







HUMAN RIGHTS WATCH

“When We Moved, They Shot”

Laws of War Violations in the September 2022 Kyrgyzstan – Tajikistan Border Conflict

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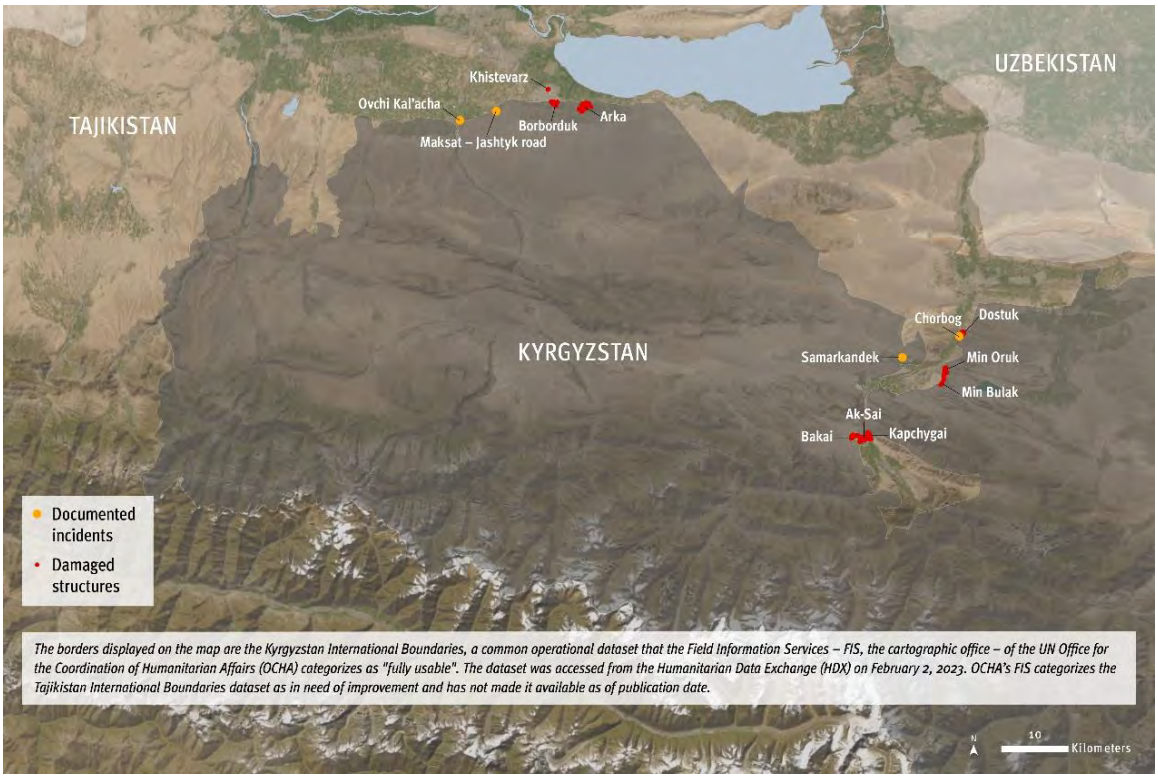
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Map



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Summary

> I heard a sound, a whistling. The whole square became yellow with smoke. People were flying… A lot of blood. A hand separated from the body.
>
> – 40-year-old woman who survived the September 16 Kyrgyz laser-guided bomb attack on Ovchi Kal'acha, Tajikistan[1]

> First they hit my son. He said to get down. Then they hit my husband. Then we got out of the car and lay down close to the ditch…. When we moved, they shot at us. Bullets were flying above us.
>
> – 63-year-old woman from Kyrgyzstan whose family's car was attacked by Tajik soldiers as they fled the fighting in the village Maksat on September 16[2]

For four days in September 2022, forces from Kyrgyzstan and Tajikistan engaged in an armed conflict along a disputed stretch of border that has long been a point of contention between the two countries. This report documents serious violations of the laws of war by both sides during that time that resulted in civilians being unlawfully injured and killed and significant damage to homes, schools, medical facilities, and shops.

Kyrgyz forces shot at ambulances and private cars carrying families trying to flee and dropped a laser-guided bomb on a town square, killing at least 10 civilians. Tajik forces shot at cars carrying civilians and unlawfully killed at least eight civilians in different circumstances, and large-scale looting and burning of private property took place in Kyrgyz villages while they were under the control of Tajik forces.

Several of these attacks by both parties likely amount to war crimes.

The report calls on Kyrgyzstan and Tajikistan to investigate these violations by their own forces and to hold those responsible to account. In addition to being an obligation under international law, such steps can help build confidence and show goodwill to promote a peaceful resolution of the long-running border dispute.

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[1] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 11, 2022.

[2] Human Rights Watch interview with Gulsun Sulaimanova, Dostuk, December 5, 2022.

Tensions between Kyrgyzstan and Tajikistan erupted into armed conflict on September 14 along a roughly 110-kilometer stretch of their common border in and around the fertile Fergana valley. The region contains critical choke points along rivers that provide water to Batken – the district capital city on the Kyrgyzstan side – and large swathes of irrigated farmland in Tajikistan.

This part of the border was never fully demarcated after the two countries gained independence in 1991 and has been the site of periodic, small-scale clashes over access to water and land, usually pitting local residents from both countries against one another. On occasion – most recently in April 2021 – the countries' border guards got involved. In September 2022, the countries deployed their border guards and, on the Tajik side, the military and militias. They fought with artillery and armored vehicles, and, on Kyrgyzstan's side, with armed drones.

This report draws on 86 in-person and remote interviews, including 69 with witnesses, victims, or relatives of victims; 10 days of on-site investigations on both sides of the border in late October and early November 2022; a review of medical records and other documents; an analysis of satellite imagery; verification of 12 videos showing attacks and their aftermath; and 3D modeling to analyze the impact of the laser-guided bomb attack and attacks on medical vehicles.

In total, Human Rights Watch documented the deaths of at least 37 civilians, including five children, and injuries to 36 others on both sides during the four-day conflict. Considering media reports and official victim lists, the full number could reach 51 civilians killed and 121 injured. An estimated 130,000 people were reportedly displaced in Kyrgyzstan alone, and at least 4,000 of these people had, as of January 2023, not yet returned to their homes. (No figure is available regarding the number of people displaced in Tajikistan.)

Most of the violations occurred on the third day of the conflict, September 16. At around 5 p.m. that day, the evidence indicated that Kyrgyz forces used a Bayraktar TB-2 drone to deliver a laser-guided bomb near Tajik forces minutes after they arrived in the central square in Ovchi Kal'acha, a Tajik town on the border. Dozens of civilians were in the square at the time, at least 10 of whom were killed – mostly men who had gathered outside a local mosque after a funeral. At least 13 other civilians were wounded in this disproportionate and apparently indiscriminate attack.



The de-facto border point separating the Tajik village of Chorbog from the Kyrgyz village of Dostuk (Batken district). The border point was under the control of Kyrgyz forces when two Tajik ambulances and a car with civilians came under attack on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

On several roads along the border, Tajik forces that day attacked cars carrying fleeing Kyrgyz civilians, killing two men and injuring at least four other people. A 63-year-old woman whose husband and son were injured, said her family crawled out of their car "to avoid being killed in it if it exploded" after Tajik soldiers shot at them.[3] The family lay still on the ground for hours, she said, and Tajik soldiers opened fire again when they moved.

Earlier that day, two Tajik ambulances clearly marked as such and a car with civilians came under heavy fire on a bridge near Chorbog in Tajikistan. Ten civilians were killed, including four children, three women and two medical workers, and six others were injured. A detailed 3D model that Human Rights Watch constructed of the attack site showed how the incoming bullets were most likely fired from around the Kyrgyz village of Dostuk,

[3] Human Rights Watch interview with Gulsun Sulaimanova, Dostuk, December 5, 2022.

approximately 110 meters away, and possibly from a nearby Kyrgyz border guards base. Ambulances, when they are being used for medical transport, receive particular protection under international humanitarian law and to intentionally direct attacks against them when they are clearly marked is recognized as a war crime in an international armed conflict, under the statute of the International Criminal Court.

As the day progressed, Tajik forces overran Kyrgyz forces and accompanied by Tajik-speaking people in civilian clothes, entered Kyrgyz villages on the border. During this brief occupation, Tajik forces killed at least six civilian men, including three while they were apparently fleeing, and two in apparent extrajudicial executions. People in civilian clothes carried out widespread looting under the watch of Tajik forces, while hundreds of homes and other civilian infrastructure, such as kindergartens, schools, medical facilities, and official buildings, were set on fire in an apparent attempt to clear the area of its population.

The four days of fighting amounted to an international armed conflict that was governed by international humanitarian law. This obliges all parties to distinguish between civilians and combatants at all times. It prohibits attacks that deliberately target civilians or attacks that are indiscriminate, in that they fail to or are unable to distinguish between civilian and military objects, or are disproportionate meaning they can be expected to cause harm to civilians and civilian objects that is excessive in relation to the concrete and direct military advantage anticipated.

Warring parties must take all feasible precautions to avoid or minimize civilian harm.

The governments of Tajikistan and Kyrgyzstan should investigate allegations of violations or abuses committed by their forces and civilians in the areas they controlled, and they should hold perpetrators to account. They should provide training to their military and security forces in international humanitarian law and ensure its standards are upheld in any future conflicts.

The two governments should ensure that any border demarcation agreements and interim border arrangements respect the rights of local populations, including property rights and access to education, adequate housing, and water. They should extensively consult local populations and civil society groups in the context of the border demarcation process.

They should also promote confidence-building measures between local communities in border areas, including programs to reduce tensions and hate speech.
Human Rights Watch also calls on both governments to endorse the Safe Schools Declaration and the Political Declaration on the Use of Explosive Weapons in Populated Areas.

Kyrgyzstan and Tajikistan's international partners should support steps by the two governments to investigate serious violations of international humanitarian law in the September 2022 border conflict and ensure accountability.

Partners should also stand ready to provide financial or other forms of support to military training on international humanitarian law standards and to other measures aimed at avoiding a repeat of the abusive September 2022 conflict.

Recommendations

To the Kyrgyzstan and Tajikistan governments:

- Mount a thorough and independent investigation into allegations of serious violations of international humanitarian law committed by their respective forces and hold perpetrators to account;
- Provide compensation and psychosocial support to the families of victims of serious violations of international humanitarian law;
- Provide training or expand existing training provisions to relevant armed forces personnel on the application of international humanitarian law in conflict situations;
- Ensure that any border demarcation agreement and interim border arrangements respect the right of the local populations, including their access to education, adequate housing, and water, and their ability to ensure an adequate standard of living for themselves, including, as necessary, generating an income through legal cross-border economic activities;
- Ensure that any deprivation of property is appropriately compensated in line with international law, for example in the event of a land swap that could deprive populations of their homes and other property;
- Ensure provision of humanitarian assistance, including shelter, food, water and sanitation, and medical care to those affected by the conflict, including due to displacement or loss of property;
- Promote confidence-building and awareness raising measures between local communities in border areas, including on human rights standards and international humanitarian law;
- Repair and rebuild kindergartens, schools, and medical facilities damaged or destroyed;
- Endorse the Safe Schools Declaration and the Political Declaration on the Use of Explosive Weapons in Populated Areas.

To the Kyrgyzstan government:

- Accede to the Rome Statute to become a member of the International Criminal Court.

To the Tajikistan government:

- Investigate the looting and destruction of civilian infrastructure in Kyrgyz villages by civilians apparently from Tajikistan, under the watch of Tajik forces.

To the European Union:

- Use its high-level engagement with both countries to call for independent investigations and for accountability for violations committed during the border conflict and to press for the border demarcation process to respect the human rights of civilians living in the region. Progress in this area should be considered during the finalization or negotiation of Enhanced Partnership & Cooperation Agreements with both countries and their ratification by EU member states and the European Parliament;
- In particular, raise the issue in the context of the monitoring of Kyrgyzstan's commitments under the Generalised Scheme of Preferences Plus (GSP+) trade benefits and in the context of Tajikistan's GSP+ pre-application process;
- Urge Kyrgyzstan to ratify the Rome Statute and join the International Criminal Court;
- Offer to provide technical assistance and good offices to both countries in the framework of its Border Management Programme in Central Asia (BOMKA), and support renewed cross-border cooperation efforts through its Instrument Contributing to Stability and Peace (IcSP) to promote rights-respecting approaches to border management.

To Kyrgyzstan's and Tajikistan's International Partners, including United Nations agencies:

- Support steps by the two governments to investigate serious violations of international humanitarian law in the September 2022 border conflict and ensure accountability. Partners should stand ready to support military training on international humanitarian law standards;
- The Organization for Security and Cooperation in Europe (OSCE) in particular, as a leading regional multilateral platform to manage security issues, could step up its role in supporting human rights-sensitive border cooperation and reducing tensions.

Methodology

Human Rights Watch interviewed 86 people for this report in person and remotely. This included 69 people (42 men, 26 women, and one boy) who were survivors, witnesses, or relatives of victims. Interviewees spoke in private, individually or in the presence of a close family member if they preferred to do so.

Interviewees were made aware of the purpose of the research, the nature of the interview, and its voluntary character. Researchers told interviewees that they faced no obligation to participate, that they could decline to answer questions, and that they could end the interview at any moment. The interviews aimed to elicit detailed accounts of the interviewees' first-hand experiences of the conflict. None of the interviewees received financial or other incentives. The names of the interviewees who preferred to remain anonymous have been withheld.

Researchers corroborated witness accounts with those of other witnesses; material evidence, such as medical records and munition fragments; satellite imagery; photos and videos shared by interviewees or available online; and the researchers' own observations from the sites where the incidents took place. In addition, Human Rights Watch used 3D scanning (with LIDAR – a technology that uses laser beams to create a 3D representation of the surveyed surfaces), 3D reconstruction (using photogrammetry – the process of generating 3D models from a series of 2D photographs or videos), and basic ballistic analysis to assess angles of attack.

Human Rights Watch excluded from this report the cases of civilians killed or injured in circumstances where it could not be confidently determined that a violation of international humanitarian law had taken place. Such cases included the killings of individuals where we have reasons to believe that they were taking part in hostilities at the time of their deaths and therefore did not enjoy protected civilian status, and killings for which Human Rights Watch was not able to identify witnesses or other supporting material.

Human Rights Watch also submitted a series of questions about the fighting and attacks to the governments of Kyrgyzstan and Tajikistan. Letters concerning events that took place on the government's territory were sent in December 2022. On March 23, 2023 Human Rights

Watch wrote to both governments with a summary of the findings on violations of international humanitarian law during the conflict.

On April 11, the Kyrgyzstan government responded in detail to our December 2022 letter. It provided information on violations committed by Tajik forces against citizens of Kyrgyzstan, including conclusions of a forensic analysis, lists of civilian casualties, lists of looted vehicles and cattle, and 357 pages of photos of damaged and looted structures. This information is reflected in the relevant sections of this report.

The Kyrgyz government declined to respond to the specific questions we raised in our March 23, 2023 letter, and said it had "no information" regarding attacks by Kyrgyz forces.

At the time of publication, the Tajik authorities had not responded to our letters.

Background

The border conflict that is the subject of this report began on September 14, 2022, when forces from Kyrgyzstan and Tajikistan exchanged fire near a Tajik exclave in Kyrgyzstan called Vorukh. The fighting dramatically escalated on September 16, leading the two countries to agree to a ceasefire that afternoon, which committed both parties to remove military forces and heavy weaponry from the border area. Clashes nevertheless continued sporadically through September 17, when the ceasefire finally held.

The 2022 fighting was the latest – and most intense – in a series of clashes along this roughly 110-kilometer stretch of border. In April 2021, Kyrgyz and Tajik forces briefly fought over control of the critical Kyrgyz-owned waterworks of Golovnoy, which provides water reserves to the town of Batken in Kyrgyzstan and lies near the Tajik exclave of Vorukh.

Official lists and media reports combined with Human Rights Watch's documentation indicate that up to 51 civilians may have been killed and at least 121 injured during the four-day conflict of September 2022.[4]

The border disputes occurred against the background of an unfinished demarcation process in the aftermath of the collapse of the Soviet Union in 1991. The border in many areas runs through villages with adjacent houses inhabited by Kyrgyzstan and Tajikistan citizens, and each country hosts exclaves from the other.

Since September 2022 the two governments have engaged in renewed bilateral talks, without mediation or involvement of third parties, to delineate disputed areas of the border.

In meetings with Human Rights Watch, Kyrgyzstan and Tajikistan officials in late 2022 expressed optimism that the negotiations would further the demarcation process, but foreign diplomats in both countries warned that the militarization of the border was continuing.[5] At the time of writing, it is unclear when the talks will conclude.

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[4] In its April 11, 2022 letter to Human Rights Watch, the Kyrgyzstan government said that 13 Kyrgyz civilians had been killed and 96 injured in the conflict. Tajik authorities have not shared civilian casualty counts.

[5] Human Rights Watch remote interviews with diplomats based in Kyrgyzstan and Tajikistan, February to March 2023.

Abuses by Kyrgyzstan Forces in Tajikistan

Strike on Ovchi Kal'acha Town Square

On September 16, around 5 p.m., a laser-guided bomb, which the evidence indicates was dropped from a drone, killed at least 10 civilian men and injured at least 13 people on the main square of Ovchi Kal'acha, a Tajik border town. The attack, the first of two strikes on the square that day, may have been targeting a Tajik armored vehicle and other military vehicles that had just arrived at the square, but the area was also full of civilians. About two hours before, the heads of the State Committees for National Security of the two countries had announced a ceasefire, so residents of the town had emerged from their places of shelter. Dozens of people were gathered in the square, including those who were leaving a mosque after the funeral service of a woman who had been killed by a stray bullet earlier that day.

Human Rights Watch spoke with ten witnesses to the attack or its aftermath, including three people who were wounded, and inspected the site.

Ground fighting and shelling had begun around Ovchi Kal'acha in the early morning. Exchanges of fire started along the border shortly before 7 a.m., leading school authorities to cancel classes and ask parents to keep their children home.[6] "People heard the shooting and were telling each other… to spread out and go far from the military units of Tajikistan," one local resident said.[7] "The shooting was coming from the border, so people decided to go far from the border," another said.[8]

Many women, children, and older people evacuated.[9] Those who were unable to flee hid at home, while many others chose to remain in the village to protect their property, finding

[6] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.

[7] Ibid.

[8] Human Rights Watch interview with (name withheld), November 10, 2022, and with (name withheld), Ovchi Kal'acha, November 11, 2022.

[9] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.

refuge indoors.[10] Throughout the day, Tajik soldiers and military vehicles traveled back and forth through the town square on their way to the frontline.[11]

In the mid-afternoon, residents learned through online and radio news that a ceasefire had been reached.[12] Gradually, people emerged from their homes, and some began to gather in the square. Zarif Egamov, the 44-year-old owner of a restaurant on the square, said that "everybody relaxed" with the announcement of the ceasefire.[13]

At the mosque, men gathered for prayers and the funeral. After the ceremony, at around 4:50 p.m., some of the congregants walked to the cemetery for the burial, while others – all men – stayed in front of the mosque.[14] Other residents also gathered to talk. Altogether, dozens of civilians were in the square at the time, five witnesses said.[15]

"We were chatting, discussing [talking] about the war, the wounded people," said Mansur Khakimbekov, a 48-year-old construction worker, who was outside the mosque at the time. "Everybody was worried."[16] The men were also discussing whether, in light of the ceasefire, they should remain in the town and bring their families back, two other witnesses said.[17]

Around 5:00 p.m., Tajik military vehicles arrived at the square, and the first bomb hit almost immediately. "It was calm. There was no shooting, when two [armored vehicles] came from the side of Gafurov and four vehicles with soldiers came across the square," a person who was wounded in the attack said. They continued: "When the vehicles arrived at the square, one bomb exploded close to [the] shop [adjacent to the mosque]."[18]

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[10] Human Rights Watch interviews, Ovchi Kal'acha, November 10, 11, and 12, 2022.

[11] Human Rights Watch interviews, Ovchi Kal'acha, November 11, 12, and 15, 2022.

[12] Human Rights Watch interviews, Ovchi Kal'acha, November 10, 2022.

[13] Human Rights Watch interview with Zarif Egamov, Ovchi Kal'acha, November 11, 2022.

[14] Ibid.

[15] Human Rights Watch interview with (names withheld), Ovchi Kal'acha, November 11 and 15, 2022.

[16] Interview with Mansur Khakimbekov, Ovchi Kal'acha, November 11, 2022.

[17] Human Rights Watch interview with (name withheld), November 10, 2022, and Mansur Khakimbeov, Ovchi Kal'acha, November 11, 2022.

[18] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 11, 2022.

