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Violation of religious freedom of Jehovah's Witnesses condemned by the UN Human Rights Committee

HRWF (14.12.2021) - On 7 December, the 15 members of the United Nations Human Rights Committee (CCPR) unanimously condemned Kyrgyzstan for violating Jehovah's Witnesses' fundamental right to practice and manifest their religion. The CCPR ordered Kyrgyzstan to pay the Witnesses "adequate compensation" and "to take all steps necessary to prevent similar violations from occurring in the future." See [link](#) to download the full decision.

For over ten years, Kyrgyzstan's State Committee on Religious Affairs refused to register three local religious organizations of Jehovah's Witnesses in the southern regions of Osh, Naryn, and Jalal-Abad despite the Witnesses repeated applications.

Jarrold Lopes, spokesman for Jehovah's Witnesses, says: "This is the second time Kyrgyz authorities have been criticized by the same UN body for violating the fundamental rights of Jehovah's Witnesses. Jehovah's Witnesses want nothing more than to worship freely in their homeland as their fellow believers do in over 200 other lands. Jehovah's Witnesses remain concerned about a separate criminal investigation against their national center in Bishkek that has been in progress since 2019, about which they were only informed by authorities a few months ago. It is hoped that the CCPR's recent decision will inspire the Kyrgyz authorities to drop the baseless criminal investigation against the Witnesses."

The first time the CCPR condemned Kyrgyzstan for violating the Witnesses' rights was May 27, 2019, concerning Kyrgyzstan's refusal to register a local religious organization in the Batken region. See [link](#) to download full decision

Kyrgyz authorities have yet to comply with the 2019 decision.

Jehovah's Witnesses are awaiting a third decision from the CCPR. The complaint was filed January 27, 2017, regarding multiple registration denials in Osh, Batken, Naryn, and Jalal-Abad.

Highlights from the CCPR's decision

- Kyrgyzstan “discriminated” against Jehovah’s Witnesses “on the basis of their religious beliefs”
- Kyrgyzstan had “denied [the Witnesses’] rights to jointly manifest their religious beliefs, including the right to conduct religious meetings and assemblies, to own or use property for religious purposes, [and] to produce and import religious literature”
- **CCPR expects the Kyrgyz authorities to “take all steps necessary to prevent similar violations from occurring in the future”**
- Kyrgyzstan has 180 days to inform the CCPR about its efforts to comply with the decision
- Rights experts at Forum18 have released their objective analysis of the decision ([link](#))

History of Jehovah’s Witnesses in Kyrgyzstan

- There are currently [5,266 Jehovah’s Witnesses](#) [ratio of 1 to 1,259 to population (about 6,524,000)]
- Present in the country since 1956 (as part of the former USSR)
- JWs hosted first large-scale Bible-based convention at Spartak Stadium in Bishkek in 1993
- JWs publications available in the Kyrgyz language since 1994
- National registration in 1998 (first local community registered in 1991)
- National administrative office built in 2004

Jehovah’s Witnesses books will not be banned as “extremist”

Unexpectedly, on December 2 the Pervomayskiy District Court of the City of Bishkek rejected the prosecutor’s application, based on Russian precedents.

By Massimo Introvigne

Bitter Winter (03.12.2021) - <https://bit.ly/3diWqND> - On December 2, 2021, a significant victory for religious liberty was scored in Kyrgyzstan. That morning, the Pervomayskiy District Court of the City of Bishkek ruled against the Prosecutor General’s Office of the Kyrgyz Republic, which had asked the court to ban several books and brochures of the Jehovah’s Witnesses as “extremist.” The case followed a raid on Jehovah’s Witnesses headquarters in Kyrgyzstan earlier this year. The Prosecutor’s Office had made it clear that this was a preliminary step to eventually ban the Jehovah’s Witnesses in Kyrgyzstan altogether. Its application was based on the opinions of Kyrgyz “experts,” very much influenced by Russian anti-cult literature.

International media, including the *Washington Post*, had already announced in the previous days that the court would ban the Jehovah’s Witnesses literature as “extremist.”

It looked like a done deal, considering the political context and the well-known pressures by Russia on nearby countries to take measures that would both confirm and justify the “liquidation” and persecution of the Jehovah’s Witnesses by Russian authorities, which have been condemned for this by international organizations and most democratic countries.

It was thus unexpected, and to the credit of Kyrgyz judiciary and its independence, that the judge dismissed the case filed by the Prosecutor “without consideration,” after examining the objections by the Jehovah’s Witnesses and an expert opinion countering the ones submitted by Kyrgyz experts written by Rosita Šorytè, deputy editor of *Bitter Winter* and a former diplomat with substantial human rights experience, and by the undersigned.

Basically, the Kyrgyz experts and the prosecutor relied on three kinds of arguments. The first were, simply, fake news. Based on an obscure anti-Jehovah’s-Witnesses website and ignoring international academic literature that recognizes the Jehovah’s Witnesses as eminently law-abiding citizens, the Prosecutor accused them of being systematically engaged in rape, murder, prostitution, incitement to suicide, and other crimes. To the eyes of anybody remotely familiar with the Jehovah’s Witnesses these accusations are ridiculous, and the very fact that they have been taken seriously by a prosecutor is alarming.

