a field hospital of EMERCOM's South Regional Center has been operating since August 31, 2008. All together in three field hospitals since August 10, 2008 863 persons received medical assistance and 115 surgeries have been performed.

Temporary shelter facility (tent camp) for 1000 persons has been set up in Tskhinval. Additionally 3 stationary shelter facilities for 200 persons have been set up in Tskhinval.

Three hot food and potable water distribution points for the affected population are functioning in Tskhinval.

EMERCOM of Russia de-mining team is clearing Tskhinval from unexploded ordinances (UXO). As of September 1, 2008, they found and carried out disposal of 1850 pcs. of UXO.

314 buildings are to be restored in Tskhinval. 51 schools (7 schools in Tskhinval and 44 in other settlements of South Ossetia) have been opened on September 1, 2008. The operative group of EMERCOM of Russia since August 26, 2008 has started to make daily control under recovery of 58 main buildings in Tskhinval.

Russian rescuers deployed to Tskhinval are continuing urban search and rescue operations in collapsed buildings, sink cellars and burned villages. Extraction of the dead bodies and their identification is being carried out. Additionally 43 settlements around South Ossetia have been monitored by search and rescue teams, together with providing food, potable water, medicine and checking the places for UXOs.

A group of psychologists from EMERCOM of Russia has treated 7134 people. Experts of EMERCOM of Russia have checked and conducted resilience tests in 901 damaged buildings in Tskhinval.

International response

Government of Kazakhstan airlifted 9 MT of relief items (medicines, food, bedding kits) to Vladikavkaz on August 15, 2008 and delivered by railroad 36 MT of construction materials, and 64 MT of other needed humanitarian items.

Government of Belarus has dispatched 63 MT of relief items (food, soap, blankets), transported by truck convoy, which came to Tskhinvali on August 19, 2008.

Swiss Agency for Development and Cooperation is distributing 700 kits of children clothes in North Ossetia among refugees and financing work of a group of psychologists treating children (refugees) in North Ossetia.

UNHCR airlifted 15 MT relief items (jerry cans, blankets, kitchen sets, mattresses) to Vladikavkaz from Belgrade by one flight on August 19, 2008. The second flight carrying additional 15 MT relief items (jerry cans, blankets, mattresses) landed in Vladikavkaz on August 20, 2008.

WFP together with EMERCOM of Russia since August 24, 2008 has started to provide food items (buckwheat, oil and sugar) to the refugees, who are coming back to South Ossetia. The distribution point is deployed in the town Alagir. It's planned to distribute up to 208 MT of food.

Government of Uzbekistan airlifted 31 MT of relief items (medicines, potable water, food, clothes, bedding kits) to Vladikavkaz on August 19, 2008. Additionally 250 MT of construction materials will be delivered to Tskhinvali by rail.

From Ukraine (Donetsk) truck convoy delivered on August 24, 2008 to Vladikavkaz 100 MT of food for the population of South Ossetia.
