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Executive Summary

- The **2008 Khurcha incident** refers to the attack on buses in the Georgian village of Khurcha, near the ceasefire line with the internationally unrecognized breakaway region Republic of Abkhazia that has recently been recognized by the Russian Federation.
- The attack took place on Parliamentary Election Day May 21 2008 injuring 3 people.
- Despite Georgian accusations that the attack was carried out by Abkhazian separatists, subsequent investigations revealed, that it was most likely staged by the Georgian security services, confirmed by independent investigations.
- On May 22, the Norwegian Helsinki Committee and the Human Rights Centre of Georgia carried out an investigation on the attack. They determined that the buses had directly arrived to the football pitch, rather than proceeding first to a polling station in Zugdidi as claimed.
- Suspiciously the Georgian media had already been assembled at the scene before the incident took place. Moreover, Georgian security troops were immediately present at the scene of the incident even though Khurcha lies within the demilitarized zone, the nearest base being 15 minutes away.
- The investigators further determined that the attack had been launched from a distance of ony 100 meters from the Georgian side of the border, that is, the side opposite to the ceasefire line.
- Local eye witnesses all stated that they believed the attack had been staged by the Georgians rather than the Abkhaz as reported in the Georgian media.
- Another investigation was carried out by the Studio Reporter (an independent documentary producer) in Tbilisi. They produced a documentary about the incident stating that the attack was staged by the Georgian security service and backed this up with convincing evidence.
- Local residents reported, that they had been asked to come to the football field for a video shoot, without voting being mentioned.

Khurcha Incident: Deceiving First Impressions

The election period in Georgia was marred by media reports and speculations of external threats and aggression. During the Parliamentary elections of May 2008 two versions emerged. The version of international election monitors speaks of a problematic, yet mostly fair electoral process. However, the version of domestic election monitors speaks of violence, widespread voter fraud, and intimidation.

One incident stands out. On Parlimentary Election Day, 21 May 2008, Georgian media aired dramatic footage of an incident in the demilitarised zone bordering the separatist region of Abkhazia. Two buses and a group of voters were attacked with grenades in the village of Khurcha. According to the Georgian government, the attack was perpetrated by Abkhaz gunmen working in conjunction with Russian forces purportedly deployed as peacekeepers in the demilitarised zone.

As reported on Georgian State TV and Rustavi2, proxy forces of the Russian backed separatist regime of Abkhazia opened fire on two buses that were carrying voters wanting to participate in the Georgian Parliamentary Elections.

The story was immediately picked-up by local and international news and proved to be the major headline of the day, so much so that it overshadowed the highly controversial Election Day coverage. In short, two buses carrying ethnic Georgians from the Abkhaz side were hit by grenades.

Some otherwise trustworthy media reports outlined that - "...locals wanted to vote but the de facto authorities' nixed access to Georgian polling stations on the territory it controlled and blocked the bridge to the neighboring Georgian controlled region of Mingrelia. Georgian authorities offered those from the Gali region of Abkhazia the next best solution: If they could reach the Georgian-administered village of Khurcha on foot, buses would transport them to a special polling station established in Zugdidi, the main town of Mingrelia".¹

Government of Georgia Statement on Khurcha Incident - May 21, 2008

Georgia Update, Service of Georgian Government

"The Government of Georgia strongly condemns the unprovoked violent attack that took place today on peaceful citizens of Georgia seeking to exert their right to vote in Georgia's Parliamentary elections.

¹ Turkish Daily News, May 31, and Georgian 24 Saati (24 Hours) May 26, 2008

Today's attack against citizens from the village of Nabakevi, located in the separatist -controlled Gali district, took place as they were seeking to reach polling stations located in the city of Zugdidi, in the Samegrelo region.

The separatist authorities blocked all roads across the line of control, which can only be crossed on foot. At approximately 14:40 local time, the civilians walked across the line near the village of Khurcha and reached two buses waiting for them on the government side of the line of control. As they began boarding the vehicles, they came under attack by rocket-propelled grenades and small arms fire from a group of rebels. One of the buses was blown-up by a rocket-propelled grenade. Three women were injured in the attack, one seriously. Civilians were able to flee and are now being cared for by government officials. While the exact identity of the assailants is under investigation, the fire came from the direction of a separatist checkpoint.