The second was that the Jehovah’s Witnesses are “against the state,” because they ask for their right to conscientious objection in fields such as not serving in the military, saluting the flag, or voting; they also refuse blood transfusions based on Biblical arguments. This is, in fact, a misunderstanding. Courts all over the world, including the U.S. Supreme Court and the European Court of Human Rights, acknowledged that the Jehovah’s Witnesses opened the way to a better consideration of the principle of conscientious objection, obtaining court decisions that ultimately benefited several religious and non-religious groups.

In the blood cases, they fought for important principles concerning the right of patients to choose the treatments they want to accept, and even favored medical progress in the use of safe blood substitutes. Democratic countries have now recognized that conscientious objection is not “against” the state but a way of protecting and reaffirming the deeper meaning of a democratic state.

In analyzing the literature of the Jehovah’s Witnesses, the Kyrgyz experts noted statements that, in cases of conflicts of conscience, Christians should obey God rather than human laws, and interpreted them as incitement to rebellion against the state. However, here the Jehovah’s Witnesses are simply quoting a principle common to all Christians who read their Bible and find there that Peter and the other apostles stated in Acts 5:29 “We must obey God rather than human beings!” The interpretation of this Biblical passage is unanimous among Christians.

For example, the Catechism of the Catholic Church, which is normative for Roman Catholics, states at number 2256: “Citizens are obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order. ‘We must obey God rather than men’ (Acts 5:29).” If when they teach Acts 5:29 the Jehovah’s Witnesses are rebels against the state, so are Roman Catholics and indeed all Christians.

Nor, as we argued in our expert opinion, are the Jehovah's Witnesses separated or alienated from society; as all Christians, they try to follow Jesus's advise to be not "of this world," yet "sent into this world." Most of them have regular jobs "in the world," and they regularly and peacefully interact with those who do not share their faith.

The third argument by the Prosecutor and the Kyrgyz "experts," clearly based on Russian precedents already exposed as faulty by international scholars, the U.S. Commission on International Religious Freedom, and the European Court of Human Rights, is that the Jehovah's Witnesses are "extremists" because they assert that their religion is "superior to others," represents the "truth," and offers the only safe way to be saved at the end of this world.

As both the objections by the Jehovah's Witnesses and our expert opinion illustrated in detail, this is not a peculiar position of the Jehovah's Witnesses. All religions, including Islam, Roman Catholicism, and Eastern Orthodoxy, which operate in Kyrgyzstan without being accused of extremism, clearly teach that they represent the only true religion and that other religions, perhaps in good faith, nonetheless propose false beliefs and expose their members at risk of losing their possibility of an eternal life.

More generally, as we stated in our opinion, in many decades of studying religion, we never found a religionist who greeted us with words such as "Good Morning. I want to introduce you to my religion, which perhaps teaches the truth and perhaps not, and is not truer nor falsier than all other religions." If the Jehovah's Witnesses are "extremist" for teaching that theirs is the "true" religion, so are all the other main religions active in Kyrgyzstan.

Methodologically, the Kyrgyz "experts" and the prosecutor used as sources only anti-cult material, and even regarded as relevant that anti-cultists had staged street protests against the Jehovah's Witnesses. While this confirms the influence of Russian public and private (or semi-public) anti-cult forces in Kyrgyzstan, it should be clear that states should protect peaceful citizens from anti-cult mobs rather than siding with them. These references also raise the disturbing possibility that the Kyrgyz application, rather than a local matter, may be part of an international plan aimed at slandering and eradicating the Jehovah's Witnesses in a larger geopolitical area.

This is probably not the end of the problems of the Jehovah's Witnesses in Kyrgyzstan, as the prosecutor may file again an application in a different form. The decision of December 2 is, however, a highly positive development. Perhaps, as the Jehovah's Witnesses and the relevant scholarly literature about them, will become better known in countries like Kyrgyzstan, this kind of legal challenge to their religious liberty will become less frequent, which will also benefit other religious groups at risk of discrimination.

Photo: Publications on display at the Jehovah's Witnesses headquarters in Bishkek. Photo by Massimo Introvigne

Jehovah's Witnesses publications expected to be banned for 'extremism' on 2 December

HRWF (01.12.2021) - In an act that violates religious freedom and basic human rights, Kyrgyzstan is expected to rule on Thursday to ban 13 publications of Jehovah's Witnesses as "extremist," with the aim of following in Russia's footsteps and banning the Witnesses simply for their peaceful Christian worship. We are hopeful that international criticism prior to the ruling may discourage Kyrgyzstan from following through on the ban.

The case documentation in Kyrgyzstan includes a letter from the country's GKNB (State Committee for National Security) to the Prosecutor General directing that "a prohibition of this religious organization's materials (attached) be initiated and a possible ban on its activity in the Kyrgyz Republic be considered." The GKNB's recommendation was based on the fact that Jehovah's Witnesses are banned in Russia, as well as in China, Iran, Iraq, Tajikistan, and Turkmenistan.

Jehovah's Witnesses have appealed via letters to the president, stating in part: "The international community has repeatedly condemned Russia in the strongest terms for such violations of religious freedom and fundamental human rights. Therefore, we respectfully ask that your esteemed government urgently direct that the criminal case be terminated and the court application be removed."

