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KYRGYZSTAN: "The attackers are in freedom"

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

After an attack on a young Protestant leaving him seriously hospitalised, members of many religious communities have anonymously expressed concern at attacks and the impunity the authorities appear to give attackers. "Eldos is in hospital, and the attackers are in freedom", his lawyer commented.

Members of a wide variety of religious communities of different faiths in Kyrgyzstan, who did not want their names or communities to be identified for fear of state reprisals, have told Forum 18 of their concern at continuing attacks on people because of their beliefs. They have also expressed concern at the impunity the authorities appear to give such attackers.

In the most recent publicly-known attack to cause concern, a young Protestant - Eldos Sattar uuly - has been attacked and hospitalised in the village of Tamchi, leaving him unable to speak or move his jaws. His known attackers have not yet been punished, have been allowed free to threaten him in hospital, and it remains unclear whether they will ever be punished (see below).

On the night of 15-16 October three young men broke into a house to attack the householder because he is a Protestant. He was away but the attackers found Sattar uuly in the house instead. "They began hitting him and kicking him until he fell on the floor. They shouted at him that he is a 'Kafir' [Arabic for infidel], and that he had betrayed Islam. Then they kicked his head while on the floor, breaking several of his front teeth and his jaw-bone", a villager told Forum 18. "When the attackers realised Sattar uuly was half-conscious and could not move, they put him on a table and washed the blood off his face. They threatened that they would come back to kill him if he had not left the village by the morning" (see below).

Sattar uuly needed immediate hospitalisation and has undergone surgery at the National Hospital in Bishkek. His attackers were not arrested after the crime, and were able to threaten Sattar uuly in hospital with death if he did not withdraw complaints to the authorities. His family have also been threatened if the complaint is not withdrawn. Despite police claims to be investigating the case, his relatives and lawyer are not convinced of this. His lawyer has pointed out that the charge brought against the attackers does not match the seriousness of the crime (see below).

Today (12 November) a court has refused to order that the attackers be held in custody, even though police do not appear to be enforcing the house arrest the attackers are supposedly under. "Eldos is in hospital, and the attackers are in freedom", his lawyer Zhanara Askar kyzy commented (see below).

Galina Kolodzinskaya, an independent religious expert from the capital Bishkek, told Forum 18: "If the authorities do not punish the perpetrators it might give a sign to other aggressive individuals to attack religious minorities, because they will know they can get away with impunity."

Even when an attacker is supposedly brought to justice, this is no guarantee that they will face the punishment the law requires. The authorities have a long record of not bringing perpetrators, including state officials, to justice (see below).

"Hate speeches"

More than one person in Kyrgyzstan expressed concern at what was described to Forum 18 on 12 November as "hate speeches" in the mass media against smaller and vulnerable religious communities by former Chief Mufti Chubak azhy Zhalilov [who resigned in July 2012 amid corruption allegations] and other well-known Kyrgyz Islamic figures. "I am not shocked that the Christian man was attacked. It is still happening in this country because the state is not taking firm actions steps to stop these attacks", one non-Christian told Forum 18 on 12 November.

It was pointed out to Forum 18 that among the religious communities targeted by the hate speeches are Shia Ismaili Muslims, who have also experienced violent attacks. After the December 2015 murder of Ahmadi Muslim Yunusjan Abduljalilov, one independent human rights defender pointed out that "the authorities turn a blind eye to hate speeches" and thought there was a link to the attacks (see F18News 18 February 2016 http://www.forum18.org/archive.php?article_id=2150).

After the recent attack on Sattar uuly, a member of a non-Christian community told Forum 18 that they think that "former Chief Mufti Zhalilov is backed by high level officials, which is why he can go on publishing hate speeches and no one in authority will punish him". They said that "the attack on the Christian is not the first one, and unfortunately nor will it be the last one. And of course, we are all afraid for our lives."

This fear was echoed by members of other religious communities, one of whom told Forum 18 on 12 November that "we are afraid for our lives and future in Kyrgyzstan".