The attack was conducted by a well-organized group employing a range of armaments. This suggests that the assailants acted with the collusion of at least some elements of the separatist rebels.

The Government of Georgia then condemned attempts to prevent citizens of Georgia from peacefully exerting their democratic right to elect their representatives; in particular today's violent shooting incident in the zone of conflict. The Government of Georgia calls upon the de facto authorities in Sukhumi to condemn this act of violence. The Georgian Government requests that UNOMIG conduct an immediate investigation into today's incident in order to find and punish the perpetrators."

Alternative Media Reports

The rare and dramatic event occurred at the very moment when numerous TV-reporters had been brought to the village for a pre-arranged media show, effectively taking media interest away from numerous reports of electoral irregularities and violent incidents coming in from all parts of the country.

Local eye-witnesses all stated that they believed this incident was staged by the Georgian (that is, their own) side, noting in particular the fact that the passengers were brought not to the voting station in the center of town, but to the football pitch, where numerous journalists had been brought in advance. It was unclear who organized the busing, and the rapidness at which the Georgian military arrived on the scene, and considering that grenades were fired from what was apparently the Georgian side of the conflict zone, a very short distance from the football pitch.²

² See: [url]http://www.humanrights.ge/index.php?a=article&id=2754&lang=en[/url

The initial response by many observers was that the incident was indeed disturbing. Many were confused by the fact that this incident occurred in a villages of the Zugdidi region, which is completely Georgian controlled. This realization compelled the question of: How could Abkhaz armed groups from the Gali region have entered a border village in Zugdidi, which is under the control of the Georgian authorities and security services, a part of Georgia that nobody doubts is Georgian controlled?

The Georgian Human Rights Centre, HRDC was doubtful of the official story, and by coincidence its representatives were in the region conducting Election Day monitoring activities. At first the blame was firmly placed in Georgian media reports on the threatening role that Russia and the Abkhaz separatists had played in the event.

The Norwegian Helsinki Committee introduced a report on the Khurcha incident two days later. The report raised disturbing questions regarding the authenticity of the official Georgian line that "separatists had actually attempted to kill innocent Georgians who wanted to participate in democratic parliamentary elections.³

Caucasus Reporting Service Reporting Impact Caucasus dated May 20'08, which was produced for listeners to an International War and Peace Reporting (IWPR) program about the bus blast. The report was conducted by IWPR staff in Tbilisi (30-Jun-08).

The report details how, "They were passing through Khurcha, a village located right on the border line between Abkhazia and Georgia's Samegrelo region, when both vehicles blew up. No one was killed, but several passengers were injured, two of them seriously. The Georgian government accused the authorities in the self-declared republic of Abkhazia of carrying out the attack to deter other ethnic Georgians in Gali from going to vote, and most of the country's media followed this official line. "Georgian media provided biased coverage of the incident in Khurcha," said Rusudan Pachkoria, a lawyer with the Legal Protection Institute based in Samegrelo.

Instead of apportioning blame, the report presented and examined information coming from various sources. Once source named Shonia commented that "... Together with several colleagues, I recorded a woman who witnessed the explosion. No one else went into depth and investigated the situation". Shonia said, "For me, it was a great boost that the editors don't even try to restrict my freedom..." The Accent program was syndicated and broadcast by several regional radio stations which cover most of Georgia. The first-hand information and unbiased angle of the story made many listeners rethink what they had been told by the mainstream media. "The [Georgian] television stations and newspapers claimed that Abkhaz terrorists were responsible for what happened," said Nunu Murjikneli, a regular Accent listener who lives in the city of Kutaisi in west-central Georgia. He further commented that "One only heard local officials

³ <u>http://www.nhc.no/php/files/documents/land/Georgia/nhc_election_report_Georgia.pdf</u>

and politicians commenting on the incident. It was only in the Accent program that I heard someone who had actually witnessed the incident.