If the Witnesses' publications are banned on Thursday, it will open the way to raids, arrests, and imprisonments—tactics that are hallmarks of the Russian government's multi-year campaign of persecution against Jehovah's Witnesses.

"What's happening in Kyrgyzstan is the latest consequence of Russia's ambitious foreign-policy strategy to export its systematic persecution of Jehovah's Witnesses under the pretense of fighting extremism," Jarrod Lopes, spokesman for Jehovah's Witnesses, said. "Kyrgyzstan is simply following Russia's model of repression—ban the Witnesses' literature with the ultimate goal of banning their organization. Jehovah's Witnesses in Russia have over 60 cases pending with the European Court of Human Rights. We hope that the Court will hold Russia accountable for violating international human rights law putting other lands on notice that they will also face consequences if they continue to persecute Jehovah's Witnesses for peacefully practicing their faith."

Kyrgyzstan Civil Case Timeline

- On Nov. 23, 2021, Jehovah's Witnesses in Kyrgyzstan were informed that the General Prosecutor's Office (GPO) opened a civil case six days earlier (Nov. 17) to declare 13 of the Witnesses' publications "extremist"
- The GKNB and State Commission on Religious Affairs (SCRA) are parties in the case
- Much of the civil case's court documents reflect language very similar to what has been used in Russia, including so-called expert studies copied nearly verbatim from Russian websites (originally published 8 years ago)
- Civil case court documents reference a criminal case opened in 2019 against the Witnesses that they only learned about earlier this year
- To support the civil claim, the GPO extracted two expert studies from the 2019 criminal case
- A hearing was held Monday, Nov. 29, 2021, at the Pervomayskiy District Court before Judge Aydyraliyeva

- [Pervomayskiy District Court](#) (Courtroom 18), ul. Moskovskaya, 163/77 Pervomayskiy District, Bishkek
- Two representatives from each agency GKNB, SCRA, and Ministry of Internal Affairs attended

Russia Exports Policies to Target Believers Abroad

- A May 2020 Russian Presidential Decree (Adopting Strategy for Counteracting Extremism) includes strategy to influence of other agencies/nations (see [link](#), § 32 g)
- Russia, along with Kyrgyzstan, party to [Shanghai Cooperation Organization](#), whose charter includes combating extremism has been [criticized by OSCE at the request of ODIHR](#)
- Tajikistan follows Russia's model to convict elderly, infirm Jehovah's Witness, [Shamil Khakimov](#). Court documents show government officials heavily considered legal/judicial activity in Russia ([link](#) to court documents with relevant excerpts translated)
- Report by SOVA Center, [Anti-Extremist Policies in Russia, Kazakhstan, the Kyrgyz Republic and Tajikistan, SOVA Center](#) declares: "Russian Extremist legislation has been and remains the model anti-extremist legislation for Central Asian countries...." (see p. 60)

History of Jehovah's Witnesses in Kyrgyzstan

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Kyrgyzstan is expected to ban Jehovah's Witnesses publications for 'extremism'

The ban would mark the first time that the country has taken an official stance against the religious group.

By Kathryn Post

Religion News Service (30.11.2021) - <https://bit.ly/3I9kOiW> - Kyrgyzstan is expected to ban 13 Jehovah's Witnesses publications on Thursday (Dec. 2) for extremism, marking the first time the country has taken an official stance against the religious group since the former Soviet republic granted the church national registration in 1998.

Jarrold Lopes, spokesperson for Jehovah's Witnesses, said the move echoes the tactics employed against the group in Russia, Kyrgyzstan's historic ally. According to Lopes, the Russian government, which has put several dozen Jehovah's Witnesses on trial for

proselytizing, often takes a first step of declaring any religious group's literature as extremist before declaring group members extremist themselves.

"Kyrgyzstan is simply following Russia's model of repression — ban the Witnesses' literature with the ultimate goal of banning their organization," said Lopes, who noted that Russia has more than 60 cases pending at the European Court of Human Rights concerning Jehovah's Witnesses.

"We hope that the court will hold Russia accountable for violating international human rights law, putting other lands on notice that they will also face consequences if they continue to persecute Jehovah's Witnesses for peacefully practicing their faith," Lopes said.

A criminal case initiated in 2019 accuses the Jehovah's Witnesses in Kyrgyzstan of inciting "racial, ethnic, national, religious or interregional hatred" and resulted in a March 2021 raid of the Witnesses' national center in Bishkek, the country's capital. The raid led authorities to file a civil claim asking for the publications to be banned. The Jehovah's Witnesses don't have any additional info on the status of the criminal case, but it has not gone to trial yet.

Jehovah's Witnesses have appealed to Kyrgyzstan's president in two letters advocating for the right to peacefully practice their beliefs.

"The international community has repeatedly condemned Russia in the strongest terms for such violations of religious freedom and fundamental human rights. Therefore, we respectfully ask that your esteemed government urgently direct that the criminal case be terminated and the court application be removed," Jehovah's Witnesses wrote in a Nov. 24 letter.

In July, Kyrgyzstan's State Committee for National Security characterized Jehovah's Witnesses as "totalitarian in nature" and asked the the prosecutor general to ban the group's materials and consider a possible ban on the group's activity.

