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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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KYRGYZSTAN: State permission to exist still denied

By Mushfig Bayram, Forum 18 (https://www.forum18.org)

Kyrgyzstan continues to deny all belief communities permission to exist without state control, Protestants stating they "live and exercise freedom of religion and belief with constant fear." Officials refuse to explain why officials' torture of Jehovah's Witnesses meeting for worship is not seriously investigated.

Kyrgyzstan continues to deny state registration – and so state permission to exist – to many belief communities which apply for it, and to ban groups of people from exercising freedom of religion and belief without state permission.

Protestant pastors state that they "live and exercise freedom of religion and belief with constant fear." State officials have refused to answer, when asked by Forum 18, why they continue to fail to seriously investigate officials' torture of Jehovah's Witnesses meeting for worship. It also remains unclear whether the prosecution and arrest of Jehovah's Witness mother and daughter Oksana Koryakina and Nadezhda Sergienko, now being investigated by the United Nations (UN) Human Rights Committee, has finally come to an end. The two were apparently targeted in retaliation for their community applying for state registration (see below).

Control continues to be exercised over the Muslim Board and Russian Orthodox Church, as well as biased decisions being made in their favour, Almaz Esengeldiyev of Open Viewpoint noting that "the state acts as if it is their mentor" (see below).

"I cannot give you such information"

Since the 2009 Religion Law came into force, one Jewish Community, up to four Russian Orthodox communities, and about 141 Islamic organisations including mosques, madrassahs, and foundations, mainly under the state-controlled Muslim Board, have been registered. But no Catholic, Protestant, Jehovah's Witness or Ahmadi Muslim communities have been registered. The Ahmadis have been banned as "extremist" and cannot meet or worship together. All other Muslim communities are state-controlled via the Muslim Board (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013). The Caritas charity organisation, which aims to reflect the core values of the Catholic Church, has been registered and does not undertake any religious activities.

Several Protestant Pastors, who lead communities without state permission to exist, told Forum 18 on 8 and 9 November 2016 that they "live and exercise freedom of religion and belief with constant fear." There are also threats by the government against secular human rights defenders in the country (see http://www.nhc.no/en/threats-against-kyrgyz-human-rights-defenders-must-stop/).

Mob violence with no state action to protect victims continues to experienced by members of smaller vulnerable religious communities (see F18News 20 October 2016 http://www.forum18.org/archive.php?article_id=2226).

Both Almaz Esengeldiyev of the Open Viewpoint human rights defender organisation and Galina Kolodzinskaya of the Interfaith Council told Forum 18 on 10 November 2016 that up to the end of 2015 only four new Russian Orthodox communities and about 141 Islamic organisations were registered.

The secretary (who refused to give her name) to State Commission for Religious Affairs (SCRA) Head Orozbek Moldaliyev claimed he was not available on 10 November 2016. SCRA lawyer Asel Myktybekova and the Deputy Head of the SCRA registration section Nurbek Shamraliyev both refused to state how many religious communities had been registered. "I cannot not give you such information", Shamraliyev claimed to Forum 18. Myktybekova stated without giving details that "we approved Muslim and Christian organisations' lists". She then admitted under questioning that the only Christian organisations were Russian Orthodox churches. She then claimed that "I cannot give such information over the phone".

Long-standing registration denials, harassment

Under the 2009 Religion Law all unregistered exercise of freedom of religion and belief is banned. Registration demands among other things 200 founder members of a community to give their personal details to the authorities, which many people are afraid to do for fear of state reprisals. Among the Law's many other demands are details of a community's beliefs. Many communities which

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may want to apply for registration do not have 200 members, and the authorities take full advantage of the many arbitrary reasons the Law allows for registration to be refused (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

These demands flagrantly break Kyrgyzstan's international human rights obligations, which are outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see http://www.osce.org/odihr/139046). Kyrgyzstan is both an OSCE participating State and a Venice Commission member state.

Targeting, arrests, torture

Some communities think they and their followers have been targeted by the authorities after applying to register. This appears for example to have happened in the long-running case of Jehovah's Witness mother and daughter Oksana Koryakina and Nadezhda Sergienko, who from March 2013 have faced house arrest and criminal charges in punishment for their community lodging a registration application (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013). The case was described by a judge as "a fabricated case" in November 2015, but still continued (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155).

On 14 March 2016 the UN Human Rights Committee, following a complaint from Jehovah's Witnesses, informed the government that it had accepted the case and asked that the two women, their lawyers and witnesses be protected while the Committee considered the case. Osh City Court on 25 April closed the case against the women, stating that the three year limit for legal action was exhausted. Osh City Prosecutor's Office with the help of the Russian Orthodox Church appealed against this on 30 May in Osh Regional Court, without success. It is unclear whether Koryakina's and Sergienko's long legal struggle is now finally over.

Kyrgyzstan has also refused to follow its international obligations by arresting and trying under criminal law state officials in Osh who tortured Jehovah's Witnesses meeting for worship (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155). On 8 July General Prosecutor's Office Senior Prosecutor Urmat Karypbekov wrote to Jehovah's Witnesses claiming that the officials are allegedly being investigated by Osh City Prosecutor's Office. On 18 July Jehovah's Witnesses petitioned the General Prosecutor's Office asking for the case to be withdrawn from Osh Prosecutor's Office in view of their past open biased decisions. This has not happened.

Gulmira Davletbayeva of the General Prosecutor's Office refused to answer when asked by Forum 18 why the torture case had not been withdrawn from Osh Prosecutor's Office, and why the General Prosecutor's Office itself is not investigating the case. "We cannot answer such questions over the phone", she claimed, before referring Forum 18 to Osh City Prosecutor's Office. They did not answer their phones on 11 November.

