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Will government defend judges, lawyers and residents from police?

Forum 18 (03.11.2015) - <http://bit.ly/1mA8ddU> - A Jehovah's Witness mother and daughter in Kyrgyzstan have been freed from house arrest, having been held since March 2013, in what a judge described as "a fabricated case", Forum 18 News Service has learned. But NSC secret police and ordinary police 10th Department officers repeatedly illegally tried to stop the two women's lawyers participating in the appeal hearing, and then invaded the judges' deliberation room when they realised that the women might be set free. Under international law some of the police should not have been at liberty, as they were involved in torturing other Jehovah's Witnesses. The two women's defence lawyers have publicly called for the ordinary police and NSC secret police officers who openly attacked lawyers' and judges' independence to be investigated on criminal charges, and if guilty punished according to the law. Officials have refused to tell Forum 18 if these and other official attempts to obstruct the rule of law will be subject to investigation and criminal charges.

A Jehovah's Witness mother and daughter were finally freed from house arrest on 29 October after 31 months, when a court in Kyrgyzstan's southern city of Osh finally upheld their acquittal, Forum 18 News Service has learned. But Osh regional National Security Committee (NSC) secret police and police 10th Department officers attempted to stop the two women's lawyers from participating in the appeal hearing brought by the State Prosecutor against the women. (The 10th Department supposedly deals with internal security and religious "extremism" issues.) Jehovah's Witnesses told Forum 18 that the women now intend to take their wrongful arrest and detention to the Supreme Court.

The lifting of house arrest means that after 31 months the two women – 35 year-old Oksana Koryakina and her 56-year-old mother Nadezhda Sergienko – can travel outside Osh without permission from the local authorities and will not be confined to their home during curfew hours. They have been under house arrest since March 2013 after the authorities alleged that they conjured live snakes from eggs and then swindled old women out of their life savings. The case was condemned by Judge Sheraly Kamchibekov, who acquitted the women in October 2014, as "a fabricated case".

Jehovah's Witnesses think that the two women were arrested, charged and detained to punish their religious community for its applications for state registration.

The ordinary police and NSC secret police systematically attempted to stop due legal process in the appeal hearing by stopping the women's lawyers from attending court hearings and invading the judge's deliberation room when police realised the judge might find in favour of the two women. Officials have refused to tell Forum 18 if these and other official attempts to obstruct the rule of law will be subject to investigation or criminal charges.

Kyrgyzstan has also refused to investigate named police who tortured seven Jehovah's Witnesses during a raid on an Osh meeting for worship.

NSC secret police and ordinary police obstruct defendants' lawyers

The NSC secret police and ordinary police 10th Department officers tried to obstruct the three defence lawyers for Koryakina and Sergiyenko – local lawyer Nurlan Kachiyev, Shane Brady (a Canadian citizen), and Kostia Chernychenko (a Ukrainian citizen).

The hearing of the appeal case was initially scheduled for 4 pm on 28 October. But at 2 pm NSC secret police and ordinary police 10th Department officers came to the Hotel Classic in central Osh, where Kachiyev, Brady and Chernychenko, were staying as they were preparing to leave for the Court. The officers stopped the lawyers, checked their passports and identity and questioned them.

Many of the police 10th Department officers who harassed the lawyers also tortured local Jehovah's Witnesses, including community leader Nurlan Usupbayev, on 9 August. "The lawyers recognised them", Jehovah's Witnesses told Forum 18, "as they had seen the police on the video of the raid on the worship meeting." Under international law the police officers should have been under arrest as, under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kyrgyzstan is obliged to arrest anyone suspected on good grounds of having committed torture and try them under criminal law.

"The officers said amongst themselves that, if the lawyers attempted to leave the hotel, they would be arrested", Jehovah's Witnesses told Forum 18. When the three lawyers came out of the hotel, the officers "tried to push them into a police car, which they could not do as they were drawing the attention of bystanders".

The lawyers finally reached the Court, but by the time they arrived the hearing had been postponed to 29 October, as the State Prosecutor in the case was absent.

On the way back to the hotel, Kachiyev, Brady and Chernychenko were harassed by the NSC secret police and ordinary police. "Officers pulled and pushed them to try to get them to come to Osh Police Station", Jehovah's Witnesses complained to Forum 18. "However, because the lawyers resisted and protested loudly about the officers' actions, a large crowd began to notice. And perhaps because of that the officers finally let them return to the hotel."

Illegal police summons

Officers remained in the hotel during the evening of 28 October watching the lawyers. Later that evening police left a summons for the lawyers to appear before Osh Regional Police Investigator Major Mahmud Sultanov at 9 am the following morning – one hour before the Court hearing was due to start.

The summons claimed that Tatyana Tomina, the lawyer for the people allegedly swindled, had made an unspecified complaint about the defence lawyers. Kachiyev, Brady and

Chernychenko pointed out in reply that neither the police nor Tomina had any legal power to issue such a summons, which can only be issued by a judge (see below).

"Again the officials' intent was to stop our lawyers from participating in the hearing", Jehovah's Witnesses noted to Forum 18. The lawyers ignored the summons and participated in the 29 October hearing.

Police attack judge's independence, officials refuse to take action

When the police "understood that the Court was inclined to uphold the previous acquittal, which would also mean our believers' release from house arrest, they tried to force their way into the judges' deliberation room to influence the judges' decision," Jehovah's Witnesses told Forum 18. "The judges immediately came out and told those present in the court room about the incident."

Officials have refused to take action against the police attack on judicial independence. An Assistant (who did not give her name) to Deputy Interior Minister Kalybek Satyvaldiyev referred Forum 18 to Lieutenant Colonel Meder Myrzabayev, Osh Regional Police representative of the Interior Ministry, when Forum 18 asked what measures the Interior Ministry will take against its police officers.

Lieutenant Colonel Myrzabayev referred Forum 18 to Colonel Aziz Toshbulatov, of Osh Regional Police 10th Department – the Department whose officers attacked lawyers' and judges' independence, and tortured Jehovah's Witnesses. "Colonel Toshbulatov is leading the case now," was all Myrzabayev would say. Colonel Toshbulatov claimed to Forum 18 on 2 November that "it's a wrong number" when called. He then put the phone down when Forum 18 pointed out that this was the number the Interior Ministry had for him.

Mirlan Kongaytiyev, Osh City Deputy Prosecutor, also refused to tell Forum 18 whether the Prosecutor's Office will investigate the police harassment of the lawyers and judges. "I do not want to talk to you over the phone," he replied. "Please send your questions in writing." He declined to talk further to Forum 18. He has previously refused to say why Prosecutors will not prosecute torturers, but prosecuted their victims meeting for worship.

Acquittals upheld

Despite the police and NSC secret police's attacks on lawyers' and judges' independence, Judge Aivar Kubatov of Osh Regional Court upheld the original decision of Judge Sheraly Kamchibekov of Osh City Court on 7 October 2014 acquitting the women as they faced "a fabricated case".

The women had still been held under house arrest since their acquittal as Tomina working with Osh City Prosecutors Office had repeatedly made various failed appeals against the acquittal. Jehovah's Witnesses told Forum 18 on 29 October that the numerous appeals had been brought "in order to prolong the house arrest of the two and the investigation of the case".

"Now the Regional Court once again upheld the acquittal of our believers. This decision is final, and they are free from house arrest," Jehovah's Witnesses told Forum 18 on 29 October. "Prosecutors may once again bring the case to the Supreme Court, but even if they do so the believers will be free from arrest."

Illegal police summons rebutted

In a 29 October letter to police Major Sultanov, seen by Forum 18, the three Jehovah's Witness lawyers pointed out that the police acted illegally in summoning them. "The

summons violate Kyrgyzstan's law and Constitution because no concrete reasons or grounds for our appearance before the police are indicated, and therefore we will not obey the unlawful demand to report, nor answer any questions," Kachiyev, Brady and Chernichenko wrote.

"We understand that you summon us on the basis of [the Plaintiffs'] lawyer Tomina, who already challenged the legitimacy of our participation in the case as lawyers." They noted that the lower court, the appeal court and the Supreme Court rejected her appeals. The Courts established that "we legitimately participated in the case as the lawyers", they added.

Under the Criminal Procedural Code Article 382, Part 2, Supreme Court decisions "cannot be challenged, neither by Tomina, nor you, nor any other official."

The "question of examination of the competences of lawyers and their admittance into the Court procedure is exclusively under competence of the Judiciary."

The lawyers copied their letter to President Almazbek Atambayev's Office, General Prosecutor Indira Joldubayeva in the capital Bishkek and Osh City Prosecutor's Office

Police Major Sultanov told Forum 18 from Osh on 30 October that he summoned Kachiyev, Brady and Chernichenko "because a report was drawn up by the police 10th Department, which necessitated their appearance before the police." Asked on what grounds the lawyers were required to appear before the police, he replied, "I have not read the report."

Asked why he issued the summons without knowing what is in the report, Major Sultanov stated that "we will let them know when they appear before us." He would not say what legal authority he had for his demand, or why he chose a time when the lawyers would have been on their way to the court hearing. He then declined to talk further to Forum 18.

Lawyers ask for open criminal investigation of harassment

The lawyers also asked Major Sultanov to investigate on criminal charges the actions of the police 10th Department and NSC secret police against the rule of law.

They pointed out that Article 29 of the Law on the Legal Profession and Lawyers "directly bans any interference in a lawyer's legal professional activity". A lawyer "is not entitled to explain or testify the circumstances of their rendering of legal aid." The Law states that the detention, arrest, or body search of a lawyer "can only be carried out by a Court decision".

The three lawyers told Major Sultanov that they have video records proving the NSC secret police and the 10th Department police officers' interference with them.

The actions of the officers "are a crime foreseen in the Criminal Code Article 318-1, Part 2, which is punishable with deprivation of liberty up till five years".

"Such actions are also a crime foreseen in Part 2 of Article 322 of the Criminal Code, which is coercion to testifying. Moreover, it is a flagrant violation of Part 2 of UN General Assembly's 12th resolution (..), which calls on the states to take all necessary measures to guarantee the protection of any person, individually or association with others from any violence, threats, vengeance, actual or formal hostile discrimination, pressure or any other unauthorised actions (..)."

Stopped at airport

After the acquittals had been upheld in court on 29 October, ordinary police and NSC secret police officers briefly tried to detain the lawyer Brady at Osh Airport, when he was preparing to board a plane to Bishkek. "Police officers came and took Shane's passport from the flight officials," Jehovah's Witnesses told Forum 18. "However after a while, having talked to some authorities over the phone, they gave it back." Brady and Chernichenko were able to board the plane for Bishkek. "Evidently the officers were not happy with the results of the hearing," Jehovah's Witnesses observed.

Will authorities act against police attacks on lawyers' and judges' independence?