"Its practices and precepts contravene the basic provisions of the Constitution of the Kyrgyz Republic and legal norms by forcing its members to renounce personal opinions and beliefs, to limit their freedom, to make regular payments as well as to forfeit material assets for their community," the letter said.

Today, there are more than 5,000 Jehovah's Witnesses in Kyrgyzstan, where the group has been present since the 1950s. The group's publications have been available in the Kyrgyz language since 1994, and the faith's national administrative office was built in 2004. Lopes said that if the publications are banned Thursday, raids and imprisonments will likely follow.

Jehovah's Witnesses are currently banned in Russia, China, Iran, Iraq, Egypt, Tajikistan and Turkmenistan.

Jehovah's Witness book ban in court, criminal case, secret police ban request

Felix Corley, Forum 18

Forum 18 (https://www.forum18.org/archive.php?article_id=2700) - **Jehovah's Witness teaching "is contradictory and oriented towards people who**

don't know the fundamentals of religion and the Bible" and based on "the personal views of the founders of the organisation who misinterpret the Bible", NSC secret police chief Kamchybek Tashiyev claimed to the General Prosecutor in July. He called for their literature to be banned and a ban on the entire organisation to be considered (while the NSC continues a criminal case). Without informing Jehovah's Witnesses, the General Prosecutor's Office lodged a suit to Bishkek's Pervomaisky District Court for 13 books and 6 videos to be declared "extremist". The case is due to resume in court on Thursday morning (2 December).

A suit from the General Prosecutor's Office to ban 13 Jehovah's Witness publications and 6 videos as "extremist" is due to resume in a Bishkek court on Thursday morning (2 December). "Interested parties" in the case are the National Security Committee (NSC) secret police – which is pushing for Jehovah's Witnesses to be banned in Kyrgyzstan – as well as the Interior Ministry and the State Commission for Religious Affairs. The General Prosecutor's Office gave Jehovah's Witnesses only a few days' notice of the hearing, with access to the full documents only at the first hearing.



*Kamchybek Tashiyev
Davran Igamberdiyev (RFE/RL)*

The 16-page General Prosecutor's Office suit – seen by Forum 18 – quotes word for word a claim by the Head of the NSC secret police Kamchybek Tashiyev that Jehovah's Witness teaching "is contradictory and oriented towards people who don't know the fundamentals of religion and the Bible" and that it is based on "the personal views of the founders of the organisation who misinterpret the Bible" (see below).

The suit comes as the NSC secret police continues to investigate a criminal case opened in December 2019 against so far unspecified representatives of the Jehovah's Witness national centre in Bishkek on charges of inciting hatred. The secret police raided the centre in March 2021, seizing documents and electronic devices (see below).

In July, the Head of the NSC secret police Tashiyev wrote to the General Prosecutor calling for not only Jehovah's Witness literature to be banned, but the community as a whole. He claimed, without giving evidence, that Jehovah's Witnesses "at various times and in various countries have been accused of rape, child kidnapping, murder, incitement to murder and suicide, desertion, fraud, theft, racism, extortion, bodily harm, prostitution, etc. The activity of Jehovah's Witnesses is banned in Russia, China, Turkmenistan, Tajikistan, Iran, Iraq and in a number of other countries" (see below).

"We believe that the General Prosecutor's Office initiated the civil case to declare some publications 'extremist' primarily to strengthen the criminal investigation and pave the way for an eventual claim to liquidate the national centre and ban the peaceful worship of Jehovah's Witnesses in Kyrgyzstan," Jehovah's Witnesses told Forum 18.

They fear that "if the court finds the centre guilty of 'extremist activity', the authorities may begin targeting any one of the 5,200 Jehovah's Witnesses in the country for 'participating in' or 'organising' the activity of an extremist organisation".

Such a ban would be against Kyrgyzstan's legally-binding international human rights obligations. The country acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1994, and ICCPR Article 19 ("Freedoms of opinion and expression") states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his [sic] choice". As [General Comment 34 on this Article](#) puts it: "All forms of opinion are protected, including opinions of a (..) moral or religious nature. It is incompatible with paragraph 1 to criminalize the holding of an opinion. The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19" (see below).

Jehovah's Witnesses struggles to gain state registration have been accompanied by false allegations against Jehovah's Witnesses, the use of torture against Jehovah's Witnesses, and NSC secret police and ordinary police officers repeatedly trying to stop defence lawyers participating in the appeal hearing, and invading a judges' deliberation room (see below).

Gulnaz Isayeva, a Deputy Head of the State Commission for Religious Affairs, distanced her agency from the General Prosecutor's Office and NSC secret police allegations. "We would have to study their arguments to see if there is a basis for this," she told Forum 18. "If they [Jehovah's Witnesses] were extremist, we wouldn't have registered them."

No one at the General Prosecutor's Office or the NSC secret police would discuss the banning suit or the criminal case with Forum 18.

The authorities refuse to allow the Ahmadi Muslim community to function. The Falun Gong spiritual movement was banned as "extremist", but later was able to register as a public organisation. The authorities have also banned as "extremist" the film "I am Gay and Muslim" (see below).

Meanwhile, the new Criminal Code and the Violations Code both come into force on 1 December. The new Violations Code introduces fines for offering religious materials from door to door or in state or municipal institutions and continues fines for exercising freedom of religion or belief without state registration (see below).

