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KYRGYZSTAN: "Registration only gives you permission to exist"

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

Kyrgyzstan has registered over 60 communities, most of them Protestant, since December 2018. But some Jehovah's Witness communities still cannot get state permission to exist, while Ahmadi Muslims remain banned. Amid physical attacks on and burial denials to non-Muslims, "giving registration does not guarantee that people can exercise their freedom of religion and belief".

In an apparent change of policy, Kyrgyzstan has given many religious communities state registration and therefore permission to exist in recent months. These communities include various Christian churches, Baha'i communities, the Falun Gong Chinese spiritual movement, and some but not all Jehovah's Witness communities. However, Ahmadi Muslims are still banned.

However, state registration does not remove many obstacles to exercising freedom of religion and belief. Members of a variety of communities throughout the country, all of whom wished to remain anonymous for fear of state reprisals, pointed out to Forum 18 that among the problems they face "communities cannot have public meetings outside their registered addresses unless they receive prior permission for each event from the authorities, and our experience is that the authorities do not normally give permission", and "the authorities have punished people for sharing their beliefs in public places with adults".

"So practically speaking, registration only gives you permission to exist," one person commented. "Registration does not give you the freedoms one should expect" (see below).

Many leaders of registered communities declined to discuss registration and other problems relating to freedom of religion and belief, for fear of state reprisals (see below).

One Protestant thought that the authorities' change of approach may be due to a combination of: a change in staff at the State Commission for Religious Affairs (SCRA) and official awareness that physical attacks on religious communities and individuals "is not good for the international image of Kyrgyzstan" (see below).

In January-February 2020 the United Nations Human Rights Council will hold its Universal Periodic Review (UPR) of Kyrgyzstan.

"The authorities are playing a game," a Kyrgyz human rights defender, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 25 June. "They kill two birds with one stone," showing the international community that there is democracy and silencing religious communities, "as many of them have been vocal critics of the authorities' policies in the past" (see below).

"There is an atmosphere of fear in the country," the human rights defender commented. "The fact that I am afraid to be publicly named, and that leaders of registered communities would not discuss registration and other problems relating to freedom of religion and belief, demonstrates this."

The human rights defender also pointed to the authorities' failure to resolve the problems of burials and attacks on people exercising their freedom of religion and belief, including by failure to punish perpetrators. "In this context giving registration does not guarantee that people can exercise their freedom of religion and belief" (see below).

A Protestant leader, who asked not to be named for fear of state reprisals, had separately come to the same conclusion as the human rights defender. The Protestant believes that by failing to punish perpetrators of violent physical attacks and of burial problems the authorities "send a message that they quietly agree with attacks and do not want people to exercise their freedom of religion and belief" (see below).

In the most recent such case, when a Protestant Eldos Sattar uuly was attacked leaving him in need of immediate surgery, the authorities dropped the criminal case using the excuse of Sattar uuly's absence. He fled the country because he received threats from his attackers during the police cross-questioning in Bishkek (see below).

One Protestant said that the widespread condemnation of the attacks on Sattar uuly and members of his church on social media may have influenced the residents of Tamchi to stop attacks (see below).

"Registration only gives you permission to exist"

Kyrgyzstan has given many religious communities state registration and therefore permission to exist. The State Commission for Religious Affairs (SCRA) registered over 60 Christian churches and organisations, most of them Protestant, between the end of 2018 and June 2019, a Protestant leader who wished to remain unnamed for fear of state reprisals told Forum 18 on 24 June.

Fr Viktor Reymgen of the Russian Orthodox Church and Fr Remigiusz Kalski of the Catholic Church told Forum 18 on 12 June that all of their Churches have been registered. Farangiz Zeynalova, Chair of the Baha'i Community, told Forum 18 on 18 June that all of their 12 communities have been registered as independent communities.

The Chui-Bishkek Justice Department in the capital Bishkek registered a public association of the Falun Gong Chinese spiritual movement on 26 January 2018, according to Falun Gong sources. The Justice Department refused to confirm or deny this to Forum 18 on 5 July 2019.

