

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Supplementary Human Dimension Meeting, Vienna

14 and 15 April 2016

Kyrgyzstan has recently taken some steps to protect religious freedom, led by the Constitutional Chamber of the Supreme Court

On 4 September 2014, the Constitutional Chamber of the Supreme Court of Kyrgyzstan 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. The Constitutional Chamber also ruled that a registered religious organisation has the right to carry out its activity in all regions of the country as stated in its charter and that its activity is not limited to the location of its legal address.

That ruling of Kyrgyzstan's highest court confirms that Jehovah's Witnesses have the lawful right to carry out their religious activity in all regions of the country, in harmony with their national charter.

State Officials Refuse to Apply Rule of Law

In profound disregard of the rule of law, the State Committee on Religious Affairs ("SCRA") and some local law enforcement officials refuse to apply the Constitutional Chamber's decision, as shown below.

Violent Police Raid on Peaceful Religious Service

On **9 August 2015**, ten police officers from the "Department 10" of the Osh City Department of the Ministry of Interior Affairs ("Osh MIA") raided a peaceful religious service of Jehovah's Witnesses attended by more than 40 persons. The police were led by Lieutenant Colonel Nurbek Sherikbayev and Kozhobek Kozubayev, the same officer who earlier was "disciplined" by State officials for his role in the May 2013 beatings of Jehovah's Witnesses in Osh and threats of rape against their young women.

During the violent 9 August 2015 raid, the police screamed at all in attendance, insisting that their religious meeting was "illegal" because Jehovah's Witnesses do not have a locally registered religious organization in Osh. The police brought along two Muslim religious leaders and instructed them to insult and denigrate Jehovah's Witnesses because they are not Muslims. Police took one of the men in attendance into a neighbouring room and beat him so severely that his screams of pain could be heard throughout the building where the religious service was held, as audio recordings prove.

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The police then took ten of the Witness men to the police station and violently assaulted them. Three of the men were strangled to the point that two of them lost consciousness, and they were brutally beaten. After detaining the men for more than three hours, the police released them.

The victims of that violent police raid filed a criminal complaint with the Osh City Prosecutor on **17 August 2015**. Three times the Osh City Prosecutor refused to initiate a case, and each time the victims appealed to the Prosecutor General. Twice the Prosecutor General reversed the decision of the Osh City Prosecutor and directed him to reconsider the case. However, after receiving the victims' third appeal, rather than consider the appeal himself, the Prosecutor General referred it back to the Osh City Prosecutor for a decision. Despite irrefutable evidence proving the brutal police attack and identifying the specific officers involved, the Osh City Prosecutor has not yet initiated a criminal case against police from "Department 10" of the Osh MIA.

The victims also filed a complaint with the special procedures branch of the UN Human Rights Council. In response, on **21 September 2015** five UN Special Rapporteurs sent a joint allegation letter to Kyrgyzstan describing the 9 August 2015 brutal police raid as "acts of torture, reprisals and intimidation."

On **18 January 2016**, the SCRA's response to that allegation letter did not deny the brutal police violence. Instead, the SCRA attempted to justify the brutal and violent police raid based on the outrageous claim the victims "deliberately provoke[d]" the police violence with the goal of seeking asylum in western countries. None of the victims have made an asylum claim. Rather, their request has been that State authorities prosecute the police who carried out the brutal attack.

Police Attack on Appeal Court Judges and Defence Lawyers

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 the acquittal of complainants Ms. Koriakina and Ms. Sergienko, two of Jehovah's Witnesses who had been falsely charged in a criminal case fabricated by the Osh City Department of the Ministry of Internal Affairs ("Osh MIA").

At 2:00 p.m. that day, ten police officers from the State National Security Services ("SNSS") and 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 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 detained in the hotel lobby until 5 p.m., when they were finally able to leave to go to the courthouse only to have the SNSS and Osh MIA police again attempt to arrest them inside and outside the court house.

The appeal hearing resumed at 10:00 a.m. on **29 October 2015**. At 12 noon the hearing ended and the appeal court 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 to order the judges to rule against the complainants. This happened in broad daylight and before 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 which acquitted Ms. Koriakina and Ms. Sergienko.