The IWPR report gave me a clearer picture of what happened in Khurcha." Zugdidi journalist Irakli Lagvilava, who reported from the scene himself, explained how difficult it is to get media outlets to carry on-the-spot coverage of this kind – his own material was rebuffed by a number of outlets. Irakli Machitadze, Director of Radio Dzveli Kalaki, based in Kutaisi, "Until then, no one had ever approached local people to get eyewitness accounts. I think the most important thing is that thanks to IWPR, people have now found out the truth about what happened."⁴

Other reports were more emotive and replete with hyperbole. For instance freelance journalist Paul Rimple, who visited Khurcha for the purported purpose of detailing the sequence of events of the incident wrote, "The next leg of the assignment was to visit the hospital two women wounded in the attack were being treated.

"Good," we thought. "We'll finally talk to some witnesses."

I had been in this hospital several years ago, although it was vastly different then. It isn't anything like a Jacob's ladder nightmare sequence now. Everyone was eager to show us the women, however "see" was all we could do, as one woman was being prepared for operation while the other was sedated. About all we could scribble in our notebooks was "two wounded women in bed."

"It sure would be nice to talk to somebody that actually saw something," we said, when suddenly, a Rustavi-2 journalist, who had filmed the entire attack sequence, arrived at the hospital entrance. She began to describe her version of the event, which changed with every question put to her. First they shot from behind the Russian post, which someone told us earlier was approximately a kilometer away. Then they shot from behind some bushes in a corridor they had set up, then, then, then. "They had everything," she said. "Grenades, automatics, rockets."

"Who had?" I asked.

"The Abkhaz."

"How did you know they were Abkhaz?"

"Because their shoulder patches are different than ours."

"Did you see them?"

"....No."

⁴ The Accent reports are available (in Georgian) at <u>www.regionalreporters.net</u>

She showed us footage from their camera, although it didn't make things clearer. Women were hiding behind umbrellas, not to shield themselves from bullets, but from the camera. There was smoke, there was the sound of shooting, there was a wounded woman being stuffed into a Niva; there were green bushes and hazelnut trees. It was like Nam – the enemy was out there somewhere but we couldn't see them. But moreover, we hadn't a clue as to what the hell we were doing here in the first place.⁵

Nana Pajava, journalist working for the Human Rights Centre has interviewed several eyewitnesses at the scene of the incident. This is what eyewitnesses told to Pajava: Shorena Toria said, "Two men came to my neighbor; I did not see their faces. I only heard how they were asking Vardisha Esartia and her daughter, who are my neighbors to go to the football pitch where two buses were parked waiting to pick them up. I found out from their conversation that they wanted to organize as many people on site as possible. The intention was to film how Georgians living in Abkhazia were coming to Khurcha in order to participate in Parliamentary elections. My neighbors went as instructed and within 5 minutes the shooting broke out, which was then followed by explosions: we were very frightened and tried to escape..."

Vardisha Esartia similarly commented, "I and my daughter told these two men that we had already been to the polling station and cast our votes. They told me, "We know that, but we are asking you to help us. We want to film the process, and there are journalists and camera persons already waiting for us." We were not able to go to the football pitch as shooting had just broken out within a few minutes."

One of the local residents, who did not want his identity to be disclosed also commented, "We are tired of watching and participating in these shows and this looks more like a tragic comedy. We might be killed with a stray bullet but no one cares about us. Why do we need this evacuation? Whom are we escaping from? Are we escaping from our own police or from the Georgian government?! They think we do not know anything of what is going-on. Why was the dislocation place changed to the representatives of the Special Tasks Department? Why were security and police forces mobilized in close proximity to Khurcha? Why the emergency response vehicles and fire engines arrived before the actual explosion? We already understood that journalists and the government had agreed on things ahead of time but we still cannot understand who is actually giving orders and calling the shots."

"I remember January 5, 2008 presidential elections. Neither this time nor back in January did the Abkhazians close their block posts for us. Everyone is free to move back and forth. When the shooting started in Khurcha, Abkhaz soldiers in Nabakevi ran out of their barracks half dressed; they asked us what had happened," stated a male resident from Nabakevi, a village in Abkhazia.

People who live near Georgian-Abkhazian administrative border recall the January 5, 2008 Presidential Day Election when TV-channels broadcast recordings of a similar incident that occurred at the River Juma, reporting it as transpiring at the Enguri River.