A Falun Gong association was registered in July 2004, but - under Chinese pressure - was liquidated by Bishkek's Lenin District Court in February 2005. (http://www.forum18.org/archive.php?article_id=529)

The Jehovah's Witnesses Community in Osh was given registration in late 2018 after 10 years of attempting to gain registration. In the course of their attempts, two Jehovah's Witnesses, Nadezhda Sergienko and her daughter Oksana Koryakina, were placed under house arrest (http://www.forum18.org/archive.php?article_id=2230) for many months after their March 2013 arrest for alleged swindling but in reality apparently because of the Osh community's attempts to gain registration. Judge Sheraly Kamchibekov acquitted the two women of all charges, telling Forum 18 in November 2014 that "it was a fabricated case". After a long legal battle the case was closed in 2016, but hearings in the prosecutions attempt to reopen the case continued into 2017. (http://www.forum18.org/archive.php?article_id=2248)

However, on 30 November 2018 the Osh community was registered not as an independent community but as a branch of the Jehovah's Witness national centre in the capital Bishkek, Jehovah's Witnesses told Forum 18 on 26 June. "But it was a positive development that we finally received registration."

However, the Jehovah's Witness communities in Naryn, Jalal-Abad, and Batken regions still do not have registration. "This creates certain problems from time to time, and local officials warn us that we cannot conduct exercise our freedom of religion and belief in public."

Jehovah's Witnesses have lodged three complaints with the United Nations (UN) Human Rights Committee over the registration denials: on 7 September 2012 against the authorities in Osh, Naryn and Jalal-Abad Regions; on 26 March 2013 against the authorities in Batken Region; and on 27 January 2017 against the SCRA over refusal to register four communities in Osh, Batken, Naryn and Jalal-Abad.

On 29 March 2019, the Committee upheld the 2013 Batken complaint, finding that the Kyrgyz authorities had violated the rights of two members of the Jehovah's Witness community in Batken by rejecting the community's registration applications. It declared that "considering the significant consequences of a refusal of registration, namely the impossibility of carrying out religious activities, the Committee concludes that the refusal to register the [two community members'] religious organization amounts to a limitation of the [two individuals'] right to manifest their religion" (CCPR/C/125/D/2312/2013 (<https://undocs.org/CCPR/C/125/D/2312/2013>)).

Kanybek Niyazbayev, head of the SCRA section responsible for religious organisation registration, claimed to Forum 18 on 3 July that "we will register them [these three communities]. A couple of days ago we had a meeting with and asked them to prepare their documents. If all their documents are in order we will register them."

Ahmadi Muslims still banned

Ahmadi Muslims have been banned as "extremist" (http://www.forum18.org/archive.php?article_id=2013) and have not met together for worship since July 2011. All other Muslim communities are state-controlled via the Muslim Board.

"We consulted with our world leaders and local leaders, and decided that we should not be publicly active for the time being and not meet for worship as a community," an Ahmadi Muslim, who wished to remain anonymous for fear of state reprisals, told Forum 18 in mid-June 2019.

In December 2015 Ahmadi Muslim Yunusjan Abdujalilov was murdered (http://www.forum18.org/archive.php?article_id=2150). A human rights defender who wished to remain unnamed for fear of state reprisals told Forum 18 at the time that "the authorities turn a blind eye to hate speeches on TV, other mass media, and mosques about Ahmadi Muslims and other vulnerable religious groups".

The human rights defender also noted that, in addition to attacks by Muslim Board imams, the Ahmadis were refused state

registration. "All of this created a tense situation and hatred against the Ahmadis."

Police told Forum 18 that "there are two sides of the issue, one is the murder, and the other is the unregistered freedom of religion or belief of the Ahmadis". Asked why the authorities are seeking to punish the Ahmadis instead of investigating the murder, police stated that both the murder and the Ahmadi Community's activity are being investigated.

The Ahmadi declined to discuss the authorities' investigation of the murder. But they told Forum 18 that "I heard that former Chief Mufti Chubak azhy Zhalilov [who resigned in July 2012 amid corruption allegations] was warned by the authorities not to give hate speeches, and I have not heard him making public hate speeches recently." The Ahmadi added: "If we see goodwill towards us from the authorities, of course we would love to register again and meet for public worship. At the moment we only pray individually in our private homes."

"Registration only gives you permission to exist"

However, state registration does not remove many obstacles to exercising freedom of religion and belief. Members of a variety of communities throughout the country, all of whom wished to remain anonymous for fear of state reprisals, pointed out to Forum 18 on 3 July that "communities cannot have public meetings outside their registered addresses unless they receive prior permission for each event from the authorities, and our experience is that the authorities do not normally give permission".

