

FORGOTEN PEOPLE, BUT NEVER FORGOTEN CRIMES IN THE WAR IN ABHAZIA THROUGH THE PRISM OF THE PAST

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Abstract

The fall of the Berlin Wall on November 9, 1989, during the Peaceful Revolution, was a historic turning point in world history. New states were "reborn" in peace, and, in some cases, new bloody conflicts unfolded. For some countries in Europe, it brought more devastation than peace.

The brutal 1992–93 ethnic war in Abkhazia is a conflict largely forgotten by the West. Forced relocations of population based on ethnicity have been an essential component of the conflict. The Abkhaz war is a particularly egregious example of this fact in former Soviet countries. The paper will shed light on the ethnic cleansing of the Georgians in Abkhazia, also known in Georgia as the genocide of Georgians in Abkhazia. We will also make comparisons with the cases of ethnic cleansing throughout history with the same component: eradicating the uniqueness of the people, their unique alphabet, their unique culture, and their unique religion.

Keywords: ethnic cleansing, genocide, international law, denial and impunity

Introduction

Social scientists are once again discussing the nature and importance of ethnicity in modern society as a result of the recurrence of hostilities centered on ethnic claims in the Balkans, the Caucasus, Africa, and South Asia.

Both sides have frequently been unable to make logical political decisions because of their conviction that their claims have historical validity, that their nation is superior, and that their purpose is special. Between August 1992 and October 1993, conflict that resulted in a large number of casualties, refugees, infrastructure and trade routes destruction deeply affected not only the populations of Georgia and Abkhazia but also the other minorities.

It is very hard, almost impossible to make an attempt to be a judge between the irreconcilable opinions of the parties to the Abkhaz-Georgian conflict.

I strongly believe that no matter how much has been written and how much research has been done; the Abkhaz-Georgian conflict has yet to be adequately described.

More than 30 years after the breakup of the Soviet Union, these remaining four* conflicts remain unresolved and all could erupt into armed conflict, as the 2008 war in South Ossetia demonstrated.

* Nagorno-Karabakh, Moldova's region of Transnistria and two Georgian provinces, Abkhazia and South Ossetia

The international community has maintained a policy of territorial integrity, but also adheres to the democratic principle of self-determination. In these breakaway provinces, these two important principles of international law don't always mesh, especially when borders were drawn by a totalitarian state as part of a "divide and rule" philosophy. To find peace, regional leaders and international facilitators, including the EU, Russia and the U.S., will need to compromise to find a balance acceptable to all parties.

As Albert Einstein once said: "Peace cannot be kept by force; it can only be achieved by understanding.

"The granting of autonomous status to minority populations has gained support among academics and practitioners alike as a way to solve, manage, and even preempt ethnic conflict. In spite of the enthusiasm for ethno federalism, however, the provision of autonomy to minorities may actually increase rather than decrease the likelihood of conflict. Under certain political conditions, autonomy promotes the separate identity of the minority and increases its motivation and capacity to seek separation from the central state. Autonomy, by empowering ethnic elites with control of state institutions and by enhancing factors such as leadership, economic viability, and external support, played a crucial role in the escalation of the conflicts in Abkhazia and South Ossetia"¹

How one understands Georgians and Abkhaz as parties to the conflict (the Georgian people in the ethnic sense, the Georgian political elite, the Georgian state, the Abkhaz ethnocracy, the multinational people of Abkhazia, etc.) is a problem in itself.

"Conflicts like the one in Abkhazia are routinely called ethnic conflicts by Westerners. However, neither word (ethnic or conflict) is usually accepted by the parties themselves. Georgians, for example, are very unwilling to use this term and resent when others use it because they believe it implies a kind of anti-Georgian prejudice. It is not an ethnic conflict but a political conflict, they insist. And while I know less about the Abkhaz reaction to this term, I rather doubt that the Abkhaz are any happier with it than the Georgians."²

In addition to Nagorno-Karabakh, Moldova's region of Transnistria and two Georgian provinces, Abkhazia and South Ossetia, remain locked in a state of "frozen conflict" with the post-Soviet countries under whose nominal sovereignty they fall. To most of the world, NagornoKarabakh, Transnistria, Abkhazia and South Ossetia remain recognized territories of Azerbaijan, Moldova and Georgia, respectively. But each has declared its independence and established de-facto elected governments, though all remain at least partially dependent on support from foreign sources, mostly Russia. "The existing status quo of 'no peace, no war' permits the consolidation of the separatist regimes, encouraging their transformation into effectively independent state-like structures," says Cesclav Ciobanu, a former Moldovan deputy foreign minister, who

¹ Cornell, Svante E. "Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective." *World Politics*, vol. 54, no. 2, 2002, pp. 245–76. JSTOR, <http://www.jstor.org/stable/25054184>

² Nodia, Ghia, UC Berkeley Recent Work Title Causes and Visions of Conflict in Abkhazia <https://escholarship.org/uc/item/4qr0m8wn>, 1997-12-31

acted as an envoy for former Soviet leader Mikhail Gorbachev in the early days of the Transnistria and Nagorno-Karabakh conflicts.