Isayeva of the State Commission for Religious Affairs defended the continuing punishments for exercising freedom of religion or belief without state permission. "It's in the law," she told Forum 18 (see below).

New Religion Law to come?

The State Commission for Religious Affairs is preparing a new Religion Law. The United Nations Development Programme's Bishkek office sponsored public discussions of the draft in Bishkek on 23 November and in the seven regions of the country.

Previous attempts to draft a new Religion Law have stalled. In 2017 a State Commission draft brought to Parliament proposed among other restrictions that: all religious literature be subject to state censorship, sharing beliefs be banned, and 500 adult citizens in one location would be required to apply for state registration (and so permission to exist) of a religious community.

Book and video-banning suit now in court



*Pervomaisky District Court, Bishkek
Samat Jumakadirov (RFE/RL)*

On 17 November, Deputy General Prosecutor Kumarbek Toktakunov sent a suit to Bishkek's Pervomaisky District Court asking for it to ban 13 Jehovah's Witness books (3 in Kyrgyz and 10 in Russian) and 6 videos as "extremist".

The Court assigned the case to Judge Venera Aydaraliyeva. The first, brief hearing was held on 29 November, a court official told Forum 18 on 29 November. Jehovah's Witness representatives asked for an adjournment to allow them to study the documentation which was only made available to them at the brief hearing. The case is due to resume at 11:00 am on 2 December, the court official added.

As well as the Prosecutor's Office representative, who the court official identified as Temirbayev, representatives of "interested parties" – the NSC secret police, the Interior Ministry and the State Commission for Religious Affairs – were also present in court. The official said it was unknown how many hearings the case will need and when it might conclude.

Gulnaz Isayeva, a Deputy Head of the State Commission for Religious Affairs, told Forum 18 that its lawyers were participating in the case after receiving notice from the court.

Jehovah's Witnesses told Forum 18 that they only learnt of the General Prosecutor's Office suit on 23 November. This allowed them little time to prepare for the hearings. Only at 4 pm on 26 November did officials tell them that the first hearing would be on 29 November.

No one at the General Prosecutor's Office in Bishkek would discuss the banning suit with Forum 18 on 29 November. Nor was Forum 18 able to reach its representative who is taking part in the hearings.

General Prosecutor's Office claims



*General Prosecutor's Office, Bishkek
Bakyt Asanov (RFE/RL)*

The 16-page General Prosecutor's Office suit – seen by Forum 18 – notes that it draws on claims from the NSC secret police. The suit – quoting word for word a claim by the Head of the NSC secret police Kamchybek Tashiyev - claims that Jehovah's Witness teaching "is contradictory and oriented towards people who don't know the fundamentals of religion and the Bible" and that it is based on "the personal views of the founders of the organisation who misinterpret the Bible".

The General Prosecutor's Office suit points to the criminal case opened against so far unspecified representatives of the Jehovah's Witness national centre in December 2019 (see below) and the March 2021 NSC secret police raid on the centre. It also cites four "expert analyses" conducted by the Justice Ministry's Judicial Expert Analysis Centre, two on 30 December 2019 (one of 3 pages, the other of 5 pages), one on 8 April 2020 (of 17 pages) and the fourth on 6 May 2021 (of 33 pages).

Such "expert analyses" have long been used against the exercise of freedom of religion and belief, and have been strongly criticised by lawyers, human rights defenders, and members of religious communities.

The "analyses" claim that the books contain "negative attitudes" to other faiths, express the superiority and uniqueness of the faith of Jehovah's Witnesses, and "call in hidden form not to obey laws and the norms of a secular state". It says they "incite religious enmity (discord).

The General Prosecutor's Office suit, citing the "experts", also included a list copied from a Russian blog of 63 things Jehovah's Witnesses are supposedly unable to do. These include laughing at obscene jokes, getting fat, attending rock concerts and throwing rice at weddings. The suit attributes the list – without any explanation – to "Doctor Bergman".

Russian websites – including those of Aleksandr Dvorkin and that of the Russian Orthodox Church in Belarus – identify the widely-copied list as a translation from the 1992 book "Jehovah's Witnesses and the Problems of Mental Illness" by an American writer Jerry Bergman, a prolific writer against Jehovah's Witnesses.

Binding international human rights law obligations

Kyrgyzstan acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1994, and ICCPR Article 19 ("Freedoms of opinion and expression") states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek,

receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his [sic] choice". As [General Comment 34 on this Article](#) puts it: "All forms of opinion are protected, including opinions of a (..) moral or religious nature. It is incompatible with paragraph 1 to criminalize the holding of an opinion. The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19."

Similarly, the OSCE / Council of Europe Venice Commission [Guidelines on the Legal Personality of Religious or Belief Communities](#) note that under international human rights law: "State permission may not be made a condition for the exercise of the freedom of religion or belief. The freedom of religion or belief, whether manifested alone or in community with others, in public or in private, cannot be made subject to prior registration or other similar procedures, since it belongs to human beings and communities as rights holders and does not depend on official authorization."

The Guidelines also note: "The state must respect the autonomy of religious or belief communities .. In the regime that governs access to legal personality, states should observe their obligations by ensuring that national law leaves it to the religious or belief community itself to decide on its leadership, its internal rules, the substantive content of its beliefs .. In particular, the state should refrain from a substantive as opposed to a formal review of the statute and character of a religious organization."

