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Court rules in favor of conscientious objectors

Official Website of JW (30.12.2013) —The Constitutional Chamber of the Supreme Court of Kyrgyzstan unanimously declared on November 19, 2013, that the country's current law on alternative service is unconstitutional and violates the right of freedom of religion. The Court directed the government to amend the law to allow for genuine alternative civilian service for those who, for reasons of conscience, object to military service.

In 2009, Kyrgyzstan adopted a law that recognized the right to alternative service. However, it became evident that this service actually fell under military control. Those serving were placed under the supervision of military personnel, and some were ordered to make payments in support of military activities. After completion, those who were in alternative service were automatically enrolled in the reserves of the armed forces. As a result, Jehovah's Witnesses refused to accept the alternative service offered, a stand that prompted several criminal cases against the Witnesses.

The November ruling recognized that the Witnesses had valid reasons for rejecting the alternative service offered to them and were not attempting to evade their civic duty. On the contrary, the Court found that the Witnesses were willing to perform alternative service that is civilian in nature. It is expected that all criminal cases imposed on the Witnesses will be reopened and decided in harmony with the amended law.

Khamit Iskakov, spokesman for Jehovah's Witnesses in Kyrgyzstan, states: "In addition to resolving the issue of conscientious objection to military service, this ruling will be helpful in further demonstrating to Kyrgyz officials that Jehovah's Witnesses are a respected, international religion."

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Eight raids, two official warnings in three months

Forum 18 (08.04.2013) - In the first three months of 2013, at least eight Jehovah's Witness meetings in Jalal-Abad and Osh Regions of Kyrgyzstan are known to have been raided. Police and secret police officers warned participants that meetings were illegal as local communities had no state registration. "It is absurd that this is taking place considering the many attempts by Jehovah's Witnesses to obtain registration," Jehovah's Witnesses complained to Forum 18 News Service. They have received two official warnings - signed by Abdilatif Zhumabayev, Director of the State Commission for Religious Affairs (SCRA) - that they have broken the law.

After exhausting all legal avenues in Kyrgyzstan, Jehovah's Witnesses have lodged two complaints to the United Nations Human Rights Committee over registration denials in four locations (see below).

Jehovah's Witnesses believe criminal charges lodged against a mother and daughter in Osh in March are aimed at punishing the community for lodging a fresh registration application. The two women are under two-months' house arrest and face up to three years' imprisonment for allegedly conjuring live snakes from eggs and then swindling two old women of their life savings.

Ahmadi Muslims still cannot function at all in Kyrgyzstan as they have been denied re-registration by the SCRA. "If we met for worship or carried out any religious activity, the registration we do still have with the Justice Ministry would be finally liquidated," a community member who asked not to be identified told Forum 18 from the capital Bishkek on 8 April. "Everything we did would then become illegal." The next hearing in their suit against the SCRA over the denial of re-registration is on 15 May (see below).

Since the amended Religion Law came into force in January 2009, no non-Muslim or non-Russian Orthodox community has been able to gain registration. Proposed amendments to the Code of Administrative Offences which would have introduced a range of new penalties for exercising the right to freedom of religion or belief appear to have been abandoned (see below).

"We have freedom of assembly"?

"We have freedom of assembly and freedom of religion in Kyrgyzstan," Kubanychbek Abakirov, expert on religious communities in the Presidential Administration's Department on Ethnic and Religious Policy and Relations with Civil Society, insisted to Forum 18 from Bishkek on 8 April. He repeated this assertion after reviewing the SCRA's written warnings to the Jehovah's Witnesses and the rejection of their latest registration attempt. He refused to say why, if freedom of assembly exists, such religious meetings are raided.

Asked about the eight known raids on their religious meetings since the beginning of 2013, Abakirov said he had no information about them. He referred Forum 18 to the SCRA and put the phone down.

Asked about the participation of National Security Committee (NSC) secret police officers in at least five of the Jalal-Abad raids and the raid in Osh Region, a press officer for the national NSC in Bishkek denied that these had taken place. "We didn't give out this information. Where did you get it from?" the officer - who gave his name only as Kuba - told Forum 18 from Bishkek on 8 April. "If we had conducted such operations, we would have known about it."

Equally dismissive was Lieutenant-Colonel Zhorobai Abdraimov, head of the press office in Bishkek of the Interior Ministry, which controls the police. "This is not true," he told Forum 18 on 8 April. "Where did you get this information?"

Legal challenge

Bishkek's Ahmadi Muslim community is continuing to challenge the SCRA's denial of their re-registration application at Bishkek City Court, community members told Forum 18. Their challenge was initially rejected by Bishkek's Inter-District Economic Court, a decision the community then appealed against to the City Court. The first appeal hearing took place on 29 January and resumes on 15 May.

Because of the re-registration denial, the Ahmadi community has not been able to meet for worship since July 2011. The General Prosecutor's Office has also sought to have the community banned as "extremist".

Jalal-Abad raids

At least seven Jehovah's Witness meetings were raided in four separate locations in Jalal-Abad Region in January, February and March, Jehovah's Witnesses complained to Forum 18. The NSC secret police were involved in five of the raids and the Police's 10th Department (which supposedly counters terrorism and extremism) in four of them.

On 20 January, police raided a Jehovah's Witness meeting in a rented facility in Kochkor-Ata. Officers told community members they were banned from holding a religious meeting there.

The same day officers of the NSC secret police and the Police's 10th Department raided and halted separate meetings in Kerben, Mailii-Su and Bazar-Korgon. In all three locations, officers claimed it was illegal for Jehovah's Witnesses to meet without registration of a local religious organisation, despite the fact that Jehovah's Witnesses have national registration. In Kerben, officers took written statements from many of the persons in attendance.

On 10 February, police again raided and halted a Jehovah's Witness meeting in Mailii-Su, insisting again that they cannot meet without local registration. Exactly a month later, on 10 March, the Mailii-Su community was raided yet again by the Deputy Chief of the local NSC secret police and Chief of the Police Department on Crimes. They stopped the meeting and instructed them that they cannot meet without registration of a local religious organisation.

On 26 March, officers of the NSC secret police and the Police's 10th Department again raided a Jehovah's Witness meeting in Kerben and order it to be terminated.

Individuals have also been summoned to repeat these warnings. On 21 January, the NSC secret police in Karakul summoned one Jehovah's Witness to explain why Jehovah's Witnesses hold religious meetings without registration as a local religious organisation. On 28 February, the Mayor's office of Mailii-Suu summoned several Jehovah's Witnesses to explain why they hold religious meetings in the region without registration as a local religious organisation.

Osh raid

The Jehovah's Witness community in Osh was similarly raided on 26 March. Representatives of the NSC secret police, Mayor's office and Police's 10th Department observed their meeting. Afterwards the officials "rudely interrogated several persons in attendance and informed them that Jehovah's Witnesses may not meet in the city of Osh without registration as a local religious organisation".

Two written warnings

On 1 April, Jehovah's Witnesses received two written official warnings from Zhumabayev, Director of the SCRA, seen by Forum 18.

On 13 March, Zhumabayev – in a letter drafted by Yusupzhan Kadyrazhiev – warned the community in Karakol in Issyk-Kul Region that its rental of premises since August 2012 for religious meetings in the nearby town of Pristan-Przhevalsky was illegal as the community does not have state registration. It said this was in violation of Article 8 of the Religion Law.

The second – drafted by Kanybek Mamataliyev and dated 1 April – warned the national Jehovah's Witness organisation that its Osh branch had been meeting without the necessary registration and distributing religious literature without the necessary official marking. It said these violations had been detected during the 26 March raid on the Osh Jehovah's Witness meeting, attended by more than 100 people and held in a local restaurant. It said that alongside officials of the southern branch of the SCRA, "officials of corresponding state structures" took part in the raid, though without identifying them.

Kadyrazhiev declined to discuss the 13 March warning he had drafted on behalf of Zhumabayev. "If you've read it, you can see what he wrote," he told Forum 18 from Bishkek on 2 April. Asked if the Soviet system had returned with a requirement for religious communities to have registration before they could hold religious meetings, Kadyrazhiev laughed. He then put the phone down.

Mamataliyev maintained to Forum 18 the same day that the Osh community of Jehovah's Witnesses must abide by the law. He said that Jehovah's Witnesses have 41 registered communities in Kyrgyzstan, but the Osh community is not one of them, so cannot meet for worship.

But registration applications denied

Jalal-Abad's Jehovah's Witness community gathered the required 200 founders and submitted the notarised list to be approved by Jalal-Abad City Kenesh (Council) on 28 January in line with the registration requirements in the Religion Law.

On 29 March, Muratali Tagaev of Jalal-Abad City Kenesh wrote to the Jehovah's Witness community to say that it was unable to verify their list of 200 founders. He said that at a 26 March meeting, the Kenesh's Permanent Commission on Social Questions had decided that Kyrgyzstan's Constitution mandates the separation of religion and the state. "Furthermore, in connection with the absence of a juridical evaluation of your statute, the city Kenesh advises you to turn to the justice authorities for a juridical evaluation and the granting of an assessment," declares the letter, seen by Forum 18.

This refusal of the Kenesh to approve the list of founders – a requirement for all registration applications under Article 10, Part 2 of the 2009 Religion Law – means that the Jalal-Abad Jehovah's Witness application cannot be handed further to the SCRA.

"This requirement is obviously being used as a pretext to prevent religious minorities like Jehovah's Witnesses from obtaining registration of religious organisations," Jehovah's Witnesses complained to Forum 18.

Emil Baymurzayev, head of administration at Jalal-Abad City Kenesh, told Forum 18 on 27 March that the Jehovah's Witness application was an issue for its Permanent Commission on Social Questions. Matlyuba Saidaliyeva of the Commission told Forum 18 the same day that it was putting the issue to Kenesh deputies at their next meeting. She did not inform Forum 18 that the Commission meeting the day before had declined to approve the application allowing it to be sent on to the SCRA in Bishkek.

Arbitrary registration denial?

Saidaliyeva told Forum 18 that the Jehovah's Witness application was the first from a religious organisation that the Jalal-Abad City Kenesh has been asked to approve since the Religion Law was amended.

"This confirms my suspicion that all of the religious communities registered since the new law came into force in early 2009 did not have to have their list of founding members approved by the Kenesh, unlike what the SCRA insists for Jehovah's Witnesses," they complained to Forum 18.

Mamatallyev of the SCRA in Bishkek – after reviewing the Kenesh decision to refuse to process the Jehovah's Witness application – insisted that the community "must have made some mistake". "If the application is in order and lodged in accordance with the law, a community can register," he claimed to Forum 18 from Bishkek on 2 April. "But this is a decision for each Kenesh – they are like mini-parliaments."

Mamatallyev refused to say what Jehovah's Witnesses – and other religious communities in a similar position – should then do if they wish to gain registration.

Many Protestant churches have chosen not to seek state registration in view of what they regard as unnecessary and arbitrary registration requirements in the 2009 Religion Law.

Earlier failed attempts

Three earlier attempts to register Jehovah's Witness communities in Osh, Naryn and Jalal-Abad in 2010 failed. The Keneshes of Osh, Naryn and Jalal-Abad all rejected the applications, stating that they could not approve the list of members because there is no government order in place stipulating the process and criteria to be used.

Jehovah's Witnesses therefore applied to the SCRA for registration, attaching the letters from the local city councils and all documents needed for registration. In February 2011, the SCRA determined that it could not grant registration without prior approval of the list of founding members by the local city councils.

Jehovah's Witnesses tried to challenge this refusal in court. On 21 July 2011, Bishkek Inter-District Economic Court granted the appeal in part, ruling that the SCRA's February 2011 decision to refuse registration was unlawful. This decision was overturned on appeal.

In September 2012, Jehovah's Witnesses lodged a complaint (seen by Forum 18) to the United Nations (UN) Human Rights Committee in Geneva. It outlined their case that the denial of registration to three of their communities in southern Kyrgyzstan is a violation of their rights enshrined in the International Covenant on Civil and Political Rights.

The Jehovah's Witness application in Kadamjay in Batken Region – lodged in October 2010 – was also rejected. The first rejection – with no explanation – came in December 2010. On 30 March 2011, Kadamjay Kenesh issued a second decision that it would not approve the list of members because people living in the region "confess one religion" and that registration would not be granted to Jehovah's Witnesses to "protect the peace and stability" of the region.

Jehovah's Witnesses brought a suit in Batken Inter-District Court against what they regarded as the "unlawful actions of the Council", but the court refused to hear the case. Batken District Court refused to hear their appeal. On 22 May 2012, the Supreme Court ordered Batken District Court to hear the appeal against the lower court decision.

On 31 July 2012, Batken District Court ordered the Inter-District Court to accept the suit and determine whether the actions of Kadamjay Kenesh were lawful. Kadamjay Kenesh

appealed against that decision, and on 19 November 2012 the Supreme Court upheld the Kenesh's appeal, arguing that its decision was merely an "informative letter" which cannot be challenged in court.

As their legal options have now been exhausted, on 26 March 2013 Jehovah's Witnesses lodged a further complaint to the UN Human Rights Committee – seen by Forum 18 – about the denial of registration to their Kadamjay community.

New administrative punishments abandoned?

Proposed amendments to the Code of Administrative Offences, which would have introduced heavy administrative penalties for a range of new "offences" punishing those exercising the right to freedom of religion or belief, appear to have been abandoned. Aida Kurmanbaeva of the Justice Ministry's Legislative Drafting Department told Forum 18 from Bishkek on 8 April that her Ministry "is no longer working on this draft". Asked if this means they have now been abandoned, she replied "Yes".

Natalya Sergeeva of the Legal Department of the Committee of Ministers Department confirmed to Forum 18 on 8 April that the Justice Ministry has not presented the draft text again.

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Criminal prosecutions to punish registration applications?

Forum 18 News Service (02.04.2013) - A Jehovah's Witness mother and daughter in Kyrgyzstan's southern Osh Region are under two-months' house arrest facing criminal cases of large-scale swindling, which fellow Jehovah's Witnesses insist to Forum 18 News Service have been launched to punish the community for lodging registration applications. Prosecutors allege the women conjured live snakes from eggs and then swindled two old women of their life savings, accusations Jehovah's Witnesses describe as "bizarre" and "ludicrous". If convicted, the women face up to three years' imprisonment. "Both women have an impeccable reputation and have never before been charged with any offence," Jehovah's Witnesses told Forum 18.

"I saw nothing in the case documents to show any pressure on these women because they are members of a particular religious community," Kanybek Mamataliyev of the State Commission for Religious Affairs (SCRA) insisted to Forum 18 from the capital Bishkek after reviewing documents in the case.