Based on witness accounts, a video of the attack's aftermath, a site inspection, and an analysis of the fragmentation pattern, the first bomb apparently hit roughly 10 meters from the entrance of the mosque, near where one of the armored vehicles was parked.[19]

"We all flew away from the place," said Mansur Khakimbekov, who was hit by 10 metal fragments. "I lost consciousness and when I woke up, I saw a lot of bodies and blood around.... I was behind other people. All of them died. So their bodies protected me."[20]

Zoidbek Dadobekov, a 50-year-old construction worker injured in the attack, said that he had been standing at the entrance of the mosque, next to a wall that partially protected him. He explained:

> I don't remember any smoke, any smell, or any pain. The only thing I remember is that my leg was injured.... I had seven, eight injuries, but I didn't feel any of them.... I remember two people were standing next to me. They fell [to the ground].... They didn't even feel that they died, because even their fingers weren't moving.[21]

Another witness said that after the strike, all those who had been standing at the entrance of the mosque were on the ground and that the driver of a small pickup vehicle and two of his passengers were injured. "There were a lot of injured and dead people in the square," he said. "[There was a] lot of blood."[22]

Another witness said he rushed out of the mosque when he heard the explosion. "I could hear the guys asking for help," he said. "The smoke was very thick. I couldn't see but I could hear the guy say: 'Please help me, fix my leg! There's too much blood!' Two people were alive but dying. Others, their bodies were already destroyed. No heads, no parts of the head."[23]

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[19] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 11, 2022.

[20] Human Rights Watch interview with Mansur Khakimbekov, Ovchi Kal'acha, November 11, 2022, and Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 11, 2022.

[21] Human Rights Watch interview with Zoidbek Dadobekov, Ovchi Kal'acha, November 12, 2022.

[22] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.

[23] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.



Shahriyor Khasanov, a 39-year-old shop owner who survived a Kyrgyz drone attack in Ovchi Kal'acha, said he was hit by metal fragments in the stomach and his leg was "almost separated" from his body. © 2022 Jean-Baptiste Gallopin/Human Rights Watch

Shahriyor Khasanov, a 39-year-old shop owner who survived the attack, said he was hit by metal fragments in the stomach and his leg was "almost separated" from his body.[24] Khasanov later underwent four surgeries and remains unable to walk.[25]

After the attacks, Tajik forces and civilians rushed to put the injured in vehicles and brought them to regional hospitals, which were overwhelmed with patients injured that day, soldiers and civilians alike.[26]

[24] Human Rights Watch interview with Shahriyor Khasanov, Ovchi Kal'acha, November 11, 2022.

[25] Ibid.

[26] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 11, 2022.





1 00:05 2 00:53 3 00:57 4 00:59 5 01:03 6 01:04 7 01:25 8 01:27



Human Rights Watch verified a video[27] that was recorded minutes after the first attack and shared by a local journalist. The video shows eight men in civilian clothes on the ground following the attack. Five of the men appear dead, one appears injured.

Two pools of blood are on the ground, suggesting that victims with injuries had already moved or been moved.

Four Tajik armored military vehicles and a military truck are visible on the square, and two other military vehicles – a truck and an armored vehicle – are visible on a side street.



At least a dozen men in Tajik military and police uniforms are also visible.

[27] Anonymous post to Telegram channel, September 16, 2022, (accessed April 4, 2023).

In interviews with survivors and relatives of victims, Human Rights Watch collected the names of 10 civilians who were killed in the first attack and 13 who were wounded.[28] Total casualty numbers might be higher.

Around 8 to 10 minutes later, a second strike hit a military vehicle on the street adjacent to the square.[29] "The second explosion hit the top" of the vehicle, a man who saw the aftermath of the attack said.[30] "The... hatch was open. The bomb came through the opening and exploded inside.[31] The soldiers were out of the [vehicle], but they were injured and killed, because they were close" to it.[32]

By that time, there few civilians still in the square. No civilians appear to have been killed in the second attack. One witness said one or two civilians were injured.[33]

An unknown number of soldiers were killed or injured in the two attacks. One witness said that one soldier was killed in the first strike.[34] Another said he saw three soldiers injured because of the strike, including one in the stomach, and another in the legs.[35]

[28] Human Rights Watch interviews with survivors and relatives of victims, Ovchi Kal'acha, November 10, 11, and 12, 2022.
[29] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.
[30] Ibid.
[31] Ibid.
[32] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.
[33] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 10, 2022.
[34] Ibid.
[35] Human Rights Watch interview with (name withheld), Ovchi Kal'acha, November 15, 2022.

Human Rights Watch visited the town square and surrounding area on November 11 and 12, 2022, and found spherical fragmentation impacts, 5 to 30 millimeters in diameter, as well as steel spheres that were 5 millimeters wide.



An X-ray image of a person who said they were injured in the first strike shows what appears to be a sphere similar to those found at the location of the attack.



Other X-ray images of that person shows apparent spherical damage to a tibia.

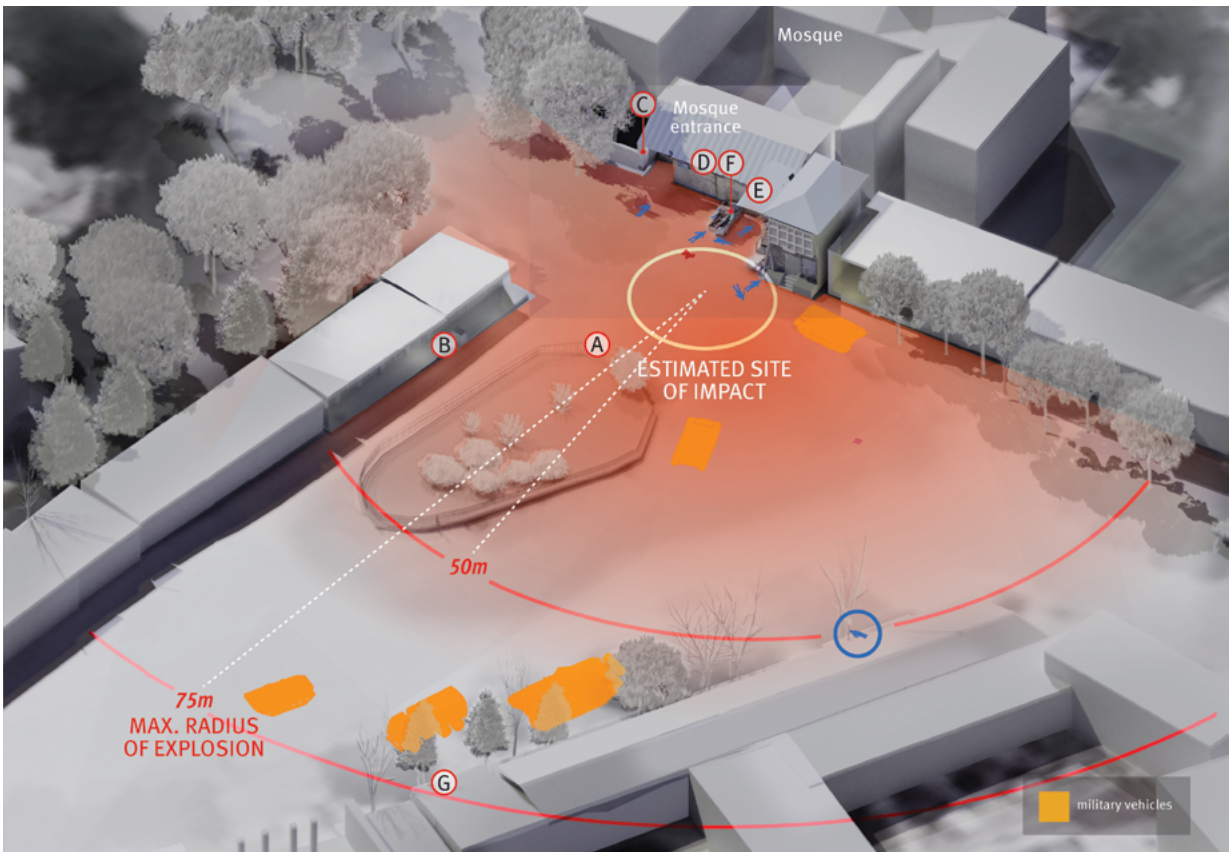


Another person showed Human Rights Watch three injuries they said they sustained from the strike. One of them, in the lower leg, appeared to be entry and exit wounds, both round,



and the other, in the thigh, appeared to be an entry wound, also that shape and size.

The highest concentration of the fragmentation is in the 20-meter radius from the location where witnesses said the first bomb detonated, while some were observed as far as 70 meters away. The impact holes were round, consistent with the steel spheres found on site, and some of these impact holes still contained steel spheres embedded in them.





A

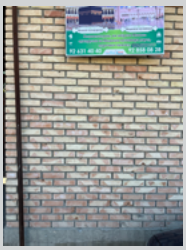


B





C





D





E





F



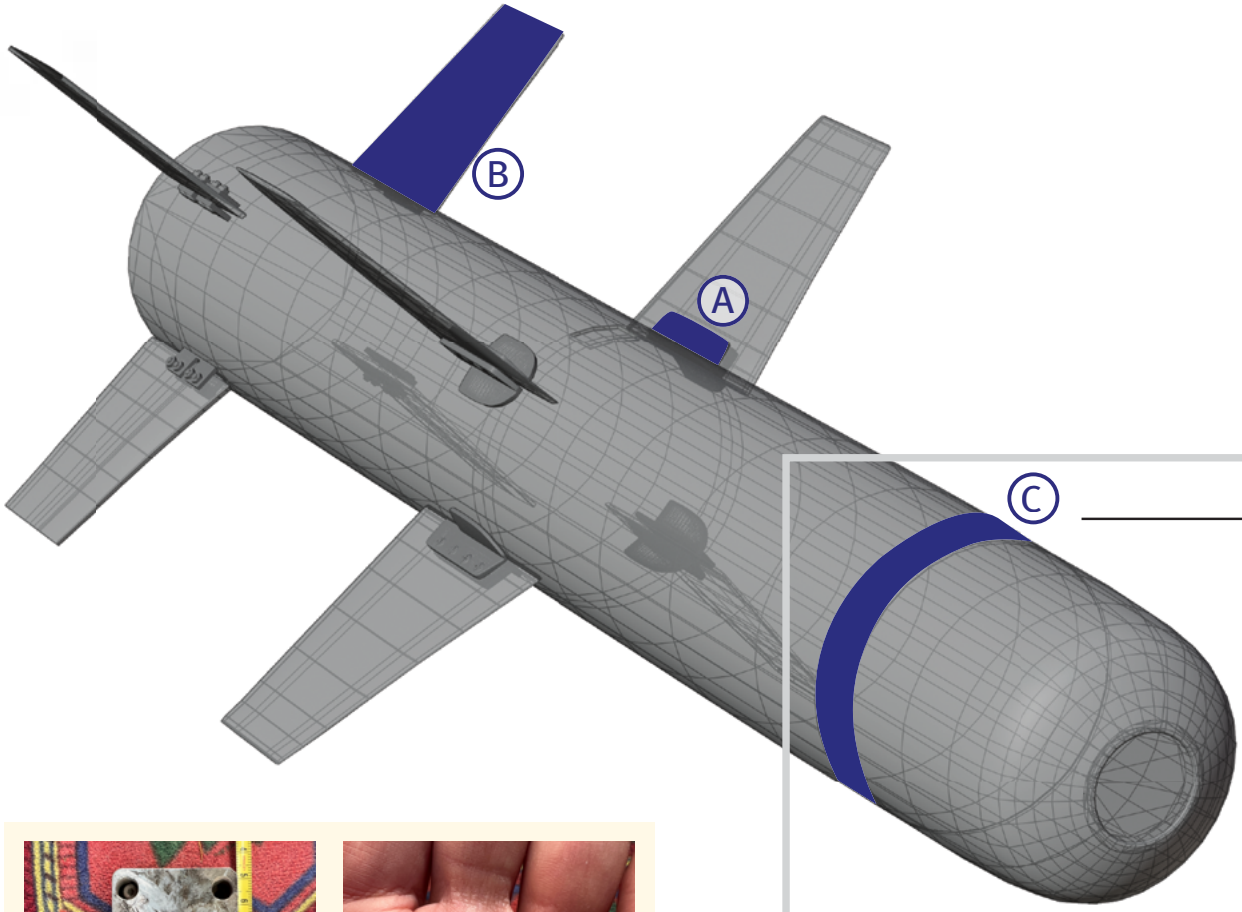




G

Human Rights Watch also examined munition remnants that two residents said they had collected (A) as well as photos (B2) of remnants provided by a third resident, of two distinctive stabilization fins and their associated fasteners of the first munition that he said he had[36].

The same remnants are seen on a local television news segment (B1) about the attack[37]. In addition, a 3D reconstruction of a thin piece of metal found on site matches the dimensions of an element present in some MAM-L bomb.





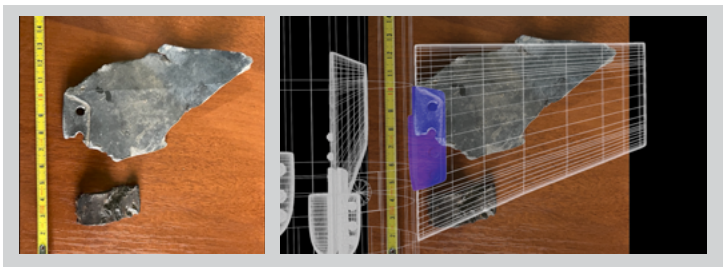
Remnant of a MAM-L bomb found in the Tajik town of Ovchi Kal'acha, where a Kyrgyz drone strike on September 16, 2022, killed ten civilian men and injured around a dozen others. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

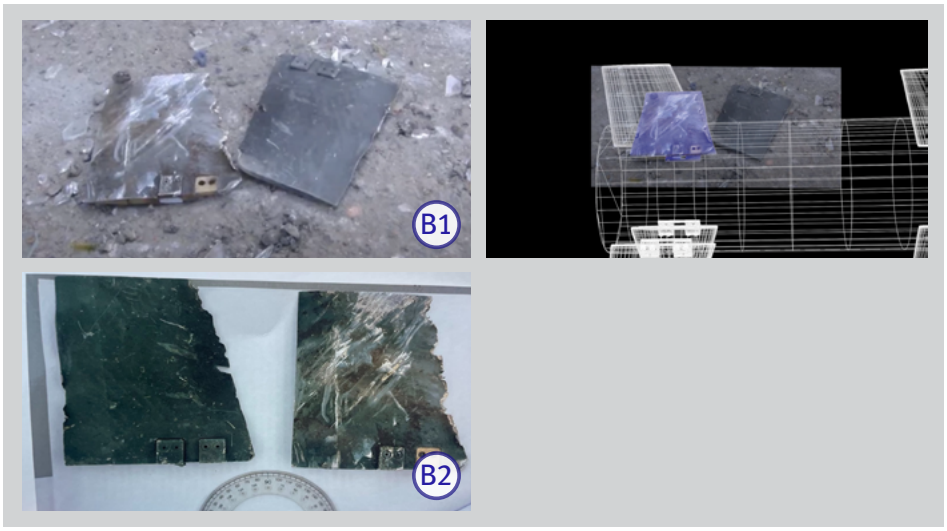


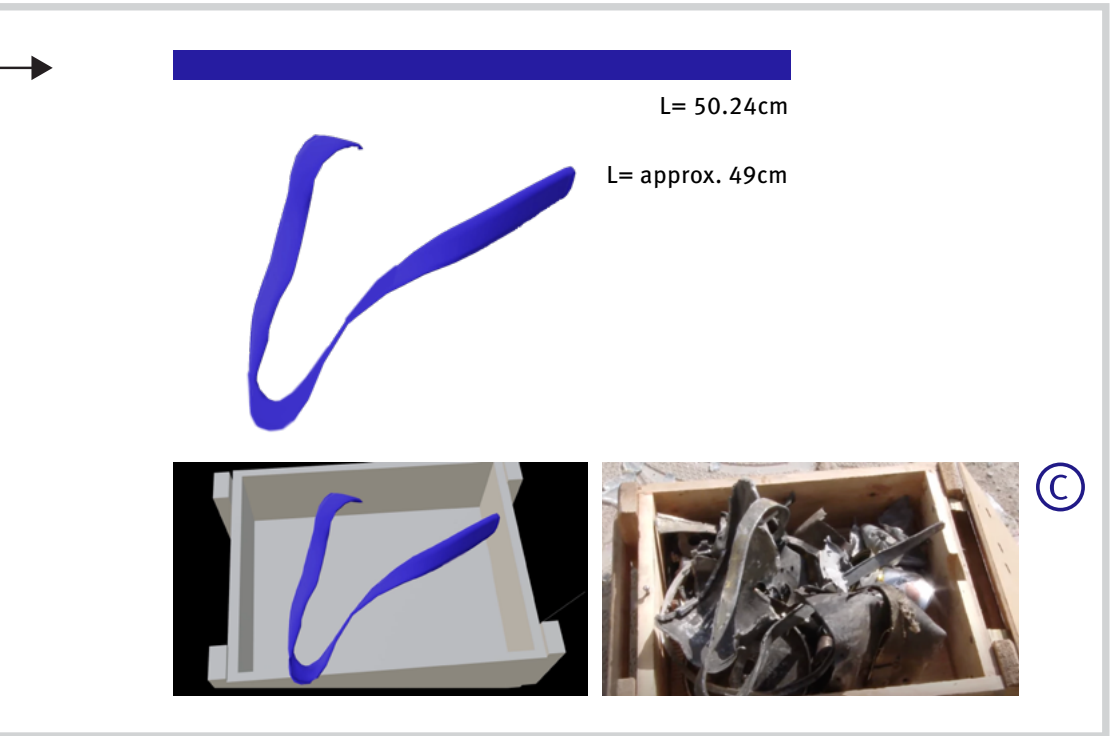
Steel spheres that are released from the blast fragmentation warhead of the MAM-L bomb, found in the Tajik town of Ovchi Kal'acha. © 2022 Jean-Baptiste Gallopin/ Human Rights Watch.

[36] Human Rights Watch interviews with (names withheld), Ovchi Kal'acha, November 11 and 12, 2022. Private correspondence with a resident, November 27, 2022.

[37] Фируза Мирджумаева, "Удар по таджикской мечети Овчи-Калача," video report, YouTube, September 19, 2022, https://www.youtube.com/watch?v=Bc5cWpE64i8 (accessed March 3, 2023).







Based on this material, Human Rights Watch concluded that at least one MAM-L laser-guided bomb was used on the square. These munitions are delivered by Bayraktar TB-2 drones or other light aircraft.

According to the manufacturer, MAM-Ls can be equipped with one of three types of warheads: enhanced blast (thermobaric), anti-tank, or blast fragmentation. Human Rights Watch concluded that the warhead used in this attack was the blast-fragmentation variant, which is designed to damage "soft targets," such as infantry, and which produces its fragmentation effects through the steel spheres we found on site and which are specific to this warhead.[38]

The damage that Human Rights Watch observed on site and the information it gathered regarding the injuries caused by the bomb are also inconsistent with those that would be expected to be caused by anti-tank and thermobaric warheads.

MAM-L bombs can be equipped with a proximity fuze, which detonates the munition before it reaches the ground, magnifying the deadly radius, consistent with the limited size of the crater Human Rights Watch was able to observe on the site. One witness also claimed that the bomb had exploded before it hit the ground, though it is questionable whether he would have been able to determine this visually.[39]

Publicly available satellite imagery recorded on September 9, one week before the attack, shows a Bayraktar TB-2 drone present on the tarmac at the Kyrgyzstan airbase of Razzaqov (formerly known as Isfana), 34 kilometers from, and within range of, Ovchi-Kal'acha. A hangar large enough for the drone, built between April and July 2022, is also visible, indicating that the base was operational by September 9. Photos from a visit of Kyrgyzstan president Sadyr Japarov to a Kyrgyzstan military airbase in the town of Jalalabad in December 2021 show a Bayraktar TB-2 drone equipped with the blast fragmentation version of the MAM-L laser-guided bomb.[40]

The MAM-L munition's laser guidance system makes it an accurate munition. Guiding is aided by live video feed giving the operator a clear, continuous view of the target.[41] This means that the operator of at least the first strike should have seen that a large number of

[38] Human Rights Watch remote exchange with (name withheld), March 23, 2023.

[39] Human Rights Watch interview with Mansur Khakimbekov, Ovchi Kal'acha, November 11, 2022.

[40] "Unmanned aerial vehicles 'Bayraktar' entered service with the Border Service of the State Committee for National Security of the Kyrgyz Republic," *Official website of the President of the Kyrgyz Republic*, December 18, 2021, https://www.president.kg/ru/sobytiya/21523_bespilotnie_letatelnie_apparati_bayraktar_postupili_navoorughenie_pogranichnoy_slughbi_gknb_kr (accessed March 7, 2023).