General Prosecutor's Office suit

The General Prosecutor's Office suit asked Bishkek's Pervomaisky District Court to ban the Jehovah's Witness materials and to assign enforcement of the ban to the NSC secret police, the ordinary police, the State Commission for Religious Affairs and the Communications Regulation and Oversight Service.

The General Prosecutor's Office suit "repeats very similar accusations to those employed in Russia: a combination of theological assertions, total falsehoods, misrepresentations and trivia presented as matters of substance," Jehovah's Witnesses told Forum 18. They added that before the 29 November hearing they were not allowed to see the "expert analyses" or to know who the "experts" who had prepared them were.

An official of the Justice Ministry's Judicial Expert Analysis Centre, who did not give her name, said that it cannot give Forum 18 copies of the "expert analyses" it prepared on the Jehovah's Witness materials. "Analyses can only be shared with those who commissioned them," she told Forum 18 from Bishkek on 29 November. Forum 18 asked for the "analyses" in writing the same day but received no response by the end of the working day in Bishkek of 30 November.

A human rights defender notes that many prosecutions for "extremist" literature depend on "expert analyses". "The main issue is that for any arrests or bans to be legitimate, there has to be a court-based decision that finds this literature 'extremist' – which is what the General Prosecutor's Office is apparently trying to do [in the Jehovah's Witness case]," the human rights defender told Forum 18 from Bishkek on 30 November. "They have to base their decision on a linguistic and semantic analysis, which is where the problem lies, as the quality of these analyses is severely lacking." Even [when such "expert analyses" have been placed before a court, courts have often allowed their use to suppress the exercise of human rights.](#)

Jehovah's Witnesses have met Zhayilbek Dadiyev, the Head of the Citizens' Appeals Sector of the Presidential Administration, to express their concern about the banning suit and the continuing criminal case.

Asked about the banning suit, Dadiyev said that he is well informed about it. "But we don't have the right to interfere in court cases or participate in court hearings," he told Forum 18 on 30 November.

Criminal case, raid



Jehovah's Witness Kingdom Hall, Bishkek

Cabar.asia

On 4 December 2019, the NSC secret police opened a criminal case against so far unspecified members of the Jehovah's Witness national centre in Bishkek under Article 313, Part 2, Point 2 of the Criminal Code then in force. This punishes "Incitement of racial, ethnic, national, religious or inter-regional enmity (discord) conducted by a group of people in a prior conspiracy" with jail terms.

Article 313 of the old Criminal Code is similar to Article 330 of the new Criminal Code which comes into force on 1 December 2021. Any trial would take place under the provisions in force at the time the "crime" was committed.

No individual defendants are reportedly named as part of the criminal case. Jehovah's Witnesses fear that any guilty verdict would have wider consequences. "A guilty verdict would likely lead to closing the centre, dissolving its activities, likely confiscating its assets, and subsequent prosecutions and imprisonment of anyone who was deemed to be continuing those activities," they told Forum 18.

Zhayilbek Dadiyev of the Presidential Administration confirmed to Forum 18 that the criminal case had been opened by the NSC secret police after an appeal from an individual.

As part of the criminal case, the NSC secret police raided the Jehovah's Witness national centre in Bishkek and the adjoining residence on 25 March 2021. Officers seized documents and electronic equipment from both. "After protests they returned the confiscated materials within one day," Jehovah's Witnesses told Forum 18.

The General Prosecutor's Office banning suit (see above) notes that the four "expert analyses" of Jehovah's Witness publications and videos were commissioned as part of the criminal case.

"We cannot review the documentation in the criminal case file because the investigation is ongoing," Jehovah's Witnesses told Forum 18. "However, we find a clue in the search warrant which served as the basis for the National Security Committee raids in March

2021, which stated that 'pre-trial proceedings' are being conducted 'on the basis of information about the presence of signs of extremism and incitement of religious hatred in the activities of representatives of the religious organisation, the Religious Center of Jehovah's Witnesses in Kyrgyzstan'."

"We believe that the General Prosecutor's Office initiated the civil case to declare some publications 'extremist' primarily to strengthen the criminal investigation and pave the way for an eventual claim to liquidate the national headquarters and ban the peaceful worship of Jehovah's Witnesses in Kyrgyzstan," Jehovah's Witnesses added.

On 7 July 2021, Jehovah's Witnesses contacted the Ombudsperson's Office in Bishkek to express concern about the continuing criminal investigation. The Ombudsperson's Office then contacted the General Prosecutor's Office. On 1 October, the Deputy Ombudsperson responded to the Jehovah's Witness national centre saying that the criminal case is still open.

The spokesperson for the Ombudsperson's Office told Forum 18 on 30 November that all questions should be sent in writing. That day Forum 18 in writing what steps the Ombudsperson's Office had taken or would take to protect the rights of Jehovah's Witnesses to exercise freedom of religion or belief. Forum 18 received no reply by the end of the working day in Bishkek of 30 November.

Secret police banning request

On 29 July 2021, Kamchybek Tashiyev, the head of the NSC secret police, sent a letter to the General Prosecutor Kurmankul Zulushev (seen by Forum 18) making various allegations against Jehovah's Witnesses.

