

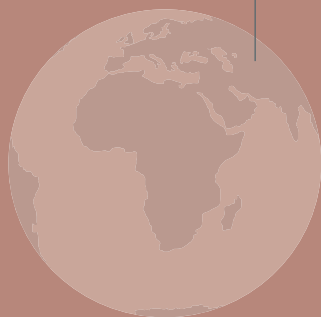
RELIGIOUS FREEDOM CONCERNS

STATEMENT BY THE EUROPEAN
ASSOCIATION OF JEHOVAH'S
CHRISTIAN WITNESSES

OFFICE OF GENERAL COUNSEL
WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES

OSCE Human
Dimension
Implementation
Meeting, Warsaw

11-22 SEPTEMBER 2017



Kyrgyzstan

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

- The Witnesses continue to experience difficulty in registering local religious organisations (LROs) in the southern regions of the country. The United Nations Human Rights Committee (CCPR) is reviewing three complaints against authorities for refusing to register LROs. Although not legally required, registration of LROs might help to lessen interference with religious activity by local authorities.
- The government is currently reviewing amendments to the Religion Law, which, if passed, will impose severe restrictions on the right to freedom of expression, freedom of association and freedom of religion.

Abuses and Restrictions of Religious Freedom

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HARASSMENT BY OFFICIALS IN OSH

1. **On 19 January 2017**, police disrupted the religious activity of two of Jehovah's Witnesses and took them to the police station, where they charged them with an administrative offence—religious activity without local registration. They confiscated the Witnesses' religious literature.
2. **On 30 May 2017**, the Supreme Court dismissed the latest appeal from the prosecution in the trial of Oksana Koriakina and her mother, Nadezhda Sergienko. The prosecutor had appealed the decision of the lower court declaring the women innocent of the charges against them and ruling that they should be compensated. However, in dismissing the appeal the Supreme Court concluded that since the women agreed to the expiration of the limitation period, they had confessed to committing the crime. This is false. The women never admitted guilt. Jehovah's Witnesses will file an update to the CCPR, explaining the Supreme Court's misinterpretation and the true reason for the women's request to apply the limitation period in their case.

Mrs. Koriakina and Mrs. Sergienko spent more than two and a half years under house arrest based on the false charges brought by the Osh Ministry of Internal Affairs (MIA). Officials claimed that the two Witnesses had defrauded local residents while engaged in their religious activity.



**Mrs. Koriakina and
Mrs. Sergienko**

For more information on the case of Mrs. Koriakina and Mrs. Sergienko, please visit jw.org or scan here:



The trial court concluded that investigators had mistreated Oksana and Nadezhda “for being members of the religious organisation of Jehovah’s Witnesses.”

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. However, the Osh City Prosecutor relentlessly resorted to appeals to keep the two women under house arrest.

On 24 February 2016, the Supreme Court of Kyrgyzstan sent the case back for a new trial before a different judge. The new trial, scheduled to begin on 25 April 2016, exceeded the three-year limitation period. Attorneys for the women requested that the case be terminated on that basis. The judge agreed, giving force to the original decision. The so-called victims filed a supervisory appeal to the Supreme Court.

INTERFERENCE WITH RELIGIOUS SERVICES

1. **Kemin. On 11 January 2017**, authorities raided a religious meeting in Kemin. They began recording the meeting and taking photos. After the meeting, the officials demanded permission documents from those who took part in the meeting and drew up protocols for signature. Three elders were summoned to court and charged with administrative violations.

On 19 May 2017, the court dismissed the case against the elders, but a representative from the State Committee on Religious Affairs (SCRA) told the local Witnesses that they would now monitor all religious meetings in the country.

2. **Osh. On 24 January 2017**, officials from the SCRA and local police raided a meeting and charged one of the elders with an administrative violation—religious activity without local registration.
3. **Osh. On 1 June 2017**, the Prosecutor General of Kyrgyzstan (GPO) asked the Osh District Prosecutor to consider an appeal in a case concerning police brutality. Despite repeated attempts by the Witnesses’ lawyers, the Osh District Prosecutor has repeatedly refused to file criminal charges against police officers who brutally attacked a group of Witnesses peacefully meeting for worship on 9 August 2015.

The victims of this brutal attack filed a criminal complaint against the police. However, the Osh City Prosecutor’s Office has refused to initiate a criminal case, even though it acknowledges that the officers behaved unethically. For the past two years, the victims have filed a number of appeals with the GPO. Each time, the GPO has directed the Osh City Prosecutor to investigate the policemen, and each time, the Osh City Prosecutor has refused to open a criminal case.

For more information on this
illegal police raid in Osh, please
visit jw.org or scan here:



LEGAL RECOGNITION WITHHELD IN THE SOUTHERN REGIONS OF KYRGYZSTAN

On 27 January 2017, Jehovah's Witnesses submitted a complaint to the CCPR regarding the refusal by the SCRA to register LROs in southern Kyrgyzstan.

Since 2010, Jehovah's Witnesses have been attempting to register four LROs in the Osh, Naryn, Jalal-Abad and Batken regions but without success. They also applied directly to the SCRA for registration, but 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 that the local city council approve a list of 200 founding members of an LRO 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 no longer applies 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" from the local city council of a list of founding members. On 15 July 2015, the appeal by Jehovah's Witnesses 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 in force the negative decisions of the trial and appeal courts.