Asked what measures General Prosecutor Joldubayeva's Office will take over police attacks on lawyers' and judges' independence, her assistant Ozoda Omurzakbekova refused to comment on 30 October. She referred Forum 18 to Aynura Eshmambetova, Chief of the General Section of the General Prosecutor's Office, who is responsible for responding to complaints. "We know of the case, but you need to talk to Eshmambetova on the execution of the response to the complaint." Several calls on 30 October to Eshmambetova went unanswered.

Osh Regional Court's Chancellery officials refused to comment on the case or harassment of the lawyers and judges. The officials (who did not give their names) on 2 November referred Forum 18 to the Court's Chair, Abdurasul Shamsiyev, and Judge Kubatov. However, their phones went unanswered that day.

Police impunity for torturing people at religious meeting?

Forum 18 (20.10.2015) - <http://bit.ly/1J4kIIB> - Kyrgyzstan is refusing despite medical evidence to investigate named police who tortured seven Jehovah's Witnesses during a raid on an Osh meeting for worship, Forum 18 News Service has learned. The victims have complained to the General Prosecutor's Office. Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kyrgyzstan is obliged to arrest anyone suspected on good grounds of having committed torture and try them under criminal law. A 2012 UN Subcommittee on Prevention of Torture (SPT) visit found that "torture and ill-treatment is prevalent", due to among other factors "the impunity and general lack of accountability of officials". Asked by Forum 18 why Prosecutors will not prosecute torturers but prosecuted their victims meeting for worship, Deputy Osh Prosecutor Mirlan Kongaytiyev claimed: "We just want the law and justice to be fulfilled". Osh Prosecutors continue to try to convict two Jehovah's Witnesses of, among other things, conjuring live snakes from eggs. Nadezhda Sergienko and Oksana Koryakina have been under house arrest since March 2013, despite a judge condemning "a fabricated case".

Osh City Prosecutor's Office in Kyrgyzstan has refused to open a criminal case against named officers of Osh City Police over their torture of seven members of a Jehovah's Witness community during a 9 August raid on a meeting for worship, Forum 18 News Service has learned. The victims, led by Nurlan Usupbayev, are now challenging this refusal to the General Prosecutor's Office.

Jehovah's Witnesses complained to Forum 18 on 14 October over Osh Prosecutor Elisa Tazhibayeva's refusal to open a criminal case against the officers who carried out "this brutal raid". "She accepted that the incident took place, and that even some days later the victims had physical bruising from the strangulation. But still she claims there was no evidence of the police violence. Instead, she says it was sufficient that the officers receive administrative discipline."

International obligations

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Kyrgyzstan acceded to on 5 September 1997, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention Kyrgyzstan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4 Kyrgyzstan is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

On 29 December 2008 Kyrgyzstan acceded to the Optional Protocol to the Convention, whose purpose is to "establish a system of regular visits undertaken by independent international and national bodies". The UN Subcommittee on Prevention of Torture (SPT) carried out its first regular visit to Kyrgyzstan from 19 to 28 September 2012. Its report found that "torture and ill-treatment is prevalent in the country", caused by among other factors "the impunity and general lack of accountability of officials".

Victims not torturers prosecuted

Instead of arresting and punishing the torturers, police and Prosecutors sought to punish Usupbayev for leading what they claimed was an "illegal" religious meeting, but the judges at both the first and the appeal courts dismissed the case.

Asked by Forum 18 on 1 October why the Prosecutor's Office will not investigate police torture, but continues to seek to punish Jehovah's Witnesses exercising their right to freedom of religion or belief, Deputy Osh City Prosecutor Mirlan Kongaytiyev responded: "We just want the law and justice to be fulfilled."

Prosecutors have also appealed against the acquittals by Osh City Court of two female Jehovah's Witnesses accused of swindling. The two have been under house arrest since March 2013 (see below).

Medical certificates attest torture

Usupbayev and his fellow community members were detained by officers of Osh Police's 10th Division on 9 August, while they were holding a worship service in a rented hall on the second floor of a cafe in the centre of Osh. Officers beat one man for filming the raid on his phone and "his screams of terror and pain could be heard throughout the building". At the police station, officers beat six participants, three of whom were strangled "to the point that they passed out".

On the day of the raid, 9 August, one of those attacked by the police, Tynchtykbek Olzhobayev, sought a medical examination at Osh City Clinical Hospital to document his injuries. Surgeon Doctor Emil Asylbekov of Osh City Clinical Hospital issued a medical certificate stating that Olzhobayev had multiple bruises on his neck, right shoulder and face.

The following day, 10 August, six more of the victims went to the same hospital for a medical examination. Surgeon Doctor Emil Turgunbekov issued certificates to Usupbayev,

Chorobek Kadyrov, Bakytbek Kubanychbek uulu, Manas Bilal uulu, Razanbek Korgolov and Islamedin Kombarov, stating that they showed bruises on their forearms and necks.

The seven medical certificates from Osh City Clinical Hospital – seen by Forum 18 – are all stamped by the hospital. Dr Asylbekov confirmed that Olzhobayev asked him for the certificate on 9 August. "I did not write when exactly the bruises took place, but they were fresh", he told Forum 18 from Osh on 19 October.

Photos of Usupbayev, Kadyrov and Bilal uulu taken in the days after their torture clearly show marks of strangulation and abrasions on their necks and faces. Jehovah's Witnesses provided the photos to Forum 18 on 18 August, less than 10 days after the incident.

Osh Prosecutors refuse to investigate police torture

Prosecutors have failed to accept a request from the victims to open a criminal case against the police officers responsible for the torture, contrary to Kyrgyzstan's obligations under international law.

In their 17 August complaint to the Osh City Prosecutor's Office, Usupbayev and the other victims asked it to open a criminal case against Officer Kozhobek Kozubayev and Lieutenant Colonel Nurbek Sherikbayev of Osh Police's 10th Division, which oversees religious or belief cases. To support their demand they provided copies of the medical certificates they had obtained at Osh City Clinical Hospital on 9 and 10 August.

However, Elisa Tazhibayeva of Osh City Prosecutor's Office, in a decision of 18 September seen by Forum 18, claimed not enough evidence was available to open a criminal case. "Osh City Prosecutor's Office has examined your complaint against officers of Osh City Police's 10th Division," she wrote, "and with a decision from 18 September 2015 refused to initiate a criminal case for lack of facts and circumstances constituting a breach of the law in the actions of the officers."

However, Tazhibayeva admits, "Regarding the rude treatment by officers of the Osh City Police Department, expressed in denigration and insults, and the failure to adhere to the ethics for civil servants, a notice has been issued to the directors of that agency for them to remedy these violations, to not permit such violations of the law in the future, and to bring the guilty officers to strict disciplinary accountability."

Both police and prosecutors were highly evasive and refused to commit themselves to any investigation of torture, when asked by Forum 18 after the raid whether this crime would be investigated and the perpetrators prosecuted.

Prosecutor's forensic examination

Jehovah's Witnesses told Forum 18 that the Prosecutor's Office commissioned its own forensic medical examination of five of the victims. The Prosecutor's Office sent them to the Forensic Medical Expertise Centre of Osh City - more than 10 days after the incident took place and after the independent examination of the victims by Osh City Clinical Hospital.

Prosecutor Tazhibayeva in her 18 September decision claims that the forensic medical examinations were commissioned to determine the severity of the physical harm to Usupbayev, Kubanychbek uulu, Bilal uulu, Kadyrov and Olzhobayev.

"According to the conclusions from forensic medical expert studies No. 2056 dated 21 August 2015, No. 2064 dated 25 August 2015, No. 2058 dated 28 August 2015, and No. 2194 dated 8 September 2015, however, the injuries caused to Kadyrov, Usupbayev, Bilal uulu, and Olzhobayev did not result in short-term health problems, but, due to

incomplete descriptions of the nature, colour, form and location of the injuries in the medical chart from the examination by a neurosurgeon at Osh City Clinical Hospital on 9 August 2015, it was impossible to determine when those injuries occurred. According to the conclusion from forensic medical expert study No. 2153 dated 1 September 2015, no bodily injuries were discovered on Kubanychbek uulu."

She does not explain why this examination contradicts the findings of Osh City Clinical Hospital.

Asked why the Prosecutor's Office did not criminally investigate police officers Kozubayev and Sherikbayev, as well as other officers who tortured the Jehovah's Witnesses, Osh City Deputy Prosecutor Kongaytiyev told Forum 18: "We did not find any evidence that the officers physically abused them."

When Forum 18 asked how the Prosecutor's Office explains the bruises and strangulation marks found by Osh City Clinical Hospital on the bodies of the victims, as noted in the 9 and 10 August medical certificates and photos seen by Forum 18, Kongaytiyev responded: "We don't know how that happened." Asked why the Prosecutor's Office did not or will not investigate who inflicted the injuries on the victims, he would not say. "I don't know all the details of the case," he claimed.

When asked by Forum 18 on 16 October why the Prosecutor's Office did not or will not investigate and identify those who beat and tortured the Jehovah's Witnesses, Prosecutor Tazhibayeva replied that: "I already said in my decision that it is not possible to determine exactly when the injuries took place, and we do not have any witnesses." When Forum 18 asked how the injuries occurred, she did not answer.

"Witnesses" against the Witnesses

Prosecutor Tazhibayeva claims in her decision that four people she identifies as witnesses in the case told the Prosecutor's Office that the police did "not use violence" against the Jehovah's Witnesses. The alleged witnesses include Imam Keneshbay Ryskeldi uulu, who represents Osh City Kaziyat, the state-sponsored Muslim Board's Osh City branch. However, Tazhibayeva does not specify why and how the Imam came to the scene. She also omits to mention that the Imam was a participant in the raid during which the torture took place.

According to Tazhibayeva's decision, Ryskeldy uulu claims that he came there "because he heard that Jehovah's Witnesses were holding an illegal meeting". The Imam told the Prosecutor's Office that he went there with Aziz Abdrakhmanov, Secretary of the Osh City Kaziyat.

The three other alleged witnesses mentioned in Tazhibayeva's decision were two people she said were customers of the café and an employee of the café. They also allegedly told the Prosecutor's Office the police were "not violent".

Zh. Abdurasulova, one of the claimed witnesses, admits that she "called an acquaintance, police officer Nurbek Sherikbayev, and asked him to come and make sure the meeting was legal." She told the Prosecutor's Office that "some time later police officers came and went up to the second floor. They took away about 10 Jehovah's Witnesses. We did not see any violent or unlawful actions on the part of the police officers."

Jehovah's Witnesses told Forum 18 that they do not know Abdurasulova or any other of the alleged witnesses Prosecutor Tazhibayeva mentions. They noted that only members of their community were present in the second-floor hall, where the worship service took place and where the police detained and tortured community members.

Prosecutor Tazhibayeva claimed to Forum 18 on 19 October that Abdurasulova does "not work for the police". However, she refused to say how Abdurasulova knows Officer Sherikbayev. "You have a copy of my written response to the Jehovah's Witnesses" she said before putting the phone down.

Tazhibayeva did not explain why other members of the Jehovah's Witness community who saw or heard the torture inflicted were not regarded as "witnesses" to the crimes committed by the police.

