

Jehovah's Witnesses in

# KYRGYZSTAN



## Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

19-30 September 2016

Jehovah's Witnesses have national registration in Kyrgyzstan and can generally meet for worship and share their beliefs without serious interference.

- Most problems over the past year have occurred in the southern city of Osh. Recent judicial rulings have upheld the Witnesses' right to worship in Osh, and religious services are now conducted in a newly constructed Kingdom Hall (house of worship) there.
- There are continuing problems with registration of local religious organizations (LROs) in the southern regions of the country.
- Three cases are pending with the United Nations Human Rights Committee (CCPR), two of which relate to registration of LROs.

## Abuses and Restrictions of Religious Freedom

### Harassment by Officials in Osh

**Osh.** On **25 April 2016**, a more than three-year ordeal ended for Oksana Koriakina and her mother, Nadezhda Sergienko, who were victims of abuse by law-enforcement authorities.

**Significant developments.** In **March 2013**, Osh police placed Mrs Koriakina and Mrs Sergienko under house arrest for allegedly committing crimes while 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."

- On **7 October 2014**, the trial court in Osh acquitted both women, concluding that the criminal investigators had prosecuted the women merely because they are Jehovah's Witnesses and had made major errors in their investigation. However, the Osh City Prosecutor repeatedly used appeals to keep the two women under house arrest.
- On **29 October 2015**, the Osh Regional Court upheld the trial court decision and confirmed that both women were innocent of the charges and entitled to compensation.
- The Osh City Prosecutor filed supervisory appeals, and on **24 February 2016**, the Supreme Court of Kyrgyzstan granted the appeal and cancelled the lower court decisions. The Supreme Court sent the case back to the trial court for a new trial before a different judge.

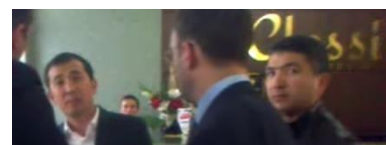
- On **14 March 2016**, the CCPR accepted a complaint filed on behalf of Mrs Koriakina and Mrs Sergienko and urgently communicated it to the Kyrgyz government. The CCPR ordered “interim measures” of protection, requesting the government to ensure that the women are not the subject of retaliation and that they, their lawyers, and witnesses are protected during the time the case is being considered by the CCPR.
- The new trial was scheduled to begin on **25 April 2016**. However, the three-year limitation period expired in March 2016, and the attorneys for the women requested that the case be terminated on that basis. The judge agreed, and the original decision is now in force.

Mrs Koriakina and Mrs Sergienko spent more than two and a half years under house arrest based on the false charges pressed by the Osh Ministry of Internal Affairs (MIA).

### Police Attack on Defence Lawyers for Ms Koriakina and Ms Sergienko

On **28 October 2015** at 4:00 p.m., the Osh Regional Court was scheduled to hear the appeal of the Osh City Prosecutor against Mrs Koriakina and Mrs Sergienko.

At 2:00 p.m. that day, ten police officers from the State National Security Services (SNSS) and the Osh MIA went to the restaurant of the hotel where the complainants’ lawyers were staying. In full view of patrons and staff, the police attempted to arrest the lawyers representing the women and take them to the headquarters of the Osh MIA for “questioning.” The police had no legal authority to detain the lawyers. The lawyers were delayed in the hotel lobby until 5:00 p.m., when they were finally able to leave to go to the courthouse, only to have the SNSS and the Osh MIA police again attempt to arrest them inside and outside the courthouse.



Officers detain lawyers in hotel lobby



Officers detain lawyers outside courthouse

On **29 October 2015** after the appeal hearing concluded, the judges went into their deliberation room to make a decision. Police from the SNSS and Osh MIA then stormed the appeal court judges’ deliberation room and ordered the judges to rule against Mrs Koriakina and Mrs Sergienko. This happened in front of dozens of witnesses, including the defence lawyers, court staff, and prosecutors. Courageously, the judges of the Osh Regional Court returned to the courtroom and announced their decision upholding the trial court’s ruling that acquitted Mrs Koriakina and Mrs Sergienko.

Subsequently, the Osh Regional Court and the defence lawyers filed separate complaints with State officials concerning the police attacks of 28 and 29 October 2015. Those complaints have been ignored.

### Interference With Religious Services

**Osh.** On **9 August 2015**, officers from the City Department of Internal Affairs illegally raided a religious meeting of Jehovah’s Witnesses with over 40 people in attendance. The police claimed that their religious meeting was illegal and screamed at everyone. During the raid, the officers severely beat one of the attendees. The police took ten attendees to the police station and physically assaulted them—three were strangled and brutally beaten; two passed out as a result. They were released after three hours in police detention.

- Two days later, police charged Nurlan Usupbaev under Article 395(2) of the Code of Administrative Violations. The police alleged that the religious service was illegal because Jehovah's Witnesses do not have a locally registered religious organisation.
- 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 Osh City Prosecutor appealed and lost, but then appealed to the Supreme Court of Kyrgyzstan.
- On **2 March 2016**, the Prosecutor General's office asked the Supreme Court to "terminate" the appeal, thus confirming that Jehovah's Witnesses in Osh have the right to carry out their religious activity based on their national registration.
- Meanwhile, the Osh City Prosecutor's Office refused to initiate a criminal case against the police on the basis of a criminal complaint filed by Mr Usupbaev and the other victims. The victims appealed to the Prosecutor General's office, which granted their appeal and referred the case back to the Osh City Prosecutor. After the Osh City Prosecutor again refused to start a criminal case, the victims filed three more appeals with the Prosecutor General, and each time the Osh City Prosecutor refused to open a criminal case.

On **26 November 2015**, the Osh City Prosecutor's Office again refused to start a criminal case against the police.

- On **16 May 2016**, the Prosecutor General again reversed the decision of the Osh City Prosecutor and directed him to reconsider the case.
- On **8 July 2016**, the Prosecutor General's Office opened a criminal case against one of the police officers and referred the case back to the Osh City Prosecutor for prosecution. Subsequently, the Prosecutor General's Office has been asked to recuse the Osh City Prosecutor's office and to have the criminal case dealt with in the capital city of Bishkek.
- On **8 August 2016** the Prosecutor General's Office informed the advocates by phone that the case was transferred to the Osh Regional Prosecutor. The investigation continues.

### Legal Recognition Withheld in the Southern Regions of Kyrgyzstan

Since 2010, Jehovah's Witnesses have been attempting to register four LROs in the Osh, Naryn, Jalal-Abad, and Batken regions, without success. They also applied for registration directly to the State Committee on Religious Affairs (SCRA), and their applications were denied in 2011 and again in 2013.

On 4 September 2014, the Constitutional Chamber of the Supreme Court declared Article 10(2) of the 2008 Religion Law unconstitutional. That provision required a list of 200 founding members of an LRO to be approved by the local city council before an organisation could obtain "record registration" from the SCRA.

In late 2014 and early 2015, Jehovah's Witnesses again applied to the SCRA for registration of these LROs, submitting that Article 10(2) of the Religion Law can no longer be applied because it has been declared unconstitutional.

The SCRA refused to apply the 4 September 2014 judgment of the Constitutional Chamber, insisting that until the law is amended by Parliament, Article 10(2) of the Religion Law is still in force and an LRO must obtain "approval" of its list of founding members by the local city council. On 15 July 2015, Jehovah's Witnesses' appeal was rejected by the Bishkek Interdistrict Court and later by the Bishkek City Court. A further appeal was heard by the Supreme Court on **15 February 2016**. The Supreme Court denied the appeal, leaving the two negative decisions of the trial court and the appeal court in force.

Two registration applications are now the subject of complaints before the CCPR.

### Religious Freedom Objectives

**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) End harassment of individuals and interference with religious services by the police in the southern regions of Kyrgyzstan

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

### For more information:

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

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