

RELIGIOUS FREEDOM CONCERNS IN KYRGYZSTAN**STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES****For the OSCE Human Dimension Implementation Meeting, Warsaw, 23 September to 4 October 2013**

The Republic of Kyrgyzstan has been home to Jehovah's Witnesses since at least the early 1950s, when U.S.S.R. authorities relocated them to Kyrgyzstan after years in exile in Siberia. All of this experience was punishment merely for the peaceful exercise of their religious beliefs.

Over the past year, Jehovah's Witnesses in Kyrgyzstan have met several times with senior government officials. Those meetings have helped to resolve a number of problems experienced by Jehovah's Witnesses in Kyrgyzstan. Despite this progress, Jehovah's Witnesses cannot yet register local religious organizations in the southern regions of the country.

Positive Developments

30 November 2012: The Toktogul Regional Court convicted five persons, including the senior expert of the Toktogul City Council, for inciting religious hatred against Jehovah's Witnesses which resulted in the destruction of their place of worship in Toktogul on 17 May 2012. The five persons were given jail sentences ranging from five to seven years which were commuted to suspended sentences requiring that they keep good behaviour for a period of one year. On **16 April 2013** the Jalal-Abad District Court (Appeals Instance) upheld the convictions and ordered the five convicted persons to pay more than USD 12,000 for the damage caused to the place of worship. (Jehovah's Witnesses did not appeal the trial court's decision to substitute the terms of imprisonment with one-year suspended sentences.) The decision is now final.

20 March 2013 and 4 April 2013: The Supreme Court of the Republic of Kyrgyzstan suspended the criminal prosecutions of 10 conscientious objectors to military service who are Jehovah's Witnesses. Their cases were sent to the Constitutional Chamber of the Supreme Court to determine if the current law—which requires *inter alia* that conscientious objectors make monetary payments directly to the military for the support of the military and military activities—violates the right to freedom of religion guaranteed by the Constitution and the International Covenant on Civil and Political Rights. Relying on these rulings, lower courts have suspended 5 additional cases of conscientious objectors and also referred them to the Constitutional Chamber. No date has yet been set for the hearing of the cases in the Constitutional Chamber.

28 June 2013: In response to a complaint filed by Jehovah's Witnesses, the Ministry of Interior Affairs and the State National Security Services disciplined several police officers for a 19 May 2013 police raid on a peaceful religious meeting of Jehovah's Witnesses in the city of Osh. Police raided the apartment of a Witness, beat several male Witnesses and made lewd comments to a number of female Witnesses. In the 28 June 2013 written response to the complaint, the Osh City Prosecutor stated that the police officers were "severely punished" and reprimanded for their "insulting" and "humiliating" actions and for their unlawful entry into the private apartment where the group of Jehovah's Witnesses were gathered for their religious meeting. In addition, the senior police officer responsible for the raid was given an official "warning." There have been no further interferences with the meetings of Jehovah's Witnesses in the city of Osh.

Denial of LRO registrations

Jehovah's Witnesses have 40 local religious organizations (LROs) registered in the northern regions of Kyrgyzstan. All of these religious organizations were registered under the previous religion law, which was repealed on 31 December 2008 and replaced with the Law "On Freedom of Religion and Religious Organizations in the Kyrgyz Republic" of 31 December 2008, No. 282 ("the 2008 Religion Law").

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Jehovah's Witnesses have no LROs registered in the southern districts of Osh, Naryn, Jalal-Abad, and Batken. They have attempted to obtain registration in these districts numerous times. However, the State Committee on Religious Affairs (SCRA) has rejected each application.

In December 2010, Jehovah's Witnesses applied for registration in all four southern districts. Their registration applications contained all necessary documents and met the requirement in Article 8(3) of the 2008 Religion Law that the LRO must be comprised of at least 200 adult citizens who are permanent residents of Kyrgyzstan.

The only requirement Jehovah's Witnesses could not meet was the requirement in Article 10(2) of the 2008 Religion Law that the notarized list of 200 founding members of the LRO must be "approved" by the city council where the LRO has its registered address. For the Osh, Naryn, and Jalal-Abad LROs, the local city councils stated that they could not "approve" the list of founding members because there is no government order on the criteria or process for approving the list of founding members. For the Batken LRO, the Kadamjay City Council stated that it would not approve the list of 200 founding members because persons living in that district allegedly profess "one" religion and it would undermine the stability of the region to also register Jehovah's Witnesses. Not only is this response blatantly discriminatory, it also ignores the fact that citizens who are Jehovah's Witnesses live in the Batken district.

Jehovah's Witnesses appealed the denial to register all four LROs to the local courts. The Supreme Court of Kyrgyzstan ultimately dismissed their appeals, concluding that the refusals to register each LRO were only "informative letters" and could not be appealed to court. Since they had exhausted all domestic remedies, on 7 September 2012 and 26 March 2013, Jehovah's Witnesses filed appeals to the United Nations Human Rights Committee protesting the decisions of the Supreme Court and the SCRA's refusal to register all four LROs.

In the meantime, on 28 January 2013, Jehovah's Witnesses again attempted to register an LRO in the Jalal-Abad district. They again presented all required documents to the SCRA but on 5 July 2013 the SCRA again refused registration insisting that the local city council must approve all 200 founding members. This perpetuates the Witnesses' predicament, since no remedy is offered to provide a government order prescribing the criteria and procedure for approving members.

A respectful request

Jehovah's Witnesses request the government of Kyrgyzstan to register their local religious organizations in the Osh, Naryn, Jalal-Abad, and Batken districts. This is necessary so that Jehovah's Witnesses can peacefully manifest their religious beliefs without the fear of arrests and police raids.

A delegation of Jehovah's Witnesses is ready to meet with representatives of the Republic of Kyrgyzstan attending this conference to promote a constructive dialogue.