



May 27, 2021, Bishkek

### **On the results of the ongoing work of the Human Rights Movement "Bir Duino-Kyrgyzstan" on the settlement and monitoring of the armed conflict in Batken oblast**

In order to document the facts of armed aggression that happened from April 29 to May 2, 2021 by Tajikistan against Kyrgyz Republic an expert working group was formed by Bir Duino - Kyrgyzstan together with NGO "Ensan Diamond", the Union of Filmmakers of KR with the information support of public television and radio channel Yntymak. The route and schedule for visits from 4 to 6 May 2021 to 17 villages in the conflict zones was designed to collect and document the facts of victims and survivors among the civilians of the Leilek region, Isfana and Batken.

The expert mission conducted focus groups, interviews with captives, women and children, detailed photo and video materials, three video stories documenting the victims and destruction, as well as a documentary film on the case of the deceased 12-year-old Madina Rakhmatjanova and her family. Based on the results of the monitoring, all materials were submitted to the Office of the Ombudsman, the General Prosecutor's Office, the President's Office, and the Security Council. Recommendations were developed on the execution of the Istanbul Protocol by doctors for the victims, increasing efficiency in the distribution of humanitarian aid to the victims of the conflict, attracting the expert and technical assistance of international donors to promote the principles of International Humanitarian Law, on the UN Declaration on Women and Children in Conflict.

On May 18, 2021, at the initiative of the Human Rights Movement "Bir Duino - Kyrgyzstan" together with the Office of the Ombudsman, deputies of the Parliament of the Kyrgyz Republic, key members of the National Advisory Council (NAC) from state agencies of the Kyrgyz Republic, an expert forum on "Peace. SECURITY. DEVELOPMENT: LESSONS FROM MILITARY CONFLICTS ON THE BORDER OF BATKEN OBLAST". At the end of the forum the participants developed a final resolution on combating border conflicts, risks and threats to protect residents of border areas and local communities from acts of military aggression, violations and discrimination with a special focus on the observance of UN General Assembly Resolution 1325 on the importance of the role of women in preventing and resolving conflicts to maintain peace and security in conflict zones.

### **Kyrgyzstan-Tajikistan Border Conflict**



Zones of cross-border armed clashes



Photo materials of the expert forum





















**Bishkek, Kyrgyzstan, 18<sup>th</sup> May, 2021**  
**The Final Resolution of the Expert Forum**  
**"PEACE. SECURITY. DEVELOPMENT: LESSONS OF MILITARY CONFLICTS ON THE BORDER OF**  
**BATKEN REGION".**

The participants of the Expert Forum "PEACE. SECURITY. DEVELOPMENT: LESSONS OF MILITARY CONFLICTS ON THE BORDER OF BATKEN REGION", adhering to the commitment to solve all cross-border issues in a peaceful manner, consider it necessary to note that on 29 April 2021. Tajikistan carried out an armed aggression on the Kyrgyz-Tajik state border, which resulted in 154 casualties and 46 deaths, including two young children. Tajik authorities officially reported 19 dead and 87 wounded<sup>1</sup>.

According to preliminary reports, 78 houses, two schools, a medical and obstetric center, three border checkpoints, one kindergarten, 10 gas stations, an interior ministry building and eight stores were burned in Batken Oblast. The information provided by the Tajik authorities on the destruction of 14 houses and a secondary school in the village of Ovchi Kalacha in three jamoats in Isfara is questionable, as according to official data, the armed forces of the Kyrgyz Republic did not use weapons against civilians and civilian buildings.<sup>2</sup>

The Ministry of internal affairs of the Kyrgyz Republic has launched 11 criminal cases related to the armed conflict on the border with Tajikistan under Articles 380, 381 "Crimes against peace and security of mankind", Article 138 "Causing severe injury to health", Article 130 "Murder", Article 358 "Illegal crossing of state border", Article 264 "Mass riots", article 244 "Hostage taking", article 143 "Torture", article 144 "Torture", article 170 "Kidnapping", article 200 "Theft", article 201 "Robbery", article 208 "Unauthorized occupation or seizure of premises, building or construction", article 210 "Destruction or damage of property" of the Criminal Code of the Kyrgyz Republic. Pre-trial investigation is being carried out by the law enforcement bodies of the Kyrgyz Republic on all the mentioned articles.