[41] Human Rights Watch remote exchange with (name withheld), March 23, 2023.

civilians were on the Ovchi Kal'acha square and in the immediate proximity of Tajikistan soldiers and vehicles at the time.

Though the first bomb hit meters from an armored vehicle, the operator used a blast fragmentation warhead, rather than an anti-tank warhead. Given the large number of civilians in the square and the effects of such a blast fragmentation munition, it should have been clear to the operator and those planning the attack that there was a high risk that civilian casualties would be excessive in relation to the damage caused to the military using that weapon. The effects of the weapon could also be expected to strike both military and civilian targets without distinction. This strike was therefore disproportionate and apparently indiscriminate, in violation of the laws of war and if committed deliberately or recklessly would constitute a war crime.



Publicly available satellite imagery recorded on September 9, 2022, a week before the deadly drone strike on Ovchi Kal'acha, shows a Bayraktar TB-2 drone and a hangar large enough for the drone at the Kyrgyzstan airbase of Razzaqov (formerly known as Isfana). © 2023 CNES / Airbus. Google Earth.



Satellite imagery showing a Bayraktar TB-2 drone on the Kyrgyzstan airbase of Razzaqov (formerly known as Isfana) on September 19, 2022, three days after the deadly drone strike on the Tajik town of Ovchi Kal'acha. Image: 19 September 2022. © 2023 Planet Labs PBC

Attack on Ambulances and a Civilian Car, Chorbog

In the early morning of September 16, Kyrgyz forces attacked two ambulances and a civilian vehicle near the village of Chorbog (Isfara district) in Tajikistan, killing ten civilians and injuring six.

One ambulance with four healthcare workers had left Isfara State Hospital and was driving south on the road linking the regional capital of Isfara to Chorkuh, a village near the border. Onboard, the driver, a traumatologist, an intensive care doctor, and a nurse, were rushing to assist the medical staff at the Chorkuh Village Hospital.[42] After passing the village of Chordeh around 6:20 a.m., the vehicle approached the bridge marking the entrance to the next village, Chorbog.[43] On the bridge stood a Tajik military vehicle that

[42] Human Rights Watch interview with Ilhom Nazarov, Isfara, November 13, 2022.

[43] Human Rights Watch interview with Khusrav Sanginov, Isfara, November 13, 2022.

had apparently been shot at and stopped by Kyrgyz forces earlier that day. As the road turned southeast, the ambulance came near the Kyrgyz village of Dostuk, which at its nearest point stands about 110 meters north of Chorbog.[44] This exposed the front and left side of the vehicle to Kyrgyz forces stationed in Dostuk.

At that moment, shots hit the ambulance.[45] "Approximately 30, 40 bullets reached the back of the car, and also the windshield," the driver, Khusrav Sanginov said.[46] The intensive care doctor Ilhom Nazarov, who was in the back, said he was moderately wounded in the head.[47]



The bridge linking the Tajik villages of Chordeh and Chorbog on the border near the Kyrgyz village of Dostuk (Batken district), where two Tajik ambulances and a car with civilians came under attack on September 16, 2022. Burnt-down trees at the end of the bridge marks the location where one of the ambulances was attacked. © 2022 Jean-Baptiste Gallopin/Human Rights Watch

[44] Human Rights Watch interview with Ilhom Nazarov and Khusrav Sanginov, Isfara, November 13, 2022.

[45] Human Rights Watch interview with Khusrav Sanginov, Isfara, November 13, 2022.

[46] Ibid, and Human Rights Watch interview with Ilhom Nazarov, Isfara, November 13, 2022.

[47] Human Rights Watch interview with Khusrav Sanginov, Isfara, November 13, 2022.

Sanginov stopped the car on the right side of the road and the four healthcare workers ran out, finding refuge near a concrete wall, Sanginov and Nazarov said.[48] "After maybe a minute or more … an explosion occurred and then black smoke," said Sanginov. "I think it was our ambulance."

Both Sanginov and the doctor Nazarov believe that Kyrgyz forces targeted the ambulance.[49] "I know for sure that our ambulance was a target…. They just started shooting. It was not by mistake or something," Nazarov said.[50] He recalled that he had heard shooting before reaching the bridge, but that the sound was very far from them and that there was no warning shot before they came under fire.[51] The attack, Sanginov said, came "from the eastern side," from a gas station in Dostuk.[52]

Minutes later, a second ambulance approached the bridge from the other side, followed closely by a civilian car. The two vehicles were driving north at high speed in the direction of Isfara.

This ambulance had left Chorkuh Village Hospital in haste to bring three civilians from Chorkuh to Isfara State Hospital. Asmoa Amriddinzoda, a 6-year-old girl; Imron Ilhomzoda, her five-year-old cousin; and Imron's mother, 29-year-old Dilnoza Bahromzoda, had all been severely injured when shelling hit their home earlier that morning. Four relatives accompanied them in the back of the ambulance, including Asmoa's mother, 25-year-old Sadokat Uktamzoda, who also carried with her the infant boy she had given birth to that very morning.[53] Kamoliddin Ashurov, a 48-year-old nurse, and Khusanboy Valiev, the driver, sat in the front of the ambulance.

[48] Human Rights Watch interviews with Ilhom Nazarov and Khusrav Sanginov, Isfara, November 13, 2022

[49] Ibid.

[50] Human Rights Watch interview with Ilhom Nazarov, Isfara, November 13, 2022.

[51] Ibid.

[52] Human Rights Watch interview with Khusrav Sanginov, Isfara, November 13, 2022.

[53] Human Rights Watch interviews with Amojon Fayozov and the head of Chorkuh Village Hospital, Chorkuh, November 14, 2022.



Kamoliddin Ashurov, a 48-year-old nurse from Tajikistan, was killed during an attack on an ambulance in Chorbog on September 16. © 2022 Private

Amojon Fayozov, 34, the children's uncle, said that when he had got into the vehicle earlier at Chorkuh Hospital,[54] his niece and nephew "were not fully conscious because of the

trauma on their heads but they could make some noises and we could understand that they were in pain."[55]

A car carrying civilians, including a family of five fleeing the shelling in their village of Lakkon to the south, was behind the ambulance. Mahbuba Hasanova, 27, said the family had decided to drive with the ambulance because that would be safer.[56]

As both vehicles approached the Chorbog bridge from the south, passengers recalled seeing the damaged Tajik military vehicle that blocked the bridge.[57] At that moment, they came under fire.[58] "We were just turning to the bridge when they shot the [ambulance] driver with a rocket-propelled grenade," Fayozov said.[59] The shooting, he recalled, came from the Kyrgyzstan side of the border. At the point that the main road turns west towards the bridge, the border lies roughly 110 meters north of the bend in the road.[60]

Valiev, the driver, and Ashurov, the nurse, died instantly.[61] Fayozov said that he fell to the floor and that a second explosion then injured him and threw him from the vehicle through the window.[62]

[54] Human Rights Watch interview with Amojon Fayozov, Chorkuh, November 14, 2022.

[55] Ibid.

[56] Human Rights Watch interview with Mahbuba Hasanova, Lakkon, November 14, 2022.

[57] Human Rights Watch interviews with Mahbuba Hasanova, Lakkon, November 14, 2022, and Amojon Fayozov, Chorkuh, November 14, 2022.

[58] Ibid.

[59] Human Rights Watch interview with Amojon Fayozov, Chorkuh, November 14, 2022.

[60] Ibid.

[61] Human Rights Watch interview with widow of Ashurov, Chorkuh, November 14, 2022.

[62] Human Rights Watch interview with Amojon Fayozov, Chorkuh, November 14, 2022.

Hasanova, who was in the car behind them, said that their car had just turned near the bridge when the "ambulance received a missile or a bomb" and exploded.[63] An exploding projectile then hit the front of Hasanova's car, she said, killing the front passenger instantly. The car, she recalled, was also hit with bullets.[64]

The second ambulance caught on fire, killing eight passengers trapped inside.[65] Only Fayozov survived after finding shelter under the bridge, where he met Hasanova and her family.[66]



The wreckage of a Tajik ambulance from Isfara State Hospital which was attacked near a bridge by the border in Chorbog on September 16, 2022, along with another ambulance and a car carrying civilians. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



The wreckage of a Tajik ambulance from Isfara State Hospital, which was attacked near a bridge by the border in Chorbog, Tajikistan on September 16, 2022, along with another ambulance and a car carrying civilians. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

[63] Human Rights Watch interview with Mahbuba Hasanova, Lakkon, November 14, 2022.

[64] Ibid.

[65] Human Rights Watch interviews with Mahbuba Hasanova, Lakkon, November 14, 2022, and Amojon Fayozov, Chorkuh, November 14, 2022.

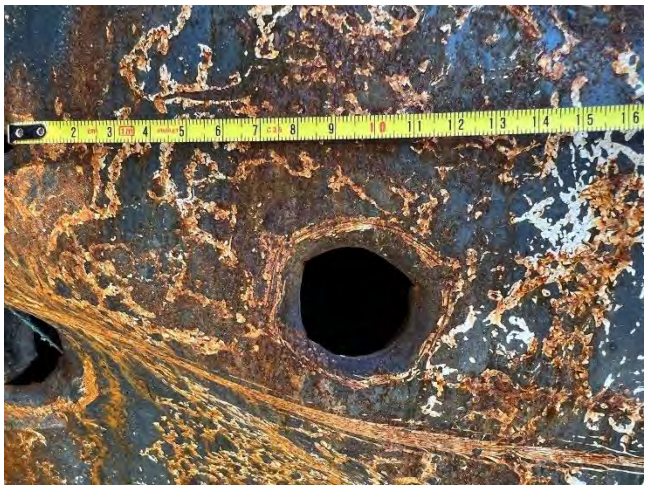
[66] Human Rights Watch interviews with Mahbuba Hasanova, Lakkon, November 14, 2022, and Amojon Fayozov, Chorkuh, November 14, 2022.



The wreckage of a second Tajik ambulance, from Chorkuh Village Hospital that was also attacked near a bridge by the border in Chorbog on September 16, 2022, along with another ambulance and a car carrying civilians. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



Markings stating “Ambulance” on the wreckage of a Tajik ambulance from Chorkuh Village Hospital, which was attacked near a bridge by the border in Chorbog on September 16, 2022, along with another ambulance and a car carrying civilians. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



A large caliber bullet hole on the wreckage of a Tajik ambulance, which was attacked near a bridge by the border in Chorbog on September 16, 2022, along with another ambulance and a car carrying civilians. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

After these attacks, Tajik soldiers on the western side of the river opened fire on Kyrgyz forces. The shooting and shelling continued for around three hours, witnesses said.[67] The group of four survivors from the first ambulance continued to be shot at while trying to flee. "When we started moving, snipers started to shoot," said Sanginov, the driver of the first ambulance.[68] "We jumped from one tree to another, from one place to another place, step by step."[69]



3-year-old Ahmadjon, the son of Mahbuba Hasanova from Tajikistan, was killed when the family's car came under attack by Kyrgyz forces near the border on September 16, 2022. © 2022 Private

Tajik forces eventually forced Kyrgyz forces away and around 11 a.m. they evacuated the injured.[70] Hasanova's husband Akmar and her 3-year-old son, Ahmadjon, were severely wounded. "He had two holes in his stomach, and he didn't even cry," Hasanova said of her son.[71] "He was so scared that he didn't cry, he didn't shout, he didn't say that he had any pain."[72] Ahmadjon later died at the hospital.

Survivors of the attack and Dostuk residents said that Kyrgyz forces controlled Dostuk in the early morning. Tajik forces occupied Dostuk later that day but were not in the village at the time of the attack. Satellite imagery dated September 17 also shows a border guards base uphill east of Dostuk.

[67] Human Rights Watch interviews with Mahbuba Hasanova, Lakkon, November 14, 2022, and Amojon Fayozov, Chorkuh, November 14, 2022, and Khusrav Sanginov, Isfara, November 13, 2022.

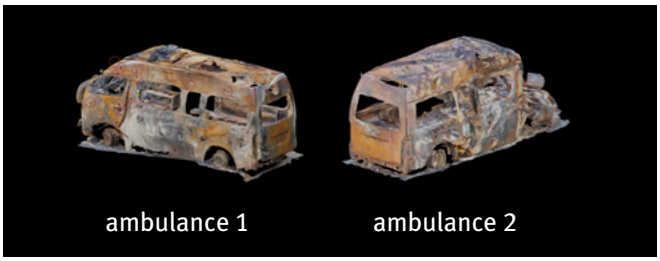
[68] Human Rights Watch interview with Khusrav Sanginov, Isfara, November 13, 2022.

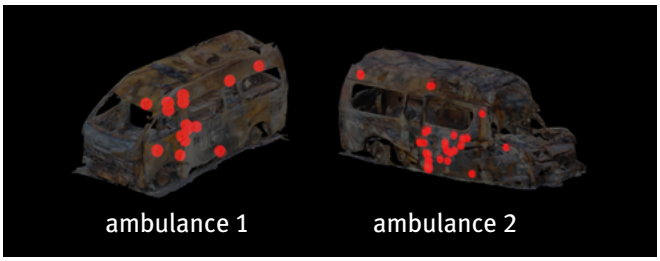
[69] Ibid.

[70] Human Rights Watch interviews with Mahbuba Hasanova, Lakkon, November 14, 2022, and Amojon Fayozov, Chorkuh, November 14, 2022.

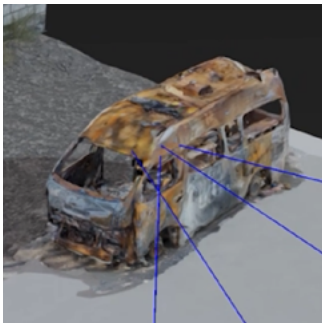
[71] Human Rights Watch interview with Mahbuba Hasanova, Lakkon, November 14, 2022.

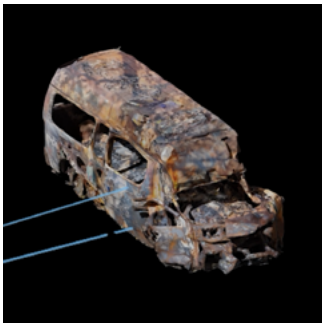
[72] Ibid.



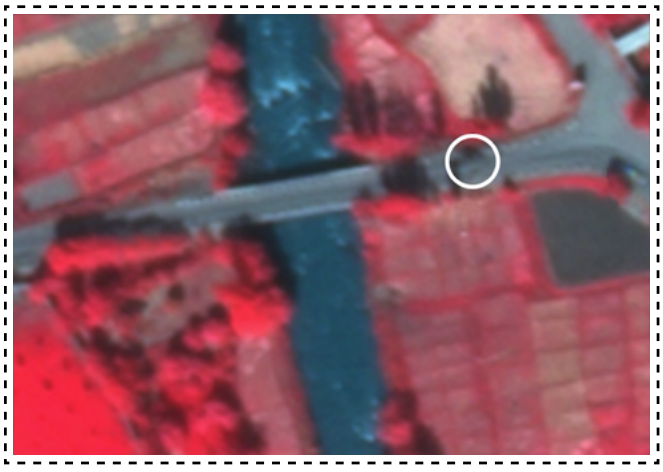


Human Rights Watch inspected the wreckage of the two ambulances, located in the garage of the Isfara state hospital, and found dozens of bullet holes as well as extensive fire damage consistent with witness accounts.



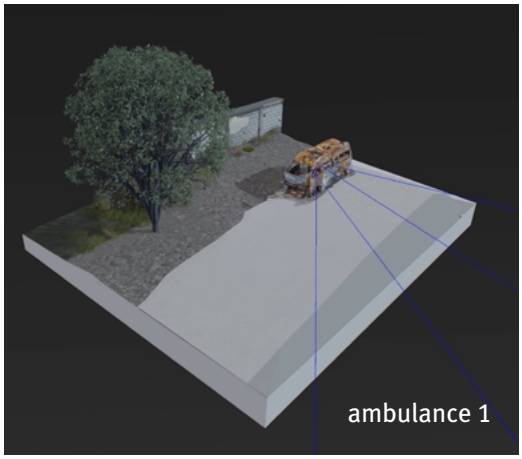


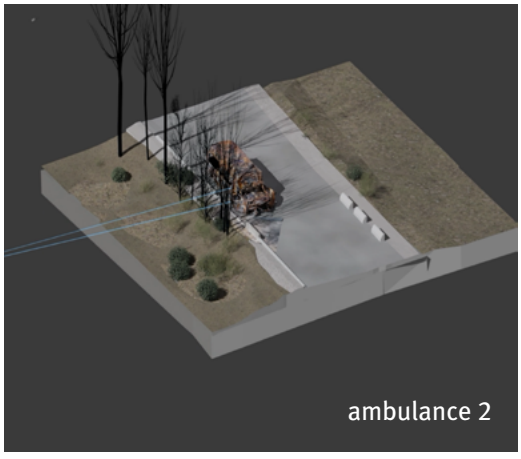
A shot-hole analysis – a basic ballistics technique – of both vehicles was conducted and recorded with 3D scanning.

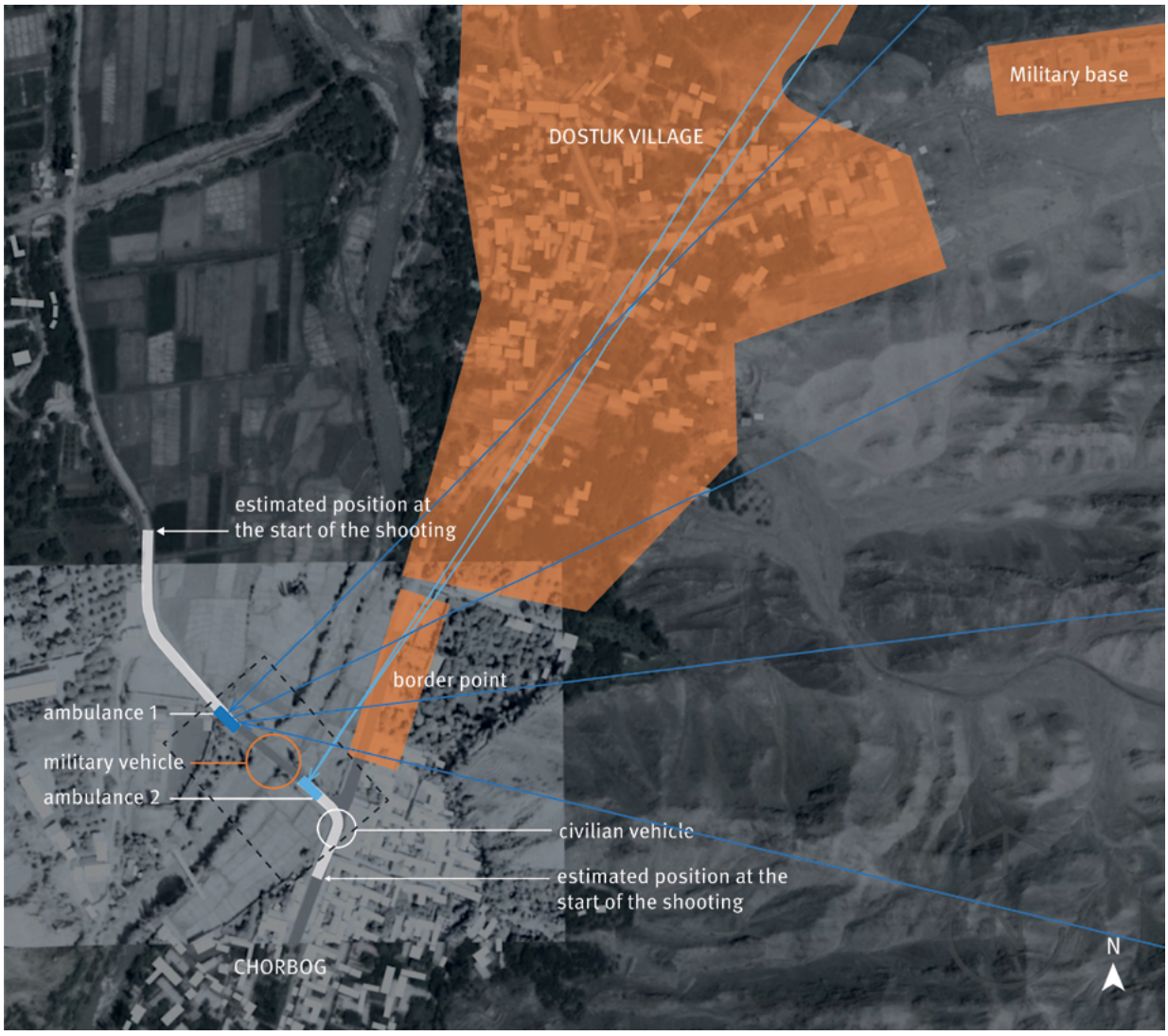


Human Rights Watch also reviewed satellite imagery and three videos of the site taken by a journalist on September 18 to estimate the positions of both vehicles.