However, the cases were launched as the local city Kenesh (Council) in the neighbouring Jalal-Abad Region was considering the latest Jehovah's Witness registration application. The Kenesh decided not to process the application. Since the beginning of 2013, at least eight Jehovah's Witness meetings in Jalal-Abad and Osh Regions are known to have been raided and two official SCRA warnings – one drafted by Mamataliyev – have been issued (see forthcoming F18News article).

Jehovah's Witnesses point out that two young Jehovah's Witnesses were arrested in Batken Region in January 2011 just weeks after the local Kenesh (Council) refused to consider the local Jehovah's Witness community's registration documents. This was one of three Jehovah's Witness communities whose applications were refused at the time. The men were sentenced to seven years' imprisonment each and spent nine months in prison before the cases were overturned completely in December 2011.

Meanwhile, the family of Uzbek former imam Khabibullo Sulaimanov – who fled to Kyrgyzstan in 1999 to escape Uzbek state pressure on him – is hoping attempts to extradite him back to his homeland will finally be rejected by a Bishkek court (see below).

First criminal case

The two Jehovah's Witness women – Oksana Koryakina, who is 33, and her 54-year-old mother Nadezhda Sergienko – were detained in Osh on 20 March and placed in police detention, where they were held for about 48 hours. Koryakina and her husband live with Sergienko in Osh.

The two women were accused under Article 166, Part 2, points 2 and 3 of the Criminal Code. This punishes large-scale swindling "using deception" by a group of people "under a prior conspiracy" with a fine or up to three years' imprisonment.

On 15 March, two unknown women "of European appearance" visited the Osh home of an elderly woman to rid it of an "evil curse", according to the elderly woman's statement to the police the following day, seen by Forum 18. She claimed that the two women produced a live snake from two eggs she gave them, to convince her of their powers.

The "European" women then allegedly asked her to tie up her life savings in a cloth – 130,000 Soms (16,000 Norwegian Kroner, 2,100 Euros or 2,700 US Dollars) – then pronounced a religious chant over the bundle and placed it under her pillow, telling her not to look at it until the following day. The two women left. Several hours later, the elderly woman looked under the pillow and the money was gone.

The elderly woman said in her police statement that one of the women was about 40, and the other between 18 and 20 years old.

On 22 March, according to the police record drawn up by police Investigator Major Nurdin Jorojev and seen by Forum 18, the police brought Sergienko and the elderly woman together. Each stated that they had never seen the other. The elderly woman insisted that the older of the women who visited her flat had curly hair and a wider face than Sergienko's, though she also declared that she has poor eyesight.

In a hearing that began that evening at 10 pm, Judge Zakir Maksutov of Osh City Court ruled that Koryakina should be held under house arrest for two months while the investigation against her proceeds, according to the court decision seen by Forum 18. The investigator, Ali Mavlyanov, had called for her to be held in pre-trial detention, but the Judge rejected that part of the motion.

The same Judge ordered Sergienko to be held in similar two-month house arrest in a separate hearing that evening.

Koryakina and Sergienko were freed after the hearing, after being held for 48 hours, Jehovah's Witnesses told Forum 18.

Second criminal case

On 22 March, while Koryakina was still in detention, Police Investigator Nargiza Abdrahmanova accused her of involvement in a similar incident of swindling that had allegedly happened to another woman in Osh on 9 December 2012. This incident too allegedly involved producing a live snake from an egg and wrapping up money (106,400 Soms) before it disappeared, according to the record of the 23 March police confrontation

between Koryakina and the woman, seen by Forum 18. Koryakina was again detained on 23 March.

During the confrontation that day, the woman claims to have recognised Koryakina as one of the two women who had visited her flat. She said the other had been Tatar and older than Koryakina. Koryakina denied ever having seen the woman before the previous day and said she and her husband had been at a Jehovah's Witness meeting in Jalal-abad on 9 December 2012 where he had preached.

Koryakina was accused under the same Criminal Code Article 166, Part 2, points 2 and 3.

On 25 March, in a decision seen by Forum 18, Judge Jolbors Kudayarov of Osh City Court again approved the Prosecutor's request that Koryakina be held under house arrest for two months. The Judge rejected the motion to hold her in pre-trial detention. During the court hearing, the date of the alleged swindling was given as 10 December 2012, with no explanation as to why the date had been changed.

The court chancellery confirmed to Forum 18 on 2 April that Koryakina had visited the court on 1 and 2 April, but declined to give any more information by phone. Neither woman is believed to have appealed against the house arrest orders within the given five day period, fearing that the decisions could have been changed to actual detention.

On 29 March, appeals were filed with the General Prosecutor's Office in Bishkek calling for both criminal cases against the two women to be terminated.

What evidence?

Jehovah's Witnesses insist that police have no evidence that Koryakina or her mother Sergienko were involved in either alleged incident of swindling. "There is absolutely no basis for the charges," Jehovah's Witnesses told Forum 18. "The real motivation for the charges seems to be an effort by local officials to have one or more Jehovah's Witnesses convicted for some type of criminal activity in order to brand their religious activity as being illegal."

Investigator Joroev, who is handling the first of the two criminal cases, repeatedly refused to explain how police had identified Koryakina and her mother Sergienko as being involved in the alleged 15 March swindling. "By their description," he told Forum 18 from Osh on 26 March after initially refusing to say.

On being pressed further as to how they had identified Koryakina and Sergienko, Joroev would only add: "We received operational information." Asked who from, he refused to say. Asked whether it was from the National Security Committee (NSC) secret police – who are known to have joined many raids on Jehovah's Witness meetings – he responded; "It was not from the NSC."

Joroev rejected suggestions that the criminal cases were launched to punish Jehovah's Witnesses for their registration applications. "We had no orders from above," he told Forum 18. He then put the phone down.

Calls to Investigator Mavlyanov – who is working with Joroev on the criminal investigation - went unanswered.

Investigator Abdrahmanova, who is investigating Koryakina for alleged involvement in the December 2012 swindling incident, put the phone down as soon as Forum 18 reached her on 26 March. Subsequent calls went unanswered.

Mamatallyev of the SCRA insisted to Forum 18 that "fabricated cases" do not happen in Kyrgyzstan. "This is excluded completely – we live in a law-governed state," he claimed. He said the cases of Koryakina and Sergienko "are a matter for the law-enforcement agencies".

Extradition to Uzbekistan to be abandoned?

The family of Uzbek former imam Khabibullo Sulaimanov are hoping the next court hearing in Bishkek will decisively reject the attempt to extradite him back to his native Uzbekistan, where they fear he would be at risk of torture. On 1 March, Bishkek City Court overturned a 6 December 2012 lower court decision that he should be sent back to face criminal prosecution on charges his family and human rights defenders maintain were instigated to punish him for his work as an imam in his native country.

The 1 March written verdict – seen by Forum 18 – makes clear that the court was not overturning the November 2012 order by Kyrgyzstan's General Prosecutor's Office that Sulaimanov be extradited. It was merely overturning the December 2012 court decision supporting that order and calling for Sulaimanov's appeal against that order to be re-heard in Bishkek's Pervomaisky District Court.

The case has not yet been assigned to a judge at Pervomaisky Court and no date has yet been set for the new hearing, Forum 18 has learnt.

The United Nations High Commissioner for Refugees (UNHCR) recognised Sulaimanov's status as a refugee on 27 February, evidence that was presented to the 1 March hearing.