The attack

For some time past a group of young men in the village of Tamchi, in Issyk-Kul [Ysyk-Kol] District of the north-eastern Issyk-Kul Region have been targeting Eldos Sattar uuly "warning him to renounce his Christian faith and convert to Islam", a villager told Forum 18 on 30 October. Sattar uuly has refused to do this despite violent intimidation. The villager stated that some of the young men involved are Zamanbek Samuddin uuly, Islam Malik uuly and Alibek Turusbek uuly, and that they "consider themselves as Muslims". Sattar uuly does not live in Tamchi, but visits his uncle in the village Nurbek Esenaly uuly who has also been targeted.

At about 02.00 on the night of 15-16 October, the villager said, three young men - Samuddin uuly, Malik uuly, and Turusbek uuly - broke in to Esenaly uuly's house without warning to attack him because he is a Protestant. He was away but the attackers found Sattar uuly in the house instead. "They began hitting him and kicking him until he fell on the floor. They shouted at him that he is a 'Kafir' [Arabic for infidel], and that he had betrayed Islam. Then they kicked his head while on the floor, breaking several of his front teeth and his jaw-bone", the villager told Forum 18.

"When the attackers realised Sattar uuly was half-conscious and could not move, they put him on a table and washed the blood off his face. They threatened that they would come back to kill him if he had not left the village by the morning."

The villager told Forum 18 that it is well-known in the village that many of Sattar uuly's family are Christians, and that "some in the village do not like this".

In some villages, such dislike has turned into violent attacks by mobs. In one instance in November 2017, a state-appointed imam admitted to Forum 18 that he had, accompanied by a "mob" of young men and officials, blocked a Christian's burial in the state-owned cemetery in Barskoon in Issyk-Kul Region. He then denied all responsibility and tried to blame everything on villagers (see F18News 1 February 2018 http://www.forum18.org/archive.php?article_id=2349).

Hospitalised

After the attack, Sattar uuly was left semi-conscious and when he was able to in the morning he called his parents. He was then taken to the nearest hospital, in Cholpon, where he was diagnosed as having concussion and needing maxillofacial surgery in the National Hospital in Bishkek.

On 17 October Sattar uuly was taken to the National Hospital and his jaw, gums and teeth were operated on on 23 October. Doctors stated that the operation was successful but we need to wait and see, the villager stated. "However, he will not be able to speak or move his jaw or teeth as his gums were sown together. He will be in this condition for at least a month and a half. He is fed through a tube at the moment. He will be able to chew food only after several months, doctors said."

Sattar uuly threatened in hospital

One of the attackers, Turusbek uuly, with his relatives visited Sattar uuly in the National Hospital. In the presence of witnesses, Turusbek uuly offered to help Satta Uuly's family with the medical bills if complaints to the authorities about the attack were withdrawn. When the family refused to accept this, Turusbek uuly said: "Think about your future in the village. You will have to live with us in the same village."

Samuddin uuly and Malik uuly also visited Sattar uuly in the National Hospital, demanding that he write to police that he has no complaints about the attack. Sattar uuly "was threatened with death if he did not do this", a relative stated.

Family threatened

One respected man in the village, Timur Eshimkanov, also tried to persuade the family to withdraw complaints to the authorities about the attack on their relative. "He has been like a mentor to many young men in the village", the villager said. He tried to convince the family to withdraw their complaint. When they refused, a family member told Forum 18, Eshimkanov made what the family saw as a threat. He said that "you will have to live with these people in the same village."

Eshimkanov told Forum 18 on 30 October that he was trying "to ask for forgiveness". He would not answer when Forum 18 asked why he was trying to help the three attackers escape punishment.

When Forum 18 asked why Sattar uuly was before the attack threatened by some villagers, Eshimkanov replied that: "They understood their mistake. Everybody in the village including the Imam are scolding them for having attacked Eldos. They understood that they acted stupidly."