"Religious literature can be imported only after passing compulsory state censorship," one person told Forum 18, "and the authorities also demand that they censor and give permission for any text we want to give out in open public places. This is a significant obstacle to sharing one's beliefs."

Others commented: "The authorities have punished people for sharing their beliefs in public places with adults, and young people under 18 cannot even share their beliefs with others in their schools."

"So practically speaking, registration only gives you permission to exist", one person commented. "Registration does not give you the freedoms one should expect."

Obstacles

In the years after 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 under the state-controlled Muslim Board, were registered (http://www.forum18.org/archive.php?article_id=2230). But no Catholic, Protestant, Jehovah's Witness or Ahmadi Muslim communities were given registration. The Caritas charity organisation, which aims to reflect the values of the Catholic Church, was registered and does not undertake any overtly religious activities.

One of the obstacles is that the Religion Law demands that religious communities must have at least 200 adult permanent resident citizens as founders (http://www.forum18.org/archive.php?article_id=2230), who must give their full details to local keneshes [councils] who decide whether to approve them as founders.

Many religious communities of a variety of faiths have pointed out that people are afraid to identify themselves to the authorities as founders, and that many smaller communities do not have 200 founders and so have no possibility of legally existing.

Many keneshes have claimed that they cannot notarise lists of founders because the SCRA did not issued Regulations to implement the Law – but this did not stopped some keneshes from notarising the founders' lists of state-controlled Muslim organisations and Russian Orthodox churches. This claim enabled the SCRA and keneshes to both keep evading responsibility for granting registration applications.

However, in September 2014, the Constitutional Chamber of the Supreme Court ruled in a case brought by Jehovah's Witnesses (http://www.forum18.org/archive.php?article_id=2230) that a religious organisation is not limited to carrying out its activity only in the place where it has its legal address, and that it is unconstitutional for local keneshes to approve the list of 200 founding members of a religious organisation required for a legal status application. Yet the SCRA and other state authorities refused to implement the ruling.

Why did the authorities change their attitude?

The SCRA appears to have changed its approach to registration in 2018.

"It was not difficult to receive registration as none of the communities had to gain approval of their lists of founders from local keneshes [municipalities], as was demanded in the past," a Protestant leader who wished to remain unnamed for fear of state reprisals told Forum 18 on 24 June. "The SCRA told communities that this is because the Constitutional Chamber in 2014 denied that such approval is necessary."

The Protestant leader added that "SCRA officials also stated that the 200 founders needed can be anyone sympathising with our community, and do not all need to be members. That is why so many communities were able to register."

Other leaders of registered communities declined to discuss registration and other problems relating to freedom of religion and belief, for fear of state reprisals.

"The Law on the Constitutional Chamber states that Chamber decisions enter into force from the day of their adoption," Kanybek Niyazbayev of the SCRA section responsible for religious organisation registration, told Forum 18. "I do not think it was right that officials after the 2014 decision refused registration to some communities, in my personal opinion." He added that "I did not work for the SCRA then, and neither did SCRA Chair Zayirbek Ergeshov".

Asked about religious communities which were refused registration and now want it, Niyazbayev replied: "If there are any such communities let them ask us and we will help them get registration."

One Protestant thought that the authorities' change of approach may be due to a combination of: a change in SCRA staff; and "that the authorities understand that Christian organisations are peaceful, and that they need at least to help us with the registration in the face of other problems like physical attacks and burial problems in villages. This is not good for the international image of Kyrgyzstan."

In January-February 2020 the United Nations Human Rights Council will hold its Universal Periodic Review (UPR) of Kyrgyzstan.

Shamil Dyushenbayev, of the Zhogorku Kenesh's (parliament) Social Affairs, Education, Science, Culture and Health Committee's staff, told Forum 18 on 3 July that Parliament "will in September begin considering changes to the Religion Law, and we will eliminate the requirement demanding approval of founders' names by local keneshes." The Committee oversees freedom of religion and belief issues.

"On 24 June our Committee met SCRA officials and representatives of religious communities," Dyushenbayev added, though he would not name the religious communities, "and decided that this needs to be eliminated in the light of the Constitutional Chamber decision."