Researchers also constructed the site of the incident in 3D using photos, videos, and 3D scans taken of the attack site and the two damaged ambulances.







This analysis found that, consistent with witness accounts, the two ambulances were hit by shots fired from around the Kyrgyz village of Dostuk, north and northeast of where the two ambulances had been positioned.

Taken together, the witness statements, damaged ambulances, and 3D model strongly suggest that Kyrgyz forces in Dostuk deliberately targeted the two ambulances, resulting in ten civilian deaths. Incidental fire seems very unlikely, given that the vehicles were attacked with different types of munitions, including explosive munition and bullets of various calibers, and that survivors from the first ambulance continued to come under fire while running away.

Both ambulances were clearly marked with red and white painting and the word "Ambulance" on the front, which would have been visible from where the Kyrgyz forces were based. This makes it highly unlikely that the ambulances could have been mistaken for military vehicles.

The presence of a damaged Tajik military vehicle on the bridge when the first ambulance reached the area indicates that hostilities were ongoing, but Kyrgyz forces had a duty to distinguish between military and civilian targets.

Together these elements indicate that Kyrgyz forces in Dostuk targeted the vehicles even though they should have known they were medical vehicles, which would render the triple ambush unlawful and an apparent war crime.

Attack on Ambulance, Ovchi Kal'acha

A doctor and a nurse were killed when a Tajik ambulance from Ungi Hospital came under attack around 4 or 5 p.m. on September 16 in the Tajik village of Ovchi Kal'acha.[73] The location of the attack – a steep-sided valley 110 meters downhill from the nearest position of Kyrgyz forces – and an analysis of the bullet holes indicate that the ambulance was very likely attacked by Kyrgyz forces, despite its markings as a medical vehicle.

There were four healthcare workers in the ambulance who had spent the day driving back and forth to frontline areas to pick up injured Tajik civilians and soldiers, the ambulance driver and one of the medical workers said.[74] Around 3.30 p.m., the group received information about a civilian injured on the southern outskirts of Ovchi Kal'acha.[75] When

[73] Human Rights Watch interview with (name withheld), Bobojun Gafurov, November 15, 2022.
[74] Human Rights Watch interviews with (names withheld), Bobojun Gafurov, November 15, 2022.
[75] Ibid.

they arrived in the area, the ambulance staff set out to find the injured person.[76] One of the nurses, Abdunabi – known by his colleagues as "Nabijon" and who was in his late 40s – left the vehicle looking for the injured person, while the driver turned the ambulance around, preparing to leave.[77]

As Nabijon returned minutes later, the vehicle came under attack. "Shooting first started from the back but didn't reach the car and Nabijon hurried to the car.... I think he was injured while he was out," the driver said.[78] Nabijon then entered the ambulance, sat on the floor, and placed his head between the two seats.[79]



Bullet impacts on a Tajik ambulance from Ungi Hospital which came under attack by Kyrgyz forces on September 16 in Ovchi Kal'acha. The attack killed two health workers. © 2022 Jean-Baptiste Gallopin/Human Rights Watch



Bullet impact on a Tajik ambulance from Ungi Hospital which came under attack on September 16 in Ovchi Kal'acha. The attack killed two health workers. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

[76] Ibid.

[77] Ibid.

[78] Human Rights Watch interview with (name withheld), Bobojun Gafurov, November 15, 2022.

[79] Ibid.



Solijon Rahimov, a 45-year-old doctor from Tajikistan, was killed on September 16, 2022, in an attack on an ambulance in Ovchi Kal'acha. The shots came from the hills controlled by the Kyrgyz military. © Private.

The other nurse on board, Mazbutjon Karimov, 52, was sitting in the back alongside Solijon Rahimov, a 45-year-old doctor. As the shooting started, Karimov said, he fell to the floor.[80] "Abdunabi [Nabijon] was not talking," he said. "The doctor next to me [Rahimov] was talking over the phone… when he received a bullet. He shouted 'Aaaah.'… I fell on the floor of the car. The floor was full of blood."[81]

The ambulance driver rushed to the Bobojon Gafurov state hospital, but Nabijon and Rahimov both died of their injuries. Nabijon had received a bullet in the neck, while Rahimov had been shot with a large caliber bullet in the forehead and received two smaller caliber bullets in the stomach, one of which hit a kidney and the other, the spine.[82]

Human Rights Watch examined the bullet damage on the ambulance and visited the site of the attack with one of the survivors. The ambulance was clearly marked as such: painted white and red, the vehicle featured the star of life on the hood and had "AMBULANCE" written on the front above the windshield. All but one of the entry bullet holes on the vehicle were located on the back right corner of the vehicle. One hole showed the bullet had entered from the back left side. The downwards trajectory of some of the shots indicates that those shots were fired from a higher elevation. On site, Human Rights Watch established that the vehicle had been facing north at the time of the attack, indicating that all but one of the bullets had hit the vehicle from a downwards, southeastern angle.

The angles of the shots fired and the location and direction of the ambulance at the time it was first hit indicate that the shots came from the hills controlled by Kyrgyz forces.

[80] Human Rights Watch interview with Mazbutjon Karimov, Bobojun Gafurov, November 15, 2022.

[81] Ibid.

[82] Human Rights Watch interviews with widow of Rahimov, Ovchi Kal'acha, November 12, 2022, and (name withheld), Ovchi Kal'acha, November 12, 2022.

Residents of a neighboring house said that Kyrgyz forces had fired at their house repeatedly throughout the day from three locations: a building 110 meters up the hill to the east; a complex of container buildings to the southeast on the same hill; and the top of the hill on the opposite side of the valley to the south, which is also under Kyrgyzstan's control.

Human Rights Watch is not aware of any Tajik military presence in the area at the time of the attack on the ambulance, though holes consistent with firing holes in the wall immediately adjacent to the ambulance were found, suggesting the Tajik military may have operated in the area at other times.

The ambulance was clearly marked and any deliberate attack on a medical vehicle operating as such is an apparent war crime.

Indiscriminate Shelling of Khistevarz

Two women were killed and six people injured in Khistervarz in Tajikistan on the morning of September 16 in two incidents of apparent indiscriminate shelling. The attacks hit a densely populated residential neighborhood around 1.75 kilometers from the border.

Savrineso Hojiboeva, 59, was killed when an artillery strike hit her house around 7:30 a.m. that day. The explosion took many residents by surprise; although fighting had begun in the distance, it was not clearly audible to all. Five of Hojiboeva's relatives were injured in the attack.

"You could hear the shooting. The border is very close," one victim said.[83] "We were thinking … should we leave or not? But then we decided we shouldn't panic." The victim said they had seen no military activity in the area prior to the strike: "We are … deep in the middle of the village."[84]



59-year-old Savrineso Hojiboeva, a Tajik citizen, was killed when an artillery strike hit her house in the Tajik city of Khistevarz on September 16, 2022. © Private

[83] Human Rights Watch interview with (name withheld), Histevarz, November 12, 2022.
[84] Ibid.



73-year-old Fayziniso Rahimova survived the artillery strike that hit her family's house in the Tajik city of Khistevarz on September 16, 2022. Her sister, Savrineso Hojiboeva, died. © 2022 Jean-Baptiste Gallopin/Human Rights Watch

The shell hit the family courtyard, causing lethal injuries to Hojiboeva, as well as serious injuries to her sister, 73-year-old Fayziniso Rahimova, Rahimova's 41-year-old daughter-in-law Gulchera Juraeva, and Juraeva's three children, 16-year-old Mubina Rahimova, 22-year-old Jafar Rahimov, and their brother.

"I saw that [Juraeva's] shoulder was injured, and [bleeding]," said Fayziniso Rahimova.[85] "I called my son: 'You have to run here, your wife is injured!' And my son said: 'I'm busy with my aunt', and I didn't understand what aunt he was talking about. It was my sister [Savrineso Hojiboeva]."[86]

Fayziniso Rahimova sustained severe injuries from metal fragments in her shoulder, hand, and leg. Jafar Rahimov suffered internal bleeding in the chest and a collapsed lung. Both of Juraeva's legs were injured, leaving her with a permanent disability. Mubina Rahimova suffered a lung injury.

[85] Human Rights Watch interview with Fayziniso Rahimova, Histevarz, November 12, 2022.
[86] Ibid.



Munavva Kosimova, 54, from Tajikistan, was severely injured when her house was hit by artillery on September 16, 2022. Her 83-year-old mother died in the attack. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

Human Rights Watch visited the site of the attack and found fragments and damage consistent with artillery shelling. The survivors said that there was no military presence in the area at the time.

Minutes later, around 8 a.m., another shell fell nearby, in the courtyard of the house of 83-year-old Kutbineso Hamidova and her family, who live around 160 meters away. The strike killed Hamidova on the spot and severely injured her daughter, 54-year-old Munavvar Kosimova.[87] Kosimova said that "it was very calm" before the explosion. "Suddenly it got very dark." She recalled:

> I went out to the street, somehow went to my neighbors…. I was shouting that my mom is dead…. My neighbor … said I needed to look at my hand. I

[87] Human Rights Watch interview with Munayva Kosimova, Histevarz, November 12, 2022.

> realized that [it] was full of blood and the muscles were [exposed], but I couldn't feel any pain.[88]

Besides the injury on her left hand that has left her with a permanent disability, Kosimova was hit by fragments in the abdomen and left leg. She was taken to the Bobojun Gafurov state hospital, where she underwent several surgeries. Her body remains full of fragments, she said.

Human Rights Watch examined the site of the strike and found extensive fragmentation damage consistent with artillery fire. Kosimova said there had been no military presence near her house at the time of the attack.



83-year-old Kutbineso Hamidova was killed on September 16, 2022, when an artillery shell hit her home in the Tajik city of Khistevarz. © Private

[88] Ibid.

Abuses by Tajik Forces in Kyrgyzstan

Ambushes of Civilian Vehicles

Tajik forces killed two civilians and injured at least four others when they opened fire on vehicles with families who were trying to flee the fighting on September 16.

Multiple Attacks Between Maksat and Jashtyk

Tajik forces opened fire on three vehicles with civilians on September 16 on an un-demarcated stretch of the border between the Kyrgyz villages of Maksat and Jashtyk. The attacks, which killed a man and injured at least three other people, occurred on a road that links the two villages and is mostly used by Kyrgyzstan citizens. It passes just south of fields cultivated by Tajikistan citizens.

When they came under attack at around 8.30 a.m., 22-year-old Keldibek Koldoshev, three of his relatives and six neighbors, were crammed in the family car, fleeing the fighting that had broken out near their home in Maksat.[89] The car was hit four times, Koldoshev said.[90] He suffered an injury in the leg from a bullet. The family stopped the car and ran away, but the shooting continued, Koldoshev said.[91]

Minutes later, at around 8:37 a.m., the car of the Sulaimanov family, who were driving to the area from Maksat, came under fire meters away.[92] "Soldiers from the Tajik side … shot at us," said Gulsun Sulaimanova, a 63-year-old woman who was in the car. "First they hit my son. He said to get down. Then they hit my husband."[93] Sulaimanova's 66-year-old husband Abdykuddus Sulaimanov was injured in the abdomen by shrapnel, while her son Kydyr Sulaimanov was injured in the head. Her 4-year-old grandchild Imamidin remained uninjured.[94]

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[89] Human Rights Watch interview with Keldibek Koldoshev, Maksat, November 18, 2022.
[90] Ibid.
[91] Ibid.
[92] Human Rights Watch interview with Gulsun Sulaimanov, Dostuk, December 5, 2022.
[93] Ibid.
[94] Ibid.

The family fled the car and found refuge near Koldoshev's family where they lay in hiding for the day as Tajik soldiers kept shooting at them whenever they became visible. "We [heard] them speak in Tajik.... We lay there, not moving.... When we moved, they [would] shoot at us. Bullets were flying above us," Sulaimanova said.[95]



A photo taken by a member of the Kyrgyz Sulaimanov family, as they hid by the roadside when Tajik forces attacked their vehicle near the Kyrgyz village of Maksat, on September 16, 2022. © 2022 Private

"All this time, shooting and shelling was going on ...The Tajik side was shooting cars that were passing on the road," Koldoshev said. "We had Kyrgyz plates; they knew we were Kyrgyzstanis."[96]

A third car was attacked later that day when it arrived at the same location. After hearing that fighting had started, 59-year-old Rokiya Dadajonova and her husband, 58-year-old Normatzhon Dadajonov were rushing back from Maksat when Rokiya said their car was fired at from the Tajik side.[97] Normatzhon was hit by multiple bullets on the neck, hip, hands, and head. "I bent down, moved my head down. Bullets were flying towards me," Rokiya said.[98] "Then I opened the door. I said: 'Hey! What sin have I committed? Why do you shoot bystanders?'" Normatzhon died later by the side of the road. His car had been burned out.[99]

[95] Ibid.

[96] Human Rights Watch interview with Keldibek Koldoshev, Maksat, November 18, 2022.

[97] Human Rights Watch interview with Rokiya Dadajonova, Borborduk, November 5, 2022.

[98] Ibid.

[99] Human Rights Watch interviews with Gulsun Sulaimanov, Dostuk, December 5, 2022, and Keldibek Koldoshev, Maksat, November 18, 2022.



Normatzhon Dadajonov, 58, was killed on September 16, 2022, while fleeing with his family when Tajik forces attacked their car. Normatzhon was hit by multiple bullets on the neck, hip, hands, and head and died by the side of the road. © 2022 Private

In total, five or six civilian cars were attacked at that location, Sulaimanova said.[100]

The Tajik soldiers approached the injured civilians hiding by the side of the road and, rather than provide them with assistance, proceeded to threaten and rob them. Sulaimanova said that around 2:30 or 3 p.m., a group of five Tajik soldiers in uniforms approached. "I saw the tip of [a] gun pointed at me, 20 centimeters away," she said, adding that one "soldier checked the pulse of Kydyr, said something like: 'He is about to die,' then looked at my husband, saw his injury, and left."[101]

Koldoshev said that four Tajik soldiers searched his car and stole his phone, his car battery, wheel pump, and his mother's phone. "One of them said that I need[ed] to be taken to Dushanbe [because of the injuries]," he said. "I kept lying on the ground [and] put my face towards the ground.... They told each other that I would die and left me.... My leg kept bleeding."[102]

The Sulaimanov family ran away in the dark of the night, but Koldoshev, too injured to move, stayed there for more than 36 hours, surviving on water that the Sulaimanov family had given him, until he was rescued by Kyrgyz soldiers and brought to a hospital.

Human Rights Watch reviewed a video posted on social media showing the cars of the two families on the road, their hoods open, which appears consistent with Koldoshev's claim that Tajik soldiers looted spare parts. The video shows two other apparently civilian vehicles, including one that was burned out.[103]

[100] Human Rights Watch interview with Gulsun Sulaimanov, Dostuk, December 5, 2022.

[101] Ibid.

[102] Human Rights Watch interview with Keldibek Koldoshev, Maksat, November 18, 2022

[103] (Name withheld) post to TikTok, September 20, 2023, (accessed April 4, 2023).

In its response to Human Rights Watch, the government of Kyrgyzstan said that a forensic examination had found that Dadajonov had been killed by a gunshot wound to the head.

Killing of Suhrob Kenjebaev between Arka and Margun

On that same morning of September 16, Tajik soldiers ambushed the car of a family fleeing the Kyrgyz village of Arka. Suhrob Kenjebaev, a 44-year-old man, was driving with his wife, 43-year-old Gulshan Yuldasheva, and their 14-year-old son Abboz. Like many residents of the area, the family was heading south, away from the valley and the border and towards the village of Margun, located south of Arka across a desert ridge.

Soldiers opened fire on the car and shot a grenade, which failed to explode. "Soldiers had been hiding behind bushes and trees," Yuldasheva said. "As we were driving, all of a sudden, they started shooting. About twenty soldiers. After the car stopped, they surrounded us and started shooting again."[104]

Yuldasheva, who was sitting in the back of the vehicle with her son, was injured in the leg and chest, while her husband Kenjebaev was killed on the spot. "They had surrounded the car. I didn't understand their language," she said. "All were armed.... I had blood all over.... My son looked at me.... He said, 'Mom, blood!' I said: 'Keep silent!' I looked at my husband in the front of the vehicle. He was already dead with his head hanging down. He wasn't breathing."[105]

Yuldasheva said that she then saw Tajik forces open fire on another civilian vehicle. With her son, they escaped and were rescued by another driver, and then by an ambulance. She underwent two surgeries.

Human Rights Watch researchers inspected the car wreckage at the police station in Arka and found more than a dozen bullet holes all over the car, as well as large blood stains on seat covers and floor mats.

[104] Human Rights Watch interview with Gulshan Yuldasheva, Arka, November 4, 2022.
[105] Ibid.

Killings of Civilians in Occupied Areas

Human Rights Watch documented six killings of Kyrgyzstan civilians during the Tajik occupation of Kyrgyzstani villages on September 16 and 17. In two cases, Tajik forces shot at men while they were fleeing on foot, killing three. In two other cases, older men were killed in their homes; the locations of the bodies and the injuries suggested that they had been killed at close range while defenseless. In the last case, Tajik forces opened fire at a group of civilian men, killing one.

Myktybek Avrorov and Aibek Ysmanov, Killed in Ak-Sai

Two witnesses said that Tajik forces killed Myktybek Avrorov, a 22-year-old man fleeing the fighting in his village of Ak-Sai, and 35-year-old Aibek Ysmanov, a government employee of the Ministry of Emergency Services, during an attack in Ak-Sai on September 16.[106]



Kyrgyz soldiers inspect the body of 22-year-old Myktybek Avrorov, killed by Tajik forces while fleeing the Kyrgyz village of Ak-Sai on September 16, 2022. © 2022 Zairbek Kadirov.

There was shooting in the town at the time the two men were killed, two witnesses said. Zairbek Kadirov, a friend of Avrorov, said he watched from a nearby hill as five armored Tajik vehicles entered Ak-Sai and two Kyrgyz soldiers were shot dead.[107] The other Kyrgyz forces in town were quickly overrun, another witness who watched the fighting said.[108]

Shortly thereafter, Avrorov was driving with his brother Shumkar while Ysmanov drove his own car close to them, both trying to flee the area, when some of the armored Tajik vehicles opened fire on the two cars, one witness said.[109] The

[106] Human Rights Watch interviews with (names withheld), Ak-Sai, Kapchygai, September 22, 2022, November 4, 2022.
[107] Human Rights Watch interview with Zairbek Kadirov, Kapchygai, November 2, 2022.
[108] Human Rights Watch interview with (name withheld), Batken, November 22, 2022.
[109] Human Rights Watch interview with (name withheld), Ak Sai, December 2, 2022.

witness said he saw that most of the armored vehicles had driven down from the neighboring village of Bakai and were firing at civilians.[110] When their car was hit, Myktybek and Shumkar stopped and got out of the vehicle. At that point, the witness said, a Tajik soldier opened fire on them with an automatic weapon mounted to the vehicle. He explained:

> There was a machine gun on top of the Tajik vehicle. They turned it and started shooting.... They literally targeted us and directly shot at [Myktybek and Shumkar]. As soon as the Tajiks shot, [Myktybek and Ysmanov] got hit.[111]

Shumkar ran away and survived.[112]

Kadirov, a friend of Myktybek, said he saw the body of Myktybek at this location on September 17, when Kyrgyz soldiers inspected it.[113] He also attended Myktybek's funeral on September 17 and saw his friend's body there. He said that Myktybek had been shot in the face and was missing half of his head and that he had smaller bullet injuries in the chest.[114] Kadirov showed researchers the video he recorded when Kyrgyz soldiers inspected Myktybek's body.[115]

Matisa Nadyrov, Killed in Ak-Sai

In the same village, 58-year-old Matisa Nadyrov, a chicken breeder, was killed on September 16 during the occupation of his farm by Tajik forces. His son Adilet Nadyrov said that his father had been reluctant to flee with the rest of the family, who left at around 7:30 a.m. as Tajik forces approached. Adilet said he was watching from a nearby mountain when he saw Tajik forces enter the village and civilians with them loot private property. "I

[110] Ibid.

[111] Human Rights Watch interviews with (name withheld), Ak Sai, December 2, 2022, and (name withheld), Batken, September 22, 2022.

[112] Human Rights Watch interviews with (name withheld), Ak Sai, December 2, 2022, and (name withheld), Batken, September 22, 2022.

[113] Human Rights Watch interview with Zairbek Kadirov, Kapchygai, November 2, 2022.

[114] Ibid.