"It is their duty to work with the population"

Asked why the Muslim Board's representatives in Osh were asked to participate in the raid, Tazhibayeva declined to answer. "I am busy, and I cannot talk to you." She then put the phone down. The Muslim Board is controlled by the state.

Similarly, Deputy City Prosecutor Kongaytiyev was also unable to say why an Imam from the Muslim Board participated in the Police raid on the Jehovah's Witness meeting.

Imam Ryskeldy uulu and Secretary Abdrakhmanov participated in the raid on the Jehovah's Witnesses meeting "because the people invited them there", Uboydullo azhy Sarybayev, Kazy of Osh City, told Forum 18 on 15 October. He refused to specify who invited his officials.

Asked why they took part since they are responsible for work with Muslims, not Jehovah's Witnesses, Sarybayev would only respond: "It is their duty to work with the population." When Forum 18 insisted with the question, he replied, "Please, either send your representative to us in person or talk to us through the National Security Committee (NSC) secret police." He then put the phone down.

Jehovah's Witnesses complain to General Prosecutor's Office

Jehovah's Witnesses submitted a complaint to the General Prosecutor's Office in the capital Bishkek on 25 September, asking it to investigate the raid and torture inflicted on people, they told Forum 18. They also asked for an investigation of Osh City Prosecutor's Office refusal to open a criminal investigation against the police officers.

Jehovah's Witnesses also provided the General Prosecutor's Office with documentation of the torture inflicted, including photographs and medical certificates from Osh City Clinical Hospital of the injuries and bruises inflicted on the seven.

In the complaint, seen by Forum 18, the Jehovah's Witnesses state that the Osh City Prosecutor did not open a criminal case despite "clear evidence of the severe violations" against their believers. "The severity of the injuries and the fact the Prosecutor's Office could not determine the time of the injuries cannot be a reason for it to decide not to open a case," they said.

Jehovah's Witnesses also complain that the injuries are "not the only reason" why a criminal case must be opened. Audio-records of the meeting prove that Officers Kozubayev and Sherikbayev and Imam Ryskeldy uulu "disrupted peaceful worship", they state, and "threatened and insulted" community members.

"So far we have not received a response from the General Prosecutor's Office," Jehovah's Witnesses told Forum 18. "According to the law It has one month to respond."

Prosecution of torture victim fails

Osh Police have sought to punish the man they regarded as leading the 9 August "illegal" meeting for worship in the rented hall of the cafe. Police brought a case against Usupbayev under Administrative Code Article 395, Part 2 ("Violation of procedures for holding religious meetings and processions, and other religious rites"). The punishment for this is a fine of up to five Financial Indicators (FIs).

In 2006 Kyrgyzstan's Parliament set one Financial Indicator at 100 Soms. This means that the maximum fine for this "offence" is 500 Soms (about 68 Norwegian Kroner, 7 Euros or 8 US Dollars).

However, on 21 August Judge Bolot Satybaldiyev of Osh City Court dismissed the case. The Judge said in his decision, seen by Forum 18, that Usupbayev's "actions lack the constituent elements of the violation" of Article 395, Part 2.

On 9 September, in a document seen by Forum 18, Deputy Osh City Prosecutor Kongaytiyev appealed to Osh Regional Court against Judge Satybaldiyev's 21 August acquittal decision. He demanded that the case be retried by another panel of Judges in the City Court.

However, on 16 October Judge Aivar Kubatov of the Regional Court upheld the Osh City Court decision, and refused to re-open the administrative case against Usupbayev.

Who "incorrectly interpreted legislation of the Kyrgyz Republic"?

In his 9 September suit against the first acquittal, Prosecutor Kongaytiyev claimed that Usupbayev violated Administrative Code Article 395, Part 2 "because it was proven that a religious meeting was held, with sermons and the singing of psalms, and that a large number of persons participated in the meeting, including 14 minors, without obtaining appropriate permission from the local state authorities."

Kongaytiyev insisted that according to the charter of the Religious Centre of Jehovah's Witnesses of Kyrgyzstan, local communities of Jehovah's Witnesses "must register with the appropriate state agencies, which includes obtaining necessary registration on the territory of the city of Osh, which requires approval from the local Kenesh [Council]."

Kongaytiyev claimed that Judge Satybaldiyev "incorrectly interpreted the norms of legislation, did not hear out the opinion and arguments of representatives of the police, and incorrectly interpreted legislation of the Kyrgyz Republic in his ruling."

Judge Satybaldiyev, however, told Forum 18 on 15 October that, as he indicated in his decision, Jehovah's Witnesses had not violated the Law. "I don't understand why the Prosecutor's Office appealed against our decision, but I won't comment on their actions." He declined to discuss the case further with Forum 18.

In his acquittal decision, seen by Forum 18, Judge Satybaldiyev notes that the Jehovah's Witnesses are "registered as a religious organisation in accordance with the procedure established in the Kyrgyz Republic". He cites the 4 September 2014 decision of the Constitutional Chamber of the Supreme Court, which ruled that a religious organisation is not limited to carrying out its activity only in the place where it has its legal address.

Prosecutors challenge another acquittal in "fabricated case"

Osh City Prosecutor's Office have also appealed against the acquittal by Osh City Court of two Jehovah's Witnesses, Nadezhda Sergienko and her daughter Oksana Koryakina. The two have been under house arrest since March 2013 after the authorities alleged that they conjured live snakes from eggs and then swindled old women out of their life

savings. The case was condemned by Judge Sheraly Kamchibekov, who acquitted the women in October 2014, as "a fabricated case".

Osh City Prosecutor's Office alongside Tatyana Tomina, the lawyer for the people allegedly swindled, failed several times in 2015 in their attempts to return the case for further investigation by Prosecutors as well as in their challenge of the competences of the Judges who heard the case or the Lawyers who defended the Jehovah's Witnesses. In all cases the Supreme Court and the Osh Regional Court rejected the Prosecutor's Office appeals.

Osh Regional Court is due to hear the Prosecutor's Office's latest appeal on 21 October, Jehovah's Witnesses told Forum 18.

Asked why, after so many failed attempts to convict Sergiyenko and Koryakina, the Prosecutor's Office still pursues the case, Prosecutor Kongaytiyev responded: "It is the plaintiffs in the case who demand us to do so, not us, and we must respect the law." Despite the many violations of legal process and claims in the case materials that the two women can conjure live snakes from eggs, Kongaytiyev insisted that "we have nothing against Jehovah's Witnesses but we must follow the law".

Asked whether the Prosecutor's Office will again challenge a court decision if the two women are once more acquitted, he replied that "I cannot say but it is an open question".

Jehovah's Witnesses told Forum 18 that the authorities were unable to prove in court either that the alleged offences took place, or that if they had taken place that the defendants were responsible. They think the entire case is a reprisal for applying to register a local community in Osh Region.

Cleric from biggest mosque in south Kyrgyzstan sentenced to five years for extremism

HRWF (19.10.2015) - A cleric from the Kara Suu mosque (Osh Region), the biggest one in southern Kyrgyzstan, has been sentenced to five years at a penal settlement for distributing extremist materials and inciting religious hatred, according to Bir Duino-Kyrgyzstan, a Kyrgyz human rights organization.

"When deciding on the punishment, the court took into account that Rashid Kamalov has no criminal record, has a family and positive testimonials," the source said.

Another mitigating factor was the fact that the documentation of the Kyrgyz Muslim Board contained no order appointing Kamalov as the imam of the Kara-Suu mosque. Kamalov was arrested in early 2015 on suspicion of belonging to the banned Islamic group Hizb ut-Tahrir. His arrest sparked large protests in Kara-Suu organized by his followers. The press officer for the Interior Ministry branch in Osh, Zhenish Ashirbaev, said he was calling for the creation of a caliphate and pushing people to go to Syria to take part in fighting there.

His father had been the imam of Kara-Suu mosque before he was killed in 2006 in an operation that Uzbekistan's security forces took part in on Kyrgyz territory.

Kyrgyz court hands five-year sentence to imam prominent in south

Ferghana News Information Agency (12.10.2015) - <http://bit.ly/1SS5Pvk> - The Kara-Suu District Court in Osh Region completed a trial of the case of Rashod Kamalov, a popular imam at the As-Sarakhsi mosque, on October 7. Mr Kamalov is charged with three crimes, each of which fell under two articles in the Kyrgyz crime code: inciting religious animosity, abuse of power, and distributing extremist materials during mass events.

"The judge found Rashod Kamalov guilty in accordance with two articles of the country's crime code: Article 299 and Part 1 of Article 299, and sentenced him to five years of imprisonment in a penal colony," Valeryan Vakhitov, Mr Kamalov's lawyer, has told Fergana.

According to the Turmush.kg online portal, the judicial proceedings established the fact that the local mufti's office did not issue an order to appoint Mr Kamalov imam of the As-Sarakhsi mosque in the town of Kara-Suu. The judge accepted the argument and restated the charges by removing the aggravating condition of "by abusing power" on all three counts. The judge has also taken into consideration such circumstances as the absence of the defendant's previous convictions, family and positive feedback from public.

Indeed, Osh Regional Kadhi's Office (the regional office of the general mufti's administration) reported immediately after Mr Kamalov's detention in February that he is not an officially assigned imam of the As-Sarakhsi mosque. "He was allowed to continue serving as imam to avoid the parish's discontentedness. There is no official document issued to this effect though. We are unable to comment on his activities, but can report that Rashod Kamalov was not imam officially," Osh Region Kadhi Niyazaly Aripov told Fergana.

Rashod Kamalov became the imam of As-Sarakhsi Mosque following the murder of his father—Muhammadrafiq Kamalov, then-imam at As-Sarakhsi—in August 2006. Kamalov Senior was one of the most influential theologians among "Islamic reformers" in the region.

Judge Koychubek Jobonov presided over the case, while Azam Satyvaldiyev and Nurlan Abdrazkov, two prosecutors at the Kara-Suu district prosecutor's office, spoke on behalf of the government the case and Nazgul Suyunbayeva, Valeryan Vakhitov and Husanbay Saliyev represented the imam's interested in court. A total of 17 hearings took place over the four months of the Kamalov trial with each lasting for several hours. The lawyers provided over 20 solicitations, the majority of which were accepted; seven eyewitnesses as well as ten experts and specialists testified during the trial that was filed in five volumes.

Background: Mr Kamalov was arrested on February 9. The prosecutors charged for his statements recorded in a compact disk that was provided by a local Kara-Suu resident; the prosecutors then levelled more charges based on a compact disk found in his house during a search; the third round of charges was levelled based on a video recording available online. In all three sources, Mr Kamalov is seen and heard preaching about the notion of a caliphate and explaining its essence. Mr Kamalov was initially arrested for two months. The detention term was extended several times during subsequent hearings.