Kanabek Uzakbayev - the Investigator at the International Legal Co-operation Department of the General Prosecutor's Office who had approved Sulaimanov's extradition on 13 November 2012 and defended the proposed extradition during court hearings – now claims the extradition attempt is over. "Sulaimanov is recognised as a refugee," he told Forum 18 from Bishkek on 2 April. "So we don't want to insist on his return [to Uzbekistan]."

Asked what the General Prosecutor's Office will do at the Pervomaisky Court hearing, Uzakbayev responded: "The court will doubtless close the case. That's it for us."

The Bishkek office of the UNHCR confirmed that it will be present at Pervomaisky District Court for the hearing whenever it is scheduled. "The UNHCR hopes for the outcome to be in favour of Mr Sulaimanov," it told Forum 18 on 2 April.

Criminal charges

Sulaimanov's family are mourning the death of their lawyer Toktogul Abdyev at the age of 56. A prominent lawyer, he died on 16 March during a flight from Bishkek to Osh, where Sulaimanov is being held in prison on separate criminal charges. "We are mourning deeply for him," Sulaimanov's family told Forum 18 on 27 March. "This is a great loss for Kyrgyz justice."

On 2 March, Sulaimanov was hastily transferred from the NSC secret police Investigation Prison to the NSC Investigation Prison in Osh. He is facing criminal charges of using false documents to cross the Kyrgyz border illegally in August 2012.

"Conditions there [in Osh] are worse than in Bishkek," Sulaimanov's family told Forum 18. "He is being held in the basement in damp conditions."

Two Jehovah's Witnesses arrested in Bishkek on false charges

AsiaNews/Forum18 (04/04/2013) - Two Jehovah's Witnesses in Kyrgyzstan's southern Osh Region were arrested on 20 March on charges of defrauding two old women. As a result, a judge placed 33-year-old Oksana Sergienko Koryakina and her mother Nadezhda under house arrest pending the conclusion of the investigation. Local Jehovah's Witnesses reacted immediately, calling the accusations "bizarre" and "ludicrous".

According to police investigator Major Nurdin Joroev, an elderly woman was tricked into handing over her savings of 130,000 soms (US\$ 2,700) in order to be rid of a curse. However, nothing points to the Jehovah's Witnesses as the culprits, and the victim of the fraud was unable to identify Nadezhda Sergienko as the woman who came to her home on 15 March with her daughter.

Oksana Koryakina was also accused by police investigator Nargiza Abdrahmanova of involvement in another scam in Osh on 9 December 2012. In this case, the alleged victim claimed to have recognised Koryakina as the woman who visited her house that day, taking, in a similar fashion, a sum of 106,400 soms (US\$ 2,200). However, the young woman has an alibi: on that day, she and her husband were attending a Jehovah's Witnesses meeting in Jalalabad.

For anonymous sources in the community, the incident is part of a wider policy of government intimidation against the religious minority. "The real motivation for the charges seems to be an effort by local officials to have one or more Jehovah's Witnesses convicted for some type of criminal activity in order to brand their religious activity as being illegal," a Jehovah's Witness told *Forum 18*.

However, for Kanybek Mamataliev, of the State Administration for Religious Affairs, there is no "pressure" against the community.

Such incidents are not new. In 2011, two young Jehovah's Witnesses were sentenced to seven years in prison, where they spent nine months before their conviction was overturned.

Jehovah's Witness sources note that, in all these cases, their members were arrested after local authorities refused to consider their community's application for official registration.

The same sources added that the government is also tightening restrictions against all religious minorities.

Extradition overturned, but new charges and transfer to prison close to Uzbekistan

Forum 18 (11.03.2013) - On 1 March, a court in the Kyrgyz capital Bishkek upheld the appeal by Uzbek former imam Khabibullo Sulaimanov against his extradition back to his native Uzbekistan, Forum 18 News Service notes. He is wanted there on criminal charges which his family and human rights defenders insist were brought to punish him for

leading mosques in the 1990s, before he fled Uzbekistan. However, rather than being freed, Sulaimanov was for unexplained reasons immediately transferred to a National Security Committee (NSC) secret police prison in the southern city of Osh, where he faces new Kyrgyz criminal accusations. Unlike Bishkek, Osh is extremely close to the border with Uzbekistan.

The Bishkek office of the United Nations High Commissioner for Refugees (UNHCR), which observed the latest appeal hearing, welcomed the overturning of the extradition decision. They and others feared that were Sulaimanov to undergo refoulement (return to "territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion"), he would be at risk of torture.

"UNHCR welcomes Bishkek City Court decision of 1 March and hopes that the country will strictly follow its non-refoulement obligation under international refugee and human rights law," the Bishkek UNHCR office told Forum 18 on 9 March.

The UNHCR has previously pointed out to Forum 18 that Sulaimanov "is protected from refoulement in accordance with Article 33 of the 1951 Convention Relating to the Status of Refugees which the Kyrgyz Republic acceded to".

Appeal against extradition upheld

On the afternoon of 1 March, a panel of three judges at Bishkek City Court - Zhanyl Mambetaly, Mederbek Satyev and Muslim Sultanaliyev – overturned the Pervomaisky District Court decision from December 2012 and upheld Sulaimanov's appeal against the General Prosecutor's Office extradition order.

On 27 February, two days before the hearing, UNHCR recognised his status as a refugee (see below). The UNHCR Refugee Certificate, seen by Forum 18, testifies to Sulaimanov's status and insists that he "should, in particular, be protected from forcible return to a country where [he] would face threats to [his] life or freedom".

Sulaimanov was not brought to the courtroom, Mihra Rittmann, Central Asia researcher for Human Rights Watch who was present in court, told Forum 18. "The representative from the Prosecutor General's office was not there, although the other prosecutorial representative was there." Observing the hearing, as in previous hearings, were representatives from the UNHCR, the Organisation for Security and Co-operation in Europe (OSCE), and a number of diplomats.

Sulaimanov's lawyer Toktogul Abdyev presented a copy of Sulaimanov's UNHCR Refugee Certificate to the court almost immediately after the hearing began, Rittmann told Forum 18. The prosecution was given an opportunity to review the certificate. Then the court gave Sulaimanov's lawyer the floor to make his closing statement. He reiterated previous arguments and asked that Sulaimanov be released and the extradition order be found illegal.

After the prosecution made their closing statement, the court called a recess, Rittmann said. When the judges returned after approximately 15 minutes, they ruled that the extradition order be overturned.

Sulaimanov's lawyer Abdyev told Forum 18 that Bishkek City Court has still not issued its decision in writing, he told Forum 18 from Bishkek on 11 March.

Transfer to Osh secret police prison

However, despite Sulaimanov's successful challenge to the extradition order's legality and despite his status as a UNHCR-recognised refugee, his family told Forum 18 that they learnt on 2 March that he had been transferred to Osh. The southern city is a one-

hour flight or a 12-hour road journey from Bishkek, and is very close to Kyrgyzstan's border with Uzbekistan.

"We had to tell the lawyer – no one had told him of the transfer," Sulaimanov's wife Albina Karankina told Forum 18 from Bishkek on 6 March. She complained that no one would tell the family why he was transferred to Osh, where he is being held and what the new accusations against him are.

On 4 March Judge Tursunbai Aybatiyev of Osh City Court approved Sulaimanov's detention for an initial two-month period in the Osh Region NSC Investigation Prison as the case is being investigated, the court chancellery told Forum 18 on 7 March.

Karankina told Forum 18 she knew nothing of this hearing until Forum 18 had told her. Neither she – nor anyone else connected with the case known to Forum 18 – has been able to get a copy of the court decision.