No matter that the world continues to seek peaceful settlements of regional stalemates.

Continuation of frozen conflicts hampers regional development, trade and economic growth, making losers of all parties.³

Most ethnic groups, most of the time, pursue their interests peacefully through established political channels. But when ethnicity is linked with acute social uncertainty, a history of conflict, and fear of what the future might bring, it emerges as one of the major fault lines along which societies fracture.' Vesna Pestic, a professor at the University of Belgrade and a peace activist in the former Yugoslavia, says it well: ethnic conflict is caused by the "fear of the future, lived through the past."⁴

The Conflict's Origins

The reasons for the conflicts over Abkhazia and South Ossetia predate the breakaway hostilities of the early 1990s by a significant amount of time. The admission of Georgia, Abkhazia, and South Ossetia into tsarist Russia as well as their eventual integration into the Soviet Union's federal system based on ethnicity were already contentious processes.

Tensions over questions of autonomy and status persisted throughout the Soviet period. Especially in Abkhazia protest movements calling for greater political and cultural independence from Tbilisi emerged at repeated intervals.⁵

The Georgian elites in turn railed against Russian dominance. In conflicts with Georgia, Abkhazia and South Ossetia sought backing and support from Moscow, which found itself in the convenient position of being able to play all three parties off against each other.⁶

Georgia, Abkhazia, and South Ossetia consequently became deeply intertwined in a web of discriminatory mechanisms in which they all played a role as both victim and offender.

Since the turn of the 20th century, the Abkhaz have been a minority in their own region. Up to 500,000 Abkhaz and numerous members of other Caucasian communities immigrated to the Ottoman Empire during the wars that accompanied the Caucasus' absorption into tsarist Russia in the second half of the nineteenth century.⁵ The tsarist empire also moved Balts, Greeks, Armenians, and Russians to Abkhazia at the same period.

According to the Soviet census Abkhazia had about 525,000 inhabitants in 1989, of whom about 17 percent were Abkhaz, 47 percent Georgians, 14 percent Armenians, 13 percent Russians and 10 percent other

³ Markedonov, Sergey. "The Conflict in and over Abkhazia." "Frozen Conflicts" in Europe, edited by Anton Bebler, 1st ed., Verlag Barbara Budrich, 2015, pp. 71–106. JSTOR, <http://www.jstor.org/stable/j.ctvdf0bmg.9>. Accessed 4 Sept. 2023.

⁴ Vesna Pestic, Remarks to the Institute on Global Conflict and Cooperation (IGCC) Working Group on the International Spread and Management of Ethnic Conflict, October 1, 1994

⁵ Christoph Zürcher, *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus* (New York, 2007), 120f.

⁶ Ronald Grigor Suny, *The Making of the Georgian Nation* (Bloomington, 1994), 304ff

nationalities. Even if much of the Georgian population was concentrated in Gal/i, the population was mixed across the Autonomous Republic of Abkhazia.

The 1992–1994 Wars of Secession during the collapse of the Soviet Union these conflicts erupted into bloody wars between a nationalist Georgian government under President Zviad Gamsakhurdia and secessionist movements in South Ossetia and Abkhazia.

Previously, within the Georgian Soviet Socialist Republic, which was a component of the Soviet Union, Abkhazia was an autonomous republic. The ethnic Abkhaz population of Abkhazia wanted to remain a part of the Soviet Union or become independent rather than join Georgia after the Soviet Union collapsed and that country won independence. Georgia, on the other hand, refused to grant Abkhazia even a small amount of autonomy because of nationalist policies under its first president Zviad Gamsakhurdia.

The fact that ethnic Georgians made up 45.7% of Abkhazia's population, compared to 17.8% Abkhaz, made the situation worse. The Georgian military sent soldiers to Abkhazia on August 14, 1992. It quickly conquered a sizable portion of the country, including the capital Sukhumi, thanks to its superior military and element of surprise. After winning the Battle of Gagra on September 26, 1992, the Abkhaz swiftly grew stronger with help from troops from the North Caucasus and Russia (after 2 October 1992) and support from the ethnic Russian and Armenian minorities in Abkhazia.

Following it, cease-fire pacts were established and then breached on numerous occasions. All Georgian soldiers were expelled from Abkhazia by the Abkhaz after a surprise attack on two fronts on September 16, 1993. Abkhazia achieved de facto independence as a result of its triumph. Since then, the conflict has been referred to as "frozen," as there hasn't been any return to extensive fighting. Tensions have persisted due to the ongoing debate over Abkhazia's status, with violent incidents occurring sporadically and a resumption of hostilities always a possibility.

While we explore the roots of the Georgia-Abkhazia we have to point out that there is no commonly accepted analysis of the conflict and that each explanation carries its own specific political implications.

There were 500,000 people living in Abkhazia prior to the war of 1992–1993. In the 1970s and 1980s, that picturesque area between the Black Sea and the Caucasus Mountains attracted millions of tourists each year to enjoy its beaches and subtropical climate, the region was referred to as the Soviet Riviera. Its cultivation offered tobacco, priceless forests, and citrus fruits to Soviet markets. However, at the end of the 1980s, this tranquil region in the Soviet Union descended into bloody warfare, and Abkhazia came to represent how Soviet policies had failed to take into account conflicting ethnic claims.