"The authorities are playing a game"

Another Protestant, who also wished to remain unnamed for fear of state reprisals, commented that "registration does not mean that all of our problems were solved". They told Forum 18 on 24 June that "although there have been no attacks since February, and no new burial problems, as no-one from our community has recently died, there is no guarantee that attacks and burial problems will not reoccur in future."

A human rights defender, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 25 June that "the authorities are playing a game. They kill two birds with one stone, and show the international community that there is democracy. By giving registration they want to silence these communities, as many of them have been vocal critics of the authorities' policies in the past."

"There is an atmosphere of fear in the country," the human rights defender commented. "The fact that I am afraid to be publicly named, and that leaders of registered communities would not discuss registration and other problems relating to freedom of religion and belief, demonstrate this."

"The authorities have not yet taken serious steps to resolve the problems of burials and attacks on people exercising their freedom of religion and belief," the human rights defender said. "They did not imprison those who have attacked Protestants (http://www.forum18.org/archive.php?article_id=2349), Jehovah's Witnesses (http://www.forum18.org/archive.php?article_id=2155), and others or who have committed arson against their community buildings." (http://www.forum18.org/archive.php?article_id=2346)

The human rights defender also pointed to the investigation of the attack on Eldos Sattar uuly (http://www.forum18.org/archive.php?article_id=2346), a Protestant who was severely beaten up and left in need of immediate surgery. "Police dropped the criminal case (http://www.forum18.org/archive.php?article_id=2460). Eldos has had to leave the country after death threats by his attackers, and his relatives under pressure from the police and the attackers' families withdrew their complaints." (Also see below.)

The human rights defender pointed out that "the authorities have sufficient evidence of all these crimes and must imprison these attackers, but they will not. If they imprisoned people who commit such crimes this could seriously discourage others in future from committing such crimes."

In January 2018 the registered Baptist Church in the north-eastern town of Kaji-Sai was burnt down

(http://www.forum18.org/archive.php?article_id=2346). Baptists think this happened because nothing was done to punish the perpetrators of previous threats and attacks. Police claimed to be trying to solve the crime, but also investigated the victims.

"There have been no new attacks or threats against our members and no new threats that our Church building will be set on fire again," a Baptist from the Church told Forum 18 on 4 July 2019. "We can carry out our activities without any problems." They added that "of course, the relatives of Kyrgyz converts at times put them to shame for becoming Christians, but lately it has not gone further than that". Although the authorities had told the people responsible for the arson attack to pay financial compensation, "they still have not paid any compensation", the Baptist added.

"By not punishing the perpetrators, the authorities encourage attacks against non-Muslims," the human rights defender told Forum 18. "I think this is done to make people afraid to share or make public their beliefs, particularly in the regions. In this context giving registration does not guarantee that people can exercise their freedom of religion and belief."

A Protestant leader, who asked not to be named for fear of state reprisals, had separately come to the same conclusion as the human rights defender. "I think that the central authorities, by not punishing the perpetrators of violent physical attacks and of burial problems, by not punishing the local authorities for taking no effective action against the perpetrators, and by not taking serious steps to prevent such violations in future, send a message that they quietly agree with attacks and do not want people to exercise their freedom of religion and belief in the regions."

The human rights defender told Forum 18 that "the authorities must also be proactive in creating an atmosphere of good-will towards members of non-Muslim communities".

The Protestant leader also echoed the human rights defender. "The authorities must publicly in all kinds of media and social media condemn violent attacks against Christians and followers of other beliefs. They should have meetings with the public and the local authorities across the country to strongly affirm the equality of Muslims and all other religious communities and mutual respect, and about freedom of religion and belief for all."

"We do not have such divisions"

Niyazbayev of the SCRA claimed to Forum 18 that "we hold educative talks with the local population in the regions." Asked to give a concrete recent example he could not. "I need to think about that. I cannot say right now when we did this."

Asked about publicly condemning violent attacks in the media and social media and promoting freedom of religion and belief for all, Niyazbayev responded: "We can think about it." He then claimed that "we had in Bishkek a 'subbotnik' [volunteer neighbourhood rubbish clean-up on Saturday] with participation of various religious communities."

"We do not impede them from advertising themselves, all religions and religious communities are equal in Kyrgyzstan," Dyushenbayev of the staff of Parliament's Social Affairs, Education, Science, Culture and Health Committee replied when asked about taking proactive steps against violence and for freedom of religion and belief for all.