[115] Ibid.

saw there were four armored cars going towards the farm," he said. "That's where my father was shot by them."[116]

Adilet did not see the shooting but went to his family's farm later, after Tajik forces had left, and said he found his father's body away from the main house with two bullet wounds, one in the stomach and one in the neck. "He had managed to escape from the farm, but not far enough," Adilet said.[117]

Human Rights Watch also interviewed an acquaintance of Nadyrov who attended his funeral.



58-year-old Matisa Nadyrov, a Kyrgyz chicken breeder, was killed on September 16, 2022, after Tajik forces occupied his farm. © 2022 Private

[116] Human Rights Watch interview with Adilet Nadyrov, Bakten, September 22, 2022.

[117] Ibid.

Myrzakmat Homidov, Person with Physical Disabilities Killed in Borborduk

Seventy-two-year-old Myrzakmat Homidov, a retired farmer who suffered from hearing difficulties and asthma, was the victim of an apparent unlawful killing on September 16 when Tajik forces occupied his village of Borboduk.

His wife, 70-year-old Satkiniso Ahmedova, said that after fighting broke out that morning, she went to hide in a neighbor's basement, but her husband refused to leave and decided to stay in their garden. "What will they do to an old person? I will be at home," she recalled him saying.[118]

The couple's neighbor Bektemir Mutaliev went to the house at around 2:30 p.m. to check on Homedov. "I saw the house of my neighbor was burning," he said. "I knew that my neighbor was there alone. After I put out the fire … we found his body in the backyard."[119]



The husband of 70-year-old Satkiniso Ahmedova, a resident of the Kyrgyz village of Borborduk, was killed in their garden on September 16, 2022, while Tajik forces controlled the village. © 2022 Jean-Baptiste Gallopin/Human Rights Watch

[118] Human Rights Watch interview with Satkiniso Ahmedova, Borborduk, November 5, 2022.

[119] Human Rights Watch interview with Bektemir Mutaliev, Borborduk, November 5, 2022.

Mutaliev, who later performed funeral rites on Homedov and washed his body, said Homedov had a bullet injury in the shoulder and another with an entry wound on the right cheek and an exit wound in the back of his neck. Mutaliev and Ahmedova said they found bullet casings near the body.

Killing of Ysmail Mamyrov, Person with Physical Disabilities in Min Oruk



Ysmail Mamyrov, a 62-year-old Kyrgyz man with physical disabilities, was shot and killed in his house in Min Oruk on September 16, 2022, while Tajik forces occupied the village. © 2022 Private

Ysmail Mamyrov, a 62-year-old Kyrgyz man who walked with crutches due to a previous leg injury, was shot and killed in his house in Min Oruk on September 16, while the village was occupied by Tajik forces, three of his family members said.[120] "My mom and my son had fled while my dad collected his documents," Mamyrov's 27-year-old daughter Mahabat said.[121] A video provided by the family shows what looks like Kyrgyz soldiers entering a bathroom and finding a slain man, which the family says is Mamyrov, on the floor of the shower. Three bullet holes are visible on the tiles close together suggesting that Mamyrov had been killed at close range.

Killing of Jusup Normatov in Samarkandek

Tajik forces killed Jusup Normatov, a 54-year-old resident of the Kyrgyz border village of Samarkandek, on September 16, when they opened fire on a group of nine civilian men who, despite the fighting, had remained in the village to protect property. Both sides exchanged fire that day, as Kyrgyz forces shot at Tajik forces advancing on the village, a

[120] Human Rights Watch interviews with Adanbaeva Bagdagul, Irisov Ulukbek, and Ysmail kyzy Mahabat, Min Oruk, November 3, 2022.

[121] Human Rights Watch interview with Ysmail kyzy Mahabat, Min Oruk, November 3, 2022; Human Rights Watch interview with Adanbaeva Bagdagul, Min Oruk, November 3, 2022.



Jusup Normatov, a 54-year-old resident of the Kyrgyz border village of Samarkandek, was killed by Tajik forces on September 16, 2022. He was part of a group of nine civilian men who had remained in the village, despite the fighting, to protect property. © Private

man who was present when Normatov was killed said[122] A relative of Normatov said that Normatov had fled that morning with his family after the fighting started, but he decided to go back. "I told him not to do that, but he refused, saying that men should stay in the village," the relative said.[123]

A survivor of the attack said that he and Jusup Normatov, alongside other civilians, none of them with weapons, were hiding by a road when Tajik vehicles approached, and that Normatov stood up, mistakenly believing these were friendly Kyrgyz forces. Tajik forces in the vehicles opened fire at the group with seven or eight bullets and mortally wounded him, the survivor said. "They targeted us, they did not shoot above us in the air," he said. He added that the Tajik soldiers then drove by and headed in the direction of where Kyrgyz forces were based. The other men took Normatov to the hospital, but he lost a lot of blood and died on the way.[124]

Looting and Destruction of Villages

When Tajik forces entered Kyrgyz-held territory on September 16, they were followed in some places by people in civilian clothes speaking Tajik.[125] Although Tajik control lasted less than 24 hours, in that time the Kyrgyz village of Kapchygai and a vast majority of the villages of Bakai and Dostuk (Batken district) were systematically burned down. Civilian infrastructure was deliberately destroyed in at least four other villages, with entire neighborhoods in Arka, Min Oruk, and Ak-Sai being burned down. Hundreds of houses, as

[122] Human Rights Watch remote interview with (name withheld), in Samarkandek, November 21, 2022.

[123] Ibid.

[124] Human Rights Watch remote interview with (name withheld), December 20, 2022.

[125] @batken1 post to Telegram channel, September 16, 2022, https://t.me/batken1/1366 (accessed March 28, 2023).

well as schools, kindergartens, medical facilities, commercial buildings, and cell phone towers, were destroyed.

Human Rights Watch visited all the affected villages, analyzed satellite imagery recorded before and after the events, and spoke with 16 Kyrgyz residents, in person or remotely, whose houses had been burned.

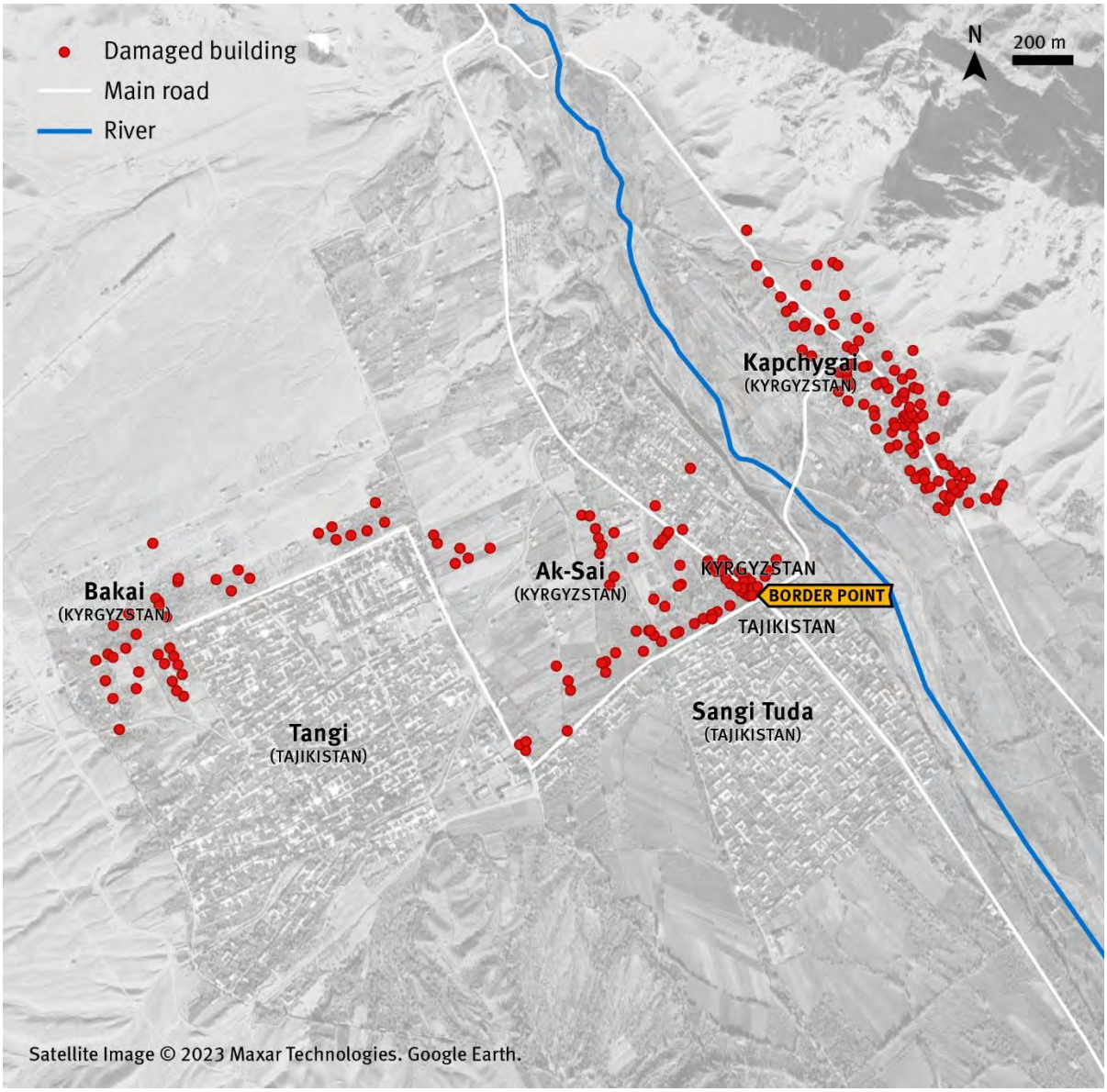
Satellite imagery showed the nearly complete destruction of Kapchygai and Dostuk villages in Batken district. Within the villages of Bakai, Arka, Min Oruk, and Ak-Sai, entire neighborhoods along sides of the road were burned.

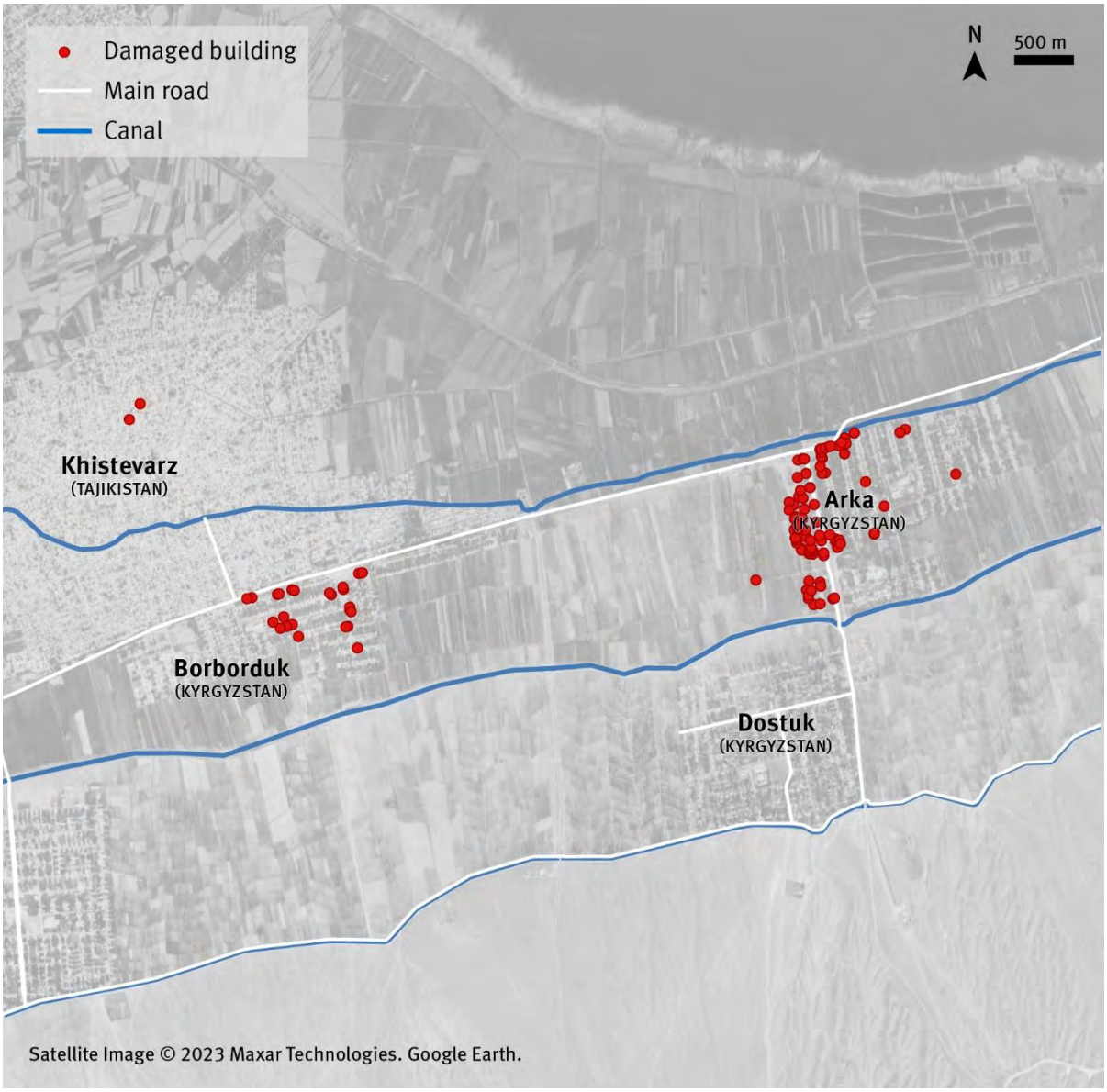


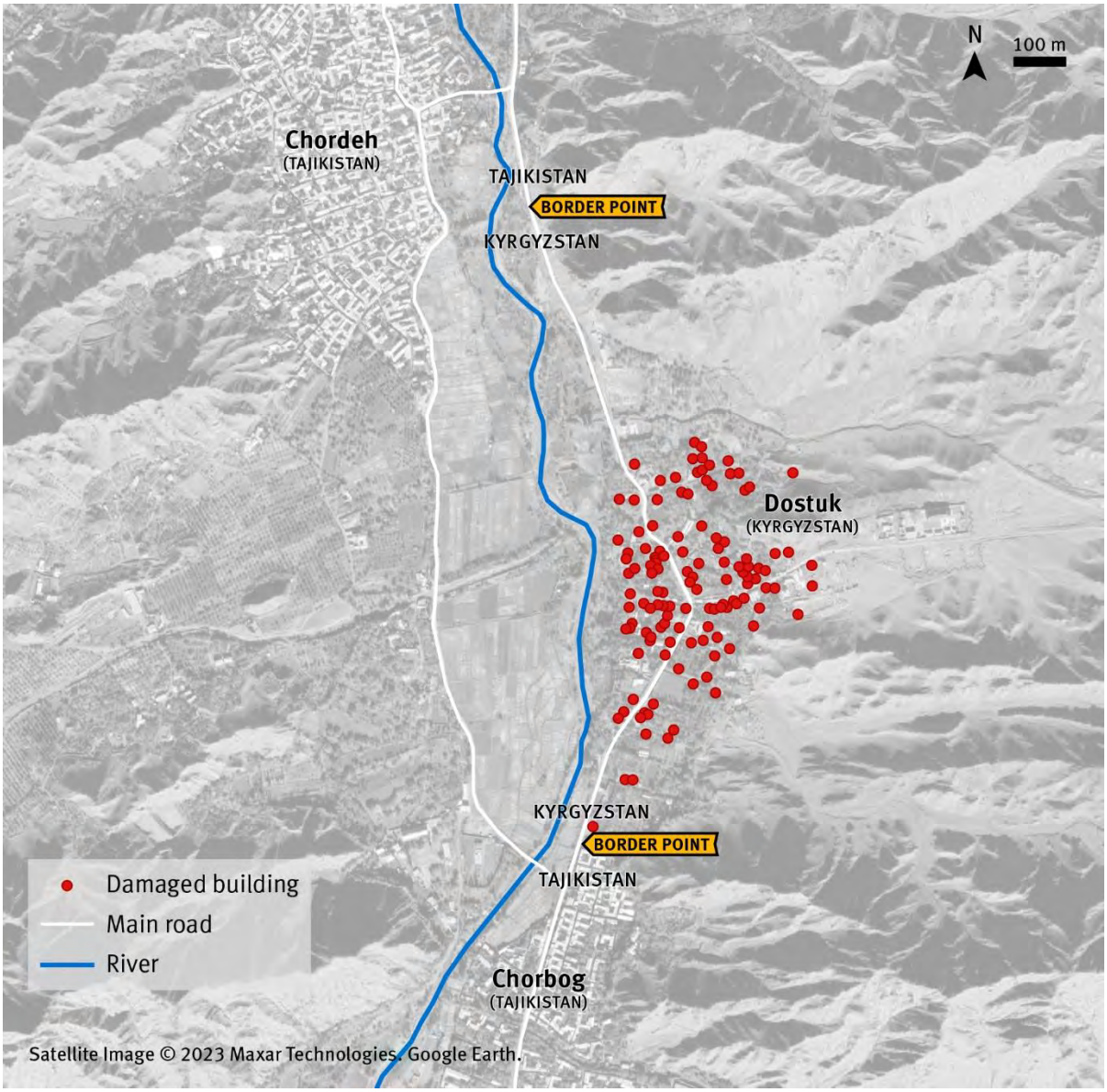
A burnt-out kindergarten in the Kyrgyz village of Ak-Sai. The village saw widespread looting and destruction while briefly under the control of Tajik forces on September 16, 2022.
© 2022 Jean-Baptiste Gallopin/Human Rights Watch.

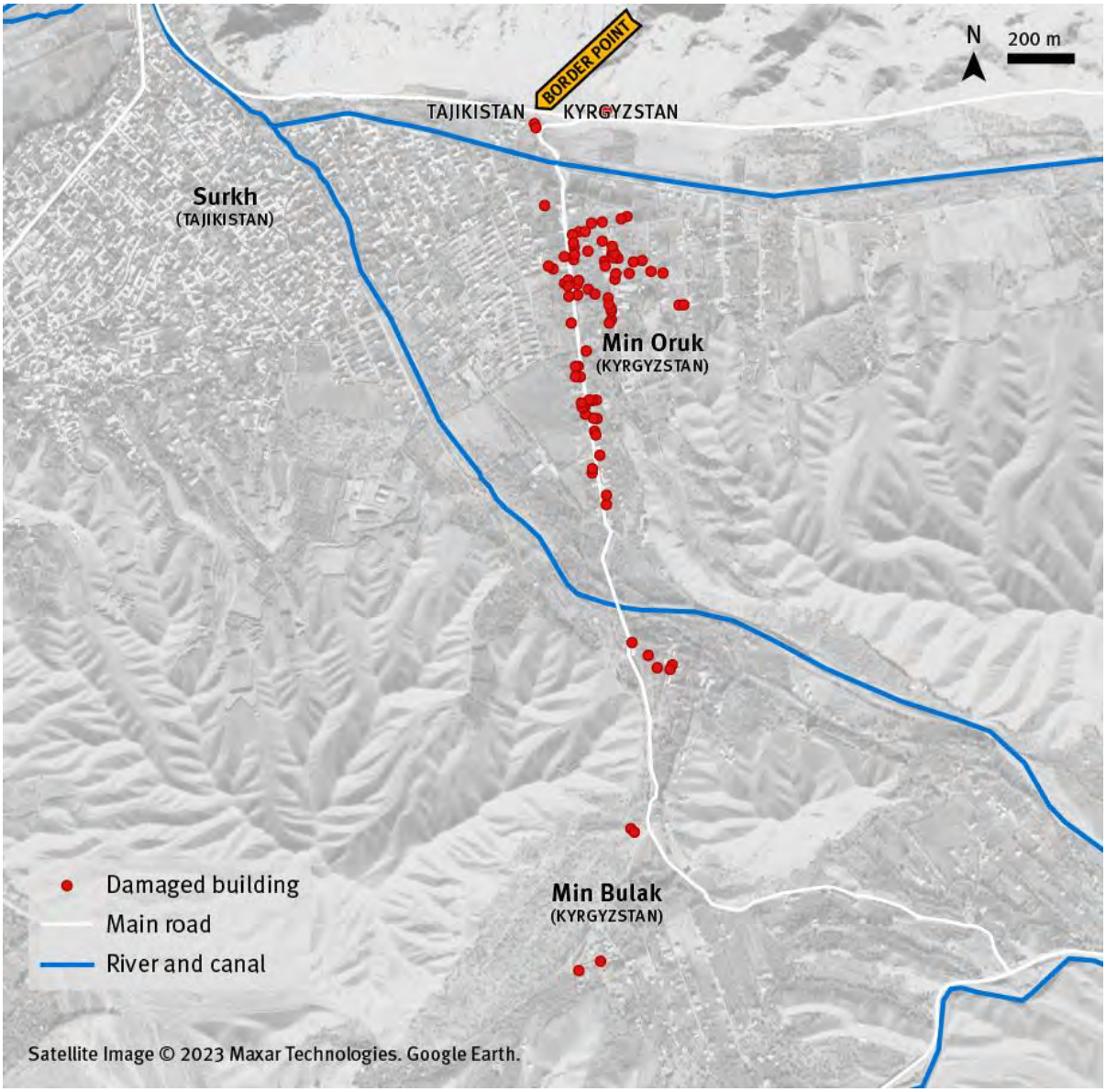


A burnt-out kindergarten in the Kyrgyz village of Ak-Sai. The village saw widespread looting and destruction while briefly under the control of Tajik forces on September 16, 2022.
© 2022 Jean-Baptiste Gallopin/Human Rights Watch.