Mr Kamalov has told the trial participants that he was delivering a Friday sermon when he was explaining the meaning of the word "caliphate" on 4 Jul 2014. This explanation was then distributed on disks and online. Mr Kamalov has told the judges that many, especially young people, asked him questions about the caliphate, the war in Syria and

the so-called "Islamic State" on that day. Speaking as an official cleric of the main mosque in Kara-Suu, Mr Kamalov cited the Koran and hadiths in his sermon. According to the defendant, he said the youth must not travel to Syria and that doing so would contract the constitution of Kyrgyzstan. "I did not urge anyone to take to streets or overthrowing the government. The concept of caliphate is found in the Koran and hadiths," the imam stated.

Mr Kamalov wrote a letter in May to Kyrgyz President Almazbek Atambayev, asking him "to nip the involvement of specific law-enforcement agents, who are using their office in an attempt to punish me." The defendant imam has also stated an entire information campaign was unfolded to mar his name and that "violated the benefit of the doubt" concept. The experts that provided findings based on their research of his sermons do not have education in religion and do not speak the Uzbek language, which the sermons were made in. Further, the State Commission for Religious Issues is "not a forensic expert organisation," which did not stop it from issuing a negative conclusion.

Lawyer Vakhitov told Fergana the defence team was planning to appeal the verdict.

Kyrgyzstan's anti-extremism policy hits the wrong targets

The Moscow Times (16.09.2015) - <http://bit.ly/204FyMt> - Imam Rashod Kamalov seemed calm and composed, sitting behind the bars in a courtroom cage of a district court of Kara Suu — a town in the Osh region of southern Kyrgyzstan. He smiled and shook hands with his supporters, who arrived in their droves to witness the trial of their spiritual leader.

The atmosphere in the courtroom was oppressive, with journalists and the imam's supporters trying to squeeze onto small benches in the back of the room. Many of those present wore loose white shirts and square dark blue hats — typical for the local Uzbek minority, of which Kamalov is a member.

This is the first high-profile case in which an influential Muslim leader has been targeted in an attempt to crack down on independent religious voices.

Rashod Kamalov, a popular 37-year-old imam of the As-Sarakhsiy Mosque, was arrested on Feb. 11 by an anti-terrorist brigade, based on charges that he made extremist statements about the war in Syria and the establishment of a caliphate.

The sole evidence against the imam is a 17-minute video of his sermon given on July 24 last year titled "About the Caliphate." Cut by the prosecution to a mere 3 minutes, the video shows the imam explaining the concept of caliphate, stating that "those who say that there will be no caliphate shall be cast out of the religion. We must bow before those that created the caliphate."

According to the defense, the seemingly controversial statement refers to the canonical interpretation of the Quran and the return of the caliphate after the Day of Judgement, which, it claims, is accepted by the mainstream Hanafi school dominant in Kyrgyzstan.

The local Uzbek minority, journalists and the imam's supporters see the case as politically motivated. As explained by a local journalist, the problem started during a meeting between religious leaders and the police, held in December 2014, to discuss the growing problem of religious extremism in the area, in which the imam spoke out against the corruption of the local security services and the police.

He claimed that some of the officials have used their position to make private financial gains and that it is the lack of trust in law enforcement bodies that pushes people to join the Islamic State, seen by many as an embodiment of a just society governed by Sharia law.

The imam's subsequent arrest is seen as the revenge of the local authorities. As explained by the defense lawyer, Khusunbai Saliev: "From the point of view of the law, the case is absurd." The court refused to accept the expertise presented by the defense and the lack of adherence to official rules have turned the trial into a farce.

"The State Commission for Religious Affairs' expert, who labelled the video extremist, is an Arabic language teacher who testified that Kamalov doesn't criticize the Islamic State enough and then that he supports it. His testimony is therefore self-contradictory." Adding to the paradox, Kamalov's sermon was given in Uzbek, a language from the Turkic linguistic group.

Furthermore, according to Kyrgyz law, it is the court that determines whether or not material is extremist. After such a decision is made, the material must be incorporated in the special register. None of those steps have been followed in Kamalov's case.

According to Saliev, the reason for such an unprecedented attack on a high-profile religious leader is threefold: first, it is revenge for Kamalov's statement accusing the local police of corruption.

Second, it can be explained as a part of the long-established discrimination against ethnic Uzbeks in the south of the country.

Finally, faced by a perceived growing radicalization among Kyrgyz youth, the authorities need a success story to show that they are fighting against extremism.

According to International Crisis Group estimates, about 500 people from the Osh area have left the country to support the Islamic State. In order to address the problem, and as a result of the growing pressure from other regional powers to fight fundamentalism, namely Russia and Uzbekistan, the Kyrgyz government has been targeting those religious movements, who diverge from the officially embraced version of Islam.

The official version promotes a Turkish-style relationship between the state and religion, with a strong emphasis on secularism. Hence the promotion of Sufi literature and the encouragement of study trips and exchange programs with countries such as Turkey, Malaysia and Indonesia, which have been popular among Kyrgyz youth since the collapse of the Soviet Union.

The state-promoted Islam draws in part on pre-Islamic traditions. Addressing the spirits of ancestors or Manas — the country's mythical founder in prayers, a feature absent in more orthodox versions of Islam — has roots in shamanic rituals.

Given the nomadic lifestyle of the Kyrgyz, the practice of attending mosque on Fridays was not widely adopted, and beards and hijabs were considered foreign and viewed with suspicion.

This has now changed, as even the traditionally nomadic north has faced an increase in religiosity among the local youth — most notably in the Issyk-Kul and Narin regions. The growth in religious consciousness since the late 1980s as a general trend was connected with a reconstruction of Kyrgyz ethnic and cultural identity after the collapse of the Soviet Union.

However, according to the survey conducted by John Heathershaw and David W. Montgomery in November 2014, the increased interest in religion has not necessarily been accompanied by the growth in extremism.

The government's response to a growing religiosity has therefore been disproportionately harsh. The 2009 Law on Religion banned private religious education, the wearing of headscarves in schools and it made all unregistered faith groups illegal with a view to extending its control over such communities.

In its attempts to fight extremism, the government has also banned Hizb ut-Tahrir, an Islamist political party with a large membership among the Uzbek minority in the south of the country, whose aim has been the establishment of a caliphate.

With its main headquarters and a publishing house in London, the group officially rejects violence and there is no evidence to suggest that it has been involved in any terrorist activities in the region. In addition, according to various reports, the group does not support the actions of the Islamic State.

Nevertheless, labelled extremist, group members have been a target of local security services, especially in the south of the country, which has traditionally been more religious given the presence of a large Uzbek minority.

The north-south division in Kyrgyzstan is long established, with the northern part seen as "pure" Kyrgyz, originating from the Yenisey area, and the south facing tensions between the traditionally nomadic Kyrgyz and the settled Uzbeks.

Since violent clashes in the area in 2010, the Uzbeks have been facing increased discrimination, with the closure of independent Uzbek media, continuous persecution of the remaining publications, and the destruction or seizure of many Uzbek businesses.

Although the right to receive education in the Uzbek language persists, students can no longer pass exams in their native language and there has been a noticeable decrease in the number of Uzbeks finishing secondary education in the country.

Increased discrimination and the social exclusion of the Uzbek minority, coupled with poor religious education, has been a primary motive for Kyrgyz citizens joining the Islamic State, as explained by a recent policy paper from the Polish Institute of International Affairs.

Despite Uzbeks being the main ethnic group joining the Islamic State, there is a growing number of Kyrgyz leaving for Syria. According to professor Tatyana Dronzina, an expert in terrorism studies, "Radical groups will grow on the soil of political alienation, corruption, lack of respect to human rights and the restriction of civil liberties."

Interestingly, many of those who decide to join the Islamic State become radicalized in Russia, where a number of Kyrgyz citizens have moved in search of employment. Facing discrimination and being removed from their traditional social environment, many migrants experience the feeling of isolation.

They often join their countrymen in mosques where they are exposed to radical ideas. As many of them lack proper religious education, they can be easily manipulated and exploited by radical groups.

However, while the process of radicalization clearly exists and should be addressed by the government, the policy paper by the Polish Institute of International Affairs suggests that the number of fighters in Central Asia is still lower than those of Europe or the countries of the Middle East and North Africa.

The Kyrgyz state's harsh response to growing religiosity most likely will not contribute to a decrease in the number of Kyrgyz citizens joining the Islamic State. On the contrary, the oppressive and discriminatory treatment of the Uzbek minority will fuel resentment within the community and swell the number of fighters in the ranks of the Islamic State.

The state, instead of working with religious leaders such as Kamalov to prevent the radicalization of Kyrgyz youth, and especially the Uzbek minority, has done all it can to further alienate the community. It remains to be seen how the Kamalov case will be resolved, but the defense has little hope for a positive outcome.

"His screams of terror and pain could be heard throughout the building"

Forum 18 (19.08.2015) - <http://bit.ly/1YB8Hw2> - Ten police officers – only two of them in uniform – raided a Jehovah's Witness meeting for worship in a rented cafe in Osh in southern Kyrgyzstan on 9 August, claiming it was "illegal". Police brought an Imam to "convert them to Islam", who threatened those present. Officers beat one man for filming the raid on his phone and "his screams of terror and pain could be heard throughout the building", Jehovah's Witnesses complained to Forum 18 News Service. At the police station, officers strangled three Jehovah's Witnesses "to the point that they passed out". Asked why he and his colleagues raided the meeting for worship and beat several participants, Officer Kozhobek Kozubayev insulted and swore at Forum 18. Kozubayev had been involved in similar beatings of Jehovah's Witnesses in Osh in 2013, for which he was ordered punished. Also in early August, Osh City authorities and a local Imam did not allow a Protestant to bury her deceased 25-year-old son in the cemetery in the District where they live. She could only bury him in a distant cemetery when, under pressure from an Imam, she renounced her faith.

For the third time in three years, Osh City Police in Kyrgyzstan's southern Osh Region have used torture against Jehovah's Witnesses to punish them for exercising the right to freedom of religion or belief. Officers on 9 August raided a worship service which they claimed was "illegal" and "brutally attacked the peaceful worshippers by beating them", Jehovah's Witnesses complained to Forum 18 News Service on 17 August. Officers beat one man for filming the raid on his phone and "his screams of terror and pain could be heard throughout the building". At the police station, officers beat six participants, three of whom were strangled "to the point that they passed out".

Police also brought Imam Keneshbay Ryskeldi uulu with them, who represents Osh City Kaziyat, the state-sponsored Muslim Board's Osh City branch. He threatened that Jehovah's Witnesses would "not be allowed to bury your dead, because you are Baptists." And in order to prevent their burials he would "take copies of the photographs and names" of all the worshippers present in the meeting and "distribute them".

The Muslim Board is controlled by the state and the state routinely allows local imams to prevent non-Muslims from being buried.

Jehovah's Witnesses described the latest brutal attack against their fellow-believers in Osh as a "gross violation of the Constitution of the Kyrgyzstan and of the Criminal Code of the Kyrgyz Republic. These crimes were motivated by their religious hatred and intolerance for Jehovah's Witnesses."