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CENSORSHIP OF RELIGIOUS LITERATURE

On 6 February 2017, the Supreme Court of Kyrgyzstan upheld a decision that denied Jehovah's Witnesses permission to import one of their religious publications.

On 4 November 2015, the SCRA refused to allow Jehovah's Witnesses to import the November 2015 issue of the Awake! magazine. This was the first time that the SCRA had denied a request for import since the enactment of Kyrgyzstan's Religion Law in 2008. The Religious Centre of Jehovah's Witnesses in the Kyrgyz Republic filed a claim in the Bishkek Interdistrict Court against the SCRA's censorship of the magazine. On 29 March 2016, the trial court rejected the claim. This decision was upheld by the Bishkek City (Appeal) Court on 13 July 2016.

Meetings With Officials

In early June 2017 the Witnesses arranged to meet with officials at the embassies of the United States, Great Britain, and Germany to update them on major amendments the SCRA has proposed to Kyrgyzstan's 2008 Law on Freedom of Religion and Religious Organisations. If the National Parliament of Kyrgyzstan enacts these changes, it will severely restrict the rights to freedom of expression, freedom of association and freedom of religion. Not all of the officials were fully aware of the proposed amendments and promised to share this information with their respective ambassadors and other government officials.

Kyrgyzstan Proposes Harsh New Restrictions on Religious Freedom

The State Committee of Religious Affairs (SCRA) of Kyrgyzstan has submitted to the national parliament of Kyrgyzstan major amendments to the 2008 Law on Freedom of Religion and Religious Organizations which, if enacted, will impose severe restrictions on the right to freedom of expression, freedom of association, and freedom of religion.

When Kyrgyzstan's 2008 Religion Law was first enacted, it was subject to serious criticism by the international community due to the significant restrictions it imposed on the right to peacefully manifest religious beliefs. Those restrictions included:

1. A country-wide ban on the use or distribution of religious literature, except in registered places of worship.—Article 22 (6)
2. A requirement that a religious organization must be comprised of no less than 200 founding members who must be adult citizens of Kyrgyzstan.—Article 8 (3)
3. A prohibition on “unregistered religious activity.”—Article 8 (2)

The amendments now proposed by SCRA retain all of these restrictions and impose the following additional restrictions.

1. Restrictions on the quantity and State censorship of all religious literature imported into Kyrgyzstan. All religious literature used and imported must first be submitted to SCRA for “expert study” and approval.—proposed amendments to Article 22 (3)
2. A total ban on “unauthorized proselytism” including a ban on “house to house dissemination of religious convictions.”—proposed amendment to Article 5 (4)
3. For foreign citizens the registration as “missionaries” is valid for a maximum of three years.—proposed amendment to Article 12
4. A requirement that a religious organisation must be comprised of no less than 500 founding members who must be adult citizens of Kyrgyzstan living in the corresponding territory (region or city Bishkek and Osh).—proposed amendment to Article 8 (3)

5. A requirement to obtain a certificate of conclusion from the local self-government agency [i.e. the local city or town administration] for the religious organization to carry out its activity within the bounds of the given administration.”—proposed amendment to Article 10 (1)

6. Clarification on what is considered a mission: This is a “religious organization that canonically (spiritually) belongs to a foreign religious organization”—proposed amendment to Article 3. It needs to be reregistered each year —Article 11 (7).

These severe restrictions are contrary to Kyrgyzstan's international obligations and target the peaceful religious activity of Jehovah's Witnesses, a religious minority that has been present in Kyrgyzstan for more than 60 years. Similar legislation that was recently enacted in neighboring Kazakhstan has already led to dozens of arrests and to administrative fines of Jehovah's Witnesses for engaging in their peaceful religious activity.

In its 23 April 2014 Concluding Observations on Kyrgyzstan's second periodic report, the United Nations Human Rights Committee expressed concern about restrictions on religious freedom imposed by the 2008 Religion Law “including with respect to missionary activities, the registration procedure [of religious organizations] and dissemination of religious literature.” The Human Rights Committee called on Kyrgyzstan to amend the law so as to “remove all restrictions that are incompatible with article 18 of the Covenant, by providing a transparent, open and fair registration process for religious organizations and elimination distinctions among religions that may lead to discrimination.”

In Resolution 1984 (2014) of the Parliamentary Assembly of the Council of Europe (PACE), the PACE granted Kyrgyzstan “Partner of Democracy Status.” As a condition to obtaining that special status, Kyrgyzstan committed itself to “implementing relevant international instruments in the field of human rights,” “ensuring full respect of freedom of conscience, of religion and belief, including the right to change one's religion, “guaranteeing and promoting freedom of expression,” and “guaranteeing and promoting, in law and practice, freedom of association and of peaceful assembly” (paras. 15.12, 15.20, 15.21, and 15.22).

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF KYRGYZSTAN TO:

- Allow Jehovah's Witnesses to register local religious organisations in the southern regions of Kyrgyzstan
- End harassment of individual Witnesses and interference with their religious services by the police in the southern regions of Kyrgyzstan
- Allow Jehovah's Witnesses to import religious literature

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.



Visit the Newsroom at jw.org or scan here to learn more about legal developments and human rights concerns affecting Jehovah's Witnesses in Kyrgyzstan.