Subsequently, the Osh Regional Court and the defence lawyers filed separate complaints with State officials concerning the outrageous and brazen attacks of 28 and 29 October 2015, on the judiciary, defence lawyers, and the judicial system. Those complaints were totally ignored. Instead,

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on **24 February 2016**, the Supreme Court of Kyrgyzstan granted an appeal filed by the Osh City Prosecutor, cancelled the decisions which had acquitted Ms. Koriakina and Ms. Sergienko, and ordered a new trial in the Osh City Court. This will now be their fifth trial. Already, Ms. Koriakina and Ms. Sergienko have spent more than 2.5 years in house arrest based on the false charges pressed by the Osh MIA.

It is impossible for Ms. Koriakina and Ms. Sergienko to now receive a fair trial since the police in Osh act with total impunity, and consider that they are above and beyond the law. A complaint has therefore been filed with the UN Human Rights Committee.

Refusal to Grant Registration of Local Religious Organizations

Background. On 4 September 2014, the Constitutional Chamber of the Supreme Court declared that Article 10(2) of the 2008 Religion Law is unconstitutional. That provision had required that the list of 200 founding members of a religious organization had to first be approved by the local city council before the organisation could obtain “record registration” from SCRA.

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 Kyrgyzstan. The city council in the Batken region refused, claiming that everyone in the region belongs to just one religion. In the other three regions, the city councils refused because there were no government regulations on the process to be followed. So the Witnesses applied to the SCRA, but it denied registration applications in 2011 and 2013.

In late 2014 and early **2015**, after the September 2014 decision of the Constitutional Chamber, Jehovah’s Witnesses again applied to the SCRA for registration of four religious organisations in the Osh, Naryn, Jalal-Abad, and Batken regions. In their application, they pointed out that Article 10(2) of the Religion Law could no longer be applied because it had been declared unconstitutional.

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, Article 10(2) of the Religion Law is still in force and a religious organization must obtain “approval” of its list of founding members by the local city council. Jehovah’s Witnesses appealed, but their appeal was rejected by the Bishkek Interdistrict Court and, later, by the Bishkek City Court. Jehovah’s Witnesses filed an appeal to the Supreme Court of the Kyrgyz Republic. On **15 February 2016**, the Supreme Court dismissed that appeal but has not yet issued a written judgement explaining its decisions.

Illegal State Censorship of Religious Literature

On **4 November 2015**, the SCRA refused permission to the Religious Centre of Jehovah’s Witnesses to import the November 2015 issue of *Awake!*, a religious journal of Jehovah’s Witnesses circulated worldwide in more than 51.7 million copies and 103 languages.

The SCRA based its decision on a so-called “expert” study of one of its employees who took exception to the magazine’s report of comments by a married couple who said they were “disturbed by the idea of a vengeful God” and dissatisfied with the doctrine of “fate” as taught by their former religions. That brief experience did not mention any particular religion. Nonetheless,

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SCRA claimed the 2008 Religion Law gave it authority to censor the magazine by prohibiting its import.

On **29 March 2016**, the Bishkek Interdistrict Court dismissed the claim filed by Jehovah's Witnesses. The trial court concluded that it did not have any expertise in theology and was therefore not competent to overrule the "expert study" of SCRA. Jehovah's Witnesses will file an appeal.

Jehovah's Witnesses respectfully request the government of Kyrgyzstan to:

- (1) Immediately prosecute the police who carried out the violent attack on Jehovah's Witnesses in Osh on 9 August 2015
- (2) Immediately prosecute the police who attacked the appeal court judges and defense lawyers on 28 and 29 October 2015 in Osh
- (3) Fully apply the 4 September 2014 decision of the Constitutional Chamber and grant registration to local religious organizations of Jehovah's Witnesses in Osh, Naryn, Jalal-Abad, and Batken so as to protect Jehovah's Witnesses from further illegal police harassment
- (4) Reverse the 4 November 2015 decision of the SCRA and immediately allow the import of the November 2015 issue of *Awake!*
- (5) Stop harassment by authorities in Osh
- (6) Terminate criminal proceedings against 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

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