Forced to renounce faith to be allowed to bury son

Also in early August, Osh City authorities and a local Imam did not allow a Protestant Christian woman to bury her deceased 25-year-old son in the cemetery in the District where they live and where their relatives are buried, local Protestants complained to Forum 18. The son had recently died in a car accident. Protestants asked not to publish their names or the names of the woman or her relatives for fear of state reprisals.

"After negotiations with the Osh City authorities, they were allowed to bury him in a different cemetery, in a District of Osh far from their home, where adherents of various religions are buried," Protestants added. However, even to be able to do that "under pressure from the local Imam who recited Muslim prayers, the mother was made to renounce her Christian faith".

Local people and Muslim leaders, with the connivance of local authorities, have long obstructed or denied burials according to their own rites to deceased Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees – especially those of ethnic Kyrgyz or ethnic Uzbek background – in village graveyards which they insist are only for Muslims. The authorities appear content to allow local imams to control who is buried in state-owned cemeteries not owned by religious communities. Police often back obstructions of burials, in some cases actively participating in burial denials. The authorities' failure to ensure people may bury their dead in the way they would wish causes deep distress to the family and friends of the dead and their communities.

"A sensitive issue we cannot interfere in"

Asked on 19 August why the Osh authorities did not allow a young Christian man to be buried in the cemetery near his home where his relatives are buried, Kanatbek Abdurahimov, representative of the State Commission for Religious Affairs (SCRA) in Osh, claimed to Forum 18 that it is a "Muslim cemetery". But, he added, "he was finally buried in another cemetery". He maintained that "this is a sensitive issue we cannot interfere in", but did not explain why the authorities cannot intervene to allow individuals of any faith or none to be buried in local cemeteries.

Asked why the mother was compelled to renounce her faith, Abdurahimov claimed that "She herself came to the Regional Kazi's office and asked to accept her into Islam." Told that sources from Osh told Forum 18 that she was compelled to do so, he claimed: "If it was against her will, she wouldn't have come of her own accord."

"I do not want to interfere in the affairs of the police"

Asked about the police raid on the Jehovah's Witness worship meeting, Abdurahimov told Forum 18 that he cannot comment on the actions of the police. However, he said police had told him that Jehovah's Witnesses "conducted a religious meeting and spread their faith in an unauthorised place".

Told that the Community has a central organ in the capital Bishkek which is authorised to conduct religious activity all over the country, according to the 4 September 2014 interpretation of the Religion Law by Kyrgyzstan's Constitutional Chamber, he responded: "I do not have these facts and I do not want to interfere in the affairs of the police."

Asked why police brought Imam Ryskeldi uulu with them to forcibly convert Jehovah's Witnesses, by threatened them with being not allowed to bury their dead and distributing their photographs among Imams, Abdurahimov repeated: "I cannot interfere with what the police do because they are a closed agency."

Raid

Ten police officers – only two of them in police uniforms and the rest in plain clothes - "burst" into a cafe on Masaliyeva Street of Osh's Suleyman-Too District at approximately 10.30 am on 9 August. Jehovah's Witnesses had rented the cafe for a meeting for worship and more than 50 people were present. Police were led by Kozhobek Kozubayev and Lieutenant Colonel Nurbek Sherikbayev of the 10th Division of Osh Police, which oversees religious cases. Officers "ordered the service to be stopped", Jehovah's Witnesses complained to Forum 18.

The intruders identified themselves as officers of Osh Police's 10th Division, but did not show their identity documents, Jehovah's Witnesses told Forum 18. However, Jehovah's Witnesses have video and audio recordings of the raid where the officers addressed their two leaders as Lieutenant Colonel Nurbek Sherikbayev and Officer Kozhobek Kozubayev.

Sherikbayev also signed the 9 August police record (seen by Forum 18) of an administrative "offence" against Nurlan Usupbayev, one of the worshippers.

"We will shoot you in the head if you move"

Officer Kozubayev began by demanding that all those in attendance show their identity documents. He and other officers "repeatedly threatened" the worshippers that "we will shoot you in the head if you move".

As the police began the raid, a black car pulled up and more police officers arrived, Jehovah's Witnesses added. Then officers seized Usupbayev, who had arranged the worship meeting, "forced him roughly" into the car, and took him to Osh City Police Station.

Meanwhile, other officers took Tynchtyk Olzhobayev, one of the worshippers, to another floor in the cafe, and "viciously beat him so that his screams of terror and pain could be heard throughout the building". When Jehovah's Witnesses asked Officer Sherikbayev why his colleagues were beating Olzhobayev so badly, he "admitted that they are beating him because he had filmed the actions of the police with his telephone" and that "he refused to give his telephone to the police so they could delete the recordings".

Imam threatens Jehovah's Witnesses

During the raid, Kozubayev and the other officers insulted the religious beliefs of Jehovah's Witnesses, saying: "You deceive people, you brainwash them." Officers told them that they had brought an Imam with them to "convert them to Islam".

Imam Ryskeldi uulu (who would not give his name during the raid) insulted the Jehovah's Witnesses, threatening that "You ceased to be Muslims, you became infidels, and when you are attacked we are not going to protect you." His threats continued: "Your marriages are invalid. We won't let you bury your dead here because you are Baptists." And he warned: "I have memorised all of you. I will distribute copies of your names and photographs to everyone."

Asked what consequences such threats might have for them in Osh or elsewhere in Kyrgyzstan, Jehovah's Witnesses told Forum 18: "We in any case experience difficulties with burials of our deceased ones, and pressure on us – especially outside cities - is constant, and we do not know what extra difficulties this might bring".

Torture at Osh Police Station

Officers then took 10 members of the congregation to Osh City Police Station, "where six were brutally beaten, three of whom were strangled to the point that they passed out". The six identified by fellow Jehovah's Witnesses as having been tortured were:

Usupbayev, Chorobek Kadyrov, Bakytbek Kubanychbek uulu, Manas Bilal uulu, Razan Korgolov and Islamedin Kombarov.

Usupbayev, Kadyrov and Bilal uulu were also strangled by the police. Two of the three, Kadyrov and Bilal uulu, "passed out" while being strangled. Kadyrov "thought he was going to die".

Jehovah's Witnesses told Forum 18 that they have audio and video recordings of the raid and torture of Olzhobayev, as well as photographs of the strangulation marks on the three victims tortured at Osh Police Station.

"Marks from the strangulation were still visible hours later, as proven by the photographs taken of the victims later that same day, and their certificates of medical examination," Jehovah's Witnesses complained to Forum 18.

The other four Jehovah's Witnesses taken to Osh Police Station were: Eldiyar Ormonov, Arstan Botokhanov, Iskander Kambarov and Zhakonchir Asanbayev.

Officer Kozubayev, who also participated in the beatings and strangulation, had been responsible for beating Usupbayev in 2013. During the 9 August 2015 beatings, he "mocked Usupbayev", referring back to "his vicious abuse of him in 2013": "You reported me. You invited a lawyer from Moscow. What did you achieve? Nothing."

Kozubayev then strangled Usupbayev with the tie he was wearing, "screaming," "Why did you give me away to the Prosecutor's Office? Will you again give me away to the Prosecutor? Because of you I was punished."

Police swear when questioned about torture

Asked who Forum 18 could talk about the raid on the Jehovah's Witness meeting and the torture, Osh Police referred Forum 18 on 17 August to Officer Kozubayev.

Asked on 18 August why he and his colleagues raided the worship meeting of the Jehovah's Witnesses and physically tortured them, Officer Kozubayev insulted and swore at Forum 18, shouting "who are you?" Asked why he was swearing at Forum 18 and why he would not explain why he beat and abused the Jehovah's Witnesses, he put the phone down. Subsequent calls to him the same day went unanswered.

Answering his phone on 18 August, Officer Sherikbayev introduced himself but, when Forum 18 asked about the raid and torture of people, claimed that "it's a wrong number". When Forum 18 repeated the question, he replied "You don't speak Kyrgyz," and put the phone down.

Police force victims to sign statement against themselves

Police "forced all our fellow-believers to write and sign statements claiming they were not mistreated by the police," and that "their religious gathering was illegal", Jehovah's Witnesses complained to Forum 18. Officers "literally dictated" what the 10 Jehovah's Witnesses had to write, and "beat them to force them to do so". At approximately 3.30 pm police released the 10.

Police refuse to register victims' complaint

Immediately after being released on 9 August, the six Jehovah's Witnesses who were tortured abused at Osh Police Station visited the Police Station in Osh City's Suleyman-Too District, where the cafe is located and the raid took place. There they tried to report the "illegal actions of the officers" from Osh Police's 10th Division. They requested that

the police send them for an official medical examination. However, Investigator Munar Manosov refused to grant the request, claiming that the incident did "not happen in his territory".

That same afternoon, the six torture victims visited a hospital in Osh, where they were examined by a doctor and their injuries confirmed. (Forum 18 has seen photographs of the victims with signs of abuse on their necks, as well as the signed medical reports, and has heard parts of the audio recordings.)

Not the first time

"This is the third violent attack against Jehovah's Witnesses by officials from Osh Police 10th Division," Jehovah's Witnesses complained to Forum 18. Officer Kozubayev was involved in all three attacks, they added.

On 16 April 2013, Kozubayev summoned Usupbayev to the 10th Police Division, and "viciously beat him, claiming that the religious activity of Jehovah's Witnesses in Osh is illegal."

On 19 May 2013, Kozubayev and nine other police officers raided a Jehovah's Witness religious meeting held in a home in Osh. They took all nine people present, including several young women, to Osh City Police Station for interrogation. During that interrogation, officers "threatened that they would torture Jehovah's Witnesses if they continued to hold their religious services". Officers interrogated the young women separately, "threatening them with rape", Jehovah's Witnesses told Forum 18.

Jehovah's Witnesses filed an official complaint concerning these illegal actions. On 25 July 2013 the General Prosecutor's Office informed the Religious Centre of Jehovah's Witnesses of the Kyrgyz Republic that Kozubayev "received a warning". Kyrgyzstan's Interior Ministry (Police) and National Security Committee (NSC) secret police ordered Osh Regional and City Police to "severely punish" Kozubayev and other officials involved "to prevent such violations in the future", Jehovah's Witnesses told Forum 18. However, they lamented, "the warning had no effect".

Police warn Usupbayev of hearing

On the day of the raid, police opened an administrative case against Usupbayev for arranging the worship meeting "illegally". Police drew up a record of an "offence" against him (seen by Forum 18) under Administrative Code Article 395, Part 2 ("Violation of procedures for holding religious meetings and processions, and other religious rites"). The punishment for this is a fine of up to five Financial Indicators (FIs).

In 2006 Kyrgyzstan's Parliament set one Financial Indicator at 100 Soms. This means that the maximum fine for this "offence" is 500 Soms (about 68 Norwegian Kroner, 7 Euros or 8 US Dollars).