Another interviewee noted, "We have become accustomed to so many lies, when they show something that happened in village of Odishi, which is near Zugdidi and tell that it took place in

⁵ Paul Rimple, "What", Georgian Times, 30.05.2008, <u>http://www.georgiatoday.ge/article_details.php?id=5166</u>

Nabakevi. They do not surprise us with anything they do, and we did not revolt when we could not find any of acquaintances among those people who allegedly crossed river Enguri, and with great difficulty, as they wanted to participate in Georgian elections."

Many people were shocked when they saw the scenes broadcast on May 21, 2008 in the village of Khurcha. However many locals recall the conversation between Nani Kardava a victim of the crossfire and Zaal Eliava a local official as indicative of the confusing initial reporting and the truth about the nature of the alleged firefight., The conversation was carried out in Mengrelian dialect and thus was later edited out of later video footage that was broadcast on national television, which was perceived as being an especially emotional scene of the incident. The exchange was as follows:

"We heard their conversation together as the sounds of shooting could be heard. The woman was injured lying on the ground. Eliava was hiding in a trench. They talked in Mengrelian. Kardava: "Thank you Zaal, thank you! Have you brought me here for this?" Eliava: "Do not be afraid. You won't die!" Kardava: "I am already dead, Zaal!" Another woman was filmed as well, as she was trying to protect herself from the rain of bullets with an umbrella. There was also a man who approached the injured woman and called out to her in the Mengrelian language, which is not understandable for most Georgians: "You poor thing, where were going? You poor, poor thing" – this man helped the police officers to evacuate the injured woman.⁶

The Alternative Version of the Polling Day Shooting Story

An investigative documentary produced by Studio Reporter claimed that a shootout and explosion of two buses in the Abkhaz conflict zone on the Election Day, May 21, was apparently staged by the Georgian authorities operating in the area. The Georgian television stations reported on the Election Day that in the village of Khurcha at the Abkhaz administrative border, on the Abkhaz side, two buses exploded, which had been intended to be used for ferrying ethnic Georgians from the Gali district of breakaway Abkhazia, to the regional centre of Zugdidi inside Georgia proper in order to vote.

The Georgian Ministry of Internal Affairs said that three women were injured as a result of the incident. The national television stations also aired footage showing armed Georgian police officers carrying a woman, who had a spot of blood on her back, as well as exploded buses on fire. Shooting was heard in the footage. However, authors of the short film documentary, which was screened on June 24, 2008 in one of the Tbilisi's movie theaters, alleged that in fact TV crews were brought to the scene in the village of Khurcha in advance, before the incident and were well prepared for recording of bus explosions.

The video footage obtained by the producers of the documentary obtained footage from the Georgian Public Broadcasting (First Channel) archive that included previously unaired footage, which reveals a steady view of two empty buses standing on the field in the village of Khurcha

⁶ Nana Pajava, Khurcha Incident – Will the guilty ever be punished, 10 June, 2008,

before the blast suggesting the cameras were pre-positioned on fixed tripods. In the documentary it was blatantly obvious that the cameras had been pre-positioned in anticipation of the blast. Furthermore the fixed and deliberate positioning of the cameras is evident because, despite shooting and explosions the image remained steady with the subject matter maintained well in frame, even after one of the buses received a direct hit from a grenade. To this effect the films narrator noted, "It is obvious from the footage that the video camera had been previously placed on a tripod and waiting for the incident, which seems unnatural as gunfire is also heard in the footage. The second explosion of the bus was shot by a cameraman without any reaction at all."

Moreover, he commented, "The footage shows that the grenade was launched not far from the place, where the cameraman was standing."

The documentary also details events using computer assisted analysis to clearly illustrate that the trajectory and source of the grenades was from the Georgian area of control.

Vakhtang Komakhidze, the documentary producer placed substantial emphasis on the Khurcha incident within the larger picture of other events that took place on Election Day. Komakhidze considers that the blowing up of two buses was a staged event by Georgian forces in order to divert the attention from election irregularities.

The filmmakers also supported their contentions by interviewing some local residents of the village of Khurcha. The locals recalled that before the incident two unknown men came to the village and requested that they accompany them to the football pitch as, "people were needed for a video shoot."