Why did this Soviet policy go awry, and why did Abkhazia in particular become the setting of a violent conflict that claimed thousands of lives?

According to Soviet nationalities policy, the major nationalities that made up the Soviet state were given political status and were organized in a federal system with a hierarchy. They were ranked according to a variety of criteria, including population size, geography, and political leverage with the Communist Party elite.

The union republics held the greatest position in the Soviet ethnofederal structure, followed by the autonomous republics and, in third place, the autonomous regions. Depending on the situation and the

political preferences of the Moscow party leadership, the political status of any unit may vary over time. Every national group that had been granted the ability to form one of these entities was known as that nation's "titular nation."

The Abkhaz were thus the titular nation of the Autonomous Soviet Socialist Republic of Abkhazia and the Georgians the titular nation of the Soviet Socialist Republic of Georgia.

In Georgia and Abkhazia, the legitimacy of the Soviet federal hierarchy was challenged by all sides. Georgian nationalists considered autonomy as a Soviet instrument to divide and rule its dependencies in the South Caucasus.

The Abkhaz were seen by the Georgians as being distinct. As long as the rights of the Georgian community in Abkhazia were greatly expanded, they had the right to maintain their position as an indigenous people in terms of politics. The Abkhaz titular nation, which made up about 18% of the population, was being challenged by Georgians, who made up about 45% of the population. The political elite in Tbilisi could not find any justification for not upholding and even enforcing the Soviet hierarchical structure following the country's declaration of independence.

The politically privileged position of the Abkhaz minority was unacceptable to them. The leaders of the Abkhaz national movement refused to acknowledge the authority of the Georgian political leadership in Tbilisi and before the dissolution of the USSR had already striven to upgrade Abkhazia's status from autonomous republic to union republic. After its dissolution they demanded equal status with Georgia in a loose federative framework.

According to extreme Abkhaz activists and Georgians, this partial secession from the Georgian state would have opened the door for full secession and the creation of an independent Abkhaz state. The war of 1992–1993 saw the height of the political strife between the two main nationalities of Abkhazia, with Georgian troops—most of which were paramilitaries—intervening.

They were forced out by Abkhaz forces assisted by Russian forces and North Caucasian nationalist groups. Following this victory, the Abkhaz government made an effort to strengthen their power by altering the demographics. Most of the Georgian residents of Abkhazia left for Georgia, and those who did so were considered internally displaced people (IDPs) and were not allowed to go back.

To this date no solution has been found to the political and humanitarian dilemmas at the heart of the conflict. In 1993, Russian forces were stationed on the line of cease-fire between the sides; they were formally renamed the CISPKF in 1994. Although the United Nations has sent military observers to the area of hostilities and is mediating between the two parties with Russia serving as a mediator, discussions on the political status of the region have not yielded any notable progress.

The conflict may be seen primarily as a consequence of conflicting views and of existing fears with regard to the preservation of language, culture and national identity. The Georgians feared the Russification of Abkhazia by cultural means and the loss of the 'historical' Georgian character of this region.

The Abkhaz were worried that the completion of the Georgianization of Abkhazia, which in their perspective had already advanced sufficiently during the Soviet regime, would result from the integration of Abkhazia into a Georgian framework.

They feared Georgianization because they saw it to be a sort of "colonization" that would exclude the Abkhaz from political power in their own country and restrict their liberties.

And if the mindset of both Abkhazi and Georgians was that political sovereignty was the only way to defeat the fear of extinction. The concept of shared sovereignty had little practical applicability for the politicians of both parties, whose knowledge of politics was restricted to Soviet politics.

Those who attribute the struggle to a fear of cultural extinction highlight how political elites view nationhood from an ethnic and cultural perspective.

The concept of the Georgian and Abkhaz nation, which is founded on shared ancestry, language, and religion, developed as a result of the modernization of the area towards the end of the nineteenth century.

The ethnic aspect of Georgian and Abkhaz nationalism, which was destined to have explosive effects as the communist regime disintegrated, is considered as the conflict's foundation.

Geopolitical perspective

From a geopolitical perspective, the Russian and Soviet governments, in a last-ditch effort to maintain their dominion on their southern frontiers, were the ones who initially instigated the battle between Georgians and Abkhaz. Therefore, Moscow holds the secret to resolving the issue. This theory is predicated on the idea that the imperial hegemony of the center over the periphery has persisted from the Tsarist period through the Soviet and Russian political eras.

The conflict between Georgians and Abkhaz should be understood as the result of an intentional divide and rule policy formulated in Moscow because it is so harmful to the interests of both communities. To exact retribution on the Georgian leader Eduard Shevardnadze, who in their eyes sold up all Soviet interests to the West while serving as the Soviet Union's foreign minister, pro-Abkhaz forces in Russia would have helped the Abkhaz secessionists in the years 1992–1993. Following its military loss in September 1993, Georgia's membership into the CIS and the placement of Russian bases on Georgian soil were both guaranteed by this Russian imperial policy.