"It is quite strange that the indictment prepared by Osh Police asks the Court to fine Usupbayev 2,000 Soms," Jehovah's Witnesses told Forum 18. "But we think the Court will ignore this, since the maximum penalty is 500 Soms."

On 11 August, two days after the raid, eight of the raiding police officers again stopped Usupbayev, Kadyrov, Bilal uulu, Korgolov, Ormonov and Kombarov who happened to be together on the street in Osh, Jehovah's Witnesses told Forum 18. The officers took Usupbayev again to Osh Police Station. "They warned him that he needs to appear before the Court on 19 August for the hearing of his case." After about 40 minutes they released him.

The case against Usupbayev was handed to Osh City Court, where Judge Bolotbek Satybaldiyev was due to hear it on 19 August. However, the Judge adjourned the case that day. "He told us that the court has been informed that the involved police officers were not available today," Jehovah's Witnesses told Forum 18. The case was adjourned until 20 August.

Judge Satybaldiyev refused to discuss the case with Forum 18 on 19 August. "It is not over yet, I can't give any comments." He then put the phone down.

Will prosecutors investigate and punish police officers?

On 17 August Jehovah's Witnesses filed a complaint against the actions of the police officers to Osh City Prosecutor Atay Shakir uulu. They also sent copies to Kyrgyzstan's President Almazbek Atambayev, Prosecutor General Indira Joldubayeva and Interior Minister Melis Turganbayev, as well as Osh City Administration.

Asked on 18 August, when or whether they will investigate the torture by police and punish the responsible officers, Osh City Prosecutor Shakir uulu at first claimed: "We have not received a complaint from Jehovah's Witnesses." When Forum 18 stated that it has seen a copy of the complaint received and signed for on 17 August by the duty Prosecutor A. Mamataliyev of Osh City Prosecutor's Office, Shakir uulu replied: "Look, if we received it then our Investigators will investigate it." He then refused to discuss the case further with Forum 18.

Asked on 18 August whether the Prosecutor General's Office in Bishkek will investigate the police raid and brutality in Osh, the Assistant (who did not give her name) to Prosecutor General Joldubayeva referred Forum 18 to Aynura Eshmambetova, Chief of the General Section. "She will give all the necessary information on this case." However, Eshmambetova said on 19 August that she cannot comment on the case or answer questions over the phone. She asked Forum 18 to send questions in writing.

The same day Forum 18 asked the Prosecutor General in writing when or whether the Prosecutor's Office will investigate the raid and torture and what possible punishments might be handed down to those responsible.

Draft Religion Law still repressive, Alternative Service Law stalled?

Forum 18 (29.05.2015) - <http://bit.ly/1PkfkAq> - In producing a draft new Religion Law Kyrgyzstan's State Commission for Religious Affairs (SCRA) seems to be ignoring civil society and UN Human Rights Committee criticism and a Constitutional Chamber of the Supreme Court ruling that some of the Law's restrictions are unconstitutional, Forum 18 News Service notes. The draft is now with the Prime Minister's Office but officials are refusing to say when it might be ready or if it will be made public. Galina Kolodzinskaia of the Inter-religious Council thought that the authorities do not plan to change the Law in 2015. Changes to the law to allow conscientious objection to military service in line with a Constitutional Court decision and UN Human Rights Committee recommendations also seem unlikely soon. Officials are making contradictory statements as to whether a revised draft has reached the Zhogorku Kenesh (Parliament). Also, the authorities are still seeking to confiscate the building of Protestant Jesus Christ Church in Bishkek. When Forum 18 asked whether the SCRA is supposed to help religious communities, SCRA Deputy Head Tabyldy Orozaliyev replied: "We are not telling Norway what its Religious Affairs Ministry should or should not do, so mind your own business."

In producing a draft new Religion Law, Kyrgyzstan's State Commission for Religious Affairs (SCRA) seems to be ignoring civil society and UN Human Rights Committee criticism and a Constitutional Chamber of the Supreme Court ruling that some of the Law's restrictions are unconstitutional, Forum 18 News Service notes. The draft is now with the Prime Minister's Office and it seems unlikely to go through the Zhogorku Kenesh (Parliament) soon. Officials are also making contradictory statements as to whether a revised draft has reached the Zhogorku Kenesh.

Also, the authorities are still seeking to confiscate the building of Protestant Jesus Christ Church in Bishkek.

SCRA ignoring criticism of draft Religion Law?

The SCRA is still working on the draft text of a new Religion Law, which aims to harshen existing restrictions on freedom of religion or belief and give even more power to the SCRA. Proposals suddenly announced in October 2014 caused great concern to human rights defenders and religious and belief communities.

The government proposals include: increasing the number of founders required for registered religious organisations to be founded from 200 to 500 and all such organisations to be re-registered; requiring anyone working in any capacity in any religious organisation to have an annually renewed SCRA licence; and requiring every institution offering religious education to have an SCRA licence.

The government also proposes that existing punishments in the Administrative Code for exercising freedom of religion or belief be increased to up to the rough equivalent of 14 months' average salary.

The proposals go directly against the United Nations (UN) Human Rights Committee's March 2014 recommendation that planned changes to the Religion Law should "remove all restrictions incompatible with article 18 of the Covenant [on Civil and Political Rights]".

In September 2014, the Constitutional Chamber of the Supreme Court decision legally removing two major obstacles to the registration of religious or belief communities: a restriction that a religious organisation is limited to carrying out its activity only in the place where it has its legal address; and a requirement that local keneshes (councils) must approve a list of 200 founding members of a religious organisation before it can apply for legal status.

Yet officials are refusing to follow this decision. "We are observing the present Religion Law until the Constitutional Chamber's decision is integrated into it," SCRA Deputy Head Tabyldy Orozaliyev told Forum 18 on 15 May. "You need to ask Parliament about changes to the Law."

However, Judge Mukambet Kasymaliyev, Chair of the Constitutional Chamber, told Forum 18: "Everyone must abide by the Court's decisions as they become part of the law immediately after they are passed." Asked what he thinks of local officials and the SCRA ignoring this, Judge Kasymaliyev replied, "I cannot evaluate the actions of those officials. But it seems to me that they do not know Kyrgyzstan's laws and must study them."

Two Jehovah's Witnesses, Nadezhda Sergienko and Oksana Koryakina, have been under house arrest and facing prosecution since March 2013 in what their co-believers think is a reprisal for a Jehovah's Witness community applying for registration.

The SCRA website had a comparative table of the current Law and proposed changes until mid-January 2015, when it was "taken down from it after receiving too many

negative comments from the religious Communities and human rights organisations", Galina Kolodzinskaia of the Inter-religious Council told Forum 18 on 21 May. She also noted that "in the column where the current Religion Law was, the parts determined to be unconstitutional by the Constitutional Chamber were removed".

The SCRA's website today (29 May) has the text of the Religion Law before the Constitutional Chamber's changes. The website also has a statement from 2 March stating that, having taken into consideration comments received, the draft Religion Law was sent to a Defence Council working group for what it describes as "improvement". This working group, which includes SCRA Head Orozbek Moldaliyev, was tasked by Almazbek Atambayev in a February 2014 Defence Council meeting with preparing changes to laws affecting freedom of religion or belief.

The Education Committee of the Zhogorku Kenesh (Parliament) will be responsible for the Religion Law when it is sent to the Zhogorku Kenesh. A Committee staff member, Shamir Duysenbayev, told Forum 18 on 29 May that no draft has reached the Zhogorku Kenesh yet and that it is now with the Prime Minister's Office. The Committee has asked for the text to be sent to them soon. The Chair of the Committee is Kanybek Osmonaliev, who is a former head of the State Agency for Religious Affairs (the SCRA's predecessor) under the discredited regime of ex-President Kurmanbek Bakiev.

No-one at the Prime Minister's Office was available to talk about the draft Law on 29 May.

Asked when the draft of changes to the Religion Law for the Zhogorku Kenesh will be completed, and whether criticism from religious or belief communities, human rights defenders and the UN Human Rights Committee will affect the draft, both SCRA Head Moldaliyev and Deputy Head Orozaliyev replied on 27 May: "I cannot talk to Forum 18. That can only be done through the Foreign Ministry" - even though they have both previously talked to Forum 18.

It is also unclear whether the new draft will be made available for public comment, and if so when that will be.

"Perhaps the law is not ready, and that's why they [the SCRA] did not want to talk," Kamilla (who refused to give her last name) of the General Section of the Foreign Ministry told Forum 18 on 27 May. She refused to answer further questions and asked that they be put in writing.

Kolodzinskaia of the Inter-religious Council thought that the authorities do not plan to change the Religion Law in 2015, and that if there are any changes they will occur after the autumn 2015 Zhogorku Kenesh elections. She noted that the authorities are at present primarily interested in harmonising Kyrgyzstan's laws with those of other Eurasian Economic Union states, Armenia, Belarus, Kazakhstan and Russia. Kyrgyzstan joined the Union on 8 May.

Constitutional Chamber also ignored on conscientious objection

No Central Asian state apart from Kyrgyzstan allows conscientious objection to compulsory military service. But this right is restricted to young men who are "members of registered religious organisations whose beliefs do not allow the use of weapons or service in the Armed Forces".

Article 32 of the current Law on General Obligations of Citizens, on Military and Alternative Service imposes a financial penalty (described as "alternative service") on young men who do not perform the one-year military service between the ages of 18 and

27 without a valid exemption (such as family or medical circumstances or membership of a registered religious community which opposes military service).

In November 2013 the Supreme Court's Constitutional Chamber declared unconstitutional three provisions of the current Law on General Obligations of Citizens, on Military and Alternative Service, effectively annulling them: that the "alternative service" fee goes to the military; that conscientious objectors during this period are under military supervision; and that when completed individuals are assigned to the military reserve. It said these deficiencies of the Law needed to be remedied. Following this decision, 13 Jehovah's Witness conscientious objectors had their criminal convictions and fines overturned.

The UN Human Rights Committee in its 25 March Concluding Observations repeated its concerns going back to 2000 over Kyrgyzstan's "limiting conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms and stipulating a shorter period of military and alternative service for persons with higher education".

In its 2014 concluding observations the Human Rights Committee noted Kyrgyzstan's intentions to amend the Law on General Obligations of Citizens, on Military and Alternative Service. It again insisted that Kyrgyzstan "should ensure" that any amendments "provide for conscientious objections in a manner consistent with articles 18 and 26 of the Covenant [ICCPR], bearing in mind that article 18 also protects freedom of conscience of non-believers, and stipulating periods of military and alternative service on a non-discriminatory basis".

Proposed 2014 changes to the Law would have transferred the recipient of the "alternative service" payment from the Defence Ministry to "the state body which handles social issues". Although the draft amendments were assigned to the Zhogorku Kenesh Defence Committee for consideration, they were also sent to the Education Committee.