Sulaimanov's lawyer Abdyev told Forum 18 that although he has not been able to travel from Bishkek to Osh to collect the written decision, he has already challenged it to Osh Regional Court. He said he plans to travel to Osh on 15 March to collect the court decision and work on the case locally.

Kyal (he refused to give his last name), the Deputy Head of Osh Region NSC Investigation Prison, confirmed that they are holding Sulaimanov. "I have seen him," he told Forum 18 from Osh on 11 March. "His health is OK, he is not ill." Asked if Sulaimanov has been beaten in the prison, the Deputy Head responded: "We don't beat or torture people here. We don't touch those we arrest."

What are the new charges?

Deputy Head Kyal of the NSC secret police Investigation Prison refused to discuss the nature of the charges against Sulaimanov, or give the name of the NSC investigator.

The officer who answered the general number of the NSC secret police in Osh refused to discuss Sulaimanov's case with Forum 18 on 11 March. The officer – who would not give his name – also refused to put Forum 18 through to any other officer who might be familiar with the case.

Sulaimanov's lawyer Abdyev told Forum 18 that his client is facing accusations under Criminal Code Articles 346 ("Illegal crossing of the state border") and 350 ("Forgery, manufacture, or sale of falsified documents, government awards, stamps, seals, and forms"). Both charges apparently relate to an alleged illegal border crossing in 2012.

Article 346 has a maximum penalty for an individual who has not used violence of three years' imprisonment. Article 350 has a maximum punishment for use of forged or false documents, for example for travel, of two years' imprisonment.

Sulaimanov's lawyer Abdyev said the Investigator, whose surname is Dzhenbayev, is from the NSC secret police. "I don't know why the case is in the hands of the NSC," Abdyev told Forum 18.

The UNHCR is seeking official confirmation of the latest accusations against Sulaimanov. "We have received information from Mr Sulaimanov's family that he was transferred to Osh on 2 March 2013," the UNHCR told Forum 18. "Currently we are waiting for an official confirmation concerning his transfer and charges brought against him."

UNHCR grants refugee status, Kyrgyzstan refuses to process asylum

Despite obstruction by the General Prosecutor's Office and the NSC, the UNHCR was able to conduct a brief interview with Sulaimanov in the Bishkek NSC Investigation Prison on 9 January, and a more extensive interview on 8 February.

As noted above, Sulaimanov's UNHCR Refugee Certificate insists that he "should, in particular, be protected from forcible return to a country where [he] would face threats to [his] life or freedom". The Certificate notes that Sulaimanov had entered Kyrgyzstan in 1999 at Uzgen in Osh Region.

However, Forum 18 has been unable to find out why Kyrgyzstan's Youth, Employment and Labour Ministry, which also handles asylum issues, is still refusing to process Sulaimanov's asylum application in Kyrgyzstan. The telephone of the Head of the Ministry's Refugee Department, Bazarkul Kerimbayeva, went unanswered each time Forum 18 called on 11 March.

"The refusal to process Sulaimanov's asylum application is a gross violation of his rights," his lawyer Abdyev told Forum 18. "They couldn't meet him and process the application in more than three months. They were deliberately dragging their feet."

Sulaimanov lodged his asylum application in November 2012 while he was in detention. However, the Ministry has repeatedly refused to process this. Sulaimanov's lawyer Abdyev strongly criticised this failure in a 20 February appeal to the President.

Detained by NSC secret police from October 2012

The NSC secret police originally arrested Sulaimanov at the family home in Bishkek on 6 October 2012. He was held from the following day until 1 March 2013 in the Bishkek NSC Investigation Prison, where he was denied access to any visitors – including from his family – except his lawyer and the UNHCR.

Sulaimanov's arrest followed an extradition request from Uzbekistan, which accused him of being a fundamentalist and a terrorist. The criminal charges facing him in Uzbekistan carry a maximum 15 years' imprisonment. In November 2012, an Investigator at Kyrgyzstan's General Prosecutor's Office approved Sulaimanov's extradition. Sulaimanov denied the charges and challenged the extradition order.

Before Bishkek City Court on 1 March found that the extradition order was illegal, Sulaimanov faced successive court hearings about both the extradition order itself, and also his detention by the NSC secret police.

Imam still faces extradition to Uzbek torture

Forum 18 (06.02.2013) - The appeal by former imam Khabibullo Sulaimanov against his extradition from Kyrgyzstan back to Uzbekistan resumes at the City Court in the capital Bishkek on the morning of 12 February, Forum 18 News Service has learned. Officials failed to produce Sulaimanov for the first hearing of the appeal yesterday (5 February). His lawyer argued in court that if his client is returned to Uzbekistan, he is likely to face torture. However, Almanbet Abdramanov of Kyrgyzstan's General Prosecutor's Office, which wants to send him back, insisted to Forum 18 on 6 February that "the risk or basis to believe that torture would be used against Sulaimanov does not exist".

Torture in Uzbekistan continues to be "routine", as the United Nations (UN) Committee Against Torture put it, with cases frequently being reported by victims to Forum 18. For good reason, victims (including children) of Uzbekistan's widespread use of torture normally choose not to complain or make their suffering public for fear of state reprisals.

A senior official of Kyrgyzstan's Presidential Administration told Forum 18 that they were informed about Sulaimanov's case. But the official declined to comment on the record, insisting that this might compromise an independent judicial consideration of his case.

The Centre in Bishkek of the Organisation for Security and Co-operation in Europe (OSCE) told Forum 18 on 5 February that it is following Sulaimanov's case and will monitor the next appeal hearing at Bishkek City Court on 12 February.

Sulaimanov's wife, Albina Karankina, calls for the proposed extradition of her husband to Uzbekistan to be halted. "We also want him to be freed from the Investigation Prison, and perhaps to be put under house arrest while the case is resolved," she told Forum 18 from Bishkek on 6 February.

Sulaimanov "is alive"

Since his arrest by Kyrgyzstan's National Security Committee (NSC) secret police at his home in Bishkek on 6 October 2012, Sulaimanov has been held at the NSC Investigation Prison in the city.

Since Sulaimanov's imprisonment, only his lawyer Toktogul Abdyev has been able to visit him regularly. The only exception was a five-minute visit by representatives of the UN High Commissioner for Refugees (UNHCR) on 9 January 2013, not long enough for them to conduct a full asylum interview. Family members have been refused visits (see F18News 28 January 2013 http://www.forum18.org/Archive.php?article_id=1795).

Reached on 6 February – four months to the day since Sulaimanov's detention – the man who answered the NSC secret police Investigation Prison telephone – who identified himself as the "supervisor" – would only say that Sulaimanov "is alive" and that his health "is OK".

Pressure in Uzbekistan

The 56-year-old Sulaimanov was imam of two mosques in Uzbekistan in the 1990s. But he and his family came under increasing pressure from Uzbekistan's police and National Security Service (NSS) secret police, apparently because of his refusal to accept total state control. He and his immediate family finally fled Uzbekistan for Kyrgyzstan in 2001. However, the Uzbek authorities are seeking his return to face criminal trial on charges carrying a maximum 15 year term of imprisonment.

Kyrgyzstan's General Prosecutor's Office extradition decision of 13 November 2012, seen by Forum 18, approves his extradition to stand trial on charges under Uzbek Criminal Code Article 244-2, Part 1 and Article 244-1, Part 3a. These Criminal Code articles have been used to prosecute people exercising their right to freedom of religion and belief.

The Kyrgyz Prosecutor's Office rejected the other Uzbek charges as no equivalent exists in Kyrgyz law.