As the legal successor to the Soviet Union, Russia also assumed responsibility for the Soviet armed forces in 1992 – at the time specifically for their dissolution. This gave it control over military bases and weapons stocks throughout the entire territory of the former Soviet Union.⁷

The greatly weakened Russian state initially struggled to control and fund its armed forces. Former Soviet soldiers fought as mercenaries on all sides in the territorial conflicts that erupted during this phase in Moldova, Georgia, Azerbaijan and Tajikistan, and Soviet-era stocks fed a lucrative arms trade with the conflict parties.⁸

⁷ Carolina Vendil Pallin, *Russian Military Reform: A Failed Exercise in Defence Decision Making*, (London and New York, 2009), 74f

⁸ See for example Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London 2003), 202ff. According to Charles King, the 14th Army acted from the outset more as TMR's protector than as a neutral peace-keeping force. Charles King, *The Moldovans: Romania, Russia, and the Politics of Culture* (Stanford, 2000), 193ff.

In these ways the armed forces contributed greatly to the escalation of the secessionist wars. Moscow quickly began to instrumentalize the wars for its own political interests. In the armed conflicts over Abkhazia and Nagorno-Karabakh, Russian military support for the Abkhazians and for the Armenian side in the Nagorno-Karabakh conflict grew increasingly systematic as time went on. The objective was to put pressure on Georgia and Azerbaijan: ultimately, both joined the Commonwealth of Independent States (CIS) and accepted Russian military bases remaining on their territory.⁹

Georgian perspectives

According to the Georgian government, Abkhazia is legally a part of Georgia and has autonomy inside. This stance is in part supported by Georgia's recognition of the legitimacy of the Soviet constitution, which established the Abkhaz ASSR as a constituent republic of the Georgian SSR. Georgia, as it was defined by its Soviet borders, was acknowledged by the international world as one of the USSR's successor republics. Although the sides do not completely recognize the validity of the Soviet institutional system, this legal reality nonetheless influences how the conflict is perceived on a global scale.

The autonomous Georgian Democratic Republic of 1918–21, which was acknowledged by a number of Western nations and Communist Russia, is where the modern Georgian state gets its legitimacy. The Georgian Constitution of 1921 guaranteed Abkhazia's autonomy, making it a member of that state. Due to Georgians' view that Communist Russia's conquest of their country in 1921 constituted an act of military aggression; Georgian independence was restored in 1991 as opposed to being established from scratch.

This is significant because Abkhaz claims to independence are founded in part on the assumption that Abkhazia's status as part of Georgia was determined arbitrarily by Joseph Stalin, an ethnic Georgian, in 1931 and might therefore be viewed as an act of Georgian aggression. Georgians insist that because all changes to Abkhazia's status and ethnic makeup were brought about by a foreign occupying power, Georgia cannot be held accountable for them. They acknowledge that Abkhazia was demoted as a result of the 1931 decision but maintain that the region was never truly independent of Georgia during the Soviet era.

Georgia justified the need to protect communications links in the conflict between the new Shevardnadze government and supporters of President Gamsakhurdia as justification for its deployment of troops in Abkhazia in August 1992.

The Georgian government did not officially recognize the Ardzinba administration because of the violence and ethnic cleansing that nearly drove all ethnic Georgians out of Abkhazia, but it acknowledged that Ardzinba was the only party who might engage in negotiations. The two primary issues that require discussion are the repatriation of refugees and the political situation in Abkhazia; Georgia places more emphasis on the latter.

An Abkhaz perspective

Georgia and Abkhazia have been negotiating to resolve their differences since 1993, but these efforts have failed, leaving their relations in a state of "neither war nor peace." In fact, it seems that Abkhazia and

⁹ Celeste Wallander, "Conflict Resolution and Peace Operations in the Former Soviet Union: Is There a Role for Security Institutions?", in *The International Dimension of Post-Communist Transitions in Russia and the New States of Eurasia*, ed. Karen Dawisha (Armonk, 1997): 101–22 (104ff.).

Georgia are more apart now than they were in April 1994, when the Quadripartite Agreement and the Declaration on Measures for a Political Settlement of the Georgian-Abkhaz Conflict were signed, when they first attempted to establish a political agreement.

The main topics of discussion during negotiations have been the resolution of the political and legal situation between Abkhazia and Georgia as well as the repatriation of Georgian refugees. The perspectives on the first issue are based on principles that are completely at odds with one another. Abkhazia is regarded by Georgians as an integral part of their country, with the potential to become an autonomous republic. The Georgian state, which is already burdened by its lack of control over Adjara and Javakheti, not to mention South Ossetia, could further disintegrate under any other arrangement, according to the Georgian point of view.

Since Abkhazia was forcibly incorporated into Georgia by Stalin's regime in 1931, the Abkhaz claim that the fall of the USSR and Georgia's subsequent unilateral annulment of the legal measures uniting the two countries into one republic merely confirmed Abkhazia's moral and legal right to independence.