The Republic of Tajikistan has violated the requirements of the following international agreements and multilateral instruments

1. The Charter of the United Nations Universal Declaration of Human Rights, 1976,
2. 1991 Agreement on the Establishment of the Commonwealth of Independent States (CIS),
3. 1991 Alma-Ata Declaration on the aims, principles and foundations of the CIS,
4. Moscow Declaration on the Observance of the Sovereignty, Territorial Integrity and Inviolability of the Frontiers of the CIS Member States of 1994,
5. Treaty on the Principles of Interstate Relations between the Kyrgyz Republic and the Republic of Tajikistan, 1996,
6. Convention for the Protection of Human Rights and Fundamental Freedoms,

---

<sup>1</sup> <https://www.gov.kg/ru/post/s/19975-okmt-kyrgyz-tazhik-chek-arasyndagy-konfliktin-zhrshnd-zhabyrkagan-kalkka-kmk-krst-chn-akcha-karazhatyn-chogultuu-esebin-achty>

<sup>2</sup> <https://rus.azattyk.org/a/31257550.html>

7. Declaration on the Elimination of Violence against Women, adopted by General Assembly resolution 48/104 of 20 December 1993,

8. Convention on the Elimination of All Forms of Discrimination against Women, adopted by General Assembly resolution 34/180 of 18 December 1979.

9. Norms of International Humanitarian Law, which strongly condemns the commission of war crimes against humanity.

10. Principles of State and Territorial Integrity in multilateral agreements between OSCE countries.

11. UN General Assembly Resolution 3093 of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

12. UN Security Council Resolution 1325 on the importance of the role of women in the prevention and resolution of conflicts in order to maintain peace and security.

The Republic of Tajikistan signed and ratified the Statute of the International Criminal Court in 2001. Ratification of the Rome Statute allows to use the legal mechanisms of the UN and to extend the jurisdiction of the International Criminal Court for war crimes committed by the authorities of Tajikistan.

Participants of the expert forum "Peace. SECURITY. DEVELOPMENT: LESSONS OF WAR CONFLICTS ON THE BATKEN BORDER OF THE KYRGYZ REPUBLIC" according to the results of the discussions there was a common opinion that the actions of the Armed Forces of the Republic of Tajikistan in Batken region on the Kyrgyz-Tajik state border from April 29 to May 2, 2021 are of an armed aggression nature and are a war crime.

As a result of illegal actions on both sides dozens of people including children were killed, hundreds were wounded in varying degrees of severity, thousands of civilians were forced to leave their homes, which were destroyed and burned down. Significant damage was done to residential buildings and infrastructure<sup>3</sup>.

We, the participants of the expert forum express our readiness and call on the President of the Kyrgyz Republic and the official authorities of our country to take further joint actions:

1. Take immediate measures to recognize the military actions of the Republic of Tajikistan as an act of aggression against sovereign Kyrgyzstan.

2. In accordance with the norms of international law, demand from the Republic of Tajikistan to restore the damage caused to the Kyrgyz side.

3. We appeal to the citizens of the Kyrgyz Republic to provide comprehensive assistance in the collection and establishment of a database of victims of armed aggression<sup>4</sup>.

4. The Prosecutor General's Office of the Kyrgyz Republic to conduct a comprehensive investigation and appeal to the International Criminal Court, the international community and organizations to hold the authorities of Tajikistan accountable for the crimes committed.

5. The competent state bodies of the Kyrgyz Republic should develop an appeal to the Special Rapporteur and the UN Committees on Human Rights. Elaborate a plan of further

---

<sup>3</sup> <https://www.dw.com/ru/konflikt-tadzhikistana-i-kyrgyzstana-voda-narkotiki-zemlja/a-57392981>

<sup>4</sup> <https://www.amnesty.org/download/Documents/120000/ior400252002ru.pdf>



actions to prevent a possible recurrence of the armed clashes that have occurred in the risk zones in the border areas of the Batken region<sup>5</sup>.

6. Launch an OSCE Moscow Mechanism to investigate the conflict on the Kyrgyz-Tajik border

7. Recognize the competence of the UN Committee Against Torture under Art.21 of the UN Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. Given the emerging new risks, threats and disasters of armed conflict for civilians living in remote regions and border areas, we consider it important to develop a joint National Emergency Action Plan to prevent risks and disasters for subsequent discussion by the Gender Committee at parliamentary hearings of the Jogorku Kenesh of the Kyrgyz Republic.

**The participants of the the Expert Forum "PEACE. SECURITY. DEVELOPMENT: LESSONS OF MILITARY CONFLICTS ON THE BORDER OF BATKEN REGION" that was conducted by the Human Rights Movement "Bir Duino - Kyrgyzstan".**

Bishkek, Kyrgyzstan, 18th May, 2021

---

<sup>5</sup> <https://www.dw.com/ru/konflikt-tadzhikistana-i-kyrgyzstana-voda-narkotiki-zemlja/a-57392981>