On 26 March 2014 the Education Committee unanimously rejected the draft, claiming it "contradicts Kyrgyzstan's Constitution and that many religious movements of the like of the Jehovah's Witnesses could use this draft law to fill up their ranks". It also claimed the draft would "lead to the destruction of Kyrgyzstan's security". The statement was signed by Committee Chair Osmonaliev.

The Zhogorku Kenesh on 5 November 2014 rejected the draft changes to the Law on "Universal military obligation of Kyrgyzstan citizens, military and alternative services" proposed by the parliamentary Defence Committee. Its website indicates that the draft Law was initiated by Deputy Almazbek Baatyrbekov, Chair of the Defence Committee, but that rejection of the draft was initiated by Deputy Osmonaliev of the Education Committee.

Temir Kasimov, an Assistant to Deputy Mairamkul Tlenchiyeva who was one of four deputies who initiated the draft Law, told Forum 18 on 29 May that it was rejected by a majority in the Zhogorku Kenesh first reading. He said that "some deputies stated that it's too early to adopt such a law, and others asked why such a law is needed if neither Kazakhstan nor Uzbekistan have one".

Is draft with Zhogorku Kenesh or not?

Ernest Moldoshev, Deputy Head of the Defence Committee's secretariat claimed on 28 May 2015 that he did not know why the draft was rejected. He stated that a new draft can only be considered six months from the day deputies or the authorities put it on the Zhogorku Kenesh agenda.

Molodoshev stated that no new draft is currently on the agenda. Yet Deputy Tlenchiyeva's assistant stated that at the end of 2014 the Defence Ministry prepared a new draft. He then claimed that "the Government proposed it to the Zhogorku Kenesh, but Deputy Tlenchiyeva and ourselves are not involved in the process any longer, and do not know what the latest developments are". He referred Forum 18 to the Defence Committee.

Reached on 28 May, the secretary of Defence Committee Chair Baatyrbekov (who did not give her name) claimed she "cannot hear well" - but only after she heard and wrote down Forum 18's name and questions. She then put the phone down and subsequent calls went unanswered.

Tologonay Stamaliyeva, Zhogorku Kenesh Press Secretary, also refused to comment on anything to Forum 18 on 28 May.

No-one at the Defence Ministry was willing to talk about the draft Law on 29 May.

Authorities still trying to confiscate church building

The State Property Fund has been seeking since May 2009 to confiscate the building of the Protestant Church of Jesus Christ in Bishkek. In a long-running legal battle, including violations of due legal process, and with contradictory court decisions the Fund and the SCRA have repeatedly intervened against the Church.

Church members, and members of other Protestant churches in Bishkek, suggested to Forum 18 that the authorities' legal moves to seize the building may be motivated by their dislike of the Church's activity and its members spreading their faith, or by the possibility of selling the property – which is in a sought-after location in Bishkek. One construction company told Forum 18 it already has plans for the site, but officials have refused to comment on this.

The legal struggles still continue. On 17 March 2015 the Supreme Court upheld Bishkek's Inter-District Economic Court's decision of 24 January 2014 cancelling the property rights of the Church and ordering the building to be given to the state. The panel was chaired by Judge Antonina Rybalkina with Judges Dilara Mulyukbayeva and Azamat Alybayev. The appeal case was brought by the State Property Fund, and participating as a third party was SCRA lawyer Zhanibek Botoyev.

Judge Rybalkina claimed that the Church "did not follow the condition in the sales contract to keep the social profile of the building". She argued that this meant that there was no obligation to bring a claim within three years – a time limit the state broke (see F18News 8 April 2014 http://www.forum18.org/archive.php?article_id=1945). She also ruled that social projects in the Church building are "carried out not by the Church but by persons who have no relationship to the defendant [the Church]".

Aida Jumayeva, Assistant to Judge Rybalkina, on 27 May declined to comment on the decision. She stated that Judge Rybalkina is attending a seminar in Germany and will not be available for a week. Asked if Forum 18 could talk to either Judges Mulyukbayeva or Alybayev, she asked to be given 20 minutes to find out. When Forum 18 called back she said that the Judges will not give any comments, and their arguments can be read in the Court decision.

The Church's lawyer Andrey Piankov disputed Rybalkina's decision, stating that the contract does not say that only Church staff or members must lead social work. He described the appeal trial as "full of procedural violations and unjust" and stated that on 19 May the Church appealed against the Supreme Court decision.

Other religious communities are also facing pressure on their property from the authorities. One such community, which did not want to be named for fear of state reprisals, told Forum 18 on 29 May that in 2015 they face an enormous increase from previous years on the rent and land tax the authorities are demanding from them. They have gained the impression that the authorities are bargaining with them for some unspecified goal. The community is also concerned that the authorities have refused to legalise the building and land documents they have in their name. The building is still in the name of a previous owner.

"We are not telling Norway what its Religious Affairs Ministry should or should not do"

Asked why the SCRA keeps intervening against the Church, SCRA Deputy Head Orozaliyev responded to Forum 18: "The Court invited us as a third party, and why should we defend the Church which violates the law?"

When Forum 18 asked whether the SCRA is supposed to help religious communities, Orozaliyev angrily replied: "We are not telling Norway what its Religious Affairs Ministry should or should not do, so mind your own business." He then refused to talk to Forum 18 further.

Will state officials obey the law?

Forum 18 (22.05.2015) - <http://bit.ly/1U4yBqT> - Officials are refusing to follow a Constitutional Chamber of the Supreme Court decision legally removing two major obstacles to the registration of religious or belief communities. "We are observing the present Religion Law until the Constitutional Chamber's decision is integrated into it," Kyrgyzstan's State Commission for Religious Affairs (SCRA) Deputy Head told Forum 18. "You need to ask Parliament about changes to the Law." However, Judge Mukambet Kasymaliyev, Chair of the Constitutional Chamber, told Forum 18: "Everyone must abide by the Court's decisions as they become part of the law immediately after they are passed." Asked what he thinks of local officials and the SCRA ignoring this, Judge Kasymaliyev replied, "I cannot evaluate the actions of those officials. But it seems to me that they do not know Kyrgyzstan's laws and must study them." Also, two Jehovah's Witnesses, Nadezhda Sergienko and Oksana Koryakina, under house arrest for two years, still face prosecution, despite a describing the case as "fabricated". And the July 2011 ban on Ahmadi Muslims still continues.

State officials in Kyrgyzstan have repeatedly used registration of religious or belief communities as a means to restrict the numbers of such communities legally allowed to exist, as well as where in the country they are allowed to operate. Even after a Constitutional Chamber of the Supreme Court decision legally removing two of the major obstacles, state officials are illegally refusing to obey the Chamber's decision.

The State Commission for Religious Affairs (SCRA) Deputy Head, Tabyldy Orozaliyev claimed to Forum 18 from the capital Bishkek: "We are observing the present Religion Law until the Constitutional Chamber's decision is integrated into it. You need to ask Parliament about changes to the Law."

However, Judge Mukambet Kasymaliyev, Chair of the Constitutional Chamber, told Forum 18: "Everyone must abide by the Court's decisions as they become part of the law immediately after they are passed." Asked what he thinks of local officials and the SCRA ignoring this legal requirement, Judge Kasymaliyev replied: "I cannot evaluate the actions of those officials. But it seems to me that they do not know Kyrgyzstan's laws and must study them."

The registration restrictions and other obstacles to exercising freedom of religion or belief were strongly criticised in March 2014 by the United Nations (UN) Human Rights Committee. It recommended that the Religion Law should be changed to "remove all restrictions incompatible with article 18 of the Covenant [of Civil and Political Rights]".

Other current obstacles to exercising freedom of religion or belief include threats to the property of some registered religious communities, proposed harsh changes to the Religion Law, and stalled legal changes to allow a genuinely civilian alternative to compulsory military service.

Restricted numbers and locations

The SCRA on its website today (22 May) lists as registered the following individual organisations: 62 local Muslim organisations, 3 foreign Muslim organisations, 51 Pentecostal, 50 Baptist, 46 Russian Orthodox (Moscow Patriarchate), 41 Jehovah's Witness, 30 Seventh-day Adventist, 20 Lutheran, 12 Baha'i, 4 Catholic, 2 Old Believer, 119 other Protestant, 1 Jewish, 1 Buddhist and one other organisation. None are listed as having been registered since 2012.

Other religious communities – including Jehovah's Witnesses and Protestants - have faced severe harassment and raids from the authorities in trying to exercise their right to freedom of religion or belief.

But on 4 September 2014 the Constitutional Chamber of the Supreme Court ruled, in a case brought by Jehovah's Witnesses, that a religious organisation is not limited to carrying out its activity only in the place where it has its legal address. It also found the requirement for local keneshes (councils) to approve the list of 200 founding members of a religious organisation before it can apply for legal status to be unconstitutional.

If implemented, Jehovah's Witnesses think this decision will remove a major obstacle to legal status applications. They also hope it will help end harassment and interference their co-believers have faced from law enforcement officials in the south of the country.

However, Jehovah's Witnesses told Forum 18 on 20 May 2015 that the authorities in Osh and Jalalabad and elsewhere are still repeatedly refusing communities' applications for registration. The main excuse given is that the Religion Law states that keneshes must endorse a list of the founding members of a community, but no by-laws have been adopted to govern this procedure. This is a long-standing official excuse to avoid registering communities, which has been used since the Religion Law was adopted in 2009.

After one such registration application in 2013 two Jehovah's Witnesses, Nadezhda Sergienko and her daughter Oksana Koryakina, were placed under house arrest in March 2013 for alleged swindling. Both women are still under arrest and the case against them – described by one judge as "fabricated" - still continues. Jehovah's Witnesses think the entire case is a reprisal for making a registration application (see below).

The 4 September 2014 Constitutional Chamber decision removed the registration barrier that keneshes and the SCRA claim exists by declaring it unconstitutional. "This decision allows us to do religious activity without being registered in other regions, so we are upholding it despite pressure by local authorities to be registered in their region," Jehovah's Witnesses stated.

The authorities have not opened any new prosecutions against their members in recent months Jehovah's Witnesses told Forum 18 on 20 May. But officials still visit meetings for worship in Osh, Jalalabad and other regions where Jehovah's Witnesses are not

registered and question the lawfulness of their meetings. "Our believers refer the authorities to the relevant Constitutional Chamber decision, and the officials allow them to go on with the worship," Jehovah's Witnesses told Forum 18. "The officials sit and observe the meetings quietly."

Ahmadi Muslims still banned and cannot meet for worship

Nearly a year after a July 2014 Supreme Court rejection of the Ahmadi Muslim community's appeal against the stripping of their state registration, they appear no nearer to being able to again meet together for worship. The authorities banned the Ahmadis in 2011, due to what a non-Ahmadi religious leader described as a "political decision", and they have not been able to meet since March 2011.

The July 2014 Supreme Court decision ignored violations of due legal process and human rights obligations by rejecting an appeal against two lower courts' support of the SCRA's refusal to give state registration to the Ahmadis.

The SCRA website lists the Ahmadi Muslims' original registration in 2000 as a representation of a foreign religious organisation, but adds: "Refused re-registration in 2011."