Furthermore, the Abkhaz assert that de facto independence has been achieved as a result of the war Georgia started in 1992. The Georgian side declared the inviolability of the former Soviet Republic of Georgia's territorial integrity and the impossibility of any internal reorganization of Georgia on federalist principles from the commencement of the conflict.

The Abkhaz representatives did not express their views in such clear terms. Because of persistent pressure from the West and Russia during the negotiation process, including the threat of force, it was unclear at that time whether Abkhazia has been seeking independence or confederal relations with Georgia. Most of the UN Security Council's resolutions have been overtly pro-Georgian. This is a reflection of the bias present in the UN-sponsored negotiations, to which Georgia belongs but Abkhazia does not.

Forced to consider compromise formulations accommodating both Abkhazia's sovereignty and the international community's demand for the observance of territorial integrity, Abkhazia has looked for a model within the framework of one entity. However, Abkhazia has insisted that negotiations be about the reconstruction of state and legal relations between the two republics rather than the political status of Abkhazia within Georgia.

The Abkhaz claim that Georgia accepted this compromise in two documents: first, the joint Declaration on Measures for a Political Settlement, which Georgia signed, and second, a draft plan drafted by UN Special Envoy Eduard Brunner in Geneva in April 1994. In his report dated May 3, 1994, UN Secretary-General Boutros Boutros-Ghali stated that "efforts are being made to find a solution within which Abkhazia would be a subject with sovereign rights within the framework of a union State to be established as a result of negotiations."

The joint Declaration stated that the parties had reached a 'mutual understanding regarding powers for joint action' in the fields of foreign policy and foreign economic ties, border guard and customs arrangements, transport and communications, ecology, energy and insuring human and civil rights. From the Abkhaz perspective this model of relations, based on mutually delegated competencies and the equal rights of subjects within the union state, could have served as the basis for a treaty. That it did not was underlined in

July 1997 when a draft protocol detailing the procedures regulating legal relations between the parties was prepared through Russian mediation.

The Georgians refused to sign at the last minute. They considered themselves to be the central authority of the union state with authority to delegate responsibilities to Abkhazia, while in the Declaration and in the Abkhaz view, authority within the union state should be derived from two equal subjects leading to the mutual delegation of competencies to the union state. Georgia has since advocated a federal model that differs little from the pre-war period.

For the last five years Georgian–Abkhaz negotiations have reflected the struggle between Russia and the West for spheres of influence over the perimeter of the Eurasian corridor. Declarations by both mediators that the conflicting parties should engage in direct dialogue and that only the parties themselves can decide the shape of their relations can hardly be taken at face value given the geopolitical context.

Nevertheless, there have been negotiations and increased direct contact between the parties, particularly at a high level, as well as between representatives of civil society. But while direct contact, including between the presidents and their envoys, has improved dialogue within limited confines it has not led to meaningful progress.

Atrocities committed during the Georgian-Abkhaz war in 1992-1993

The Georgia-Abkhazian conflict, which remains unresolved to this day, has already written its own history. The conflict began on August 14, 1992, and lasted 403 days. It was one of many hostilities sparked by the disintegration of the Soviet Union, and it was one of the bloodiest, most influential, most unsolved fights of the time. During the 1992-93 conflict, tens of thousands of civilians and soldiers lost their lives and about 300,000 people were displaced.

The Abkhazia war is commonly referred to as "the war between brothers".

Georgia's President Giorgi Margvelashvili stated in an interview dedicated to the 23rd anniversary of the Abkhazia war that "The war between brothers caused a huge human, material, financial and psychological loss."¹⁰

Throughout the conflict, both sides conducted attacks on civilians to create fear among ethnic populations and drive them out of specific areas. The conflict was also marked by the abuse of captured combatants and the practice of both sides capturing hostages.

The ruthlessness of the Georgian-Abkhaz conflict originated in part from the poorly trained and hurriedly assembled military formations. The ethnic Abkhaz received assistance by foreign fighters and relied on volunteers from other ethnic groups. Georgia depended on the National Guard (Mkhedrioni "(Horsemen"), various paramilitaries, and Georgian and Abkhazian volunteers. Human Rights Watch 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.

As a result of the systematic nature and displacing intent of the atrocities, the term "genocide" and "ethnic cleansing" has been frequently applied to the tragic events in Abkhazia. While both parties have violated human rights and humanitarian law, only the Abkhaz have been held accountable for deliberate, as opposed

¹⁰ https://agenda.ge/en/news/2015/1797?fbclid=IwAR3BrM6laQs63NS0XDcjK5BvVNvFvMG0-9vXYDB487j17tt0uzApD_qvChc

to accidental, displacement carried out as a military, strategic, and political objective in and of itself. But the most obvious is the brute fact of ethnic war. In the Abkhaz conflict, people have been killed, hostages have been taken, property has been plundered and destroyed, and entire populations were forced to flee from their homes on the basis of ethnicity.

Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter, 'Genocide Convention') defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. The crime of genocide as envisaged in the Criminal Code of Georgia¹¹ (hereinafter CCG), contains almost the identical definition to the one of Article 2 of the Genocide Convention.