Reports contradicting the official story were also presented in regional media. For instance, on May 28, 2008 the local weekly newspaper in Batumi, *Batumelebi*, ran a article about the incident expressing a similar interpretation of events. It included in-depth interviews with locals in Khurcha who, similarly to respondents in the documentary, commented how they too were asked by unknown men to participate in the video shooting.

Before an investigation could be completed Georgian authorities immediately claimed that the incident had been carried out by Akbhaz militia, who destroyed the buses with machine gun fire and rocket-propelled grenades, purportedly fired from an Abkhaz militia checkpoint in close proximity to Khurcha.

The same analysis was also reported by the news agency "Pirveli" that alleged TV crews were brought to the scene in advance by Georgian authorities and that there was ample time for them to prepare and set up their equipment before the buses were attacked.

Official Story Line

Much of what was reported in the Georgia media would soon prove to be untrue. A Georgian English language newspaper, the Georgian Times,⁷ provided a detailed report on the incident when the United Nations Observer Mission in Georgia (UNOMIG) published a report that included the Khurcha Incident. The Georgian Times reported on the UN report, which stated that Georgian civilians were attacked from Georgian side of Abkhaz border.

UNOMIG and Russian peacekeepers were immediately informed about the incident. A German expert, member of the UNOMIG, arrived at the scene shortly thereafter. He subsequently identified the location from where the RPGs were launched. It was within a mere 5-10 meters from the administrative border from the direction of Zugdidi. Furthermore, the expert observed the traces of footsteps on the ground that crossed the administrative border in the direction of the Gali region, this further substantiates that the attackers had crossed the administrative border into the buffer zone.

"The Report of the UN Secretary General on the Situation in Abkhazia, Georgia," dated 23 July 2008, reads as follows:

"The most serious incident in the Zugdidi area during the period occurred on 21 May, the day of the Georgian parliamentary elections, in the vicinity of the village of Khurcha located near the ceasefire line. On that occasion, heavy firing took place around a football pitch where a number of people, mainly from the Gali district, were requested to gather to be transported by bus to the town of Zugdidi in order to vote. The account of the event showed that after an initial burst of small arms fire by the would-be attackers, the people assembled on the field fled; the empty buses were then hit by rocket-propelled grenades and caught fire. Three persons were brought to the hospital, one severely injured. The Georgian security forces arrived rapidly at the scene and fired for a protracted period in the direction of the ceasefire line. The entire incident was recorded by the Georgian media. The Georgian side immediately accused the Abkhaz side of being responsible for the incident. The Abkhaz side denied any involvement.

The Mission's investigation into this incident was able to establish the locations from which the attackers fired, approximately 100 meters from the buses, on the Georgian-controlled side of the ceasefire line. While no hard evidence has been found so far regarding the identity of the perpetrators, inconsistencies in the circumstances surrounding the incident, in particular the fact that the incident was filmed in such a way as to suggest that events were anticipated rather than simply recorded as they were happening, require UNOMIG to continue its investigation."

⁷ Georgian Times July 4, 2008

According to sources in the humanitarian community, the Zugdidi regional police division has purported initiated a criminal case (no. 044080471) to investigate the attack on the innocent civilians, which they have characterized as attempted murder by Abkhaz armed groups (under Articles 236, 109 and 239 of the *Georgia's Criminal Code*).

It is claimed that eyewitnesses were then questioned by the criminal police of the Zugdidi division of Ministry of Interior. According to Iuri Chiava and Nestor Akhvlediani (drivers of the buses who were hired by Zaal Eliava, head of administration of the village Nabakevi), on May 21 2008, at about 11:00 they arrived by their buses in the village Khurcha and awaited the voters near the football pitch, approximately 30 meters from the river Khurcha. After sometime, voters from the village Nabakevi began gathering. They then explained that they had crossed the river from Khurcha in the direction of Nabakevi and then loaded onto the buses. The drivers reported that there were nearly 20 voters in each bus.

At about 13:30, the Georgian journalists approached the buses and asked the locals to get off the buses and so to take an interview before their departure to Zugdidi region where they had to cast their ballots. Voters as well as drivers had unloaded the buses and stood in front of journalists, approximately 20 meters from the buses. At this moment shooting began from the Nabakevi direction. People immediately panicked. The two buses were then the hit with explosive rounds. One woman was injured. After about ten minutes Georgian security and law enforcement services arrived on the scene and engaged in a firefight with the attackers, which lasted for approximately 20 minutes."