The Uzbek Criminal Code articles were also used in a failed attempt by Uzbekistan to extradite Protestant Pastor Makset Djabbarbergenov from Kazakhstan. He was, like Sulaimanov, accused by Uzbekistan of being an Islamic fundamentalist and terrorist. Also like Sulaimanov, Djabbarbergenov's only "crime" was to lead religious communities without the approval of the state.

In another similar case to Sulaimanov's, in June 2012 the UN Committee Against Torture found that Kazakhstan had violated the human rights of a group of Uzbek Muslims who were extradited to Uzbekistan in 2011.

5 February appeal hearing

On 6 December 2012, Bishkek's Pervomaisky District Court rejected Sulaimanov's first appeal against the extradition decision. He then appealed further to Bishkek City Court.

Sulaimanov's appeal began at Bishkek City Court on 5 February, an hour late as the court waited for him to be brought from the NSC secret police prison. The hearing

eventually began at approximately 10 am with no explanation as to why he had not been brought, several of those present in the courtroom told Forum 18. Although the law does not require the appellant to be present, Sulaimanov's supporters expected him to be there as court hearings are the only opportunity for them – including his wife and family – to see him.

At the hearing – under Judges Zhanyl Mambetaly, Mederbek Satyev and Muslim Sultanaliyev – the General Prosecutor's Office was represented by Investigator Kanabek Uzakbayev of its International Legal Co-operation Department, who signed the extradition approval, together with another uniformed Prosecutor's Office official.

Sulaimanov's wife Karankina and the older of their two children were in court. A number of observers were also present, including officials of the UNHCR and the Bishkek Office of the UN High Commissioner for Human Rights, and the United States Embassy. Also present were human rights defenders from Bishkek-based Adilet (Justice) and Human Rights Watch.

Sulaimanov's lawyer Abdyev presented his case at the hearing, pointing out Kyrgyzstan's international obligations not to send an individual to another country where they would be at risk of torture, Mihra Rittmann, Central Asia researcher for Human Rights Watch who was present in court, told Forum 18 from Bishkek. Among the documents Abdyev presented to the court were the conclusions by then UN Special Rapporteur against Torture, Theo van Boven, following his late 2002 visit to Uzbekistan (UN reference E/CN.4/2003/68/Add.2 <http://www.unhcr.org/refworld/docid/4090ffc80.html>).

Abdyev also pointed to procedural violations in the extradition case, including the fact that the extradition decision was signed not by General Prosecutor Aida Salyanova or one of her deputies, but by another official, Uzakbayev.

Uzakbayev then took the stand, Rittmann told Forum 18. The judges and lawyer Abdyev were able to question him. Uzakbayev insisted to the court that he would not have signed the extradition decision without the approval of his superiors, which had been given verbally. He also insisted that Sulaimanov's right to contest the extradition decision had been respected, citing as evidence the fact that he had been able to appeal against the decision.

Why wasn't Sulaimanov in court?

Sulaimanov's wife Karankina said she had hoped her husband would be in court. "I haven't seen him since the 15 January hearing that extended his detention," she told Forum 18. "We weren't told why he wasn't in court for the appeal hearing."

Uzakbayev of the General Prosecutor's Office was not at his desk each time Forum 18 called on 6 February. His superior, head of the International Legal Co-operation Department Tologon Mamyrkaliyev, insisted to Forum 18 the same day that he could not comment on why Sulaimanov was not brought to court for the appeal hearing. "Ask the court," he said.

Sulaimanov's lawyer Abdyev said that the court decides whether to invite the appellant to the hearing. "In this case they didn't invite Sulaimanov," he told Forum 18 from Bishkek on 6 February.

Judge Mambetaly's assistant, Gulzada (who did not give her surname), refused to explain to Forum 18 on 6 February why Sulaimanov was not present. "You must send a written question to the court," she insisted, refusing to discuss any other aspect of the case.

The supervisor at the NSC secret police Investigation Prison had put the phone down before Forum 18 could ask him.

The official of the NSC Press Office who answered the phone – who said his name was "not important" – said he did not know why Sulaimanov had not been brought to court.

Why no family visits?

Karankina told Forum 18 on 6 February that she had been to see Investigator Uzakbayev of the General Prosecutor's Office four times to try to gain permission to see her husband in prison. However, each time he told her only the Uzbek Investigator could give permission for such visits. "He said he had no authority to approve such visits," she told Forum 18.

The supervisor at the NSC Investigation Prison refused to answer Forum 18's question as to why family visits to Sulaimanov were not allowed. The NSC Press Office official had put the phone down before Forum 18 could ask him.

Karankina said she goes to the Investigation Prison each Saturday to bring clean clothes, food and soap for her husband. "We don't know if they hand the items on to my husband or not."

The lawyer Abdyev said he last saw Sulaimanov in prison in late January and his health was good. "He has no complaints about that," he told Forum 18. He said parcels brought to the prison for him are handed on.

Why no UNHCR visit?

For several months the UNHCR in Bishkek have been seeking access to Sulaimanov to conduct a full interview with him. Apart from the brief 9 January visit, access has not been granted.

Mamyrkaliyev of the General Prosecutor's Office International Legal Co-operation Department told Forum 18 that it had written to the NSC secret police at the end of January saying it had "nothing against" a UNHCR visit to Sulaimanov in the NSC Investigation Prison.

The supervisor at the NSC Investigation Prison refused to say why the planned UNHCR visit to Sulaimanov has not yet taken place.

The NSC press officer told Forum 18 that the NSC leadership is considering its response to the General Prosecutor's Office letter saying it does not oppose a UNHCR visit to Sulaimanov in prison. "Such a thing does not happen quickly," he insisted.

Why hasn't asylum claim been registered?

Sulaimanov sent a written asylum claim to the Youth, Employment and Labour Ministry, which also handles asylum issues, in November 2012. However, the Ministry has repeatedly refused to register the application on various pretexts. Among the reasons, she said, was that her Ministry needed to interview Sulaimanov personally, which needs NSC permission.

The Head of the Refugee Department, Bazarkul Kerimbayeva, told Forum 18 on 6 February that she could not hear its questions and put the phone down. Subsequent calls went unanswered.

The NSC Press Officer had put the phone down before Forum 18 could ask whether the Youth, Employment and Labour Ministry has or does not have the right to meet Sulaimanov in prison to verify his asylum application.

Why deny appeal letter received?

Asked if the General Prosecutor's Office had responded to a letter about Sulaimanov's case from Human Rights Watch to General Prosecutor Salyanova, Abdramanov insisted to Forum 18 on 6 February that the letter had not been received.

Human Rights Watch's 1 February letter called on the General Prosecutor's Office to withdraw the extradition order against Sulaimanov, given that "torture is widespread and systematic in every part of Uzbekistan's criminal judicial system".

Rittmann of Human Rights Watch told Forum 18 that the letter – in English and in Russian translation – was submitted in hard copy to the General Prosecutor's Office in Bishkek on 1 February and that Human Rights Watch received signed confirmation of receipt. She added that as of the evening of 6 February in Bishkek, Human Rights Watch has received no response.

Forum 18 received no response from Abdramanov by the end of the working day in Bishkek on 6 February as to why he had denied that the General Prosecutor's Office had received Human Rights Watch's letter.

