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KYRGYZSTAN: "We have not been able to pray and worship together"

By Mushfig Bayram, Forum 18

Since July 2011, "we have not been able to pray and worship together", an Ahmadi Muslim complained to Forum 18 News Service. Kyrgyzstan's State Commission for Religious Affairs (SCRA) has denied registration – or the right to legally exist - to their communities in four locations, citing a National Security Committee (NSC) secret police claim that Ahmadi Muslims are a "dangerous movement and against traditional Islam". Only 135 communities of the state-backed Muslim Board and three Russian Orthodox have gained registration since the repressive Bakiev-era Religion Law came into force in January 2009. Hundreds of mosques, Protestant churches, Jehovah's Witness and Hare Krishna communities have been left without registration, which requires not only 200 adult citizen founders and SCRA approval but approval from local keneshes (councils). Jehovah's Witnesses failed in their court challenges over three keneshes' refusal to approve their lists of founders. "The deputies do not like the Jehovah's Witnesses, and made a decision to refuse to endorse their list," Ardak Kokotayev, Chair of Naryn city Kenesh, told Forum 18.

Kyrgyzstan's State Commission for Religious Affairs (SCRA) has given state registration, or the right to legally exist, to only 138 organisations since the repressive Bakiev-era 2009 Religion Law came into force in January 2009. An essential part of the registration process is gaining the approval of local keneshes (councils) for a notarised list of at least 200 adult permanent resident citizen founders of a religious community, with full identification details of each founder. Some keneshes have claimed that the reason they have not approved lists is because the SCRA has not issued Regulations to implement the Law, and Forum 18 News Service has found that the SCRA has challenged a court decision ordering it to register three communities. The continued obstruction comes as SCRA officials have threatened to close down mosques in the southern Osh Region, but this threat does not appear to have been carried out.

No progress has been made by the authorities in dealing with registration applications from – among others - hundreds of mosques, unregistered Protestant churches, and the Hare Krishna community. Unregistered religious activity is – against human rights standards Kyrgyzstan has agreed to implement – banned. Many people are afraid to identify themselves as founders to local and national authorities, even if a community is large enough to have 200 potential founders, and local human rights defenders have condemned the Law as "against the Constitution and discriminatory" (see F18News 16 January 2012 http://www.forum18.org/Archive.php?article_id=1655).

"Against our constitutional right of freely choosing our faith or religion"

The SCRA has denied registration to the Ahmadi Muslim community in the capital Bishkek and in three different regions across the country, citing a National Security Committee (NSC) secret police claim that Ahmadi Muslims are a "dangerous movement and against traditional Islam" (see F18News 21 December 2011 http://www.forum18.org/Archive.php?article_id=1650). Since July 2011, in the wake of an SCRA warning not to meet, "we have not been able to pray and worship together", an Ahmadi Muslim who wished to remain unnamed for fear of state reprisals told Forum 18 on 17 December 2011.

The central Ahmadi mosque in Bishkek remains closed for worship, with only one community member remaining to guard the building.

"Our motto is: love for all, hatred for none," the Ahmadi Muslim lamented. The authorities "do not want to see anything, and hear anything about what the Ahmadi Muslims are or do", he complained to Forum 18. "We are not harmful to anyone or to society."

Ahmadi Muslims have heard that the SCRA is thinking of introducing an official version of Islam, and banning all other Islamic schools of thought. "This is not fair, and against our constitutional right of freely choosing our faith or religion."

SCRA Director Ormon Sharshenov and SCRA Chief Specialist Yusupzhan Kadyrazhiyev both declined to talk to Forum on 12 January.

When will Regulations to implement Law be produced?

Many keneshes claim that they cannot approve notarised lists of founders because the SCRA has still not produced Regulations to implement the Religion Law. There have been persistent delays on the part of officials in the SCRA and its predecessor agencies in issuing Regulations to implement the Law (see eg. F18News 13 August 2009 http://www.forum18.org/Archive.php?article_id=1336).

Forum 18 asked Odina Artykova, who oversees religious issues in the Education, Science, Information and Religion Department (which reports direct to the Prime Minister), why three years after the Religion Law entered into force in January 2009 implementation Regulations have not been produced. She responded on 12 January that "the status of the SCRA is under question at the moment", as "it may be placed under one of the ministries". She went on to state that the government "will bring clarity to this question soon".

Artykova also stated that the Religion Law will be changed in the second quarter of 2012 (see F18News 16 January 2012 http://www.forum18.org/Archive.php?article_id=1655).

SCRA and keneshes block registration applications

The SCRA has claimed not to know why 138 organisations (135 state-backed Muslim and three Russian Orthodox) have been able to gain local kenesh approval for their lists of founders since January 2009, but numerous others have not. Asked what those who cannot get kenesh approval can do, SCRA Director Sharshenov replied to Forum 18 "let them sue them in the courts" (see F18News 16 January 2012 http://www.forum18.org/Archive.php?article_id=1655).

