

# RELIGIOUS FREEDOM CONCERNS IN KYRGYZSTAN

STATEMENT BY THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

HDIM.NGO/0226/12

For the OSCE Human Dimension Implementation Meeting, Warsaw, 24 September to 5 October 2012 1 October 2012

Jehovah's Witnesses have been active in Kyrgyzstan since at least the early 1950s when many Witnesses were forcibly relocated to Kyrgyzstan by U.S.S.R. authorities, after having spent years in exile in Siberia as punishment for the peaceful exercise of their religious beliefs.

In August 1998, Jehovah's Witnesses obtained national registration in Kyrgyzstan. However, in the southern regions of Kyrgyzstan, Jehovah's Witnesses experience repeated harassment by local officials who insist that without registration of local religious organizations (LROs), Jehovah's Witnesses cannot practice their religious beliefs. The officials then render LRO registration virtually impossible.

## ***Denial of LRO registrations***

In 2010, Jehovah's Witnesses applied to register 4 LROs.

**Registration law.** The Law arbitrarily imposes onerous burdens on registration of an LRO. Under Article 8(3) of the Law "On Freedom of Religion and Religious Organizations in the Kyrgyz Republic" of 31 December 2008, No. 282 ("KR Law on Freedom of Religion"), a religious organization must comprise not less than 200 adult citizens who are permanent residents of the Kyrgyz Republic. Article 10(2) requires that the list of 200 founding members must also be notarized and approved by the local city council.

**Osh, Naryn, and Jalal-Abad.** The city councils of Osh, Naryn, and Jalal-Abad rejected the LRO applications, stating that they could not approve the list of members because there is no government order in place stipulating the process and criteria to be used. Jehovah's Witnesses therefore applied to the State Commission on Religion Affairs (SCRA) for registration, attaching the letters from the local city councils and all documents needed for registration.

On 16 February 2011, the SCRA determined that it could not grant registration without prior approval of the list of founding members by the local city councils. The decision was appealed.

On 21 July 2011, the Bishkek Interdistrict Court granted the appeal in part, ruling that the SCRA's 16 February 2011 decision to refuse registration was unlawful. This decision was overturned on appeal and on 31 May 2012, the Supreme Court of the Kyrgyz Republic upheld the appellate decision that the SCRA's "informative letter" could not be appealed to the court.

As there is no further recourse, appeal has been made to the UN Human Rights Committee (HRC).

In a 22 August 2012, meeting with the Director of the SCRA, the Director stated that he is unconcerned about the reaction of the international community or what the UN HRC might decide. He said that with regard to the withdrawal of our registration in Toktogul (see below) he has already been contacted by representatives of the U.S., Britain, Japan, and Canada embassies as well as the OSCE and Office of the High Commissioner on Human Rights. He brushed aside their concerns, stating that they "do not understand" the situation in Kyrgyzstan.

**Kadamjay.** On 30 March 2011, the Kadamjay Regional Council issued a decision stating that it would not approve the list of members of the proposed LRO in that region because people living in the region "confess one religion" and that registration would not be granted to Jehovah's Witnesses to "protect the peace and stability" of the region.

The unlawful actions of the Council were challenged in court, and on 22 May 2012, the Supreme Court ordered the Batken District Court to hear the appeal of the adverse trial court decision. On 31 July 2012, the Batken District Court ordered the trial court to accept the claim and determine whether the actions of Kadamjay's Council were lawful. Further court proceedings are pending.

### ***Alternative service law requires payments to support the military, conscientiously objectionable***

**Military Service Law.** On 9 February 2009, the “Law on the Universal Duty of Citizens of the Republic of Kyrgyzstan on Military and Alternative Service” was enacted (“2009 RK Military Service Law”). Article 32(4) prescribes that “alternative service includes making monetary contributions by those in alternative service to a special account of the Ministry of Defence . . . [to be] used for support of and provisions for troops, for conducting training assemblies, upgrading educational facilities, and increasing social security for military personnel.” Article 56(2) of the Constitution, however, guarantees the right to alternative “civilian” service.

**Convictions for “evading” alternative service.** Many Jehovah’s Witnesses of military age find that the requirement to make payments to the Ministry of Defence for support of the military violates their Bible-trained conscience. To date, more than a dozen Jehovah’s Witnesses have been convicted under Article 351(2) of Kyrgyzstan’s Criminal Code for “evading” alternative service. They have been sentenced to pay a fine of up to 20,000 Soms (USD 440) or serve up to 240 hours community service. Currently, the cases of approximately 45 young men who are Jehovah’s Witnesses are pending before the Military Commissariat with new cases each year.

