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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues.

REFERENCE: AL G/SO 214 (56-23) Minorities (2005-4)
KGZ 4/2012

25 June 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues pursuant to Human Rights Council resolution 14/11 and 16/6.

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding the **attacks on the Jehovah Witnesses and the destruction of their Kingdom Hall in Toktogul** for the second time since 2010.

According to the information received:

On 17 April 2012, some Jehovah's Witnesses began to reconstruct their Kingdom Hall that was destroyed by a mob of local villagers in Toktogul on 13 May 2010 (it was subject of an earlier communication, case number KGZ 4/2010). It was alleged that a group of people started throwing stones repeatedly at the volunteers helping out with the reconstruction of the Kingdom Hall shortly after the reconstruction commenced. On 23 April 2012, Mr. Jonibek Kojamambetov, one of Jehovah's Witnesses, contacted the police and requested their assistance.

On 27 April 2012, the Chief of Police, the Chief of "Department 10", the Chief of Department 9, and the Deputy Chief of the Regional State National Security Service went to the construction site. They were accompanied by Ms. [REDACTED] and the Imam of the Toktogul region. Ms. [REDACTED] was reportedly verbally abusive towards Jehovah's Witnesses and repeatedly demanded that they must leave the area and must stop rebuilding their Kingdom Hall. The police left after they had inspected all relevant documents establishing that the property was properly registered to Jehovah's Witnesses.

The reconstruction was resumed and it was almost completed by 10 May 2012. It was reported that by late night of 10 May 2012, a mob gathered on the street in

front of the Kingdom Hall and began to hurl stones at the place of worship for about 30 minutes, causing significant damage. The following morning, Mr. Kojamambetov filed a case with the Chief of Police requesting for a criminal case investigation and the protection of the Kingdom Hall and the volunteers reconstructing it. It was reported that no one was charged for the incident.

Subsequently, in the late nights of 13, 15, and 16 May 2012, a group numbering up to 40 persons gathered on the street and again hurled stones at the Kingdom Hall for at least 30 minutes every night. Five Jehovah's Witnesses were on guard in the Kingdom Hall on those nights. Ms. [REDACTED] was allegedly outside with the mob yelling and screaming that Jehovah's Witnesses must stop the reconstruction and must leave the area. Jehovah's Witnesses called the police immediately whenever the attacks began. The police appeared at the Kingdom Hall but stated that there was nothing they could do. One of the policemen allegedly told Jehovah's Witnesses to leave and that the police will continue to let the mob throw stones at the Kingdom Hall.

On 17 May 2012, at about 11:45 p.m., Mr. Kojamambetov was reportedly informed that a mob was again throwing stones at the Kingdom Hall of Jehovah's Witnesses. At 11:50 p.m., Mr. Kojamambetov called the Chief of Department 10 and then the duty policeman at Toktogul police station requesting for their help to protect the Kingdom Hall. The duty policeman replied that the mob had dispersed when they went to the Kingdom Hall. At 00:28 a.m. on 18 May 2012, Mr. Kojamambetov was informed that the mob had broken into the Kingdom Hall and stolen all items of property inside; the Kingdom Hall was then set on fire.

Concerns are expressed for the continuous acts of religious intolerance towards Jehovah's Witnesses and the violation of their rights to freedom of religion or belief. Concern is also expressed for the lack of protection of the volunteers and members of Jehovah's Witnesses and the lack of action taken by the police to prevent such events from happening.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of the members of Jehovah's Witnesses in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights and of the International Covenant on Civil and Political Rights that your Excellency's Government accessed on 7 October 1994.

We would like to draw your attention to Human Rights Committee General Comment 22 Para. 4 which provides that "[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to [...] the building of places of worship". It is important to recognize that the places of worship are an essential element of the manifestation of the right to freedom of religion or belief to the extent that the great majority of religious

communities or communities of belief need the existence of a place of worship where their members can manifest their faith.

We would also like to refer to Human Rights Council resolution 6/37, which urges States “9(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated; [...] (e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction; [...] (g): To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes, [...] (l) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities”.

Furthermore, we would like to recall that the General Assembly, in its resolution 63/181, urges “(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided”.

We draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.” Article 2.1 establishes that “Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.” In addition, article 4.1 of the Declaration establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

The Human Rights Committee has recognized that the situation of “non-traditional” minority faith groups is cause for concern and noted a tendency to discriminate against newly established religious and belief groups, and hostility against them. Consequently its General Comment No. 22 stresses that the terms "belief" and "religion" should be broadly construed and that application of article 18 of the ICCPR must not be limited only to traditional or dominant religions.

In this connection, we would like to kindly request your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of the members of Jehovah’s Witnesses Toktogul are respected.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Have complaints been lodged with regard to the incidents mentioned above?
3. Please provide the details and where available, the results or reports, of any judicial investigation, or any criminal charges to the perpetrators in relation to these incidents.
4. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to religious minorities.
5. Please provide details of extra measures taken to protect the members of Jehovah’s Witnesses since the incident of the destruction of their Kingdom Hall on 13 May 2010.

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of Jehovah’s Witnesses and of the volunteers and members of Jehovah’s Witnesses are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Independent Expert on minority issues