Damaged building
Main road
River
N
200 m
Kapchygai
(KYRGYZSTAN)
Ak-Sai
(KYRGYZSTAN)
KYRGYZSTAN
BORDER POINT
TAJIKISTAN
Bakai
(KYRGYZSTAN)
Tangi
(TAJIKISTAN)
Sangi Tuda
(TAJIKISTAN)
Satellite Image © 2023 Maxar Technologies. Google Earth.


Damaged building
Main road
Canal
N
500 m
Khistevarz
(TAJIKISTAN)
Arka
(KYRGYZSTAN)
Borborduk
(KYRGYZSTAN)
Dostuk
(KYRGYZSTAN)
Satellite Image © 2023 Maxar Technologies. Google Earth.


N
100 m
Chordeh
(TAJIKISTAN)
TAJIKISTAN
BORDER POINT
KYRGYZSTAN
Dostuk
(KYRGYZSTAN)
KYRGYZSTAN
BORDER POINT
TAJIKISTAN
Chorbog
(TAJIKISTAN)
Damaged building
Main road
River
Satellite Image © 2023 Maxar Technologies. Google Earth.


BORDER POINT
TAJIKISTAN
KYRGYZSTAN
N
200 m
Surkh
(TAJIKISTAN)
Min Oruk
(KYRGYZSTAN)
Min Bulak
(KYRGYZSTAN)
Damaged building
Main road
River and canal
Satellite Image © 2023 Maxar Technologies. Google Earth.

Most damage observed in satellite imagery is consistent with destruction by fire. The lack of damage to surrounding vegetation indicates that fire did not spread naturally throughout a given village, but rather started in different locations within each village. In addition, the concentration of structures damaged by fire is higher in the areas of each village that are located closer to the de facto border between Kyrgyz- and Tajik-inhabited territory. In some instances, satellite imagery dated September 17, one day after Tajik forces entered Kyrgyz villages, showed the ongoing destruction. Smoke plumes from active burning, for instance, are visible on an image from the village of Arka.

In the villages of Ak-Sai, Arka, Bakai, Borborduk, Dostuk (Batken district), Kapchygai, and Min Oruk, Human Rights Watch saw signs of significant fire damage in areas that had no visible signs of fighting. In Ak-Sai, researchers found the remnants of a Molotov cocktail made with a bottle of vodka produced in Tajikistan and unavailable on the Kyrgyzstan market. In multiple other locations, researchers saw isolated burn marks indicating that a fire had started but failed to spread.





The lack of burn damage to surrounding vegetation near this burned-down lavatory in the Kyrgyz village of Ak-Sai indicates that fire did not spread naturally and suggests the structure was burned on purpose. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



This burnt-out primary medical facility in the Kyrgyz village of Kapchygai shows no signs of damage from fighting nor evidence that fire spread naturally to the building. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



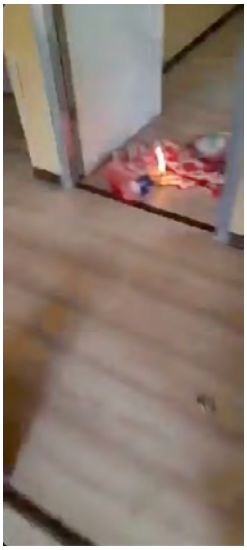
Fire damage inside a commercial building in the Kyrgyz village of Dostuk (Batken district). The village was completely destroyed by fire while briefly under the control of Tajik forces on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

A video posted to Telegram on September 16 and verified by Human Rights Watch shows six men, four in plain clothes and two in military camouflage, standing beside a parked car and a burning building at an intersection in that Kyrgyz village of Kapchygai.[126] A seventh man sitting inside the car says in Tajik: “Here are the Tajik lions … tell them to bring and hoist the flag.” A man in plain clothes responds by raising a Kalashnikov pattern rifle in approval. Researchers visited the site where the video was filmed and observed the fire damage.



A video posted on Telegram and verified by Human Rights Watch shows a gunman, apparently Tajik, waving a rifle near a burning building in the Kyrgyz village of Kapchygai. A man sitting inside the car says in Tajik: “Here are the Tajik lions … tell them to bring and hoist the flag.” The video was first posted on September 16, 2022 to Telegram by @batken1.

Human Rights Watch identified two other videos shared online on September 16 that appear to show people burning homes while speaking Tajik. They were recorded indoors and show active fires burning the floors of buildings. People in both videos claim the homes belong to Kyrgyzstanis, saying: “Brothers, here are the houses of the Kyrgyz, here is the fire!” and “There are Kyrgyz here” in Tajik. Human Rights Watchwas not able to verify the date or location of these videos.[127]



A 70-second video apparently shot by a Tajik speaking individual that shows other Tajik speaking individuals, dressed in civilian clothing, inside a house. The individuals in the video can be heard and seen deliberately damaging the house and apparently discussing setting the house on fire. The video was first posted on September 16, 2022 to Telegram by @batken1.

A 46-year-old farmer said he was watching from a hiding spot on a hill overlooking his village of Bakai when Tajik soldiers entered different streets of the village. “There was a lot of fire

[126] @batken1 post to Telegram channel, September 16, 2022, https://t.me/batken1/1269 (accessed March 28, 2023).

[127] @batken1 posts to Telegram channel shows a 70-second video apparently shot by a Tajik speaking individual that shows other Tajik speaking individuals, dressed in civilian clothing, inside a house. The individuals in the video can be heard and

coming from the roofs of the houses [after that]," he said.[128]

After the ceasefire was declared on the afternoon of September 16, Jakyp Meldikulov, a former resident from Dostuk village, returned to his village and saw burned walls, a destroyed roof, and some of his possessions scattered outside of his house. "The first thing that came to my mind was that my house was not attacked by artillery shells but was burned on purpose, because I didn't find any trace of artillery ... and no trace that my house was attacked by the military," he said.[129]

Mahabat Topchieva also said she found her house destroyed by fire when she returned to Bakai village after the fighting ended. "This is the second time my house burned," she said. "It was also burned during the first conflict [in April 2021]."[130]



Fire damage around a mobile phone tower in the Kyrgyz village of Dostuk (Batken district). The village was completely destroyed by fire while briefly under the control of Tajik forces on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



A burnt-out building in the Kyrgyz village of Dostuk (Batken district). The village was completely destroyed by fire while briefly under the control of Tajik forces on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.

seen deliberately damaging the house and apparently discussing setting the house on fire. The video was first posted on September 16, 2022 to Telegram by @batken1, https://t.me/batken1/1290; @Tojikon post to VK, September 16, 2022 (accessed April 4, 2023).

[128] Human Rights Watch interview with (name withheld), Ak Sai, November 3, 2022.

[129] Human Rights Watch interview with Jakyp Meldikulov, Dostuk, November 6, 2022; @batken1 post to Telegram channel shows Tajik combatants leaving the Kyrgyz village of Dostuk (Batken district), September 17, 2023, https://t.me/batken1/1416 (accessed April 4, 2023).

[130] Human Rights Watch interview by video with Mahabat Topchieva, November 3, 2022.



Fire damage on a lavatory in the Kyrgyz village of Dostuk (Batken district). The village was completely destroyed by fire while briefly under the control of Tajik forces on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



Fire damage in a house in the Kyrgyz village of Ak-Sai. Many homes had such damage from what appeared to be deliberate burning by Tajik forces on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



Burn marks from a fire that apparently failed to spread in a house in the Kyrgyz village of Ak-Sai. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



The remnants of a vodka bottle made in Tajikistan, apparently used as a Molotov cocktail, inside a burnt-out school in the Kyrgyz village of Ak-Sai. © 2022 Jean-Baptiste Gallopin/Human Rights Watch.



Household appliances left on the street after looting took place when Tajik forces took control of the Kyrgyz town of Internatsional on September 16, 2022. @batken1 on Telegram.

In its April 11, 2023 letter to Human Rights Watch, the government of Kyrgyzstan said that a total of 418 residential and other buildings and 27 social facilities, including 12 schools, 9 kindergartens, and 6 medical facilities "were burned… during the armed aggression by military personnel and illegal armed groups from Tajikistan." It added that 233 buildings and structures were "in need of capital repair" and 630 "in need of current repair," but did not specify what proportion had been damaged deliberately, rather than in the course of the fighting. The letter mentioned that burning occurred in the villages of Tangi, Internatsional, and Maksat.

Nineteen witnesses reported that there was widespread looting while Tajik forces and civilians were in their villages. Jakyp Meldikulov, for instance, said that when he returned to his village of Dostuk he saw that many of his household appliances, such as his refrigerator and washing machine, had been stolen. An electric heater was outside his house along with the windows that had been removed from their frames – apparently in order to be taken, he said.[131] Jamila Akmatova, 58, from Kapchygai village, said that when she returned to her home she found that it had been badly burned, but that as she saw no signs of burned appliances, she believed they had been looted.[132] In addition, 30,000 Russian rubles and her family's apricot harvest had been stolen, she said.[133]

Patta Yuldashev, a 69-year-old man, was one of the few people who remained in Arka when the Tajik military controlled the village. "From [September] 16, including the whole night until 8 or 9 a.m. the morning of [September] 17, shooting continued," he said.[134] "They were scaring people off with a purpose of making them flee. I think I was the only

[131] Human Rights Watch interview with Meldikulov Jakyp, Dostuk, November 6, 2022.

[132] Human Rights Watch interview with Jamila Akmatova, Kapchygai, November 3, 2022.

[133] @batken1 post to Telegram channel shows looting was evident in a video also posted online showing household appliances left on the street while Tajik forces occupied the Kyrgyz town of Internatsional, September 16, 2022, https://t.me/batken1/1277 (accessed April 4, 2023).

[134] Human Rights Watch interview with Patta Yuldashev, Arka, November 4, 2022.

one remaining in the area.... There were people directing which houses should be looted. From our street, six cars were stolen."[135]

A resident from Borborduk, a majority ethnic Uzbek village on Kyrgyz-held territory along the border, described similar looting there on September 16. He did not dare to leave his house because the street was full of people who were looting and burning buildings. Some of them were wearing masks and others hiding their faces with a t-shirt, he said, all in the presence of men wearing Tajik police and border guard uniforms. The border guards, he said, were shooting in the air. "I thought there was maybe fighting between military forces, but I realized that... Tajik forces were just shooting in the air to scare people," he said.[136]

In its April 11, 2023, letter to Human Rights Watch, the government of Kyrgyzstan said that a total of 49 vehicles and 1,600 farm animals had been looted by the Tajik side during the conflict, amounting to 3.28 billion Kyrgyz soms in value (US $37.6 million).

Some residents whose houses were burned said they believed that the looting and destruction were aimed at driving them away. "They burned our houses to decrease our spirit, so we leave our places," said Altynay Kamchieva, a 34-year-old schoolteacher in Arka.[137] "If we leave our places, they can easily occupy [them]."[138]

By late January 2023, at least 4,000 of the Kyrgyz citizens displaced by the conflict had yet to return to their homes and were reportedly residing in shelters or relatives' homes.[139] In February, about 75 percent of the population had yet to return to the areas of Ak-Sai, Kapchygai and Bakai, while 80 percent of people from Dostuk in Batken district had not returned. Only 80 of the 640 private houses destroyed in the conflict had been rebuilt.[140]

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[135] Ibid.

[136] Human Rights Watch interview by video with (name withheld), Borborduk, November 4, 2022.

[137] Human Rights Watch interview with Altynay Kamchieva, Arka, November 4, 2022.

[138] Ibid.

[139] Kloop на русском, "Остаться без крыши. Где зимуют баткенцы, потерявшие дома после конфликта на границе," YouTube, January 22, 2023, https://www.youtube.com/watch?v=8HYGCRukm6M&ab_channel=Kloop%D0%BD%D0%B0%D1%80%D1%83%D1%81%D1%81%D0%BA%D0%BE%D0%BC (accessed March 6, 2023).

[140] "Orunbekov wrote that 35 more owners were handed over in Batken," Azattyk, February 2, 2023, https://www.azattyk.org/a/32251996.html (accessed March 6, 2023).

Those who have returned to the area told Human Rights Watch they remain in fear of recurring violence. “There is no confidence that it won’t happen again because my house is located right on the border line,” a 53-year-old man from Bakai said.[141] “I’m thankful that I’m alive, but I can’t guarantee that I will be able to save my family, so I decided not to come back [to the village].”[142]

Under international humanitarian law, the deliberate destruction of civilian property that is not militarily justified is a war crime, as is looting.

[141] Human Rights Watch interview with (name withheld), Ak Sai, November 3, 2022.
[142] Ibid.

International Legal Standards

International Humanitarian Law

International humanitarian law, which applies to all parties to an international armed conflict such as the September 2022 conflict between Kyrgyzstan and Tajikistan, includes a fundamental obligation to distinguish between civilians and combatants at all times. It prohibits attacks that deliberately target civilians or attacks that are indiscriminate or cause disproportionate harm to civilians and civilian objects. Warring parties must take all feasible precautions to avoid or minimize civilian harm.

Indiscriminate attacks strike military objectives and civilians or civilian objects without distinction. These include attacks that are not directed at a specific military objective or that use weapons that cannot be so directed. Prohibited indiscriminate attacks include area bombardment – attacks by artillery or other means that treat as a single military objective a number of clearly separated and distinct military objectives in an area containing a concentration of civilians and civilian objects.

Military commanders must choose a means of attack that can be directed at military targets and will minimize incidental harm to civilians. If the weapons used are so inaccurate that they cannot be directed at military targets without a substantial risk of civilian harm, they should not be deployed.

Disproportionate attacks are those which can be expected to cause harm to civilians and civilian objects that is excessive with respect to the direct and concrete military advantage anticipated.

The laws of war also bestow special protections to medical facilities and personnel, which include ambulances and other medical transportation, whether military or civilian. Parties to a conflict are obligated to ensure that they do not endanger or harm medical personnel, and do not attack or damage hospitals and ambulances.

Serious violations of international humanitarian law, or the laws of war, committed with criminal intent – that is, deliberately or recklessly – are war crimes. War crimes, listed in

the “grave breaches” provisions of the Geneva Conventions of 1949, and as customary law as reflected in the International Criminal Court statute and other sources, include a wide array of offenses for which individuals may be held criminally liable – deliberate, indiscriminate, and disproportionate attacks harming civilians; attacks against medical personnel; murder; pillage and looting; the deliberate destruction of civilian property – unless required by imperative military necessity; and collective punishment, among others. Individuals also may be held criminally liable for attempting to commit a war crime, as well as assisting in, facilitating, aiding, or abetting a war crime.

Responsibility also may fall on people planning or instigating a war crime. Commanders and civilian leaders may be prosecuted for war crimes as a matter of command or superior responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.

Ensuring justice for serious violations is, in the first instance, the responsibility of the country whose nationals are implicated in the violations. Governments have an obligation to investigate serious violations that implicate their nationals or other people under their jurisdiction. The government must ensure that military or domestic courts or other institutions impartially investigate whether serious violations occurred, identifying and prosecuting the individuals responsible for those violations in accordance with international fair-trial standards, and imposing punishments on individuals found guilty that are commensurate with their deeds.

International humanitarian law prohibits pillage, also sometimes referred to as looting, plunder, sacking, or spoliation. Pillage is the unlawful appropriation of any property during an armed conflict against the will of the rightful owner and is a war crime. International humanitarian law also prohibits, as a “grave breach” of the Geneva Conventions, and a war crime, the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.” Similarly, “destroying or seizing the enemy’s property unless such destruction or seizure is imperatively demanded by the necessities of war” is a war crime.

Acknowledgments

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Martyna Marciniak, senior visual and spatial researcher in Human Rights Watch's Digital Investigations Lab (DIL), conducted spatial and visual research, and produced the 3D models. Léo Martine and Carolina Jordà Alvarez, senior geospatial analysts in the DIL, analyzed the satellite imagery. Devon Lum, research assistant in the DIL, and Sophia Jones, open-source researcher and capacity building manager in the DIL, verified and analyzed videos and photographs collected from social media platforms and provided by other sources. Vika Kim, assistant researcher in the Europe and Central Asia (ECA) division provided research and advocacy support.

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Nia Knighton, associate in the Crisis and Conflict division, coordinated the project and prepared the report for publication. Production assistance was provided by Elida Vikic, coordinator, ECA division, and Xenia Kastner, intern, ECA division; Travis Carr, publications officer; Ivana Vasic, senior graphic designer; and John Emerson, senior design technologist. Laura Prieto Uribe, video producer, and Ifé Fatunase, multimedia director,

directed and produced the video for the report, with the support of Win Edson, graphic designer.

This report would not have been possible without the critical contributions of people whose names are being withheld.

Human Rights Watch would like to thank the interviewees and others who shared their experiences and contributed to this research.

Appendix I: Human Rights Watch Letter to the Kyrgyzstan Ministry of Foreign Affairs, December 6, 2022

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December 6, 2022

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Mr. Jeenbek Kulubaev
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Re: Information on the conflict at the Kyrgyz-Tajik border in September 2022

Dear Minister Jeenbek Moldokanovich,

On behalf of Human Rights Watch, please accept my regards.

As you know, Human Rights Watch is an international, independent, non-partisan, nongovernmental organization that monitors human rights in more than 100 countries worldwide. Among other issues, we impartially cover the plight of civilians affected by armed conflicts around the globe.

As we shared with your team during our November 22 meeting, Human Rights Watch carried out research trips to Kyrgyzstan and Tajikistan in November in preparation of a publication regarding violations of international humanitarian law, or the laws of war, committed against civilians in the context of the recent conflict between Kyrgyzstan and Tajikistan.

I am now writing to request information regarding attacks committed against civilian citizens of Kyrgyzstan during the conflict with Tajikistan in September. We are listing below the incidents and the type of information which would be helpful in our research and would appreciate any amount of information you can provide:

- Attacks on Kyrgyzstani civilian vehicles on the road linking Maksat to Jashtyk on September 16: Photos of munition remnants, the exact locations where they were found, their dimensions, and your conclusions regarding the types of munitions used, the delivery method and likely origin of the attacks;
- Evidence (photos, locations, forensic analysis, etc.) and your conclusions regarding the killings of and injuries to Kyrgyzstani civilians during the conflict;

- Photos and other types of evidence regarding the origins of the fires that destroyed civilian infrastructure in Ak-Sai, Bakai, Kapchygai, Dostuk (Batken district), Arka and Borborduk, as well as your conclusions regarding how the civilian infrastructure was set on fire and the identity of the perpetrators;
- A numerical breakdown of the damage to the civilian infrastructure, including the type of infrastructure, the extent of the damage, and the means of destruction;
- Information you may have regarding the looting of Kyrgyzstani property;
- Information regarding the military events of the conflict, including where, when and how Kyrgyzstani troops engaged Tajikistani troops.

This information would help inform our international human rights law determination regarding the legality, or lack thereof, of the attacks, including our assessment of key considerations such as distinction between civilian and military targets and proportionality. Should some of the information be confidential or protected for any reason, please indicate this in your response. We would appreciate if you could share the files digitally.

We would be thankful if you could respond to our letter by December 16, 2022. I can be reached at the phone number and email listed below.

Thank you in advance for your assistance and consideration.

Sincerely,



Hugh Williamson
Executive Director
Europe and Central Asia Division
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Appendix II: Human Rights Watch Letter to the Tajikistan Ministry of Internal Affairs, December 2, 2022

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Dinah PoKempner, General Counsel
James Ross, Legal and Policy Director

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December 2, 2022

Rahimzoda Ramazon Hamro
Minister of Interior Affairs
Jalol Ikromy Str. 29
Dushanbe, 734025
Tajikistan

Re: Human Rights Watch Research on Violations of International Humanitarian Law

Dear Minister Rahimzoda Ramazon Hamro,

I am writing on behalf of Human Rights Watch to request information regarding attacks committed against civilian citizens of Tajikistan during the conflict with Kyrgyzstan in September.