The evidence shows that killings and mass executions occurred throughout Abkhazia between 14 August 1992 and 27 September 1993, as well as in May 1998, with the peak occurring during the fall of Gagra, Sokhumi, and Gali on 2-3 October 1992, 27 September 1993, and 20 May 1998, respectively. All of the killings and mass executions targeted the ethnic Georgian populace, whether they were men or women, children or the old, pregnant women or the disabled.

Most of the killings and mass executions followed a predictable pattern. Georgians were gathered in public locations and executed in small groups or in meticulously planned mass executions. They were humiliated, sexually molested, or tortured prior to their execution. Entire family were exterminated and their homes were burned down. Those who survived the ordeals told of Abkhaz fighters decapitating Georgian residents and playing football with their severed heads, hanging them on power poles, and so on. Those who survived the initial round of atrocities were slaughtered in the months and years that followed, as well as during the second wave of hostilities in the Gali district in 1998.

Some evidence suggests that the Abkhaz separatist government had a far-reaching strategic plan to ethnically remove the Georgian population from Abkhazia's territory as part of a meticulously planned genocidal strategy. Before the conflict began, the Abkhaz Autonomous Republic's legislation was changed, including the formation of the mono-ethnic Abkhaz National Guard and the military Battalion Aidgilara. These modifications aimed to limit Georgia's jurisdiction and influence on Abkhazia, disassociate itself from Georgia as a state, and eventually become an independent state.

Unquestionably, despite changes in legislation that were clearly unconstitutional, this plan would not have realized while the ethnic Georgian population was in majority on Abkhazian land. As a result, the Abkhaz separatist government needed to eliminate the Georgian people from its region in order to fulfil their goal. This claim is supported by the fact that 267,345 displaced individuals were not restored to their homes following the cessation of hostilities. As a result, these actions of forcible removal might be seen as part of a genocidal purpose to kill the ethnic Georgian population to the extent necessary to ensure that the minority no longer occupied Abkhazia's territory.

By the fall of 1992, the Abkhaz had shifted from victims to violators. Taking advantage of Georgian troops' partial withdrawal in accordance with the Final Moscow Document of 3 September 1992, Abkhaz fighters moved quickly to occupy vacated Georgian positions and, in a mirror image of events in August, waged terror campaigns against the resident Georgian population with the vengeful intent of displacing them. The capture of all territory from the Gumista river to Georgia's border with the Russian Federation in October

¹¹ <https://matsne.gov.ge/en/document/view/16426?publication=253>

1992 was accompanied by systematic human rights violations, prompting an estimated 40,000 Georgians to flee across the border into Russia or to other parts of Georgia proper.¹² Ethnic Georgians who escaped from Sukhumi, were describing the atrocities seeing that 'neighbors were slaughtered by Abkhazians hunting for new homes,' who drove their lawful residents out at gunpoint, alleging that 'Georgians were no longer wanted.'

Faced with hundreds of thousands of Georgians who refused to leave their homes, the Abkhaz side conducted an ethnic cleansing campaign to remove and eradicate Georgians from Abkhazia. It is unclear how many people were killed during ethnic cleansing. According to the Red Cross, the conflict claimed between 10,000 and 15,000 lives and left over 8000 wounded.¹³ Between 200,000 and 250,000 Georgians were forced to leave from their homes.¹⁴ Ethnic cleansing operations in Abkhazia also affected Russians, Armenians, Greeks, some Abkhaz, and other ethnic minorities. More than 20,000 Georgian homes were destroyed. Hundreds of schools, kindergartens, churches, hospitals, and historic buildings have been plundered and destroyed.¹⁵

The Georgian Massacre in Abkhazia (Georgian: ქართველთა გენოციდი აფხაზეთში), refers to the ethnic cleansing, genocide, and forced widespread expulsion of thousands of Georgians who lived in Abkhazia during the period of during the Georgian-Abkhaz conflict of 1992–1993.

The Human Rights Watch report, written in 1995, outlined the war crimes and atrocities committed during the conflict. It concludes that "Human Rights Watch holds Abkhaz forces responsible for foreseeable wave of revenge, human rights abuse, and war crimes unleashed on the Georgian population in Sukhumi and other parts of Abkhazia, and these practices were indeed encouraged in order to drive the Georgian population from its homes."¹⁶

The 1994 US State Department Country Report describes scenes of massive human rights abuse, which were confirmed by Human Rights Watch findings. According to the US State Department's Country Report on Conflict in Abkhazia (Georgia), those fleeing Abkhazia presented highly authentic allegations of atrocities, such as killings of civilians regardless of age or gender. Corpses recovered from Abkhaz-held territory showed signs of extensive torture. Dzhuli Shartava, the ethnic Georgian Prime Minister of Abkhazia, was one such victim: his body was covered with severe bruising; his arms, legs, wrists, and feet had been broken; his nose had been mangled; his ears had been cut off; and his kneecaps had been shot before death reportedly for "refusing to kneel." An elderly Russian woman who had lived in Abkhazia for 35 years before fleeing her village on September 16 claimed that separatist soldiers kidnapped and executed nine residents after seizing control of the area. She discovered the body of her 30-year-old male neighbour, who had been severely beaten; splinters had been placed beneath his nails, and his skull had been smashed.¹⁷

¹² Mooney, Erin D. "Internal Displacement and the Conflict in Abkhazia: International Responses and Their Protective Effect." *International Journal on Group Rights*, vol. 3, no. 3, 1995, pp. 197–226.