Tashiyev claimed, without giving evidence, that Jehovah's Witnesses "at various times and in various countries have been accused of rape, child kidnapping, murder, incitement to murder and suicide, desertion, fraud, theft, racism, extortion, bodily harm, prostitution, etc. The activity of Jehovah's Witnesses is banned in Russia, China, Turkmenistan, Tajikistan, Iran, Iraq and in a number of other countries."

Noting the "expert analyses" of Jehovah's Witness materials undertaken as part of the criminal case, Tashiyev insisted that these publications incite "religious hatred (discord) and propaganda of exclusivity, superiority or inferiority of citizens on the basis of their religious views", a "hostile attitude" towards people of other faiths, and calls for individuals to refuse to perform civic duties prescribed by law.

Tashiyev also claimed that "according to doctors, negative psychological changes may be caused by being a member of this organisation". He cited a complaint by a mother that her 41-year-old daughter, allegedly a former Jehovah's Witness, is "in constant need of medical care" after suffering "psychological harm" and "negative changes to her psychological state". He then quotes two television programmes where alleged former Jehovah's Witnesses spoke out.

Tashiyev also mentioned a demonstration outside the Jehovah's Witness national centre in Bishkek on 14 February 2021 which included "victims", as well as "citizens' collective appeals to state agencies about the need to take measures against the uncontrolled [Jehovah's Witness] activity".

Tashiyev asked the General Prosecutor "in order to forestall negative consequences from the illegal activity" of Jehovah's Witnesses as well as "to prevent damage to national security" not only to ban items of their literature but to consider a ban on the entire organisation. He attached 142 pages of "non-secret" material.

The NSC secret police refused to put Forum 18 through to Tashiyev. "There's no way you can talk to him," the duty officer told Forum 18 on 30 November. He referred Forum 18 to the spokesperson. However, the spokesperson – who did not give his name – refused to answer any questions by phone about Tashiyev's letter to the General Prosecutor seeking the banning of Jehovah's Witness literature and asking for a ban on the organisation to be considered, or about why the NSC is conducting a criminal case. He asked for questions in writing.

On 30 November, Forum 18 resent the questions it had already sent in writing on 26 November. Forum 18 received no reply by the end of the working day in Bishkek of 30 November.

Jehovah's Witnesses' registration struggles

Officials have prevented many Jehovah's Witness communities – especially in the south – from gaining state registration.

The Jehovah's Witnesses Community in Osh was given registration in early 2019, not as an independent community but as a branch of their community in the capital Bishkek. This came after 10 years of attempting to gain registration. In the course of their attempts, two Jehovah's Witnesses, Nadezhda Sergienko and her daughter Oksana Koryakina, were placed under house arrest for many months after their March 2013 arrest for alleged swindling but in reality apparently because of the Osh community's attempts to gain registration.

In the course of the protracted legal battle NSC secret police and ordinary police officers repeatedly 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 Jehovah's Witnesses who met for worship in Osh. Officials refused to tell Forum 18 if the rule of law would be defended and official perpetrators punished. Hearings in the prosecution's attempt to reopen the case against the women continued into 2017.

However, the Jehovah's Witness communities in Naryn, Jalal-Abad, and Batken regions still do not have registration, despite a March 2019 ruling from the United Nations Human Rights Committee (CCPR/C/125/D/2312/2013). In July 2019 the head of the State Commission for Religious Affairs section responsible for religious organisation registration claimed to Forum 18 that the three communities would be registered "if their documents are in order", but as of 30 November 2021 they have not been registered.

Ahmadi Muslim community not allowed to exist

In July 2011 the State Commission for Religious Affairs refused to re-register the Ahmadi Muslim community after the NSC secret police told it that Ahmadi Muslims are a "dangerous movement and against traditional Islam". The General Prosecutor's Office then sought in 2012 to have the community included on a list of banned organisations as "extremist". Despite multiple serious violations of due legal process, on 10 July 2014 the Supreme Court rejected an appeal against two lower courts' support of the State Commission for Religious Affairs' refusal to give state registration to the Ahmadi Muslim community.

Ahmadi Muslims have not met together for worship since July 2011. All other Muslim communities are state-controlled via the Muslim Board. "We consulted with our world leaders and local leaders, and decided that we should not be publicly active for the time being and not meet for worship as a community," an Ahmadi Muslim, who wished to

remain anonymous for fear of state reprisals, told Forum 18 in June 2019. They added that: "If we see goodwill towards us from the authorities, of course we would love to register again and meet for public worship. At the moment we only pray individually in our private homes."

Asked on 30 November 2021 if the State Commission for Religious Affairs would register an Ahmadi Muslim community if it applied, Gulnaz Isayeva of the State Commission for Religious Affairs told Forum 18 that she could not discuss a situation that had not yet happened.

Earlier film censorship

The film "I am Gay and Muslim" was scheduled to be shown in September 2012 at the Bishkek Bir Duino (One World) human rights film festival. The film, by Dutch filmmaker Chris Belloni, follows the life of several gay Moroccan men who reflect on their orientation and Islam. After a protest from the then-acting Chief Mufti to the NSC secret police, [the NSC asked the State Commission for Religious Affairs to conduct an "expert analysis" of the film.](#)

The same day the State Commission for Religious Affairs [concluded that the film was "extremist"](#) under the 2005 "Anti-Extremism" Law, and later that day the NSC confiscated the film before it could be shown, and gave film festival organiser Tolekan Ismailova a warning that if she showed the film [she faced possible prosecution](#) under Criminal Code Article 299 ("Incitement of national, racial, or religious hatred").