Break-in and attack only hooliganism?

After the attack, Officer Egemberdiyev of Issyk Kul District Police on 16 October "talked briefly" to Sattar uuly as he was being taken to hospital a villager said. Issyk Kul Regional Police then claimed to local media that the attack was hooliganism as Sattar uuly allegedly listened to loud music, and that the attack "did not happen for religious reasons". Relatives strongly dispute this police claim, pointing out that none of the three attackers lived nearby.

Investigator Ismailov on 31 October told Forum 18 that the police made their claim because "this is what the defendants indicated in their statements".

Police charged the three attackers under Criminal Code Article 234 ("Hooliganism"), which bans deliberate and severe violation of public order with violence. The minimum punishment for an individual is a fine of between 100 and 250 Financial Indicators (FIs), and the maximum punishment is a two year jail term. When this crime is committed by groups of people, Part 2 Point states that the maximum punishment is a two year jail term.

Zhanara Askar kyzy, Sattar uuly's lawyer, told Forum 18 on 30 October that this charge is inadequate for the seriousness of the three attackers crimes, as her client "received serious harm to his health and was left half-conscious and without help at the crime scene". She pointed out that police should also bring charges for breaking into the house, as well as at minimum two other criminal charges:

- Criminal Code Article 299 ("Incitement of national, racial, or religious hatred") which punishes, in its Part 3, such crimes committed by a group with a jail term of between five and eight years.

- and Criminal Code Article 105 ("Deliberate infliction of non-life threatening physical harm"), which punishes this crime with a minimum punishment of 250 hours compulsory public works to a maximum punishment of a one year jail term. Under Part 2 Point 4, the minimum punishment for a group of people committing this crime is a fine of 400 FIs each and the maximum punishment is a three year jail term.

1 FI was set in 2006 as equivalent to 100 Soms, and the minimum monthly salary was set in 2006 as the equivalent of 12 FIs. In 2018 minimum monthly salaries vary across the country, but can be about the equivalent of 65 FIs.

Askar kyzy told Forum 18 that she has already asked the National Security Committee (NSC) secret police to open a case for inciting religious hatred, as they are the only agency who can bring such charges.

Attackers allowed free

Police did not take the three attackers into custody after the crime. They only arrested two of the attackers - Zamuddin uuly and Malik uuly - Chief Investigator Ismailov told Forum 18 on 31 October, after they had found and threatened Sattar uuly in the National Hospital in Bishkek. "We captured them on 22 October" he claimed, although he would not explain why the two were not immediately taken into custody.

The third attacker, Turusbek uuly, was not arrested. Investigator Ismailov claimed that this is because "Turusbek uuly is a witness in the case".

It is unclear whether the two arrested attackers were held in custody. The villager told Forum 18 that in the village it was said that the two were released on 23 October. However all three were taken to a court hearing by police on 26 October.

At the hearing, Judge Merim Akhmatova of Issyk Kul District Court ordered the three attackers to be held under house arrest. However, police do not appear to be enforcing this.

Sattar uuly's lawyer Askar kyzy criticised the decision, pointing out that "these are dangerous people who even dared to go to the hospital to make further threats and they must be kept in custody."

Judge Akhmatova told Forum 18 on 31 October that "I made my decision because the charges against the defendants allow such restraint". She then refused to discuss the case more.

Eldar Egemberdiyev of Issyk-Kul District Police, who opened the case, claimed to Forum 18 on 31 October that he could not discuss the case as "it is secret". He refused to explain why more serious charges were not brought against the attackers, and why they were allowed free to threaten Sattar uuly.

Kanat Aydayev, Chief of Issyk-Kul Regional Police on 30 October also refused to discuss police inaction and failure to bring more serious charges against the attackers. "When the victim leaves the hospital we will talk to him, and write down his complaints and may change the charges to more serious ones", Ismailov claimed.