¹³ "Country report Georgia/Abkhazia: ICRC worldwide consultation on the rules of war", (1999) (International Committee of the Red Cross),

[http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/Greenberg_reports/\\$File/georgia.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/Greenberg_reports/$File/georgia.pdf).

¹⁴ The International Crisis Group. Europe Report N°176 – 15 September 2006, page 23.

¹⁵ Georgia/Abkhazia: Violations of the Laws of War and Peace and Russia's Role in the Conflict, Human Rights Watch Report 7:7, March 1995, 22.

¹⁶ Human Rights Watch Report: Georgia/Abkhazia: Violations of The Laws of War and Russia's Role in The Conflict, March 1995, Vol. 7, No. 7

¹⁷ United States Department of State, U.S. Department of State Country Report on Human Rights Practices 1993 - Georgia, 30 January 1994, available at: <https://www.refworld.org/docid/3ae6aa508.html>

The Georgian Special State Committee, which was established to investigate the treatment of ethnic Georgians in Abkhazia, came to the conclusion that “according to the material gathered, it is proved that the Abkhaz separatists and their accomplices premeditated the genocide of the Georgian population”.

One of the main intentions of Abkhaz separatists in initiating the conflict was to exterminate or otherwise - eradicate the Georgian population from Abkhazia's territory. This goal has been achieved through the torture and execution of individuals, entire families, and large groups of innocent citizens using particularly brutal methods: public execution by decapitation, burning alive, torture, rape, and massive bombing of large, populated areas - primarily due to the victims' Georgian ethnicity.¹⁸

Throughout the conflict, the Security Council issued resolutions “condemning any attempts to change the demographic compilation of Abkhazia”¹⁹

The United Nations has expressed alarm about the violent ethnically driven displacement occurring in Abkhazia on multiple occasions, invariably in reference to non-Abkhaz victims. Following the Abkhaz offensive in September 1993, the Secretary-General stated that he had "been greatly saddened by the suffering inflicted on the innocent civilian population in the conflict area," as well as "alarming reports of atrocities and allegations of ethnic cleansing, which, if confirmed, deserve the international community's condemnation"²⁰ in response to the vast changes in ethnic makeup caused by the conflict. According to Georgia's permanent representative to the United Nations, genocide and ethnic cleansing occurred during and after the 1992-1993 war, leaving essentially no ethnic Georgians in Abkhazia today, or in numbers, from 47% Georgian population before the war to nearly 0%.²¹

In the book “International Society to bring a verdict on the tragedy of Abkhazia/Georgia”, the authors give very precise explanation for the genocide that occurred during the war. The ethnic cleansing and genocide that occurred in the Autonomous Republic of Abkhazia in 1992-1993 can only be likened to the wholesale massacre of the Jewish people (and not only them) by Fascist Germany during World War II, and so we can name it Holocaust N2. This comparison, however, is conditional. The point is, in light of the incredible tragedy that has occurred in Abkhazia, Nazi murderers and cruel eaters appear to be "humanists" and "merciful creatures." True, Holocaust N1 departs the scales of the catastrophe of the organized slaughter

¹⁸ Letter from [signature illegible], OSCE Division, Ministry of Foreign Affairs, Republic of Georgia, to Ms. Rogowska, Information Management Adviser, OSCE Office for Democratic Institutions and Human Rights (ODIHR), 28 March 1995. The letter was in reply to a request, made in accordance with the Document of the Budapest Review Conference, Dec. 1994, Chapter VII, para. 25 on 'Tolerance and non-discrimination', for member states to provide 'information regarding manifestations of intolerance, nationalism, chauvinism, xenophobia and anti-Semitism' in their states. See ODIHR, Note Verbale to the Representatives of the OSCE participating States, Warsaw, 20 Dec. 1994, No. 120/94.

¹⁹ S.C. Res. 896, U.N. Doc. S/RES/896 (Jan. 31, 1994).

²⁰ Report of the Secretary-General concerning the situation in Abkhazia, Georgia, para. 17, UNDoc.S/26551 (1993).

²¹ Letter from [signature illegible], OSCE Division, Ministry of Foreign Affairs, Republic of Georgia, to Ms. Rogowska, Information Management Adviser, OSCE Office for Democratic Institutions and Human Rights (ODIHR), 28 March 1995. The letter was in reply to a request, made in accordance with the Document of the Budapest Review Conference, Dec. 1994, Chapter VII, para. 25 on 'Tolerance and non-discrimination', for member states to provide 'information regarding manifestations of intolerance, nationalism, chauvinism, xenophobia and anti-Semitism' in their states. See ODIHR, Note Verbale to the Representatives of the OSCE participating States, Warsaw, 20 Dec. 1994, No. 120/94.

house in Abkhazia, but in terms of brutality and nonhuman behavior, Holocaust N2 has no analogues in the modern world.²²

CONCLUSION

Understanding the complex factors that drive individuals to engage in such unexpected acts requires a comprehensive analysis of their psychological, social, and environmental circumstances. Additionally, examining the influence of societal pressures and personal vulnerabilities can shed light on the underlying triggers behind these seemingly inexplicable behaviors.