Asked whether the authorities will lift the ban on the Ahmadis and register them again, SCRA Deputy Head Orozaliyev told Forum 18 on 15 May: "We have the list of organisations banned in Kyrgyzstan, and the Ahmadis are not banned." Forum 18 then observed that the Supreme Court decision was effectively a ban, as the unregistered exercise of freedom of religion or belief is illegal.

Asked if the authorities are willing to register the Ahmadis if a new application is made, Orozaliyev replied: "We will see, we will analyse the situation and decide." Asked if this meant yes or no, Orozaliyev angrily replied: "Do not interpret my comments, I said what I said."

Asked if the Ahmadi Muslims have any hope of regaining registration, Orozaliyev repeated his previous answer. He then put the phone down.

Official reluctance to obey law

Some officials are unwilling to act on their domestic and international legal obligations. Commenting on a UN Human Rights Council recommendation to "remove all restrictions incompatible with article 18 of the Covenant [of Civil and Political Rights]", SCRA lawyer Zhanibek Botoyev told Forum 18: "Go and bring some order to your own countries and Norway. We are a sovereign country here, and you cannot command us what to do or what not to do". In relation to the Constitutional Chamber ruling on where a religious organisation may operate, Botoyev claimed that the ruling did not mean what it clearly states it does.

Asked why the authorities continue pressuring Jehovah's Witnesses to have registration in Osh and Jalalabad and other regions, despite the Constitutional Chamber decision rendering this unnecessary, SCRA Deputy Head Orozaliyev claimed to Forum 18: "There was a decision but the Religion Law has not changed yet. We are taking the current Law as our basis."

Asked if he thinks the SCRA is obliged to implement the Constitutional Chamber decision, he replied: "We are observing the present Religion Law until the Constitutional Chamber's decision is integrated into it. You need to ask Parliament about changes to the Law."

"They do not know Kyrgyzstan's laws and must study them"

However Judge Mukambet Kasymaliyev, Chair of the Constitutional Chamber, told Forum 18 on 20 May: "Everyone must abide by the Court's decisions as they become part of the law immediately after they are passed."

Asked what he thinks of local officials and the SCRA ignoring this legal requirement, Judge Kasymaliyev replied: "I cannot evaluate the actions of those officials. But it seems to me that they do not know Kyrgyzstan's laws and must study them."

Asked if any mechanism exists to ensure that the SCRA and local keneshes abide by the law, Irina Erkenova, Deputy Chair of the Parliament's Committee on Human Rights and Constitutional Legislation, told Forum 18: "Religious believers can address the SCRA, which is the highest organ on religious issues. If this does not satisfy them, they can go to Court." She added that Parliament's Education Committee "is also responsible to control the implementation of the Religion Law."

The telephones of Kanybek Osmonaliev, former Head of the SCRA and current Chair of the Parliament's Education Committee, as well as those of other Education Committee members, went unanswered on 21 May.

House arrest and "fabricated" prosecution of women continue

Two Jehovah's Witnesses, Nadezhda Sergienko and her daughter Oksana Koryakina, have been under house arrest since March 2013 for alleged swindling. Both women strongly deny the authorities' allegations, and Judge Sheraly Kamchibekov acquitted the two women of all charges. He told Forum 18 in November 2014 that "it was a fabricated case" and that he did not believe the prosecution's claims.

However, the prosecution appealed against the acquittal. The two women's co-believers have told Forum 18 that they think the arrests and detentions may be reprisals by the authorities for registration applications Jehovah's Witness communities have made.

The lawyer for the people alleged to have been swindled argues in appealing against the acquittal that Jehovah's Witnesses "do not have registration in Osh, Jalalabad and Batken regions". As Judge Kamchibekov observed to Forum 18, "this has nothing to do with the case".

On 23 January 2015 Judges Aivar Kubatov, Mamasaly Toktomushev and Bolotbek Murzabekov of Osh Regional Court rejected an appeal by Tatyana Tomina, the lawyer for the people allegedly swindled, to return the case to the Prosecutor's office for extra investigation. Osh City Prosecutor's Office then appealed against this rejection to the Supreme Court, which on 3 March rejected that appeal. Tomina then appealed to the Regional Court to remove the judges who on 23 January rejected her appeal. On 31 March the Regional Court rejected this. Tomina then appeal to the Supreme Court, which on 19 May rejected it.

Yet Osh City Prosecutor's Office still continues with the case. Prosecutor Bayishbek Alykeyev refused to tell Forum 18 on 20 May why the cases are being prosecuted, stating that "the investigation of the case continues". When Forum 18 asked why it is necessary to keep the women under house arrest, Alykeyev replied: "It was imposed by the Investigators as a restriction when the case was opened originally, and it continues until the final decision on the case." Prosecutor Alykeyev then declined to speak further to Forum 18.

The case will be heard again within a month in Osh Regional Court, Jehovah's Witnesses told Forum 18 on 20 May. They added that they hope that Court "will finally end the house arrest, even if the Prosecution or the plaintiffs go on appealing".

Jehovah's Witnesses also hope that Koriakina and Sergienko will be acquitted again. "As the Court rejected both appeals of the plaintiffs, this may indicate that they are inclined to think that our believers are totally innocent," they commented. "However, we cannot guarantee what the Court will decide".

The two women's house arrest, Jehovah's Witnesses told Forum 18, "has created no major obstacles for our believers so far. When they want to leave Osh to visit their friends or relatives, or visit Bishkek for medical treatment, Osh Regional Court always gave them permission in a timely manner."

Kyrgyzstan detains imam for 'encouraging followers to fight for Isis'

A prominent Kyrgyz imam and government critic has been detained for 'making extremist statements' – charges his supporters say are politically motivated. EurasiaNet.org reports

The Guardian (18.02.2015) - <http://bit.ly/1zpLscj> - On Fridays, Al-Sarahsiy Mosque is usually packed with thousands of worshippers from across southern Kyrgyzstan.

They come to Kara-Suu – a town of 20,000 – to listen to the sermons of Rashot Kamalov, the mosque's charismatic imam, who is respected for criticising brutal and corrupt officials, society's moral decline and western pop culture.

However, on Friday 13 February, the two-story mosque near the Uzbekistan border was half-empty and surrounded by police. Government officials introduced a new imam.

Kamalov had been arrested four days earlier for allegedly encouraging militants to fight alongside Islamic State (Isis) in Syria and Iraq, charges his supporters say are intended to silence a prominent critic.

"The imam in custody has not just appealed for the creation of a caliphate but has also been telling believers about the war in Syria and making extremist statements," Zhenish Ashirbaev, an Interior Ministry spokesman told Interfax on 10 February.

Ashirbaev added that Kamalov is also suspected of belonging to Hizb-ut-Tahrir, an international Islamist group banned throughout the region which agitates for the creation of a state governed by its interpretation of Islamic law but officially disavows violence.

Police "found extremist books and other materials at the suspect's house and in the mosque," Interfax quoted the spokesman as saying.

In connection with Kamalov's arrest, Kyrgyz security forces have fanned out across southern Kyrgyzstan arresting dozens of alleged militants. Security officials say the raids have led to the recovery of illegal weapons and extremist literature, and have disrupted cells that were recruiting Kyrgyz citizens to join Isis.

Kamalov, 36, is the son of Muhammadrafiq Kamalov, a prominent imam who was killed in August 2006 during a joint operation by the Kyrgyz and Uzbek security services. The details of the father's killing are still murky; Kyrgyz police said Muhammadrafiq Kamalov was a terrorist but presented no evidence to satisfy independent observers. The younger Kamalov began leading prayers at the Al-Sarahsiy Mosque after his father's death, though he was never approved by the Muftiate, the state-run Muslim board that appoints imams and ensures they toe the government line.

Like his father, Kamalov reportedly permitted Hizb-ut-Tahrir members to worship at his mosque, but he publicly renounced links with the organisation and its aim of establishing an Islamic caliphate. EurasiaNet.org correspondents have heard Kamalov use his sermons to repudiate violence in the name of Islam and to criticise Kyrgyzstanis fighting for various rebel factions in Syria. Kyrgyz officials say 200 Kyrgyz nationals have joined Isis, but it is thought that number may be exaggerated.

In an interview weeks before his arrest, Kamalov said he had received death threats from Isis supporters for his criticism of the terrorist movement.

"I have many enemies because I tell people the truth. I am not afraid of anyone save Allah. They can only take my life, not my soul," he said.

Supporters dispute the government's characterisation of Kamalov as an Islamic militant and say evidence against him is being fabricated.

"More than 100 people were present when the police were searching Kamalov's house, and they saw that the police could not find incriminating evidence," said Nazgul Suyunbayeva, Kamalov's lawyer. "These people are calling me and asking why the police are lying."

Several residents of Kara-Suu separately said that police used pressure and intimidation to obtain witness testimonies against Kamalov. Kyrgyzstan's security services are often accused of exaggerating the threat of extremism.

"He was the only imam in southern Kyrgyzstan who openly criticised authorities and their policies. Other imams would not dare to do so," said an economics professor in Osh, who knows Kamalov, and believes the charges are politically motivated. He spoke on condition of anonymity, citing fears for his safety. "His independence from the state made him popular [with believers] across southern Kyrgyzstan."

Suyunbayeva links the imam's arrest to a late December 2014 meeting between the security services and religious clerics in Osh where he openly criticised the government's religious policy, especially the common practice of rounding up believers and pressing them with extremism charges, sometimes to extract bribes.

"He said [at the meeting] that people are fleeing to Syria to escape torture by Kyrgyz law enforcement agencies," Suyunbayeva said.

One western official, who asked not to be named, expressing concern about whether the imam would get a fair trial. "Is it illegal to talk about a caliphate now?" the official asked.

Pointing to Kamalov's Uzbek ethnicity, some observers say the so-called anti-terrorism sweep might be a cover for a crackdown on civil rights protesters.

Many Uzbek leaders fled persecution in the region following interethnic violence in 2010 that disproportionately targeted the minority Uzbek community in the south. Some Kyrgyz security agents were linked to extrajudicial killings of minority Uzbeks. Kamalov is one of the most prominent Uzbek community leaders left in the country.

Kamalov was briefly detained in early 2011, but under pressure from his Kara-Suu supporters he was released. Since then, the central government has reasserted its authority in the south.

Observers are divided over how much Kamalov's arrest will affect stability in southern Kyrgyzstan, which is still grappling with the consequences of the 2010 bloodletting.

Approximately 500 Kamalov supporters gathered on the day of his arrest, though police managed to disperse them without force. During Friday prayers four days later the streets were still filled with police.

Observers have cautioned that the arrest could be counter-productive for the government's efforts to curb recruitment of potential Isis fighters.

"Kamalov worked hard to reduce radicalism's allure," the economics professor said. "By arresting him, authorities have made things difficult for themselves. Many young believers are disillusioned by the arrest, and they will turn to radicals."