**No resolution for required payments offered.** Jehovah’s Witnesses have written to the Ministry of Defence asking if the required sum for “alternative service” can be paid to another government department or to the general revenue fund of the Kyrgyz Republic. There has been no substantive response to that request. On 20 March 2012, the Supreme Court of the Kyrgyz Republic upheld the criminal convictions imposed on Milan Nasrytdinov, Adilet Bayakunov, and Talas Nyazmambetov, three of Jehovah’s Witnesses for “evading” alternative service. On 11 June 2012, applications were filed with the UN HRC on their behalf.

### ***Intolerance leads to shocking mob violence in Toktogul***

#### ***Attacks on believers and on a house of worship as police look on and officials obstruct justice***

Kyrgyz citizens who are Jehovah’s Witnesses have been living in Toktogul and carrying out their peaceful religious worship in the city since the mid-1990s. The SCRA registered their LRO on 18 March 2005.

**10-13 May 2010:** About 100 persons forced their way into the Witnesses’ place of worship and stole all the property inside. The mob seized copies of the Holy Bible and other religious literature which they burned, then they destroyed the place of worship. Police officers present witnessed the arson attack and burning of religious literature, but did nothing to stop it. Members of the mob then went to the homes of individual Jehovah’s Witnesses in Toktogul stealing their belongings and destroying their homes. The police refused to offer help and no one was charged.

Jehovah’s Witnesses filed a criminal complaint requesting that the authorities charge the perpetrators of these serious criminal acts. On 4 October 2010, investigator N. Imanbekov opened a criminal case for the petty crime of “hooliganism.” On 4 December 2010, he suspended the case, claiming the perpetrators could not be identified.

**13-17 May 2012:** In April 2012 Jehovah’s Witnesses began to reconstruct their place of worship in Toktogul. Shortly after the reconstruction began, a group of persons repeatedly threw stones at the volunteers. Jehovah’s Witnesses reported the matter to the police but no action was taken. The reconstruction continued and by 10 May 2012, much of it was completed.



On the nights of 13, 15, and 16 May 2012, a group numbering up to 40 persons hurled stones at the house of worship causing significant damage. A senior employee of the Toktogul City Council, who lives near the place of worship, was seen organizing the mob. The police were present each night and witnessed these criminal acts. On the night of 17 May 2012, mobs set fire to the place of worship, burning it to the ground. It took more than two years for the Regional Prosecutor to decide to charge the senior employee of the Toktogul City Council who was the ringleader in the May 2010 and May 2012 attacks. We now await the result of this positive course of action will be.



**13 June 2012:** Without giving reasons, the SCRA issued an Order unilaterally withdrawing the registration of Jehovah's Witnesses in Toktogul. On **29 August 2012**, the trial court found that SCRA had violated the law and it ruled that the decision cancelling our registration in Toktogul must be annulled.

### ***Positive developments in wrongs corrected by courts***

- The Religious Center of Jehovah's Witnesses in the Kyrgyz Republic was the object of a campaign of harassment by local authorities under the guise of a tax case. From 3 March to 10 March 2010, the Pervomaysky Social Fund conducted an inspection of the Religious Center and ordered it to pay more than USD 250,000 in social insurance payments and fines for the charitable aid it provides to religious volunteers. The Religious Center appealed. On 14 December 2010, the Bishkek Interdistrict Court ruled in favor of the Religious Center and declared the tax assessment unlawful. On 17 February 2011, the Bishkek City Court (Chamber of Economic and Administrative Cases) upheld the decision of the lower court.

On 13 December 2011, the Supreme Court ordered a new trial. On 18 July 2012, the Bishkek Interdistrict Court declared unlawful the 10 March 2010 Act of Assessment. Jehovah's Witnesses have requested that the criminal case against the Religious Center be terminated.

- On 29 January 2011, two young men, Iskandar Kambarov (17 years old) and Jonibek Nosirov (21 years old), were placed in pre-trial detention in Kadamjay following a fabricated charge that they had distributed two DVDs of the Islamic organization "Hizbut-Tahrir." Evidence indicates that the DVDs were planted in the apartment of the young men during a secret police raid on 25 January 2011. On 14 December 2011, the chief investigator of the Kadamjay region, together with the regional prosecutor, terminated criminal proceedings against the two young men. By that time, they had endured pretrial detention for more than nine months.

The two young men, their families, and the international community of Jehovah's Witnesses are grateful to the chief investigator and to the prosecutor of the Kadamjay Region for making an objective ruling, and for the concern and interest shown by senior Kyrgyz officials.

### ***A respectful request***

Jehovah's Witnesses respectfully request the government of Kyrgyzstan to protect them from physical harassment and the destruction of their places of worship, to register local religious organizations, and to offer an alternative civilian service that does not require a conscience-violating monetary contribution to the Ministry of Defense.

***A delegation of Jehovah's Witnesses is ready to meet with representatives of Kyrgyzstan attending the present conference in order to clarify any misunderstanding and to promote a constructive dialogue.***