Research on this topic, suggests that the deep-rooted animosity between different ethnic and religious groups played a significant role in fueling the conflicts that ultimately led to the disintegration of Yugoslavia. Furthermore, it highlights how historical grievances and unresolved tensions exacerbated this hatred, making it a formidable force that tore apart the nation. According to certain studies, the term "long time hatred" worked effectively in the case of Yugoslavia because multi-ethnic communities living on the territory had never coexisted. In the case of Abkhazia/Georgia, the Georgian population had to coexist with and adjust to the Adighean tribes who migrated in Abkhazia in the 16-17th centuries, as well as create excellent neighborly relations with them.

Following the disintegration of the Soviet Union and Georgia's declaration of independence in 1991, secessionist conflicts broke out in two of Georgia's regions: South Ossetia (1991-92) and Abkhazia (1992-93) which displaced over 360,000 people. The vast majority of IDPs are ethnic Georgians from Abkhazia, while about 60,000 are Ossets and ethnic Georgians who fled South Ossetia. Thirty years have passed since the war in Abkhazia, but ethnic Georgian refugees from the breakaway territory still remain in limbo. The forgotten people, with no home away from home and they can only try to retain their identity as Georgians from Abkhazia. After all, everybody wants to know where their roots lie.

Explaining the roots of the conflict in terms of legitimacy calls for the creation of a federative system – a 'common state' as it has been called in the negotiations – which would be based on the principles of equality, liberty and self-government for all major national communities. The legitimacy of such a federative arrangement would depend on the ability of both parties to make compromises that are acceptable to public opinion. Institutionalization on its own, however legally sophisticated, could not survive without popular support.

Abkhazia is overwhelmingly seen as a legitimate part of Georgia, and attempts to tear it off are connected to a (neo-) imperial Russian scheme, much as the Abkhaz see this as an expression of "Georgian imperialism," according to Georgians.

In Georgia, the Abkhaz are not the sole or even the biggest ethnic minority. In Georgia, there were more Russians, Ossetians, Armenians, and Azeris at the time the Soviet Union fell apart than Abkhaz. On the borders with Armenia and Azerbaijan, respectively, there are small pockets of people who are primarily Armenian and Azeri, although in Adjara the bulk of people are Georgians with a Muslim heritage. The

²² International Society to bring a verdict on the tragedy of Abkhazia/Georgia, Tbilisi – 2015, ISBN 978-9941-461-12-5

viability of the Georgian state, which has already shown itself to be weak and susceptible in its early years of independence, may be jeopardized if the Georgian state were to recognise the legality of Abkhazia's separation on ethnic grounds.

The status quo should be maintained for good pragmatic reasons. Concessions that go too far and are demeaning to the Abkhaz would be incredibly unpopular and jeopardize Georgia's political stability. Opinion polls reveal that while most people believe the economy to be the most pressing issue, giving up Abkhazia would not be popular and the great majority of refugees insist on returning. This may imply that there is not a strong commitment to Abkhazia but also that it is feasible to survive without a definitive resolution to the Abkhaz problem.

Georgians won't agree to major compromises until the alternative is clearly awful. But it is not absolutely clear in whose favor time is working. On the one hand, the more time Abkhazia spends functioning as an autonomous state, the more entrenched the status quo will become and the more Georgian refugees will perish, relocate elsewhere in Georgia, or give up on ever returning. The administration, on the other side, may contend that its "no peace, no war" approach is effective. The situation in Abkhazia is steadily getting worse and will continue to become worse due to international isolation and dubious future prospects, as political stabilization and economic growth rates seem to confirm, while Georgia heals and continues to develop.

Russian dominance is waning in the area as Western influence increases. This means that Georgia will eventually gain the upper hand in the power equation. If this pattern continues, the psychological impact of the war's trauma may diminish, and the appeal of rejoining Georgia rather than remaining an isolated region without prospects may grow among Abkhaz citizens. This argument suggests that the Abkhaz leadership will eventually have to accept a compromise.

International experience thus far supports both parties' current strategies. The aftermath of the break up of Yugoslavia has taught us that until the US gets involved, nothing occurs.

The leaders on both sides should realize that the political costs of failure to reach a settlement are greater than those of making unpopular concessions.

Until then, it pays to persist with current policy, not to take premature steps towards the other party, to improve your negotiating position, to look for more allies and to promote your cause in the West.

The viability of the ceasefire line and the point where the demands of the parties meet in the middle will determine the final settlement more so than concepts of fairness or international law.

Therefore, it would be helpful for all parties to focus on doable objectives in the near future, including a more active dialogue on fundamental security-related and humanitarian issues.

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