Extradition "would violate our international human rights obligations"

Forum 18 (28.01.2013) - Nearly four months after he was detained by Kyrgyzstan's National Security Committee (NSC) secret police in October 2012, Khabibullo Sulaimanov – who led a mosque in the Uzbek capital Tashkent in the 1990s - is fighting extradition back to his native Uzbekistan. Uzbek prosecutors are seeking to imprison him on "extremism"-related charges which carry punishment of up to 15 years' imprisonment. Sulaimanov's second appeal against extradition, due to have taken place this morning (28 January) in a court in the Kyrgyz capital Bishkek, was postponed, human rights defenders told Forum 18 News Service.

The appeal at Bishkek City Court - under Judges Zhanyl Mambetaly, Mederbek Satyev and Muslim Sultanaliyev – is now due to be heard at 9 am on 5 February. If this appeal fails, the extradition decision enters into force, though it can be challenged further to Kyrgyzstan's Supreme Court.

Sulaimanov and his family fled Uzbekistan for Kyrgyzstan in 2001, after coming under increasing pressure from the Uzbek authorities for his leadership of mosques (see below). "If the former imam is handed back to Uzbekistan, he faces torture and conviction on fabricated charges of 'extremism'", insists Vitaly Ponomarev of the Moscow-based human rights group Memorial, who is among the human rights defenders closely following the case.

The former imam and his family are fighting two sets of court proceedings: one relating to Uzbekistan's extradition request, and one relating to Sulaimonov's detention without trial by Kyrgyzstan's NSC secret police. He is also attempting to gain asylum in Kyrgyzstan (see below).

Extradition "would violate our international human rights obligations"

Tursunbek Akun, Kyrgyzstan's human rights Ombudsperson told Forum 18 that "extraditing Sulaimanov back to Uzbekistan would violate our international human rights obligations and harm Kyrgyzstan's image around the world," he stated from Bishkek on 28 January. "I don't have the right to interfere in the actions of the courts and prosecutors, but I will use all my authority and influence to prevent Sulaimanov's extradition."

Akun said he had raised Sulaimanov's case with Kyrgyzstan's General Prosecutor Aida Salyanova and is awaiting a response. Asked how Kyrgyzstan could be considering sending back an individual to Uzbekistan where he might face torture, the Ombudsperson responded: "It's because of the close mutual cooperation between Uzbekistan and Kyrgyzstan."

Human rights defenders in Kyrgyzstan have condemned the threat of extradition. Sardar Bagishbekov of Voice of Freedom, for example, told Forum 18 from Bishkek that the case is a "bad precedent". He noted that Kyrgyzstan had extradited back to Uzbekistan victims of the Andijan [Andijon] massacre in 2005, which extradition was condemned at the time by the Office of the United Nations (UN) High Commissioner for Human Rights (OHCHR) (see E/CN.4/2006/119).

International human rights obligations

As Sulaimanov is likely to be tortured in Uzbekistan, return would violate the UN Convention Against Torture, ratified by Kyrgyzstan in 1997. Article 3 states:

"1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights."

Torture in Uzbekistan continues to be "routine", as the UN Committee Against Torture put it, with cases frequently being reported by victims to Forum 18. For good reason, victims (including children) of Uzbekistan's widespread use of torture normally choose not to complain or make their suffering public for fear of state reprisals.

In a similar case to Sulaimanov's, in June 2012 the UN Committee Against Torture found that Kazakhstan had violated the human rights of a group of Uzbek Muslims who were extradited to Uzbekistan in 2011.

Return would also violate the 1951 Refugee Convention, which Kyrgyzstan ratified in 1996. Article 33, Part 1 states: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

"It doesn't bother me at all"

On 13 November 2012, Investigator Kanabek Uzakbayev of the International Legal Co-operation Department of Kyrgyzstan's General Prosecutor's Office approved Sulaimanov's extradition, according to court documents seen by Forum 18.

Uzakbayev appeared unconcerned about the possible consequences of Sulaimanov's extradition. Asked by Forum 18 on 25 January about Kyrgyzstan breaking international law, by sending an individual back to Uzbekistan where they might face torture, he responded: "Let them [the Uzbek authorities] do it. It doesn't bother me at all." Told that human rights defenders and Sulaimanov's family insist that the charges against him were fabricated, to punish him for exercising his religious freedom, Uzakbayev responded: "What should I have done? You tell me." He then put the phone down.

The head of the International Legal Co-operation Department, Tologon Mamyrkaliyev, insisted to Forum 18 the same day that it is a decision of the courts whether Sulaimanov

will be extradited or not. "At the moment, the issue is being considered as to his status as a refugee."

Forum 18 was unable to reach Kyrgyzstan's Deputy Prosecutor Lyudmila Usmanova, who is said to be involved in the case. She was in meetings each time Forum 18 called on 25 and 28 January.

On 6 December 2012, Bishkek's Pervomaisky District Court rejected the appeal against the finding submitted on his behalf by Sulaimanov's lawyer Toktogul Abdyev. The lawyer then submitted a further appeal to Bishkek City Court.

Extradition would separate Sulaimanov – who will be 56 on 30 January – from his wife Albina Karankina (a Russian citizen) and their two children, the younger of whom is one year old.

Arrest without family being told

The NSC secret police arrested Sulaimanov on 6 October 2012, family members say, and that for more than ten days they had no idea what had happened to him. Court documents seen by Forum 18 give the date of arrest by the NSC as 7 October. On 9 October, without his family or lawyer knowing, Bishkek's Pervomaisky District Court ruled that he should be held in the NSC secret police Investigation Prison until 16 November.

It was not until 18 October that Sulaimanov's family found out about the arrest from the NSC statement published on the NSC website and subsequently reproduced almost verbatim by much of the local media. The NSC statement said that Sulaimanov – "an active member of an international terrorist organisation" – had been detained by NSC officers "in the course of operational/investigation measures".

"The detained individual had been wanted internationally for terrorist activity and membership of the Islamic Movement of Turkestan," the statement alleged. It said he had been transferred to the NSC Investigation Prison while his extradition back to Uzbekistan was considered.

On 15 November, at the request of NSC senior investigator A. Kochkorov, Judge Adylbek Subankulov of Pervomaisky District Court extended Sulaimanov's detention for a further month, according to the decision seen by Forum 18. The detention was extended in mid-December and again on 15 January 2013.

Kochkorov's superior, the head of the NSC Investigation Directorate Kubat Kadinov, refused absolutely to answer Forum 18's questions on 28 January as to why the NSC believes it is necessary to hold Sulaimanov in custody while the extradition case is considered. He referred Forum 18 to the NSC press office and put the phone down. The telephone went unanswered each time Forum 18 called the press office.

No visits

The 15 January hearing was the last time Sulaimanov's wife was able to see him. "I can only see him at court hearings, and we can talk together for no more than five or ten minutes," Karankina told Forum 18 from Bishkek on 28 January. "We have been refused meetings with my husband in the Investigation Prison. The NSC and Prosecutors say that permission for such visits is needed from the Uzbek investigator." She said she does not even know the name of the Uzbek investigator.

Karankina said she was able to pass on to her husband in the Investigation Prison a copy of the Koran and other books he requested, as well as clothes and food.

The duty officer at the NSC Investigation Prison, who would not give his name, refused to give Forum 18 any information on 25 January about Sulaimanov's conditions in the prison. He referred all enquiries to the NSC press office.

Exercising freedom of religion or belief in Uzbekistan

Sulaimanov came from a family of Muslim clerics, Ponomarev of Memorial notes. His father taught in the Islamic Institute in Tashkent in the Soviet era, while his brother worked in the Spiritual Administration of Muslims of Central Asia and Kazakhstan.