Conclusion and Recommendations

Based on the above evidence it appears, in retrospect, that some 'rogue elements' in the Georgian government may be implicated in the Khurcha Incident. This is especially concerning in light of the difficult social and political-economic situation that now faces the region. There are other related "incidents" that have transpired in other parts of Georgia, including other bombings in the Gali region of Abkhazia which have also been ignored by official investigations. None of the events that transpired during or after the Khurcha incident have been investigated to an acceptable standard; this includes the August Russian military intervention into South Ossetia, Abkhazia, (two breakaway regions), and the Russian occupation of parts of Georgia proper.

It is not only necessary to follow-up in Georgia proper but the breakaway region of Abkhazia as well. There is already a range of stakeholders who have indicated an interest in this incident and with representatives of both sides of the political divide, including domestic and respected international organizations: UN, Organisation for Security and Co-operation in Europe and other stakeholders, including various NGOs.

In conclusion, the Human Rights Centre recommends that an independent investigation be opened, and observers from both the Abkhaz and Georgian sides be allowed to fully participate. Upon completion, a detailed report should be shared with authorities within the legally recognized borders of Georgia, international organizations – and that all those found culpable – regardless of level of compliancy, citizenship or standing in government, be held accountable to the fullest extent of the law. Such acts of violence directed towards a government's own citizens should be seen as a direct contravention of basic human rights.

It is understood that the Khurcha Incident appears to have represented a sheer act of Machiavellian malfeasance at first impression, and to the best of the knowledge of the Human Rights Centre, Georgian authorities have not followed-up with any promised investigation, which they claimed to have immediately launched in the aftermath of the Khurcha incident. Sadly, it seems the case that none will be held accountable or brought to justice for this apparent act of state-sponsored terrorism. It seems evident that, in the final analysis, that this case has been closed by Georgian authorities and their sponsors, we thus will probably never know the truth.

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The Responsibility To Protect Doctrine on, <u>http://www.responsibilitytoprotect.org</u>, accessed 23.01.2009

Questions raised by the incident:

- Local eye-witnesses explained that security forces in civilian clothing were either already
 present when the shooting started, or present shortly after, and returned fire. They were
 joined very quickly by Georgian Interior Ministry personnel. Khurcha lies inside the
 demilitarized zone, which means that Georgian military is not present there. The closest
 Georgian military post lies some 15 minutes driving on very bad roads away from the where
 the incident took place, not allowing for the time it would take to react to the sound of gunfire.
- The rare and dramatic event occurred at the very moment when numerous TV reporters had been brought to the village for a pre-arranged media show, effectively taking media interest away from numerous reports of electoral irregularities and violent incidents coming in from all parts of the country.
- Local eye-witnesses all stated that they believe this incident was staged by the Georgian (that is, their own) side, noting in particular the fact that the passengers were brought not to the voting station in the center of town, but to the soccer field, that journalists had been brought there in advance, that it was unclear who organized the busing, and the rapidness with which Georgian military arrived at the scene.
- That the grenades were fired from within the Georgian side of the conflict zone, at a very short distance.
- That the incident took place during a staged media-show, playing into the recent focus of the Georgian government on the Abkhaz c nflict, and that it involved further screen time for president Saakashvili on Election Day.
- The fact that the buses were not organized by local officials tasked with arraying the electoral procedures.

Georgian authorities should launch a serious, independent investigation of the incident to find out the circumstances of the attack and to identity persons responsible for what is a criminal act. If indeed staged by Georgian authorities themselves, the incident is a disturbing example of cynicism, playing on the tragedy that befell the victims of the Abkhaz conflict, risking the lives and health of innocent civilians for political gain.

Tbilisi, 23 May 2008,

Ivar Dale and Aage Borchgrevink

The Norwegian Helsinki Committee

http://www.nhc.no/php/files/documents/land/Georgia/nhc_election_report_Georgia.pdf



Soccer pitch where buses were brought and incident took place, pictures taken by Norwegian Helsinki Committee



One of shelled and burned out buses



UNOMIG officer documenting forensic evidence



Georgian TV "Mze" takes interviews