General Prosecutor Aida Salyanova also telephoned Ismailova the same day to warn her not to show the film, and the next day the film was banned, and the State Communications Agency was [ordered to block internet access to the film.](#) Attempts to [challenge the ban on the film and the warning issued to Ismailova failed.](#)

The film remains on the list of banned "extremist" materials on the Justice Ministry website.

Falun Gong banned as "extremist" in 2005, registered in 2018

A Falun Gong association was registered in July 2004, but - under Chinese pressure - was liquidated as "extremist" in February 2005. On 26 January 2018 the Chui-Bishkek Justice Department in the capital Bishkek [registered a Falun Gong association](#), according to Falun Gong sources. The Justice Department refused to confirm or deny this to Forum 18 in July 2019.

New Violations Code, Criminal Code come into force

Both the new Violations Code and the new Criminal Code come into force on 1 December. They replace the earlier Codes adopted in 2017 and which came into force on 1 January 2019.

Parliament, the Zhogorku Kenesh, adopted the new Codes and President Sadyr Zhaparov signed them into law on 28 October 2021. President Saparov had sent back earlier versions of the Codes.

Article 141 of the new Violations Code punishes "Obstruction of the exercise of the right to freedom of conscience and belief" with fines of 100 Financial Indicators (FIs) on individuals, 280 FIs on organisations, and 150 FIs on officials.

One Financial Indicator is 100 Soms (11 Norwegian Kroner, 1 Euro or 1.2 US Dollars). A fine of 100 FIs, 10,000 Soms, is equivalent to about three weeks' average wages for those in formal work.

Article 142 of the new Violations Code punishes violations of the Religion Law, including by conducting unapproved religious education and interference of religious organisations in state affairs.

Part 3 of Article 142 punishes "Distribution of literature, print, audio and video materials of religious nature in public places, as well as by going round homes, state or municipal institutions" with fines of 55 FIs on individuals and 170 FIs on organisations.

Part 4 of Article 142 punishes "Carrying out religious activity without registration at the executive state body for religious affairs" with fines of 75 FIs on individuals and 230 FIs on organisations.

Article 477 of the Violations Code assigns cases under Article 142 to the State Commission for Religious Affairs.

Isayeva of the State Commission for Religious Affairs defended the continuing punishments for exercising freedom of religion or belief without state permission. "It's in the law," she told Forum 18.

Letter of Jehovah's Witnesses to the President of Kyrgyzstan

To the President of the Republic of Kyrgyzstan
S. N. Japarov

October 29, 2021

Your Excellency Sadyr Nurgozhoevich Japarov:

We deeply appreciate Your Excellency's determination to ensure that all citizens of Kyrgyzstan benefit from the rights enshrined in the esteemed Constitution of Kyrgyzstan and your key role in encouraging a spirit of tolerance that contributes to the stability and harmonious development of the nation. With your recent well-received video message at the 76th session of the UN General Assembly Your Excellency again confirmed your goal to promote respect for the rights of people in our country.

In the attached letter dated 1 October 2021, the Deputy Ombudsman of the Kyrgyz Republic informed us that the State Committee of National Security (SCNS) continues to investigate a criminal case against our Religious Center that has continued since 2019. We learnt about this case only in March of this year, when SCNS officers conducted a search on the property of our Religious Center based on unfounded accusations. We are very much concerned that this undue harassment may lead to curtailment of the religious freedom of our peaceful minority.

It will not have escaped your notice that in 2019 the United Nations Human Rights Committee (CCPR) published its decision on a case of Jehovah's Witnesses in Kyrgyzstan. The CCPR stated that the rights of Jehovah's Witnesses in the Kyrgyz Republic were violated by the refusal of the State Commission of Religious Affairs (SCRA) to register our organization in the Batken oblast. The CCPR added: "The State party is

also under an obligation to take all steps necessary to prevent similar violations from occurring in the future". A copy of the decision is attached. Unfortunately, it has not yet been implemented by the SCRA, and we fear that the ongoing criminal investigation by the SCNS, which has been in progress for more than two years, may lead to "similar violations" in the future. Therefore, we respectfully ask for you to look into this problem, and for your assistance to terminate the criminal investigation.

Jehovah's Witnesses have a worldwide reputation for being law-abiding citizens with the greatest respect for national authorities. We endeavor to contribute actively to the welfare of our fellow citizens by upholding important values, such as family life and honesty. We deeply value our relationship and our open dialogue with your respected government. We are proud that the Kyrgyz courts, including the Supreme Court, have consistently held that the Constitutional rights to freedom of religion and freedom of association apply to our peaceful religious activity, as they do to all law-abiding Kyrgyz citizens.

May we respectfully request a brief audience with you or a member of your respected administration, which would afford an opportunity to answer any question you might have about our peaceful activity and to clarify our concerns. Alternatively, we warmly invite you or your representatives to visit our modest facilities in Bishkek, where we translate educational material into Kyrgyz.

We thank Your Excellency for your time and attention to our respectful request. With the highest consideration, we remain,

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