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KYRGYZSTAN: Criminal prosecutions to punish registration applications?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

With at least eight raids on their meetings for worship in two regions of Kyrgyzstan since the beginning of 2013, Jehovah's Witnesses believe the criminal cases launched against two of their members are designed to punish the community for their latest registration application. A Jehovah's Witness mother and daughter in Osh 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. Jehovah's Witnesses described the accusations to Forum 18 News Service as "bizarre" and "ludicrous". A police investigator in one of the two criminal cases refused to say how police had identified the two women as suspects, but denied to Forum 18 that the NSC secret police had been involved. Meanwhile, the family of Uzbek former imam Khabibullo Sulaimanov is hoping a Bishkek court will decisively reject his possible extradition back to Uzbekistan when it re-hears his appeal.

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 F18News 8 April 2013 http://www.forum18.org/Archive.php?article_id=1821).

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 (see F18News 21 December 2011 http://www.forum18.org/Archive.php?article_id=1650).

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 Joroev 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.

Mamataliyev 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 (see F18News 11 March 2013 http://www.forum18.org/Archive.php?article_id=1812).

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 (see F18News 11 March 2013 http://www.forum18.org/Archive.php?article_id=1812).

"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." (END)

For background information see Forum 18's Kyrgyzstan religious freedom surveys at <http://www.forum18.org/Analyses.php?region=30>.

More reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=30>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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