"Eldos is in hospital, and the attackers are in freedom"

Sattar uuuly's lawyer Askar kyzy told Forum 18 on 8 November that "the case is at a standstill. The law-enforcement agencies are not investigating the case more. Eldos is in hospital, and the attackers are in freedom."

She had filed a complaint to the District Prosecutor on 30 October, but has had no reply. Issyk Kul District Prosecutor Ulugbek Uzakbayev claimed to Forum 18 on 12 November that they had submitted the request to change the restraint order. He claimed that police were still investigating the case, but refused to explain why the attackers were in freedom with apparently no restraints in reality. Prosecutor Uzakbayev refused to discuss this and other questions, stating that "I do not feel comfortable talking to you".

On 12 November Issyk Kul Regional Court upheld the decision of Judge Akhmatova to only order house arrest of the attackers – even though this does not appear to be being effectively enforced by police. "Unfortunately the authorities are not taking measures to punish the attackers", Sattar uuuly's lawyer Askar kyzy commented to Forum 18 on 12 November.

Lieutenant Colonel Ratbek Turusbekov of the Interior Ministry's 10th Division, which oversees cases involving freedom of religion and belief, claimed to Forum 18 on 12 November that "police are investigating the case". But he would not answer when asked why the attackers are in freedom, and what effective steps the authorities are taking to stop attacks against people exercising their freedom of religion and belief. The Ministry's Press Service also refused to answer these questions.

"No guarantee that this will not happen again"

One Protestant told Forum 18 that leader told Forum 18 on 12 November that "there is no guarantee that this will not happen again". They pointed to a separate case they knew of in late October, when some Christians visited another Christian living in a village in Issyk Kul Region. Villagers threatened them with stoning unless they stopped visiting their fellow-Christian."

A member of another religious community noted that "people are attacked – especially in villages - when they reveal their religious identity, or share their beliefs with others, and the authorities keep quiet about the attacks".

Even when an attacker is supposedly brought to justice, this is no guarantee that they will face punishment. For example, non-Muslims of all beliefs trying to bury their dead in their own way have faced increasing mob violence and state complicity in this. In one of many examples, out of around 70 people in mobs incited by officials who twice exhumed a deceased Protestant's body, only four were in February 2017 given suspended sentences. None were given the jail sentences of between three and five years Kyrgyzstan's domestic law requires. None of the responsible officials were prosecuted (see F18News 22 March 2017 http://www.forum18.org/archive.php?article_id=2266).

Similarly, in 2016 ordinary police and the NSC secret police in the northern Chuy Region refused to take action against people they witnessed threatening violence against members of the state-registered Elchilik Zhiyini (Embassy) Protestant Church who wanted to meet for worship. In another case, the authorities have refused to bring officials who tortured Jehovah's Witnesses in Osh to justice. The United Nations Subcommittee on Prevention of Torture (SPT) has found that "torture and ill-treatment is prevalent in the country", caused by among other factors "the impunity and general lack of accountability of officials" (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155).

In 2012 a Jehovah's Witnesses Kingdom Hall was totally burnt down (see F18News 15 June 2012 http://www.forum18.org/archive.php?article_id=1712). "The authorities only fined the perpetrators and obliged them legally to compensate us", Jehovah's Witnesses told Forum 18 on 12 November 2018. "However, they did not compensate us. We restored the building by our own means."

On 2 January 2018 the Baptist Church in Kadji-Say was burnt out after police did nothing to find and punish the perpetrators of a series of violations of human rights, including of freedom of religion and belief, that have taken place in the Region since 2010. These have included violent threats and attacks, intimidation of people out of their homes and work, and refusals to allow non-Muslim dead to be buried according to their own ceremonies and rites (see F18News 24 January 2018 http://www.forum18.org/archive.php?article_id=2346).

The Church's Pastor Vyaceslav Shuvanov told Forum 18 on 9 November that the perpetrator who organised the arson attack "asked for forgiveness and promised to compensate us. The Church forgave him, the authorities closed down the case, but the man until now has not compensated us". (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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