Sulaimanov himself was refused entry to the Islamic Institute twice in the 1970s and 1980s, despite excellent exam marks, for refusing to collaborate with the Soviet KGB secret police. He became imam of the mosque in Yangiyul near Tashkent only in 1989.

The Uzbek authorities began to put pressure on Sulaimanov from 1995, Ponomarev notes. Uzbekistan's deputy mufti demanded that he hand in his resignation if he wanted to avoid arrest. He gave no reasons.

Sulaimanov's brother Zikrullo, then working as imam of Hazret Ali Mosque in Tashkent, and his sister Fatima, who taught Islam to women, were both sacked.

The police held Sulaimanov for three days for questioning over destruction of gravestones in two local cemeteries in November 1995. A May 1996 Human Rights Watch report said Sulaimanov was one of about 30 local Muslims held for questioning. However, Human Rights Watch cited "unconfirmed eyewitness reports" that the cemeteries had in fact been destroyed by two busloads of Interior Ministry troops.

Ponomarev of Memorial stated that the attempt to use fabricated charges to prosecute Sulaimanov failed. He then worked as imam of a smaller Tashkent mosque, but was removed in 1997 allegedly because "Wahhabis" were growing in influence in the mosque. Uzbekistan has imposed complete control on all open exercise by Muslims of freedom of religion or belief.

As Uzbek police questioning and surveillance by the National Security Service (NSS) secret police intensified, Sulaimanov had to leave the family home. Family members told Forum 18 that after that, police maintained tight surveillance of the home for three days. The NSS routinely carries out covert surveillance of religious communities and their leaders.

Uzbekistan routinely violates freedom of religion or belief and related human rights.

Sulaimanov and his immediate family finally fled Uzbekistan in 2001, settling in the Kyrgyz capital Bishkek. There he supported his family by selling building materials.

Wanted by Uzbekistan

On 16 December 1999, the Uzbek authorities approved an indictment against Sulaimanov, according to Kyrgyzstan's November 2012 Pervomaisky Court decision extending Sulaimanov's detention. The same day Uzbekistan issued a warrant for his arrest. He was accused under Criminal Code Article 159, Part 3. This punishes "attempts to Constitutional Order of Uzbekistan", Part 3 specifying punishment of five to ten years' imprisonment for such attempts "by an organised group or in its interests".

The Kyrgyz decision notes that on 15 December 2006, Sulaimanov was placed on the Joint Wanted List of the Shanghai Co-operation Organisation (SCO) member states. This list, agreed in 2005 between the SCO member states, includes those suspected of "terrorist" offences. Also now included are those suspected of "separatism" and "extremism".

Kyrgyzstan's Pervomaisky Court ruling quotes the Uzbek investigator's 1999 decision that Sulaimanov "in a conspiracy with others was engaged in distributing in Tashkent and Tashkent Region leaflets of religious-extremist nature". The investigator claimed he had joined "the organised crime group" created by Juma Namangani and Tahir Yuldashev, a reference to the illegal Islamic Movement of Uzbekistan, "which pursued the aim of a violent change in the constitutional order, the seizure of power and the removal from power of the legally elected state leaders."

"He didn't get involved in any of the accusations they're claiming"

Sulaimanov's wife Karankina insists all the accusations are fabricated. "He didn't get involved in any of the accusations they're claiming," she told Forum 18. "He's a devout man."

Sulaimanov's lawyer Abdyev points out that despite the demands of Kyrgyz law, "the accusation has not been made specific, and the place and means and other specifics of the carrying out of the crimes have not been revealed".

"No evidence has been produced of terrorism in Uzbekistan or any concrete evidence of participation in the activities of the Islamic Movement of Uzbekistan," Ponomarev of Memorial noted to Forum 18.

Kyrgyz prosecutors approve extradition

However, as no equivalent crime to Uzbek Criminal Code Article 159, Part 3 exists in Kyrgyzstan, the Kyrgyz General Prosecutor's Office later changed its basis for approving the extradition, Ponomarev of Memorial notes. At the request of Uzbek prosecutors, the Kyrgyz General Prosecutor's Office added accusations under Uzbek Criminal Code Article 244-1, Paragraph 3, Part a and Article 224-2 Part 1.

Article 244-1, Paragraph 3 bans: "Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilizing fabrications, and committing other acts aimed against the established rules of conduct in society and public order". Point a specifies "with previous planning or by a group of individuals".

This Article was used in November 2012 to convict nine men in Tashkent Region whose only "offence" was to meet together to study the Koran and learn to pray. Their appeal – including the appeal of two prisoners of conscience sentenced to seven years in jail – was rejected in December 2012.

Article 244-2, Part 1 bans: "Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations".

This Article was used in December 2010 to sentence 19 Muslim prisoners of conscience to between three and nine years in jail. Their "offence" was to belong to Shohidiya, an Islamic religious movement which follows the Koran but not the hadiths. The Article was also used in a failed late 2012 attempt to extradite Protestant Pastor Makset Djabbarbergenov from Kazakhstan. He was, like Sulaimanov, accused by Uzbekistan of being an Islamic fundamentalist and terrorist.

Under these charges, Sulaimanov faces the possibility of imprisonment for up to 15 years.

"The new version of the indictment spoke of Sulaimanov's membership of both the Islamic Movement of Uzbekistan and Hizb-ut Tahrir," Ponomarev noted. "The former imam categorically denies that he was ever involved in the activity of either of these organisations."

Asylum request

On 19 November 2012, while he was in the NSC secret police Investigation Prison, Sulaimanov wrote an asylum request to Kyrgyzstan's Youth, Employment and Labour Ministry, which also handles asylum issues. In the four-page hand-written request, seen by Forum 18, he states that he was persecuted in Uzbekistan because of his religious activity.

The Ministry received the asylum application on 21 November, the Head of the Refugee Department Bazarkul Kerimbayeva told Pervomaisky District Court in a 5 December 2012 letter seen by Forum 18. However, her Ministry refused to register Sulaimanov's application, at first claiming that it needed information from the NSC secret police why the former imam was being detained. The Ministry wrote to the NSC on 22 November 2012.

Kerimbayeva told the family in mid-January 2013 that the NSC had responded, but that her Ministry could still not register the asylum application until it had met Sulaimanov personally. She told the family she had written to the General Prosecutor's Office about this.

"Sulaimanov is in a special position," Kerimbayeva insisted to Forum 18 on 25 January, "because he is being held in Investigation Prison." Asked why her Ministry has repeatedly refused to register the asylum application, she said it is still trying to establish whether Sulaimanov committed any crimes since his arrival in Kyrgyzstan. She added that her Ministry needs to be sure that he had written the asylum application himself and that it had been presented by his duly authorised and notarised representative.

Kerimbayeva declined to give Forum 18 a copy of the NSC response.

UNHCR "actively seeking access"

The United Nations High Commissioner for Refugees (UNHCR) Office in Bishkek has also been seeking to interview Sulaimanov since his detention. Their only visit, on 9 January, lasted for just five minutes and was not long enough to compile a UNHCR refugee application, family members told Forum 18.

The UNHCR Office confirmed to Forum 18 on 28 January that it is in touch with Kyrgyzstan's Prosecutor-General's Office "actively seeking access to Mr. Sulaimanov in order to conduct [our] own refugee status determination procedure with him". However in line with the UNHCR's general policy, it declined to discuss details of the case "for confidentiality and individuals' protection purposes".