As indicated in our previous letter, Human Rights Watch, carried out research trips to Kyrgyzstan and Tajikistan in November in preparation of a publication regarding violations of international humanitarian law, or the laws of war, committed against civilians in the context of the recent conflict between Kyrgyzstan and Tajikistan. We are thankful for the facilitation your Ministry provided.

Our research team identified a number of attacks in which civilians were killed. We would be grateful if you could provide information regarding these incidents. We are listing below the incidents and the type of information which would be helpful in our research and would appreciate any amount of information you can provide.

Attack on the main square of Ovchi Kal'acha (Bobojun Gafurov district), September 16 at around 5 – 5:30 p.m.
Location: The main square of Ovchi Kal'acha, which lies in the proximity of the Ovchi Kal'acha main mosque and School N° 8, on the road linking Bobojun-Gafurov to the border crossing facing Internatsional.
MGRS: 42T WK 58182

- Information regarding munitions used in the two strikes that hit the square, including, if possible:
  - Photos of the munition remnants;
  - The exact locations on the square where the remnants were found;
  - The dimensions of the remnants;
  - Your conclusions regarding the types of munitions used, the delivery method and the likely origin of the strike.
- Information regarding civilian victims of the strike, including, if possible:
  - The names, gender, and ages of civilians killed and injured;

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    - Any medical records (anonymized if needed) concerning the civilian victims of the attack.
- Information regarding the military presence on the square at the time of both attacks, including, if possible:
    - The number troops and types of units present on the square;
    - The number and types of military vehicles present on the square at the times of the attack;
    - The numbers of soldiers injured and killed in each attack.

Attack on the ambulance in Ovchi Kal'acha (Bobojun Gafurov district), September 16, around 4 to 5 p.m.
Location: Residential street on the southern edges of Ovchi Kal'acha, located downhill west of Maksat, in the Ruslo Khodza-Bokirgon river valley.
MGRS: 42T WK 58332

- Information regarding the types of munitions used against the ambulance struck in this attack, including:
    - Photos of the projectiles found in each vehicle;
    - Dimensions of the projectiles;
    - Your conclusions regarding the types of projectiles used against the vehicle.
- Information on the point from which the attack was carried out, including your conclusions on the matter, as well as the facts and the rationale that underpin these conclusions.
- Information regarding the presence of Tajikistani military forces in and around the site of the attack.

Attacks on two ambulances and a civilian car in Chorbog village (Isfara district), September 16, around 6:30 to 7 a.m.
Location: On either side of the bridge located on the northwestern outskirts of Chorbog village, on the road linking Chorbog to Chorqishloq.
MGRS: 42T XK 38760

- Information regarding the types of munitions used against each of the three vehicles targeted in this attack, including:
    - Photos of the munitions and remnants found in each vehicle;
    - Dimensions of the munitions and remnants;
    - Your conclusions regarding the types of munitions used against each vehicle.
- Information regarding the point from which the attack was carried out, including your conclusions on the matter, as well as the facts and the rationale that underpin these conclusions.
- Information regarding the presence of Tajikistani military forces in and around the site of the attack, including:
    - The location, type and number of Tajikistani military forces in the immediate vicinity of the attack in the morning on September 16;
    - Information about the attack on a Tajikistani military vehicle which took place on the bridge prior to the attacks on the two ambulances and the civilian vehicle. This could include any information you may be able to share about:

- the number of military casualties in the attack on the military vehicle;
- the types of munitions used against the vehicle;
- the time of the attack; and
- any response by Tajikistani forces taken against Kyrgyzstani forces in the immediate aftermath of the attack.

Together, this information would inform our international human rights law determination regarding the legality, or lack thereof, of the attacks, including our assessment of key considerations such as distinction between civilian and military targets and proportionality. Should some of the information be confidential or protected for any reason, please indicate this in your response.

We would be thankful if you could respond to our letter by December 16, 2022. I can be reached at the phone number and email listed below.

With best regards,

Ida Sawyer
Director, Crisis and Conflict Division
Human Rights Watch
Email: [redacted]
Phone: [redacted]

Appendix III: Human Rights Watch Letter to the Kyrgyzstan Ministry of Foreign Affairs, March 23, 2023

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HUMAN RIGHTS WATCH

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March 23, 2023

Reference KG-001-MFA202302-23

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Re: Human Rights Watch Findings on Violations During the Kyrgyz-Tajik Border Conflict in September 2022

Dear Minister Jeenbek Moldokanovich,

On behalf of Human Rights Watch, please accept my regards.

I am writing on behalf of Human Rights Watch to share the findings of our recent research into human rights violations committed in the context of the September 2022 conflict with Tajikistan and to request your response to specific questions. As you know, Human Rights Watch is an international nongovernmental human rights organization that conducts research and advocacy on human rights in over 100 countries. We have been working on Kyrgyzstan since the 1990s.

We travelled to Kyrgyzstan and Tajikistan in October and November 2022 to investigate potential violations of international humanitarian law committed during the fighting between the two countries from September 14 to September 17, 2022.

We traveled to the Batken and Leilek districts of Kyrgyzstan and the Isfara and Bobojun Gafurov districts of Tajikistan, in order to visit the sites of strikes, killings, and destruction, and to interview victims, witnesses, and relatives of victims. Researchers inspected munition fragments, carried

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out basic ballistic analysis, and captured 3D models of medical vehicles that had come under attack. Human Rights Watch carried out a total of 78 interviews, in person or over the phone, for this project.

We found that forces from Kyrgyzstan and Tajikistan killed and injured civilians, carrying out attacks on civilians. Alongside Tajik civilians, forces from Tajikistan looted and destroyed civilian infrastructure in Kyrgyz villages. Kyrgyz forces targeted medical personnel and carried out apparent indiscriminate strikes on residential areas.

Our research followed the strict evidence-based methodology Human Rights Watch uses around the world. Researchers interviewed witnesses, survivors, and relatives of victims in-person or over the phone. We corroborated witness accounts with those of other witnesses, as well as with material evidence, such as medical documents, munition fragments, satellite imagery, as well as photos and videos shared by interviewees or available online, and, finally, the researchers' own observations of the sites where the incidents took place, captured in photo and video. In addition, Human Rights Watch used 3D reconstruction and basic ballistic analysis to further our conclusions.

Human Rights Watch seeks constructive engagement with the government of Kyrgyzstan on this issue. We appreciated the dialogue we had with the representative of your Ministry during our visit to Bishkek in November.

On December 5, 2022, we also addressed a letter to you, requesting information concerning incidents during which Kyrgyz civilians were killed and injured. You will find a copy of the letter in the following Annex, and we would welcome a response.

To ensure our reporting is fair and accurate, we also seek your response to additional questions on events of the war, including on apparent violations of international humanitarian law by Kyrgyz forces against Tajik civilians and medical personnel, set out below.

If you are able to respond by April 13, we will reflect your response in our upcoming report.

Findings

Most of the apparent crimes we documented occurred on September 16, when fighting broke out in the early morning across multiple locations along the border and continued throughout the day.

A serious incident occurred at around 5 p.m., after a ceasefire was announced, when a Bayraktar drone dropped a precision bomb with wide-area fragmentation effects onto Tajik forces minutes after they had arrived on the central square in Ovchi Kal'acha, a Tajik town on the border. Dozens of civilians were present on the square at the time. The strike killed at least 10 civilian males – mostly who had gathered outside a local mosque after a funeral – and injured more than a dozen other civilians.

This drone strike marked the culmination of a day during which forces on both sides killed and injured civilians in attacks. Kyrgyz and Tajik forces shelled residential areas across the border and ambushed civilian vehicles of families who were forced to drive near the border while trying to flee the fighting.

In the early morning, two Tajik ambulances and a civilian car came under heavy fire on a bridge near Chorbog (Tajikistan) – an attack which killed ten civilians, including four children and two medical staff, and injured six. All three vehicles burned down. Human Rights Watch examined the wrecks of the two ambulances, finding bullet holes from multiple calibers, and performed basic ballistic analysis. Locating the 3D captures of the damaged ambulances within a detailed 3D model of the site allowed us to reconstruct the trajectories of bullets, indicating that the shots that hit the ambulances came from the direction of the Kyrgyz village of Dostuk (approximately 110 meters away), and the Kyrgyz military base further northeast of the village, corroborating survivors' accounts that they were attacked by Kyrgyz forces. The ambulances were clearly marked.

The same morning, two older women were killed and six people injured in Khistervarz (Tajikistan) in two incidents of apparent indiscriminate shelling.

On other roads along the border in Leilek district, Tajik forces attacked cars of fleeing Kyrgyzstani civilians, killing two civilian males and injuring at least four other people.

Later that day, Tajik forces overran Kyrgyz forces and, accompanied by Tajik civilians, entered Kyrgyz villages adjacent to the border. Tajik forces killed civilian males in apparent extrajudicial executions. Alongside civilians, Tajik forces carried out widespread looting and set on fire hundreds of homes and other types of civilian infrastructure such as kindergartens, schools, medical facilities, and official buildings, in an apparent attempt to clear the area of its population.

The villages of Kapchygai, Bakai and Dostuk (Batken district) were destroyed. Entire neighborhoods of Arka, Ak-Sai, and Min Oruk villages were also burned down.

Questions

To better understand the situation, assess the conduct of Kyrgyz forces, and reflect your views in our report, we are requesting the following information.

I. *General events of the war:*

1. How many Kyrgyz civilians were killed or injured in the September 2022 border conflict? If possible, please provide information regarding the identity of the victims and the circumstances of their deaths.
2. How many Kyrgyz civilians were displaced during the September 2022 conflict? If possible, please provide a geographic breakdown of where people were displaced from and to.

II. *Attacks on Tajik civilians:*

For each attack, we would appreciate answers in as much detail as possible, though any amount of information you can provide would be helpful.

a. **Attack on the main square of Ovchi Kal'acha (Bobojun Gafurov district), September 16 at around 5 – 5:30 p.m. local time.**
Location: The main square of Ovchi Kal'acha, which lies in the proximity of the Ovchi Kal'acha main mosque and School N° 8, on the road linking Bobojun-Gafurov to the border crossing facing Internatsional.
MGRS: 42TWK5818742296

b. **Attack on the ambulance in Ovchi Kal'acha (Bobojun Gafurov district), September 16, around 4 to 5 p.m. local time.**
Location: Residential street on the southern edges of Ovchi Kal'acha, located downhill west of Maksat, in the Ruslo Khodza-Bokirgon river valley.
MGRS: 42TWK5832541060

c. **Attacks on two ambulances and a civilian car in Chorbog village (Isfara district), September 16, around 6:30 to 7 a.m. local time.**
Location: On either side of the bridge located on the northwestern outskirts of Chorbog village, on the road linking Chorbog to Chorqishloq.
MGRS: 42TXK3876234321

d. **Shelling of Khistevarz, September 16, around 7:30 – 8 p.m. local time.**
Location: downtown Khistevarz, approximately 1.8km from the border.

MGRS: 42TWK6924150693

For each attack, we would appreciate detailed answers to the following questions, as well as any other information that will shed light on the specific attack and any investigations you may have undertaken:

Is the Kyrgyz military aware of an attack that occurred at the given time within 500m of the given location? Did the Kyrgyz military or other Kyrgyz government forces conduct the attack described?

If yes:

- What was the legal basis for the attack?
- What units carried out the attack?
- Has the Kyrgyz military investigated the impact this attack had on civilians and civilian objects in the vicinity of the attack?
  i. If yes, what were the findings? On what information were these findings based?
  ii. If an investigation concluded that serious violations of the laws of war occurred, what accountability measures and redress mechanism have been or will be pursued?

Thank you in advance for considering our request. Should you have any questions or comments, please feel free to reach out to me on [redacted] or my Almaty-based colleague Vika Kim on [redacted] or [redacted].

Sincerely,

[redacted]

Ida Sawyer
Crisis and Conflict Director

Appendix IV: Human Rights Watch Letter to the Tajikistan Ministry of Foreign Affairs, March 23, 2023

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Barbara Pirto, *Operations (Acting)*
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Colin Mincy, *Chief People Officer*
Dinah PoKempner, *General Counsel*
James Ross, *Legal and Policy Director*

HUMAN RIGHTS WATCH

HRW.org

Reference number: TAJ-23-03/1

March 23, 2023

Sirojiddin Muhriddin
Minister of Foreign Affairs of the Republic of Tajikistan

33 Sheroz str.
Dushanbe 734001
Republic of Tajikistan
info@mfa.tj

Re: Human Rights Watch Findings on Violations During the Kyrgyz-Tajik Border Conflict in September 2022

Dear Minister Muhriddin,

I am writing on behalf of Human Rights Watch to share the findings of our recent research into human rights violations committed in the context of the September 2022 conflict with Kyrgyzstan and to request your response to specific questions. As you know, Human Rights Watch is an international nongovernmental human rights organization that conducts research and advocacy on human rights in over 100 countries. We have been working on Tajikistan since the 1990s.

As indicated in our letter dated October 10, 2022, we travelled to Kyrgyzstan and Tajikistan in October and November 2022 to investigate potential violations of international humanitarian law committed during the fighting between the two countries from September 14 to September 17, 2022.

We traveled to the Batken and Leilek districts of Kyrgyzstan and in the Isfara and Bobojun Gafurov districts of Tajikistan, to visit the sites of strikes, killings, and destruction, and to interview victims, witnesses, and relatives of victims. Researchers inspected munition fragments, carried out basic ballistic analysis, and captured 3D models of medical vehicles that had come under attack. Human Rights Watch carried out a total of 78 interviews, in person or over the phone, for this project.

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NEW YORK · PARIS · SAN FRANCISCO · SÃO PAULO · SEOUL · SILICON VALLEY · STOCKHOLM · SYDNEY · TOKYO · TORONTO · WASHINGTON · ZÜRICH

We found that forces from Kyrgyzstan and Tajikistan killed and injured civilians, carrying out apparent deliberate attacks on civilians. Alongside Tajik civilians, forces from Tajikistan looted and destroyed civilian infrastructure in Kyrgyz villages. Kyrgyz forces targeted medical personnel and carried out apparent indiscriminate strikes on residential areas.

Human Rights Watch seeks constructive engagement with the government of Tajikistan on this issue. We appreciated the dialogue we had with the representative of your Ministry during our research visit to Tajikistan in November. On December 13, 2022, we also addressed a letter to Rahimzoda Ramazon Hamro, Minister of Interior Affairs, requesting information gathered by Tajik authorities concerning incidents during which Tajik civilians were killed and injured. You will find a copy of the letter in the following Annex, and we would welcome a response.

Our research followed the strict evidence-based methodology Human Rights Watch uses around the world. Researchers interviewed witnesses, survivors, and relatives of victims in-person or over the phone. We corroborated witness accounts with those of other witnesses, as well as with material evidence, such as medical documents, munition fragments, satellite imagery, as well as photos and videos shared by interviewees or available online, and, finally, the researchers' own observations of the sites where the incidents took place, captured in photo and video. In addition, Human Rights Watch used 3D reconstruction and basic ballistic analysis to further our conclusions.

To ensure our reporting is fair and accurate, we also seek your response to additional questions on events of the war, including on apparent violations of international humanitarian law by Tajik forces against Kyrgyz civilians and civilian infrastructure, set out below.

If you are able to respond by April 13, we will reflect your response in our upcoming report.

Findings

Most of the apparent crimes we documented occurred on September 16, when fighting broke out in the early morning across multiple locations along the border and continued throughout the day.

A serious incident occurred at around 5 p.m., after a ceasefire was announced, when a Bayraktar drone dropped a precision bomb with wide-area fragmentation effects onto Tajik forces minutes after they had arrived on the central square in Ovchi Kal'acha, a Tajik town on the border. Dozens of civilians were present on the square at the time. The strike killed

at least 10 civilian men – mostly people who had gathered outside a local mosque after a funeral – and injured more than a dozen other civilians.

This drone strike marked the culmination of a day during which forces on both sides killed and injured civilians during attacks. Kyrgyz and Tajik forces shelled residential areas across the border and ambushed civilian vehicles of families who were forced to drive near the border while trying to flee the fighting.

In the early morning, two Tajik ambulances and a civilian car came under heavy fire on a bridge near Chorbog (Tajikistan) – an attack which killed ten civilians, including four children and two medical staff, and injured six. All three vehicles burned down. Human Rights Watch examined the wrecks of the two ambulances, finding bullet holes from multiple calibers, and performed basic ballistic analysis. Locating the 3D captures of the damaged ambulances within a detailed 3D model of the site allowed us to reconstruct the trajectories of bullets, indicating that the shots that hit the ambulances most likely originated from the direction of the Kyrgyz village of Dostuk (approximately 110 meters away), and the Kyrgyz military base further northeast of the village, corroborating survivors' accounts that they were attacked by Kyrgyz forces. The ambulances were clearly marked.

The same morning, two older women were killed and six people injured in Khistervarz (Tajikistan) in two incidents of apparent indiscriminate shelling.

On other roads along the border in Leilek district, Tajik forces attacked cars of fleeing Kyrgyzstani civilians, killing two civilian males and injuring at least four other people.

Later that day, Tajik forces overran Kyrgyz forces and, accompanied by Tajik civilians, entered Kyrgyz villages adjacent to the border. Tajik forces killed civilian males in apparent extrajudicial executions. Alongside civilians, Tajik forces carried out widespread looting and set on fire hundreds of homes and other types of civilian infrastructure such as kindergartens, schools, medical facilities, and official buildings, in an apparent attempt to clear the area of its population.

The villages of Kapchygai, Bakai and Dostuk (Batken district) were destroyed. Entire neighborhoods of Arka, Ak-Sai, and Min Oruk villages were also burned down.

Questions

To better understand the situation and assess the conduct of Tajik forces, we are requesting the following information. We would appreciate answers in as much detail as possible.

General events of the war:

1. How many Tajik civilians were killed or injured in the September 2022 border conflict? If possible, please provide information regarding the identity of the victims and the circumstances of their deaths.

2. How many Tajik civilians were displaced during the September 2022 conflict? If possible, please provide a geographic breakdown of where people were displaced from and to.

Deployments by Tajik forces

3. Were military, border guard, police or paramilitary units under the control of the government of Tajikistan present on, or within 500m from, the road linking the Kyrgyz villages of Maksat and Jashtyk on September 16 (Location: 42TWK6299845294 [MGRS])? If so,
    a. Please provide information regarding the unit(s) deployed, the nature of its mission, and the time it/they was/were present.
    b. Are Tajik forces aware of attacks that occurred within this given timeframe in the given location?
    c. Did the Tajik military or other Tajik government forces conduct the attack described? If yes:

        - What was the legal basis for the attack?
        - What units carried out the attack?

4. On September 16, were military, border guard, police or paramilitary units under the control of the government of Tajikistan present on, or within 500m from, this location: 42TWK8021648976 (MGRS) east of Arka village? If so,
    a. Please provide information regarding the unit(s) deployed, the nature of its mission, and the time it was present.
    b. Are Tajik forces aware of attacks that occurred within this given timeframe in the given location?
    c. Did the Tajik military or other Tajik government forces conduct the attack described? If yes:

        - What was the legal basis for the attack?

- What units carried out the attack?

Looting and destruction of civilian infrastructure:

5. Are Tajik government forces aware that civilian buildings were looted and set on fire in the Kyrgyz villages of Kapchygai, Bakai, Min Oruk, Dostuk (Batken district), Borborduk, and Arka (Leilek district) on September 16?
    a. If yes: Who carried it out and what was the legal basis for it?
    b. If no: What actions did Tajik forces take to prevent or stop this looting and destruction?

Investigations:

6. What steps has the Tajik government taken to investigate the killings of Kyrgyz civilians by Tajik forces in Kyrgyz villages on September 16 and 17, 2022? Have any perpetrators been held to account? Will the findings of any investigation be made public?

7. What steps has the Tajik government taken to investigate the looting and destruction of civilian infrastructure by fire in the Kyrgyz villages that came under the control of the Tajik military on September 16 and 17, 2022? Have any perpetrators been held to account? Will the findings of any investigation be made public?

Thank you in advance for considering our request. Should you have any questions or comments, please feel free to reach out to me on [redacted] or my Almaty-based colleague Vika Kim on [redacted] or [redacted]

Sincerely,

[redacted]

Ida Sawyer
Crisis and Conflict Director

Appendix V: Response to Human Rights Watch from the Kyrgyzstan Ministry of Foreign Affairs

This is not an official translation.
The original Russian letter, attached to the Russian language report, takes precedence.

Ministry of Foreign Affairs of the Kyrgyz Republic
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International Non-governmental Organization
"Human Rights Watch"

Dear Ida Sawyer and Hugh Williamson,

In response to your requests dated December 6, 2022 and March 23, 2023, the Ministry of Foreign Affairs of the Kyrgyz Republic is sending information on the actual scale of the armed aggression of the Republic of Tajikistan against the Kyrgyz Republic.