But in some instances the SCRA has itself directly intervened to block registration applications. Jehovah's Witnesses have tried unsuccessfully to register their branches in the southern Naryn, Osh and Jalal-Abad Regions, and told Forum 18 on 10 January that the keneshes and the SCRA "instead of helping us to register have blamed each other for why we cannot be registered".

The Jehovah's Witnesses then filed a complaint against the SCRA in Bishkek's Inter-District Economic Court, which on 21 July 2011 ordered the SCRA to register the Jehovah's Witnesses in all three regions. However, the SCRA appealed and on 6 October 2011 Bishkek City Court overruled the lower court's decision. Asked by Forum 18 on 20 December 2011 why the SCRA did not want to register the Jehovah's Witnesses, SCRA Director Sharshenov stated that the lists of founders submitted to the SCRA by the Jehovah's Witnesses were not endorsed by the local keneshes in the three regions.

"The deputies do not like the Jehovah's Witnesses"

Between September and December 2010, Ardak Kokotayev (Chair of Naryn city Kenesh), Bakytbek Adylov (then Chair of Jalal-Abad city Kenesh), and Davletbek Alimbekov (Chair of Osh city Kenesh) all refused in letters – which Forum 18 has seen – to endorse the Jehovah's Witnesses' founders' lists. All three state that although the Religion Law requires local keneshes to endorse such lists, the national authorities have not provided mechanisms or a procedure how to do this.

Kokotayev of Naryn Kenesh told Forum 18 that the Kenesh is a collective body of deputies, and they make joint-decisions. "The deputies do not like the Jehovah's Witnesses, and made a decision to refuse to endorse their list," he told Forum 18 from Naryn on 12 January.

Asked whether it is within the Kenesh's power to refuse endorsement if lists of founders and their signatures are in accordance with the Religion Law, Kokotayev repeated that "we make joint decisions. If we do not want to do something, then we decide not to do it".

Nurdin Ermatov, new Chair of Jalal-Abad Kenesh, told Forum 18 on 12 January that "I am new in this job, and I do not know why Adylov made this decision". He stated that he did not even know until the conversation with Forum 18 that the Kenesh deals with issues under the Religion Law. "I will look into the matter," he said.

"Why should local keneshes decide?"

Human rights defenders Valentina Gritsenko of Justice, a human rights group in Jalal-Abad, and Dmitri Kabak of Open Viewpoint in Bishkek both told Forum 18 on 12 January that keneshes "must endorse founders' lists, if they are in accordance with the Law," Gritsenko said.

"Why should local keneshes decide whether or not a group of peaceful religious believers can publicly worship?" Kabak asked. "The keneshes should not be given such powers; it is against the Constitution."

Kabak added that "unfortunately these problems cannot be addressed at the moment on the Constitutional level, since there is no independent Constitutional Chamber or Court in Kyrgyzstan."

Consequences

Meetings by unregistered communities for worship are not only illegal (despite the human rights standards Kyrgyzstan has agreed to implement); it can also have direct consequences for those who take part in such meetings.

Baptists from the eastern Issyk-Kul Region (whose capital is Karakol) told Forum 18 on 12 January that their unregistered fellow-believers in the Region's Ak-Terek village were mobbed several times in spring 2011 by a group of villagers. The villagers demanded that the Baptists either renounce their faith or leave the village. The ten-member Church are all Kyrgyz by nationality, and all born in Ak-Terek.

In May 2011 local police held a meeting with village elders and the Baptists, and demanded that local people stop disturbing the Baptists, and that the Baptists gain state registration. There have been no further disturbances, but Baptists commented to Forum 18 that if the Church had been registered – an impossibility owing to the requirement to have 200 founders - "those mobs would not have been so bold in harassing the Church".

Jehovah's Witnesses in Bishkek told Forum 18 that their congregations have been able to meet for worship in private homes, but "cannot carry out open and public activity". Also, their meetings in private homes have been raided. They did not want to share details of this, for fear of state reprisals. But "each time they are raided they are told that they must stop religious activity until they have official registration".

Artykova of the Education, Science, Information and Religion Department told Forum 18 that "communities who are not registered should be able to carry on religious activities in their private homes even without registration". But she added that "they cannot carry out public religious activity until they receive registration". She also commented that "no government agencies have the right to interfere in the private life of citizens".

Power struggle?

Kurbanaly Uzakov, the Head of the SCRA's Osh Department told Radio Free Europe/Radio Liberty that he asked "local officials in the Osh Region to close 177 local mosques", RFE/RL reported on 30 September 2011. The state-backed Muslim Board's Osh representatives told RFE/RL that they do not see a threat of closure, as the mosques had imams appointed by the Board.

Local independent media representatives and human rights defenders have told Forum 18 that as of 18 January, no mosques had been closed in the region. Some suggested that the threat related to a power struggle between the state-backed Muslim Board and the SCRA.

SCRA Chief Specialist Kadyrazhiyev in Bishkek claimed to Forum 18 on 20 December 2011 that the SCRA threat was only a warning. "We just wanted to compel them to begin to register," he explained. "I do not think we want to close down those mosques." (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.

A printer-friendly map of Kyrgyzstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kyrgyzstan>.

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