

# Kyrgyzstan

## Religious Freedom Concerns



Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

21 September 2015 – 2 October 2015

Kyrgyzstan has recently taken some steps to protect religious freedom

### Constitutional Chamber of the Supreme Court has led the progress in religious freedom

<p><b>19 November 2013</b></p> <p>Constitutional Chamber of Supreme Court rules that the existing alternative service program is unconstitutional</p>	<p>On 29 June 2015, the government amends the law on military service by providing conscientious objectors with a program of alternative service not under military control</p>	<p>Kyrgyzstan's program of alternative civilian service meets European standards</p> 
<p><b>4 September 2014</b></p> <p>Constitutional Chamber of Supreme Court declares portions of the 2008 Religion Law to be unconstitutional—including those interfering with registration</p>	<p>The State Commission of Religious Affairs (SCRA) and local authorities in the southern regions of Kyrgyzstan actively resist the Constitutional Chamber's ruling and use the lack of new legislation as a loophole to continue to restrict religious activity in southern Kyrgyzstan</p>	<p>Officials in southern Kyrgyzstan:</p> <ul style="list-style-type: none"> <li>○ Deny registration to Jehovah's Witnesses</li> <li>○ Prosecute Jehovah's Witnesses for attending peaceful religious meetings and for manifestation of religious belief</li> </ul> 

## Harassment and Raids on Religious Services

(1) On 4 September 2014, the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic granted an application filed by the national Religious Centre of Jehovah's Witnesses in the Kyrgyz Republic, declaring part of the 2008 Religion Law to be unconstitutional. (See "Legal Recognition Withheld," below.) The Constitutional Chamber also ruled that a registered religious organisation has the right to carry out its activity in all regions of the country stated in its charter and that its activity is not limited to the location of its legal address.

This ruling confirms that Jehovah's Witnesses have the lawful right to carry out their religious activity in all regions of the Kyrgyz Republic, in harmony with their charter. However, some law enforcement officials continue to insist that Jehovah's Witnesses need a locally registered religious organisation, and this has resulted in severe interference with their rights.

(2) On 9 August 2015, over 40 of Jehovah's Witnesses gathered for a religious service in the city of Osh. Officers from Department 10 of the Osh City Department of Internal Affairs illegally raided the religious service. The ten policemen screamed at all in attendance, insisting that their religious meeting was illegal. During the raid, the officers severely beat one of the men. The police took ten of the Witness men to the police station and physically assaulted them—three of whom were strangled and brutally beaten (photos); two passed out as a result of the strangulation. After detaining the men for more than three hours, the police released them.



Two days later, on 11 August 2015, police charged Nurlan Usupbaev (pictured above left), one of the religious ministers of Jehovah's Witnesses in Osh, under Article 395(2) of the Code of Administrative Violations. The police alleged that the 9 August 2015 religious service was illegal because Jehovah's Witnesses do not have a locally registered religious organisation and because parents who are Jehovah's Witnesses had brought their children to the religious service.

On 21 August 2015, a judge of the Osh City Court ruled in favour of Mr. Usupbaev, concluding that there was nothing illegal in his actions. The judge relied on the 4 September 2014 decision of the Constitutional Chamber of the Supreme Court of Kyrgyzstan, which had also ruled in favour of Jehovah's Witnesses.

The victims of the brutal police attack filed criminal charges against the police officers who participated in the attack. On 18 September 2015, the Osh City Prosecutor's Office refused to initiate a criminal case, though it acknowledged "rude treatment by officers" and failure to adhere to standards of ethical conduct.<sup>1</sup> However, the Osh City Prosecutor has appealed the 21 August 2015 acquittal of Mr. Usupbaev.

### Interference With Manifestation of Belief

(1) In March 2013, Oksana Koriakina and her mother, Nadezhda Sergienko, were placed under house arrest for allegedly committing crimes while they were sharing their faith with others. Officials in Osh used these fabricated charges as a pretext to claim that Jehovah's Witnesses are engaged in "illegal religious activity." The officials contend that without registration of a local religious organization, Jehovah's Witnesses cannot publicly manifest their religious beliefs.

The trial court in Osh acquitted both women of the criminal charges. In his 7 October 2014 ruling, the judge concluded that the criminal investigators had made major errors in their investigation and that they had prosecuted Ms. Koriakina and Ms. Sergienko merely because they are Jehovah's Witnesses. The prosecutor in Osh, however, has repeatedly used appeals to keep the two women under house arrest.

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<sup>1</sup> Among the police officers participating in the raid was Mr. Kojobek Kozubaev, who was involved in a similar incident in Osh in 2013 and who eventually received a warning from the Osh City Prosecutor's Office for his unlawful actions.

### Legal Recognition Withheld

- In its 4 September 2014 judgement, the Constitutional Chamber of the Supreme Court declared that Article 10(2) of the 2008 Religion Law is unconstitutional and cannot be applied by any court or official in the Kyrgyz Republic. That provision of the law had stipulated that a religious organisation seeking to obtain registration had to first have its list of 200 founding members “approved” by the local city council where the organisation had its legal address. In reality, this provision was used as a pretext to deny registration to minority religions.
- Since 2010, Jehovah’s Witnesses have been attempting to register four religious organisations in the Osh, Naryn, Jalal-Abad, and Batken regions of the Kyrgyz Republic. The local city councils in each region refused to approve the list of founding members of each religious organisation. The city council in the Batken region asserted that all persons living in that region are Muslims. The reason for the refusal by the other three city councils is the lack of government regulation on the procedure to be followed. Jehovah’s Witnesses therefore applied for registration to the State Committee on Religious Affairs (SCRA), and those applications were denied in 2011 and again in 2013.

In late 2014 and early 2015, Jehovah’s Witnesses again applied to the SCRA for registration of four religious organisations in the Osh, Naryn, Jalal-Abad, and Batken regions of the Kyrgyz Republic. In their application, they pointed to the 4 September 2014 judgement of the Constitutional Chamber of the Supreme Court.

- In total disregard for the rule of law, the SCRA refused to apply the 4 September 2014 judgement of the Constitutional Chamber, insisting that until the law is amended by parliament, a religious organisation must still obtain “approval” of its list of founding members by the local city council. Jehovah’s Witnesses appealed, but courts rejected that and a subsequent appeal. Jehovah’s Witnesses will file an appeal to the Supreme Court of the Kyrgyz Republic.

#### **Jehovah’s Witnesses respectfully request the government of Kyrgyzstan to:**

- (1) Allow Jehovah’s Witnesses to register their local religious organisations in the southern regions of Kyrgyzstan
- (2) Stop harassment by authorities in Osh
- (3) Terminate criminal proceedings of Mrs. Koriakina and Mrs. Sergienko

***Representatives of Jehovah’s Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Kyrgyzstan government.***

#### **For more information:**

Please contact the Office of General Counsel of Jehovah’s Witnesses at [generalcounsel@jw.org](mailto:generalcounsel@jw.org)

## RELIGIOUS FREEDOM CONCERNS — KYRGYZSTAN

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