However, regarding the issues raised by Human Rights Watch in its letter of March 23, 2023, we inform that the Kyrgyz side has no information about the relevant facts of the attack by the Armed Forces of the Kyrgyz Republic.

If additional questions arise, the Kyrgyz side is ready to cooperate in order to provide objective information.

Deputy Foreign Affairs Minister

A.B.Moldogaziev

Information about the armed aggression of the Republic of Tajikistan against the Kyrgyz Republic

On September 14 and 16, 2022, military servicemen of the Republic of Tajikistan and illegal gangs from among citizens of this state illegally crossed the state border of the Kyrgyz Republic in Kara-Bak, Kyzyl-Jol, Dostuk, Min-Bulak, Kok-Tash, Samarkandek, Orto-Boz, Ak-Sai, Tangi, Kulundu, Maksat, Jany-Jer and Arka areas in order to occupy the territory of Batken and Leilek districts of Batken province, and opened fire with all types of weapons on military personnel and local residents of the above mentioned villages.

On September 16, 2022, this fact was registered in the "Unified Register of Crimes and Misdemeanors" automated information system of the General Prosecutor's Office of the Kyrgyz Republic under № 03-150-2022-000245, and a criminal case was opened on the grounds of a crime under article 402 of the Criminal Code of the Kyrgyz Republic.

As a result of an armed attack by the military personnel of the Republic of Tajikistan and illegal gangs, **49** servicemen, **one** Interior Ministry employee and **13** civilians were killed *(the list of killed civilians is attached as Table 1)*, and **151** servicemen and **96 civilians** *(injured civilians Table 2)* were wounded with varying degrees of severity.

Besides, they stole **49** vehicles in Leilek region and **1** vehicle in Batken region *(Table 3) and* transported **596** head of cattle, **976** small farm animals and **28** horses belonging to the citizens of Kyrgyz Republic *(Table 4)*.

In the course of the investigation, damages in the amount of **3,287,591,225** Kyrgyz som were established.

Regarding the attacks on Kyrgyz civilian vehicles, we inform you that on 19.09.2022, at about 10:30 a.m., a burnt corpse was found on the eastern side of the Maksat village on the Razzakov-Arka road. Upon arrival and inspection of the scene it was established that the charred corpse belongs to a resident of Borborduk village of Leilek district, Dadazhanov Nurmat Negmatjanovich, born on September 7, 1957. It was also established that his car "Opel Vectra" was set on fire.

According to the conclusion of forensic medical examination No. 40 dated 16.10.2022, Dadazhanov's death was caused by a perforating gunshot wound to the head *(see photo of the crime scene and the examination results)*. No fragments of ammunition were found at the scene, and therefore it was not possible to establish the type of ammunition used, the methods of its delivery and origin.

Regarding killings and injuries of peaceful civilians of Kyrgyzstan during the conflict on September 16, 2022, military personnel of the Republic of Tajikistan and illegal gangs from among citizens of this state, aiming to occupy the territory of Batken province, killed 13 civilians, while 96 civilians received various gunshot and shrapnel wounds *(the lists of killed and wounded are attached in Tables 1 and 2)*.

As a result of an armed attack by military personnel of the Republic of Tajikistan and illegal gangs on the territory of Batken province of the Kyrgyz Republic, mainly border villages and civilian infrastructure were affected. **With regard to burned buildings and structures,** they were set on fire with so-called Molotov cocktails, mortar shells, as well as by hand. From this incident, some individuals from the Tajik side who directly participated in the burning and looting of Min-Oruk, Min-Bulak, Ak-Sai, Tangi, Bakai, International, Maksat, Arka and Arka-2 villages were identified *(photo-tables attached)*.

During armed aggression by military personnel and illegal gangs of the Republic of Tajikistan, a total of 418 residential and other buildings (*317 in Batken* province*, 100 in Leilek province and 1 in Batken town*) and 27 social infrastructure facilities (*schools - 12, kindergartens - 9 and medical facilities - 6*) were burned. In addition, 233 different buildings and structures needed major overhaul, and 630 buildings and structures for various purposes needed some maintenance.

On September 16, 2022, military personnel of the Republic of Tajikistan and illegal gangs from among citizens of this state, **with the purpose of occupying and looting the property of residents** of Batken and Leilek districts of Batken province, illegally crossed the state border of the Kyrgyz Republic in the areas of Kara-Bak, Kyzyl-Jol, Dostuk, Min-Bulak, Kok-Tash, Samarkandek, Orto-Boz, Ak-Sai, Tangi, Kulundu, International, Maxat, Borborduk, Jany-Jer, Arka and Arka-2, and looted all available property *(crockery, household appliances, personal items, etc.)* from the homes of the residents of the above mentioned villages; and also stole 49 different vehicles and 596 head of cattle, 976 head of small cattle and 28 horses. In the course of the investigation the damage of 3,287,591,225 Kyrgyz soms was established.

The analysis of the circumstances of the armed border conflict that erupted shows that the Republic of Tajikistan prepared in advance for military aggression.

Border incidents, including those involving the use of weapons, on the Kyrgyz-Tajik part of the state border, have been occurring for many years and are the result of unresolved problems arising from the lack of international legal regulation of the state border.

Chronology of events

On September 14, 2022, at about 08:00 a.m., on an undelineated part of the state border in Bulak-Bashi area of Batken district of Batken region of the Kyrgyz Republic, in the area under the responsibility of the border outpost "Kapchygai" of the military base 2022, a border conflict with the use of small arms erupted between the border guard units of the Kyrgyz Republic and the Republic of Tajikistan. The reason for the conflict was the entry of the Tajik border guard unit into an undelineated section of the border and [its] use of weapons in response to Kyrgyz border guards' demands to leave this territory.

At approximately 8:20 a.m. on the same day, by agreement of the representatives of border guards of the parties, the shooting was stopped and an agreement was reached to hold a meeting.

However, at 8:25 a.m., the Tajik side resumed shelling of the territory of the Kyrgyz Republic with the use of 82 mm mortars.

On the part of the Republic of Tajikistan, there was a concentration of troops and military equipment; aviation activities were also noted.

The firefight at the Bulak-Bashi section periodically stopped and resumed until the meeting, which started at 11:20 a.m. between the Kyrgyz Republic border representative for Batken province and the Republic of Tajikistan border representative for Sughd province, took place. At 12.50 p.m., the Plenipotentiary Representative of the President of Kyrgyz Republic for the Batken province of Kyrgyzstan and the Governor of the Sughd province of the Republic of Tajikistan arrived at the conflict site.

However, despite measures taken and numerous meetings, the Tajik side continued to periodically shell the territory of the Kyrgyz Republic and infrastructure facilities of the Border Guard Service. Thus, from 1:50 p.m. to 2:40 p.m. the Tajik side, using crew-served weapons, namely grenade launchers and mortars, shelled the border checkpoint "Kak-Sai" and the border outpost "Dostuk" (*deployed in the Batken region*).

The meeting of border representatives by provinces in the Bulak-Bashi area was suspended, and from 2:45 p.m. it was resumed in the Kak-Sai area at the Dostuk border outpost section.

Between 3:09 p.m. and 3:50 p.m. the Tajik side fired small arms, crew-served weapons and mortars at the Kyrgyz border guard units in the Uchzhergilik and Paska-Aryk areas, which fall under the responsibility of the "Samarkandyk" outpost. Two mortar crews were positioned opposite the "Kyzyl-Bel" checkpoint.

In response to the aggressive actions by the military personnel of the Republic of Tajikistan, the Border Service of the State Committee for National Security of the Kyrgyz Republic took adequate measures, and, in order to protect the integrity of the sovereignty of the state, used the weapons and equipment available in the armed forces.

September 15, 2022. Day and night of 15.09.2022 went by relatively quietly, without incidents, while it was noted forces and means on the Tajik side were concentrated along the length of the border.

On September 16, 2022, from 6 a.m. on 16.09.2022, the Tajik side started firing at the border guard units of the Border service of the State Committee for National Security of the Kyrgyz Republic at the section of "Kok-Tash" outpost (*Ekitash, Chyr-Dobo, Kum-Mazar areas)* of Batken district. After that, Tajikistan's combat operations, including with the use crew-served weapons, were initiated at the sections of "Min-Bulak", "Samarkandyk", "Karabak", "Ortoboz", "Dostuk" outposts and "Kyzyl-Bel" checkpoint of the military unit 2022.

Subdivisions of the Border Service of the State Committee for National Security of the Kyrgyz Republic were called to formation.

Starting 8:15 a.m., the shelling of border outposts and units along the entire perimeter of the Leilek and Batken districts of Batken province began, with the use of crew-served and heavy weapons.

The armed aggression by the Republic of Tajikistan was organized by the Border Troops of the State Committee for National Security, formations and units of the Ministry of Defense, Ministry of Internal Troops, special forces, as well as civilian population with weapons issued to them. In addition, the participation of irregular armed groups in the armed conflict was recorded.

The Tajik side started pulling heavy equipment and aviation (tanks, infantry fighting vehicles, two MI-8 helicopters are in Isfara) towards the state border. From 8 a.m. the Tajik side began shelling with heavy equipment at the positions of the Kyrgyz Republic in the Batken direction.

From 8:15 a.m., the Tajik side began firing at the positions of the Kyrgyz Republic in the Leilek direction.

At 8:40 a.m. the Tajik side initiated the use of 120 mm mortars.

An agreement was reached between the Director of the Border Service of the State Committee for National Security of Kyrgyzstan and the Commander of the Border Guard Troops of the State Committee for National Security of Tajikistan on a ceasefire at 10 a.m. and a meeting at the "Kyzyl-Bel" checkpoint. Despite the ceasefire [agreed] by the parties, people in black clothing from the territory of Tajikistan continued to fire at Kyrgyzstan's positions opposite the "Dostuk" outpost (*Batken District*).

The main accumulation of armored vehicles of Tajikistan is observed opposite the "Dostuk" outpost, opposite the Tort-Kocho locality of the section of "Kok-Tash" outpost, and opposite the Arka locality of the section of "Jany-Jer" outpost, as well as in the area of the soccer field of "Maksat" outpost. 5 units of armored vehicles of Tajikistan were detected in Shurab locality, "Samarkandek" outpost.

At the same time, at about 11:45 a.m. shelling from Grad MLRS towards the city of Batken was detected coming from the Tajik side. After verification, the preliminary location of one of the Grad MLRS near Chorkuh settlement of Tajikistan was established, which was destroyed. At the same time, the shelling towards Batken city did not stop.

Fighting on the Kyrgyz-Tajik area continued, the enemy using Grad RT MLRS was firing at Batken city, the airport, and the Batken Border Guard Unit.

Based on incoming reports, at 12:50 p.m. the Tajik side seized the facilities of "Ak-Saray" outpost, "Kulundu" checkpoint, "Katta-Tuz" checkpoint of the military base 2021, kindergarten and school in Dostuk village of Batken region.

Thus, at about 2:20 p.m., at 6.8 km of the Kok-Tash-Ak-Say-Tamdyk highway, the armed forces of the Republic of Tajikistan blew up the bridge across the Ak-Suu River (*4.5 m wide and 41.2 m long*), located on the territory of the Kyrgyz Republic and used by the Kyrgyz side. As a result of the explosion of the bridge, it fell into disrepair (*protocol of the inspection of the scene of incident Table 1*). However, immediately after the ceasefire by the parties, the bridge was restored in short time by the Ministry of Transport and Communications of the Kyrgyz Republic.

According to the Ministry of Transport and Communications of the Kyrgyz Republic, the bridge was built in 2014 at an estimated cost of 18.0 million Kyrgyz som. The estimate for the bridge restoration was approximately 30.0 million Kyrgyz som.

As of 2:30 p.m., the situation at the control area of the border service of Batken province remained tense, with continuing armed clashes, the enemy was engaged in intensive shelling of the road fork of "Koltso" road, and the traffic on the Razzakov-Kulundu and Razzakov-Margun roads was blocked by enemy's shelling.

As of 4 p.m., an agreement on a cease-fire and on holding negotiations at the Kyzyl-Bel checkpoint at the level of the heads of the State Committee for National Security of the sides was reached by both parties. However, there was no cessation of fire on the part of Tajikistan.

From 7 p.m. citizens of Tajikistan, using incendiary mixtures, began to set fire to the houses of Kyrgyz citizens in Arka, Min-Bulak, Borborduk and Kyzyl-Bel settlements. The valuable property of Kyrgyz citizens was taken out in civilian cars.

By 8:30 p.m., 11 units of heavy armored vehicles and 15 units of vehicles arrived at the "Lyakkan" outpost of Tajikistan, and the units were camouflaged, probably for an attack.

From 10 p.m., civilians in Madaniyat, Tadjikabad and Gafurov settlements of Tajikistan are being issued weapons and ammunition.

Despite repeated ceasefire agreements reached at the level of the Head of the State Committee for National Security, the Director of the Border Service of the State Committee for National Security and the Plenipotentiary Representative of the President for the region, the Tajik side has not stopped shelling of the Kyrgyz territory.

On September 17, 2022, from 8:46 a.m. until 8:51 a.m. on 17.09.2022, mortar fire was fired from the direction of Tajikistan in Pasky-Aryk area of "Samarkandyk" outpost (*provoking retaliatory measures*).

At 10:10 a.m., after a meeting of the heads of border agencies of both sides, a ceasefire was ordered, as well as the withdrawal of military equipment and personnel.

Despite the agreements reached, the shelling of the Kyrgyz territory by Tajikistan and retaliatory fire from the Kyrgyz side at some sections of the border continued until 12:40 p.m. *(at the sections of "Dostuk" outpost (11.14-11.22 mortar shelling), "Samarkandyk" (08.46-08.51 mortar shelling), "Kok-Tash" (12.21-12.40) from small arms).* These actions on the part of Tajikistan were assessed as an escalation of the situation.

It should also be noted that on September 17, 2022, at approximately 12:30 p.m., in violation of international treaties, jeopardizing the integrity of the borders, as well as the lives of citizens of the Kyrgyz Republic, the Republic of Tajikistan carried out an armed attack on the territory of Chon-Alay district of Osh region, namely started firing from mortars at the positions of Kyrgyz border guards (soldiers of military unit 2024 of the Border Service of the State Committee for National Security of Kyrgyz Republic) in "Unju-Bulak" and "Teshik-Tash" areas in Chon-Alay district of Osh region.

Due to the shelling and the tense situation on the Kyrgyz-Tajik section of the state border, the Chon-Alai district department of the Ministry of Emergency Situations in Osh province, together with local authorities, evacuated approximately 6,300 people from the villages of Zhekendi, Karamyk, Kara-Teit, Shibe and Chuluk of Chon-Alai district.

The shelling of objects on the territory of the Kyrgyz Republic was carried out from artillery and mortar guns, namely "Grad" multiple rocket launchers, artillery mortars of 60 mm caliber, and PG-15V stank grenade launchers. From the Tajik side, the shelling of the territory of the Kyrgyz Republic, excluding short pauses, lasted until 7:30 p.m. on September 17, 2022.

On September 18, 2022, from approximately 11:00 a.m. to 12:30 p.m., mortar shelling was fired towards Kara-Teyit and Karamyk settlements of Chon-Alai district of Osh province from Tajikistan.

On the same day, as per the agreement reached at 2:10 p.m. in the "Unju-Bulak" area, a bilateral meeting was held, attended by: from the Kyrgyz Republic: the commander of the military unit 2024 of the Border Service of the State Committee for National Security of the Kyrgzy Republic, Colonel T. Tazhibaev, Deputy Commander of military unit 2024 Lieutenant Colonel Z. Bekiev, senior officer of the OOD of the military unit 2024 Lieutenant Colonel B. Nadirov and Captain N. Seitaliev, head of "Kara-Myk" outpost, and from the the Republic of Tajikistan side: Deputy Commander of the Border Guards Troops of the State Committee for National Security of the Republic of Tajikistan Major General Nazarzooda Turabek Kamol, head of Lyakhsh Border Unit Colonel I.O. Gadoev, head of Liakhsh Border Unit Major Azamjon (verbal communication), head of "Kichi-Karamik" outpost Major B. Alomov.

The following issues were discussed during the meeting:
1. Full ceasefire, withdrawal of military equipment from the border line to permanent deployment points.
2. The withdrawal of forces and means arrived for reinforcement from the interacting agencies.
3. Conduct a joint inspection of the parties' territory to determine the absence of additional forces and means, weapons and equipment.

After the discussion, the parties proceeded to inspect the "Kara-Myk" outpost's section of the Border Service of the Kyrgyz Republic. The bilateral commission then inspected the section of "Kichi-Karamik" outpost of the Border Guard Troops of the Republic of Tajikistan.

The commission found that there were no additional forces or military equipment placed on either side.

Thus, the armed forces of Tajikistan shelled Kara-Teit and Karamyk settlements, "Karool-dobo", "Chat", "Topkana" and "Teshik-Tash" passes, "Shaty" gorge, the bridge between Jekendi and Shibe settlements.

On September 19, 2022, the Chon-Alai district department of Internal Affairs initiated a criminal case on the above fact, on the grounds of a crime under Article 402 of the Criminal Code of the Kyrgyz Republic (Crimes against Peace).

On September 21-23, 2022, an investigative team from the Chon-Alai District Department of Internal Affairs conducted inspections of the scenes of the shelling, using photographs, during which numerous fragments and parts of mortar and other explosive shells were found, which were seized and sent for examination in accordance with the established procedure.

According to the conclusions of the examination № 509, 510, 511 dated **October 19, 2022:**
- The two items submitted for examination are fragment and parts of a 73 mm PG-9 shot by an industrial - manufactured PG-15 machine-grenade launcher;
- The submitted 34-count metal objects of silver color, are fragments and parts of an artillery mortar shell of 60 mm caliber of industrial production;
- The submitted 160-count metal objects of silver color, are fragments and parts of shells of 122-mm rocket launcher system 9k51 "Grad" (BM-21).

As a result of this border incident in the Chon-Alai district there were no casualties among local population and military personnel of the Kyrgyz Republic, and there are no destructions of buildings, structures and residential buildings.

Thus, it should be pointed out that the Tajik side, in a gross violation of all previously reached agreements, principles of friendship and good neighborliness, in order to seize the sovereign territory of the Kyrgyz

Republic, violating the sovereignty and integrity of the Kyrgyz Republic, invaded the territory of the Kyrgyz Republic and treacherously attacked the borders of the Kyrgyz Republic using fire from automatic weapons, mortars, armored vehicles and other army weapons, designed for a mass murder of people.

At the same time, the military personnel of the Kyrgyz Republic took measures only to protect the state border and the integrity of the state within the framework of the International Humanitarian Law, without crossing the Kyrgyz-Tajik border.

“When We Moved, They Shot”

Laws of War Violations in the September 2022 Kyrgyzstan – Tajikistan Border Conflict

For four days in September 2022, forces from Kyrgyzstan and Tajikistan engaged in an armed conflict along a stretch of disputed border that has long been a point of contention between the two countries. Kyrgyz forces shot at ambulances and private cars carrying families trying to flee and used a drone to drop a laser-guided bomb that killed at least 10 civilians on a town square in Tajikistan. Tajik forces shot at cars carrying civilians and unlawfully killed at least eight civilians in various circumstances. The looting and burning of private property in Kyrgyz villages took place on a large scale while under the control of Tajik forces. Some of these attacks by both parties may amount to war crimes.

“When We Moved, They Shot” – Laws of War Violations in the September 2022 Kyrgyzstan – Tajikistan Border Conflict documents these and other international humanitarian law (IHL) violations during the brief conflict, drawing on interviews and site inspections on both sides of the border, plus medical records, photos, videos, satellite imagery, and 3D modeling.

Both governments should investigate these violations committed by their forces and hold perpetrators to account. They should ensure border demarcation agreements and interim arrangements respect local populations’ rights, including property rights and access to education, housing, and water. The governments should provide their military and security forces training in IHL and uphold these standards if future conflicts occur. Kyrgyzstan and Tajikistan’s international partners should support these efforts.



A burned-out car is seen in the village of Kapchygay near the Kyrgyz-Tajik border, on September 21, 2022. © 2022 Vyacheslav Oseledko/AFP via Getty Images



The wreckage of a Tajik ambulance that was attacked near a bridge by the Kyrgyz-Tajik border in Chorbog, on September 16, 2022. © 2022 Jean-Baptiste Gallopin/Human Rights Watch



A man looks at a house damaged during fighting in Batken, Kyrgyzstan, on September 17, 2022. © 2022 AP Photo/Danil Usmanov



The courtyard of the house of an 83-year-old woman from Khistevarz, who was killed on September 16, 2022 when an artillery shell hit the house. © 2022 Jean-Baptiste Gallopin/Human Rights Watch