When Forum 18 pointed out the many known cases when both local individuals and the authorities have initiated and been complicit in violence, Dyushenbayev claimed: "You are deliberately dividing Kyrgyzstan into Muslim and non-Muslim people. We do not have such divisions. If you have any complaints against the state authorities, please write to us and we will investigate the cases."

Sattar uuly case

Akylbek Sydykov, Chair of Issyk-Kul Court, told Forum 18 on 4 July that Judge Toktogul Jumayev terminated the criminal case about the attack on Sattar uuly on 15 May "because the two sides came to an amicable solution between themselves. The Court can terminate prosecutions in such cases."

Court Chair Sydykov denied the evidence that Sattar uuly was attacked and left in need of surgery (http://www.forum18.org/archive.php?article_id=2430) because of his faith. "That is not true. The charges against the perpetrators were for hooliganism (http://www.forum18.org/archive.php?article_id=2430). It was not because of Sattar uuly's religion." Sydykov then claimed before ending the call: "This is not a phone conversation. Please come and visit us and we will talk."

Kanat Aydayeev, Issyk Kul Regional Police Chief, on 3 July told Forum 18 that "we finished our investigation and referred the case to Issyk-Kul District Court." Asked why the case was dismissed, he claimed: "We did our job and what the Court decides does not concern us." Asked why the Police or other authorities did not object to the Court's decision when much evidence exists of the attack against Sattar uuly, he replied: "Please talk to the Court."

A Protestant, who knows Sattar uuly and members of his church in Tamchi, and who asked not to be named for fear of state reprisals, told Forum 18 on 27 June: "There have been no new attacks on Christians or their families or friends in recent months."

In one of the attacks that continued on Christians and others into 2019 (http://www.forum18.org/archive.php?article_id=2460), 10 people violently attacked a Muslim friend of the family in Tamchi "because they are a good friend of Sattar uuly's family and refused to stop being friends with them".

Asked why there have been no further attacks, the Protestant commented: "The authorities did not punish the attackers of Eldos or the other attackers in the village. But the issue was widely discussed in social media and the attacks were widely condemned by society, including many who identified themselves as Muslims. Many said that the attackers should be seriously punished."

The Protestant added: "People are very active in social media and pay attention to what is being expressed there. This is what I think may have influenced the residents of Tamchi."

Zhanara Askar kyzy, Sattar uuly's defence lawyer, told Forum 18 that "the authorities dropped the criminal case against Eldos Sattar uuly's attackers using the excuse of Sattar uuly's absence. He fled the country because he received threats from his attackers during the police cross-questioning in Bishkek". She said that also Sattar uuly's relatives also wrote to the authorities that they have no complaints against Sattar uuly's attackers.

During a formal police questioning of witnesses to the case (http://www.forum18.org/archive.php?article_id=2460) – held in a police station in the capital Bishkek because of fears for Sattar uuly's safety - Sattar uuly and Askar kyzy were both verbally attacked by the attackers' lawyer and police investigator, Askar kyzy was physically violently attacked resulting in her needing two days' hospitalisation, and she was threatened again with criminal prosecution. Police also stopped Askar kyzy being taken to hospital by ambulance.

Sattar uuly's family were put under pressure by the attackers' families, (http://www.forum18.org/archive.php?article_id=2460) and during the formal police questioning the attackers' lawyer former police chief Bakyt Abirov also threatened Sattar uuly that "if any of the three attackers get arrested Sattar uuly and his family will be in real trouble with the villagers".

Asked what the SCRA does in cases of violent physical attacks, Niyazbayev claimed that "we demand that law-enforcement agencies investigate the cases and punish the violators." However, he could not say what the SCRA did in the Sattar uuly case. "I do not remember what exactly we did at the moment," he claimed.

Dyushenbayev of the staff of Parliament's Social Affairs, Education, Science, Culture and Health Committee, evaded the question of why the case was terminated and tried to blame the victim. "Why do not Sattar uuly or his relatives write to higher organs, to us the Parliament, to the Prime Minister?"

When Forum 18 outlined the details of the attacks and threats, Dyushenbayev replied: "Please send us the evidence you have and we will demand that law-enforcement agencies initiate criminal proceedings".

Subsequent calls to Dyushenbayev's phone were not answered. (END)

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

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

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/Archive.php?article_id=1351)

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