Constitutional Chamber ignored by officials

In September 2014, a Constitutional Chamber of the Supreme Court decision removed two major obstacles to the registration of religious or belief communities: a restriction that a religious organisation is limited to carrying out its activity only in the place where it has its legal address; and a requirement that local keneshes (councils) must approve a list of 200 founding members of a religious organisation before it can apply for legal status. Local keneshes have long obstructed registration applications in conjunction with the SCRA (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

Yet officials have refused to follow the Constitutional Chamber decision, and the SCRA is preparing a draft Religion Law ignoring it (see F18News 29 May 2015 http://www.forum18.org/archive.php?article_id=2067). And in February 2016 the Supreme Court rejected an appeal by Jehovah's Witnesses against keneshes' refusal to register communities in Osh, Naryn, Jalal-Abad, and Batken. Other communities have continued to face harassment from keneshes (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155).

Esengeldiyev of Open Viewpoint commented that keneshes often give no reasons or vague reasons for refusing to approve lists of founders, complaining that the 2014 Constitutional Chamber decision "has not been executed for the last two years".

Fear of giving authorities founder names

Protestant pastors, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 7 and 8 November that "many new churches across Kyrgyzstan would like to receive registration, but cannot gather 200 founders as they are small communities." It is known that some churches have collected the signatures and details of 200 founders willing to make themselves known to the authorities, along with the other required documents, but the SCRA refuses to register them. None of the churches wish to discuss this publicly, as "it is a sensitive issue, and they are still asking for registration".

Aleksandr Shumilin, a Baptist pastor who chairs the Association of Evangelical Churches, told Forum 18 on 10 November that

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Baptists and other churches have "expressed concerns about having to provide personal data on founding members to the authorities. This data will be given to the ordinary police and National Security Committee (NSC) secret police, which may lead to the founders being put in danger." He knows of churches who have for this reason privately told the authorities that they will not provide lists of founders.

Another Protestant pastor expressed concern that giving the authorities the names of 200 founders may lead to community leaders being charged with "illegal missionary work". The Religion Law bans "actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other illegal missionary work" (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

Biased state treatment of Muslim Board and Russian Orthodox Church

"It is impossible not to notice the special treatment given by the state to the so-called traditional religions", Esengeldiyev of Open Viewpoint commented to Forum 18. As well as their organisations and communities getting state registration, he noted that on 2 April 2015 the government freed the Muslim Board from making normally compulsory payments such as taxes and insurance.

Esengeldiyev of Open Viewpoint also noted that the Bishkek and Central Asia Diocese of the Russian Orthodox Church (Moscow Patriarchate) was registered not as a "foreign mission" but as a local organisation. Under the Religion Law, if a community has "administrative centres located beyond Kyrgyzstan or having foreign citizens in its administrative body" it is classified as a "mission". This must re-register every year and does not have legal status (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

"Another example of bias in favour of the Orthodox Church took place on 2 April 2013", Esengeldiyev noted. That day Bishkek City Kenesh with its Decision No. 8, seen by Forum 18, approved the list of founders of a Russian Orthodox community, stating that it did this: "For the purposes of fulfilling the Religion Law, taking into account historical and modern realities, the necessity of preserving and developing the spiritual-moral potential of society, and on the basis of the reference of the religious affairs working group".

The same day, with its Decision No. 9 seen by Forum 18 the Kenesh refused to approve the similar lists of nine other communities – one Catholic, one Lutheran, two Presbyterian, one Seventh-day Adventist, the Renewal and Grace Protestant churches, one Jehovah's Witness, and one Jewish community. The unclear reason given was: "Being governed by the Religion Law and for the purposes of regulating the activity of religious organisations of Bishkek City, based on the reference of the religious affairs working group".

Yelena Krasheninnikova of Bishkek Kenesh, asked on 10 November 2016 what criteria Kenesh deputies used to approve or reject applications, replied: "We do not have such criteria or mechanisms." Asked what this means, and whether deputies make subjective decisions, she said: "I don't know what to say. I cannot answer you over the phone". She then put the phone down.

Rabbi Ariye Raikhman of Bishkek's Jewish Community told Forum 18 on 8 November that their community was able to re-register in 2014. "We had to apply for re-registration in 2013, as changes were made to the founding documents", he explained. "At first the Kenesh told us that they could not approve our list of founders as there were no regulations to regulate the process of approval, but later they re-registered us". Rabbi Raikhman stated that he could not remember why the Kenesh changed its mind.

[Stating that the SCRA has not issued regulations governing re-registration has been a common excuse used by keneshes to deny registration applications - see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013]

Fr. Aleksandr Pelin, Secretary of the Chancellery of the Russian Orthodox Diocese in Bishkek, on 9 November declined to state either how many Orthodox communities had registration, or whether the state gave the Moscow Patriarchate favourable treatment. "Ask the SCRA, the question is in their competence", he told Forum 18. Both Myktybekova and Shamraliyev of the SCRA refused to discuss the questions, Shamraliyev putting the phone down.

State control of Muslim Board and Russian Orthodox Church

Esengeldiyev of Open Viewpoint also told Forum 18 that state bias towards the Muslim Board and the Russian Orthodox Church "does not exempt them from state control". He noted that both organisations are described as so-called "traditional religions" in the Concept on State Policy in the Religious Sphere 2014-20 (adopted by the Defence Council on 3 February 2014), but "the state acts as if it is their mentor."

Esengeldiyev noted, for example, the increased controls imposed on the Muslim Board, including all imams having to be Sunni Hanafi, by the Defence Council after its Decree of 3 February 2014 (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

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He also noted the SCRA's 2014 expulsion of both Russian Orthodox Bishop Feodosy and catechist Vakhtang Fyodorov (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013). (END)

For more background information see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/archive.php?article_id=2013.

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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY