

Table of Contents

- ***Religious freedom survey, December 2009***
 - ***Legal status applications almost impossible***
 - ***Women & radicalisation***
 - ***"Don't meet for worship"***
 - ***Will restrictive provisions of new Religion Law be removed?***
 - ***Crackdown follows new Religion Law***
 - ***Kyrgyz high court upholds convictions for religious extremism***
 - ***Putting the repressive religion law in context***
 - ***Kyrgyzstan enacts law restricting religious activities***
 - ***US says Kyrgyz law would restrict religious freedom***
 - ***Helsinki Commission expresses concern over religion law in Kyrgyzstan***
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Religious freedom survey, December 2009

By Mushfig Bayram and John Kinahan

Forum 18 (17.12.2009) / HRWF (18.12.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Ahead of the UN Human Rights Council May 2010 Universal Periodic Review of Kyrgyzstan, Forum 18 News Service has found that the country continues to violate its commitments to implement freedom of religion or belief for all. State limitations on this fundamental freedom and other human rights have increased – in both law and practice - since President Kurmanbek Bakiev took power in 2005. A harsh new Religion Law was adopted despite international protests in 2009. This has been followed by continuing repressive state actions. A similarly harsh new Law on Religious Education and Educational Institutions is also being drafted.

Kyrgyzstan is geographically the fourth largest of the five Central Asia countries, and also has the fourth largest population with over 5 and a half million people. Almost 70 per cent of the population are ethnic Kyrgyz (regarded as being of Muslim background), the next largest group being the over 10 per cent who are ethnic Uzbeks (often seen as the most devout Muslims). The rest of the population are ethnic Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background) and other ethnicities such as Dungans and Uighurs.

Decline in freedom of religion or belief since 2005

When President Bakiev took power both registered and unregistered religious communities were able to function freely, despite a 1996 Presidential Decree by then President Askar Akaev requiring religious communities to register. Believers of all confessions stated that they were able to manifest their religion or belief freely, problems that occurred from time to time – for example pressure against schoolgirls wearing hijabs - being ascribed to the attitudes of local officials. The exceptions to this were the Falun Gong movement, banned under Chinese pressure in February 2005, and social pressure

- including violent attacks - against non-Muslims manifesting their beliefs in southern Kyrgyzstan.

However, in January 2009 a highly restrictive new Religion Law came into force, amid strong international criticism. It broke the Constitution's guarantee that "No laws restricting freedom of speech and freedom of the press may be adopted," as well as breaking the guarantee of freedom of "thought, speech and press, as well as to unimpeded expression of those thoughts and beliefs" in Article 14 paragraph 6 of the Constitution. Some of the Religion Law's restrictions - for example the wide-ranging bans on "proselytism" and the distribution of religious literature - restrict both freedom of speech and freedom of the press. A legal challenge in the Constitutional Court was dismissed on 24 July by Judge Chinara Musabekova with the claim that the "concrete constitutional rights of the applicants have not been violated."

Many features of the Law replicate parts of a proposed Presidential Decree, with attached Regulations, which was withdrawn in early 2008. For some years, the previous 1991 Religion Law and Decree had been under threat of further restrictions from officials, although they were reluctant to say why. For example Kanat Murzakhalilov, Deputy Head of the then State Agency for Religious Affairs (SARA), characterised then existing legislation as "too liberal," adding that it did not "meet the requirements of reality." On 5 November 2008, as the current Law was going through parliament, he told Forum 18 that "we are not toughening the law but are bringing some orderliness to the relations between the state and religious organisations, which is missing in the current law." Denial of the reality of the law has been a standard feature of officials' responses to questions and criticism.

On 26 October 2009, President Bakiev decreed that the SARA was transferred from being under the authority of the government to being directly under the President and renamed the State Commission for Religious Affairs (SCRA). The President also confirmed Kanybek Osmonaliev as head of the SCRA.

Lack of openness

Excessive secrecy surrounded the preparation of both the withdrawn 2008 Decree and the preparation and passage of the 2009 Religion Law. Religious communities frequently complained about the secrecy surrounding the various proposed texts, and the absence of meaningful public consultation. They complained that some were not invited to roundtables, and that criticisms of the proposed Law were ignored. This lack of openness extended to international observers. Deputy Zainiddin Kurmanov, Chair of the parliamentary Committee on Constitutional Law, State Structure, Legality and Human Rights, denied to a European Parliament delegation - contrary to statements of Kyrgyz religious communities and human rights defenders - that the full text had not been available. He also wrongly claimed that the proposed law's restrictions - such as a requirement for 200 people to register communities - would be changed before the Law passed through parliament. Indeed, Kurmanov himself went on to vote for this provision in the Law's final parliamentary reading, in which the Law was passed unanimously.

Echoing the views of many, a Hare Krishna devotee told Forum 18 that it was "pointless" to write to the President to call for the new Law to be amended or abolished. "It would be stupid - the government machine has simply imposed this." The numerous unclear formulations in the Law give great scope for officials to take arbitrary and severe action against organisations they dislike. This, along with the persistent lack of transparency in the drafting and legislative process, suggests that Kyrgyzstan is both uninterested in and distrustful of the views and fundamental freedoms of its citizens, and may be highly committed to the restrictions it has imposed.

This official hostility to freedom of religion or belief causes great frustration among religious believers. As a Baha'i put it to Forum 18 in March 2008: "Our country has so many urgent problems - poverty, the lack of medicine, AIDS, crime, corruption. Why don't officials work on these instead of making life harder for religious believers?"

Registration – a means to ban religious communities?

The 2009 Law requires all religious communities to re-register with the then SARA (now replaced by the SCRA) by 1 January 2010; bars communities not registered by the SCRA and the Justice Ministry from receiving legal status, for which a SCRA certificate is necessary; and bars those with fewer than 200 members from registering with the SCRA. All the 200 must be adult Kyrgyz citizens. Even assuming that a community has 200 members willing to act as founders – which many do not – the 200 are to supply their full name, full date of birth, home address, place of work and job title and passport number. The application also needs to include information about the organisation's religious faith, form of rites, history in Kyrgyzstan, attitude to marriage and the family, attitude to education, and attitude to military service. Finally, the application needs written permission from the local authorities for use of premises where it meets.

Unlike in other countries of the region, Kyrgyzstan's new Religion Law does not specifically demand re-registration for all religious communities. However, Article 30 point 3 of the new Law points out that "charters and other founding documents of religious organisations and missions are effective only in that part, which is not in contradiction to this Law." Article 9 point 3 declares that "there shall be no norms in the charter of a religious organisation or mission contravening Kyrgyzstan's Constitution or Law." Officials commented to one religious community during the Law's passage that it was hoped that this de facto re-registration demand would not be noticed.

Kanybek Osmonaliev, Head of the SCRA, claimed to Forum 18 in October 2009 that – despite the Law's requirements - existing religious communities would not need to re-register as the Law was, he claimed, not retroactive. However, he would not reply when asked how this claim matches the Law's requirement that Charters of existing recognised religious communities must be "re-aligned".

Head of the SCRA Osmonaliev and his Deputy Kanatbek Murzakhhalilov have given Forum 18 contradictory information on whether religious communities registered under the old Religion Law will need to re-register. Despite Osmonaliev's October claim that there will be no re-registration, Murzakhhalilov, giving his opinion of the Religion Law, told Forum 18 in November that religious communities which need to make changes to their charters in order to bring them into harmony with the Law will need to be re-registered. Murzakhhalilov did not say whether all the registered communities will need to re-register.

Zainiddin Kurmanov, a Parliamentary Deputy who was one of the initiators of the new Religion Law, told Forum 18 on 13 November that religious communities whose charters are not in accordance with the Law "must necessarily" amend their charters, which, in its turn, "definitely" entails re-registration.

Forum 18 notes that Article 12 Part 1 of the Law on State Registration of Legal Persons and Branches (Representations), which came into force on 1 April 2009, specifies that religious organisations are among those that require re-registration if their statute is amended.

The 2009 Law also imposes unclear reasons why activity can be banned, registration may be refused or the activity of an organisation suspended. These include organisations engaging in activity which are thought to be "religious fanaticism and extremism, actions directed to opposition and aggravation of relations, rousing of religious hatred between different religious organisations"; engaging in "coercion to family fragmentation leading

to family disruption"; "endangering state security"; encouraging "persecution"; and "refusal to provide medical support to persons whose life or health are in danger." The unclear formulations and reasons given break Kyrgyzstan's international human rights commitments; under the International Covenant on Civil and Political Rights (ICCPR) for example, "national security" is not a permissible reason to limit freedom of religion or belief.

Religious organisations must also provide financial information to: the State Agency for Statistics; tax authorities; the SCRA and its territorial divisions; and the Public Prosecutor's Office. If this is not completely complied with in the view of the officials concerned, the SCRA or its territorial divisions can seek a court order to close down the religious organisation.

Even when the registration requirements are clear and communities want to register, the conditions are often unreasonable and break international human rights standards. As a Baha'i observed to Forum 18: "How can we gather 200 people to sign official papers for the [then] SARA, and then get them to go to local keneshes [local authorities] with their passports to be identified? People are usually reserved about signing official papers." One Protestant church in the north-west told Forum 18 that they had been unsuccessfully trying for two years to register. As they complained, "How can we collect 200 signatures if we are not allowed to function normally?" Similarly, the capital's Hare Krishna community stated that "under this new Law, we won't have the right to function at all as we don't have the necessary 200 members. We're not alone – all small religious communities will have to go underground."

Asked by Forum 18 in August 2009 about what would happen to religious communities which have fewer than 200 members, and so cannot be registered, Kumar Dushenbayev of the then SARA (now replaced by the SCRA) replied: "Why should religious communities such as the Presbyterians try to open a branch in every corner of the country? Why can't they come together in one place, where they would not have a problem gathering 200 people?" When Forum 18 repeated the question, he said that "we will not fight with them. There is a Law, and we will deal with them accordingly."

Ban on sharing beliefs, restrictions on religious literature

The 2009 Law, like the withdrawn 2008 Decree, states that all "actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other illegal missionary work, are prohibited". Typically, the Law does not define what constitutes "illegal missionary work". As the joint Council of Europe Venice Commission / Organisation for Security and Co-operation in Europe (OSCE) Advisory Council on Freedom of Religion or Belief legal review – made public in October 2008 – noted, "numerous provisions of the Draft Law inappropriately restrict freedom of expression and rights to disseminate religious and other materials".

The 2009 Law requires state examination of all imported religious materials, as well as those distributed or placed in a library. It also targets distribution, banning all distribution of religious literature, print, audio-video religious materials in public places, on the streets, parks, and distribution to homes, children's institutions, schools and higher education institutions. Such distribution is permitted only within the confines of a religious organisation's legally owned property, or in places allocated by local authorities for this purpose.

Religious education and religious activity of minors

Echoing provisions of the withdrawn 2008 Decree, the 2009 Religion Law requires all religious educational establishments – universities, institutes, madrassas, seminaries, Sunday schools and orphanages – to gain official registration. These establishments can

only be founded by registered organisations, and must - among numerous other requirements - have local authority permission to exist. All children are also banned from being active in religious organisations, and no religious organisations are permitted in any educational institute - apart from in religious education institutions. This prevents even secondary school and university students from organising religious groups in their place of education.

Since the Religion Law was enacted, the SARA and its successor the SCRA have been drafting a new Law on Religious Education and Educational Institutions which, if adopted in its current form, would impose further restrictions on the activities of religious organisations and educational institutions. The draft seen by Forum 18 in autumn 2009 would impose sweeping controls on who could open religious educational institutions, would ban all but approved and licensed institutions, limit the numbers of students in such institutions and ban individuals from seeking religious education abroad without state approval. Explaining in August 2009 what he sees as the need for such a Religious Education Law, then SARA (now replaced by the SCRA) head Kanybek Osmonaliev complained that "too many Islamic religious educational institutions with no licence exist".

State officials have continued the lack of openness seen in the Religion Law's passage in their approach to the draft Religious Education Law. Some religious communities were not invited to an October roundtable to discuss the draft Law. Indeed, officials claimed to have invited some named religious communities to a roundtable discussion, but the same religious communities told Forum 18 they were unaware of any invitation. At a 29 October conference Kanatbek Murzakhalilov, Deputy Head of the SCRA, gave religious communities just one week to submit comments. Murzakhalilov refused in November to tell Forum 18 why the SCRA was refusing to allow the publication of the Legal Opinion on the draft by the OSCE requested by the SCRA (the Opinion was later published). Several directors of medreses (Muslim secondary schools) across Kyrgyzstan were afraid to comment to Forum 18 on the draft Law, for fear of reprisals from the authorities.

The joint Council of Europe Venice Commission / OSCE Advisory Council on Freedom of Religion or Belief Legal Opinion found that the draft Law imposes "undue constraints on religious activity in the country" and that "a number of the provisions are inconsistent with OSCE commitments and general international human rights standards". Murzakhalilov of the SCRA told Forum 18 in December that some changes, which he would not specify, would be made to the draft Law after the Legal Opinion.

SCRA officials told Forum 18 in November 2009 that the Law would go to Parliament within two months. In December, Murzakhalilov of the SCRA told Forum 18 that the Law "will go to Parliament in six months to a year." He also claimed that a new draft of the Law would be published on the SCRA official website at the end of February 2010.

Hostility to other international contacts

The 2009 Religion Law is hostile to religious communities with foreign contacts. 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. It can be refused registration if it poses "a threat to the state and social security, the interethnic and ecumenical concord, health and morality of the population, or in other cases anticipated by legislation". Similarly, foreign religious workers must register with the State Agency before they can engage in religious activities. This can be denied "if this may endanger public safety, social order, interethnic and ecumenical consensus, social health and morality." The authorities have, in several cases known to Forum 18, compelled foreign missionaries to leave the country or have denied them permission to extend visas.

Use of property restricted, non-Muslim burials made exceptionally difficult

The 2009 Law states that organisations can "own only buildings, constructions, ceremonial objects, objects of production, social, and charity functions, monetary funds, and other property necessary for provision of their activities." However, the Law does not define what is meant by "necessary" or who decides on necessity. Religious events outside a community's own premises can, in the 2009 Law, "be performed in the procedure stipulated by the legislation of Kyrgyz Republic." However, no such procedure is specified in the Religion Law.

In a small but crucial sentence – which will make it impossible for many non-Muslims to be buried according to their own wishes – the Law states that "Recognition of regulations of use of confessional cemeteries and regulations of cemetery exactions shall be governed by regulations of local municipalities." Local authorities have routinely denied non-Muslims the possibility to be buried in a non-Muslim way, which has caused deep distress to the family and friends of the dead and their communities. Attempts to discuss the issue – including a meeting at the then SARA - have not led to a solution. Asan Saipov of the Muftiate told Forum 18 in July 2008 that they had decided "not to allow the burial of non-Muslims in Muslim cemeteries" - even though these are run by local authorities and are usually the only local cemeteries. Discussing one example of the distress caused by this, Saipov insisted that villagers – backed by the authorities - made the right decision in May 2008 in stopping the family of a deceased 14 year old Baptist from burying him with Christian rites.

Hostility to international human rights standards, no Religion Law changes

The 2009 Religion Law claims that: "If there exist other conditions defined within international agreements signed by the Kyrgyz Republic, different from those stated in the legislation of the Kyrgyz Republic related to freedom of religion and religious organisations, then the conditions of the international agreements shall prevail." However, so many provisions of the Law contravene international human rights standards – as the Law's drafters were well aware, not least following the joint Council of Europe Venice Commission / OSCE legal review - that it is difficult to accept that this claim is meant to have any force.

Since the Law came into force in January 2009, Kanatbek Murzakhalilov, Deputy Head of the then SARA, told Forum 18 in May 2009 that a high-level Commission had been set up to resolve these issues in the new Law before regulations to implement the Law were prepared. The three issues identified were: the ban on sharing beliefs, severe restrictions on distributing religious literature, and the 200 founder threshold required before religious communities can register and thus function legally. All three issues were identified in the Venice Commission / OSCE legal review. Murzakhalilov of the then SARA avoided stating whether there would be any substantive changes. No comment was made on whether other parts of the Law which break international human rights standards would also be examined. No changes had been made by the end of 2009.

State actions since Religion Law came into force

Almost no religious communities have been registered by the SCRA since the Religion Law's adoption in January 2009, despite the Law's registration deadline of 1 January 2010. Dushenbaev of the SCRA told Forum 18 in October that "we have not been registering new communities, because the Regulations to apply the law have not been signed into force." SCRA officials told Forum 18 in November that "the Regulations [to implement the Religion Law] have been prepared but not signed into force." Officials claim to have made the text of the Regulations available for public discussion, although no-one who Forum 18 has spoken to – apart from officials – has seen the text.

However, Kubat Imarov, Assistant to Rahmatulla Egemberdiyev, Deputy Head of Kyrgyzstan's State-backed Muslim Board, told Forum 18 on 13 November that two new mosques - Ismet-Kagyr and Agturpak - in Batken region's Kadamjay district were registered by the SCRA two days earlier. He could not explain to Forum 18 how it was possible to register the mosques while non-Muslim communities have been told to wait until after the Regulations were enacted. Asked if the mosques had collected 200 signatures, he claimed: "This rule applies only to medreses not mosques."

Lack of registration potentially has serious consequences. The Law's Article 8 bans all unregistered activity and subjects it to prosecution. Asked what will happen to religious communities which are unable or do not want to register or re-register, Kumar Dushenbaev, the SCRA official in charge of registering religious communities, told Forum 18 in October that "we will deal with them in accordance with the Law of Kyrgyzstan." He would not specify what actions the state authorities would take.

Even if religious communities could now submit applications, groups without registration face much tougher conditions which few can meet. For instance, Jehovah's Witnesses and many Protestant churches complained to Forum 18 that they cannot gather the 200 adult citizen founding members now required before each congregation can apply for registration.

Despite the fact that the Regulations to implement the Law are not yet in place, officials of the Prosecutor's Office, Police, NSS secret police, local Executive Authorities and the SCRA have visited many non-Muslim religious communities across the country. Jehovah's Witnesses in Maili-Suu faced raids and summonses in April 2009. "The Police told our members that in the light of the new Law they have no rights to distribute or to keep any religious literature at their homes," their lawyer Mikhail Kokhanovsky told Forum 18. Police told Forum 18 they had to confiscate the literature to check if it is "legally permitted". In some regions branches of Protestant Churches, which were officially registered in Bishkek, were ordered by the local authorities in March-April 2009 to stop their worship meetings saying their "registration in Bishkek does not cover their activity" outside Bishkek. Some communities have been ordered to bring their charters into line with the new Law – which would force them to re-register.

SCRA officials have contradicted themselves on whether or not existing registered communities need to be re-registered. Religious communities have often faced difficulty in recent years in gaining state registration, with many complaining that none of their new communities have been registered in this time. Bishkek's Hare Krishna community – which has been told a "secret instruction" bans it from registering – fears it will never be able to gain legal status. Officials of the then SARA told some communities in 2009 that no further registrations could take place until regulations implementing the new Law are promulgated. Religious organisations which are not communities also face problems registering. An example of this is the Bible Society, which is facing demands that it must register as a religious organisation. The Religion Law requires all religious organisations to have no fewer than 200 members, yet as Valentina An, Chair of the Bible Society, explained to Forum 18 "we have only 3 employees."

Some religious communities are facing problems in registering as they cannot get a certificate from the State Agency for Architecture and Buildings. In some cases religious communities are told that, on the instructions of the SCRA, their building must be 1,000 metres away from any school building, and 10,000 metres away from any mosque. In another case, an organisation was asked to build an electricity substation to obtain a certificate. Officials have evaded answering Forum 18's questions about these problems.

In protest at the extra-legal bureaucratic obstructions and the Law's unreasonable requirements – including that all religious organisations must in defiance of international human rights standards be registered – many Protestant churches have decided to

protest against the Law by refusing to register. As Aleksandr Shumilin of the Baptist Union told Forum 18 on 4 November: "Why should we agree with the new Law, which does not allow us to freely share the good news?" he asked. "Second of all to register our many un-registered congregations we need to give the names and personal data of 200 members as founders, which we will not do."

Impact on charitable work

The bans on sharing beliefs and the Religion Law's statement that "charitable activities shall not facilitate dissemination of doctrine or religious beliefs" may have a negative impact on charitable work, even if a religious community has no intention of using this to attract followers. Brother Damian Wojciechowski of the Catholic parish of Blessed Mother Teresa in Jalalabad in southern Kyrgyzstan told Forum 18 in May 2009 he is not sure how the new Law will work, but the ban on sharing of faith "may effectively stop our charity work". Asked what would happen if an individual from one faith who received help decided to accept the helper's faith, Shailibek Orkunbaev, Secretary of the then SARA (now replaced by the SCRA), told Forum 18: "All that will be made clear in the regulations to come. The Justice Ministry is at the moment working on the regulations." He added that the "courts would ultimately decide" whether or not an individual had been forced to convert to a religion.

Future state plans

In August 2009, Kyrgyzstan established a state Coordinating Council on the Struggle against Religious Extremism. The execution of Council decisions will be obligatory for the different parts of the government, but officials were unclear when asked by Forum 18 what they mean by religious extremism and what the Council will do. It is led by the SCRA, the Interior Ministry and the NSS secret police, and will have members from other parts of the government, the Muslim Board, and the Russian Orthodox Church.

Civil society and religious organisations reacted with concern, Raya Kadyrova of the Foundation for Tolerance International pointing out that "unfortunately our laws give a very wide definition of religious radicalism and extremism." She suggested that the Collective Security Treaty Organisation might be a reason for the Council. The Jehovah's Witnesses noted that some officials have previously described them as "a destructive movement," but "hoped" the Council would not listen to such opinions. One Protestant asked why there was a need for the Council, given the other responsible state organisations. The Hare Krishna community observed that they did not know what the position of the Council on their community would be, although "the NSS secret police has told us that we are a totalitarian sect, and are in a list with the banned terrorist organisations."

In October 2009 the government made public a draft Strategy on State Policy in the Religious Sphere from 2009 to 2015, aimed at tackling "external and internal threats connected with religion, and the rise of radical religious movements and inter-confessional contradictions in Kyrgyzstan" and amplifying the National Security Concept approved by the President in February 2009. It said that "religious organisations and objects of religious significance (mosques, medreses, churches, houses of prayer, and religious educational organisations)" could encourage the growth in members of "banned politicised religious-extremist parties". The Strategy gave a timetable of measures, including the Regulations to enact the Religion Law, the Religious Education Law, as well as a new Law on Traditional Religions.

The Strategy also stated that a new analysis centre is to be created in the SCRA and a list of banned religious organisations is to be prepared. Local religious affairs committees are to be introduced at the village level. Foreign missionaries will be monitored annually by the NSS secret police and other agencies and missionaries preaching "destructive

faiths" will be stopped. An inter-agency commission will be created to monitor religious education establishments' staff, curricula and buildings. Imams and teachers in Muslim educational establishments will undergo attestation each year by the SCRA, local administrations and the Muslim Board.

Repression boosts extremism

However, a Kyrgyz NGO, the Foundation for Tolerance International (FTI), has found that Kyrgyz citizens think such state measures encourage the growth of extremism. Participants – from both the state and civil society - in a series of workshops run across Kyrgyzstan in 2009 have stated that repressing freedom of religion or belief and other fundamental freedoms boosts the credibility of radical extremist groups as an alternative to the present government. The authorities' actions are thought by ordinary Kyrgyz to be motivated by a wish to stay in power against the people's will, and are said to allege threats to justify restrictions and even to obtain funding from foreign donors.

Fears that the authorities are motivated by a wish to stay in power against the people's will were reinforced by the disputed July 2009 presidential election, which the OSCE noted had "instances of obstruction of opposition campaign events as well as pressure and intimidation of opposition supporters." Election day itself was "marred by many problems and irregularities, including ballot box stuffing, inaccuracies in the voter lists, and multiple voting".

Need to implement existing human rights commitments

Kyrgyzstan shows little sign of being willing to implement its UN or other human rights commitments in practice, and shows little sign of understanding that genuine security depends on genuine respect for human rights. Rather, the evidence of its actions against Kyrgyz religious believers and communities indicates that it has little intention of implementing its commitments to respect freedom of religion or belief, or other fundamental freedoms.

Legal status applications almost impossible

By Mushfig Bayram,

Forum 18 (13.11.2009) / HRWF (13.11.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Although unregistered religious activity is now banned under the restrictive new Religion Law which came into force in January 2009, religious communities still cannot gain legal status, Forum 18 News Service has learnt. The State Commission for Religious Affairs (SCRA) says that religious communities must wait until the Regulations to apply the New Law are in place. SCRA officials told Forum 18 that "the Regulations have been prepared but not signed into force." Meanwhile, SCRA officials have given Forum 18 contradictory information on whether or not existing officially registered communities will need to be re-registered.

Although the officials said that the text of the Regulations enacting the Law has been made available in gov.kg, Kyrgyzstan's state web portal, for public discussions for "more than a month," Forum 18 could not find the text of the Regulations in the web portal. SCRA officials failed to respond to Forum 18's request to receive the text of the Regulations.

Despite widespread protests by religious communities and human rights defenders, the controversial new Religion Law came into force on its official publication on 16 January. Officials have claimed that some provisions will be amended, but this has not happened.

For several years before the new Law was adopted, registration applications were rejected as officials insisted communities wait for the new Law. Religious communities have also complained that the authorities are using extra-legal property Regulations as an excuse to avoid registering them.

A group of local Protestant churches have made a joint decision not to apply for re-registration even if they are required to do so, several Protestant leaders told Forum 18 in early November.

What will happen if communities won't register or re-register?

Lack of registration now potentially has serious consequences. The Law's Article 8 bans all unregistered activity and subjects it to prosecution.

Communities of Protestant Christians, Hare Krishna devotees and Ahmadiya Muslims have all been ordered by the authorities to stop meeting for worship.

Asked what will happen to religious communities which are unable or do not want to register or re-register, Kumar Dushenbaev, the SCRA official in charge of registering religious communities, told Forum 18 on 28 October from Bishkek: "We will deal with them in accordance with the Law of Kyrgyzstan." He would not specify what actions the state authorities would take.

Almost no religious organisations registered since Law's adoption

Dushenbaev of the SCRA told Forum 18 that as of late October no new religious communities had been registered since the adoption of the new Religion Law. "We have not been registering new communities, because the Regulations to apply the law have not been signed into force," he explained.

Even if religious communities could now submit applications, groups without registration face much tougher conditions which few can meet. For instance, Jehovah's Witnesses and many Protestant churches complained to Forum 18 that they cannot gather the 200 adult citizen founding members now required before each congregation can apply for registration.

Hare Krishna devotees had told Forum 18 earlier in August that they are not even intending to "bother the authorities on anything soon in the near future" since they were "summoned and pressured" by the National Security Service (NSS) secret police when they applied for registration in earlier years.

However, Kubat Imarov, Assistant to Rahmatulla Egemberdiyev, Deputy Head of Kyrgyzstan's State-backed Muslim Board, told Forum 18 on 13 November that two new mosques - Ismet-Kagyr and Agturpak - in Batken region's Kadamjay district were registered by the SCRA two days earlier. He could not explain to Forum 18 how it was possible to register the mosques while non-Muslim communities have been told to wait until after the Regulations were enacted. Asked if the mosques had collected 200 signatures, he claimed: "This rule applies only to medreses not mosques."

Is re-registration necessary?

Unlike in other countries of the region, Kyrgyzstan's new Religion Law does not specifically demand re-registration for all religious communities. However, Article 30 point 3 of the new Law points out that "charters and other founding documents of religious organisations and missions are effective only in that part, which is not in contradiction to this Law." Article 9 point 3 declares that "there shall be no norms in the

charter of a religious organisation or mission contravening Kyrgyzstan's Constitution or Law." Officials had apparently hoped that this de facto re-registration demand would not be noticed.

Kanybek Osmonaliev, Head of the SCRA, and his Deputy Kanatbek Murzakhhalilov have given Forum 18 contradictory information on whether religious communities registered under the old Religion Law will need to re-register. In late October Osmonaliev assured Forum 18 that "there will be no re-registration since the law is not retroactive".

However Murzakhhalilov, giving his opinion of the Religion Law, told Forum 18 that religious communities which need to make changes to their charters in order to bring them into harmony with the Law will need to be re-registered. Murzakhhalilov did not say whether all the registered communities will need to re-register.

Zainiddin Kurmanov, a Parliamentary Deputy who was one of the initiators of the new Religion Law, told Forum 18 on 13 November that religious communities whose charters are not in accordance with the Law "must necessarily" amend their charters, which, in its turn, "definitely" entails re-registration.

Forum 18 notes that Article 12 Part 1 of the Law on State Registration of Legal Persons and Branches (Representations), which came into force on 1 April 2009, specifies that religious organisations are among those that require re-registration if their statute is amended.

The authorities have in the past required registered religious communities to make changes to their charters to bring them in harmony with the Religion Law. This in turn, in the opinion of many religious communities, will require re-registering the amended charters.

Commenting on the contradictory remarks from SCRA officials on whether or not re-registration will be necessary, Father Igor Dronov of the Russian Orthodox Church in Bishkek told Forum 18 on 11 November: "I tend to believe Osmonaliev since he is the Head of the State Commission." He added that he believed that the Orthodox will not need to re-register as the law is not retroactive.

His view was echoed by Imarov of the Muslim Board, who told Forum 18 that already registered mosques will not need re-registration.

Jehovah's Witnesses lawyer Mikhail Kokhanovsky told Forum 18 from Bishkek that his organisation will not need to re-register since "their charter is in harmony with the New Law".

One Protestant leader from Bishkek, who asked not to be identified, explained to Forum 18 that "in fact all the communities will need to re-register since they will all need to make changes to their charters." He gave the example that under the old Law 10 founding members were needed but the new Law requires having 200 founding members.

Murzakhhalilov said that there will be no deadline for re-registration process. "It will not be a hassle though, we will re-register them no problem," he claimed.

Decision to protest by not registering

Aleksandr Shumilin of the Baptist Union told Forum 18 on 4 November that "all the evangelical churches [of Kyrgyzstan] have made a unanimous decision not to apply for re-registration or register their new congregations."

"First of all the Bible tells us to share the good news with all people," Shumilin said giving the reasons for the decision. "Why should we agree with the new Law, which does not allow us to freely share the good news?" he asked. "Second of all to register our many un-registered congregations we need to give the names and personal data of 200 members as founders, which we will not do."

Several Protestant leaders, including Bishop Alfred Eicholz of the Lutheran Church, confirmed the joint decision to Forum 18.

A Protestant leader from Bishkek told Forum 18 that the agreement between the group of Protestant churches was "achieved orally but if it is necessary all the churches will sign a written paper" of refusal to register or re-register.

"If the requirements of the New Law were feasible we should have no problems re-registering," Bishop Eicholz told Forum 18. "But for instance notarising 200 signatures of church members and giving their personal data to the State Commission is not feasible."

Have Regulations enacting Law been published?

Murzakhalilov, Deputy Head of the SCRA said that based on the new Law on By-Laws adopted in August, any Regulations to apply new Laws must be publicly discussed for a month before being signed. "So we prepared the Regulations to the new Religion Law and they were published in the state web portal for public comments," he told Forum 18 on 11 November from Bishkek.

Asked if he could provide Forum 18 with the link to the text of the Regulations in the web portal or the text itself, Murzakhalilov responded: "It is there in the portal. I don't understand how you cannot find it while everybody else can easily do so." Despite a repeated request to the SCRA, Forum 18 has received no response.

Father Dronov of the Russian Orthodox Church, Bishop Eicholz of the Lutheran Church, and several other Protestant Church leaders have told Forum 18 that they have not seen the Regulations published nor have they received the text of the Regulations to make comments.

Bishop Eicholz told Forum 18 that he believes the Regulations are not even ready. "Although we have tried but have not been able to obtain the text of the Regulations from the State Commission so far," he told Forum 18 on 12 November.

"The State Commission promised to publish the Regulations but until recently they had not done so," Father Dronov told Forum 18.

"We have not seen those Regulations," the leader of a Protestant Church in Bishkek, who wished to remain unnamed for fear of reprisals from the authorities, told Forum 18 on 11 November. "Even if they were published somewhere, it would be a formal step of the State Commission. Our voices will not be heard anyway."

Told that many religious communities were not aware of the publication, Sharsheke Usenov, Head of the Legal Support Department of the SCRA, told Forum 18 on 11 November: "We have announced about it in the media and at press conferences." Asked if he could even say when this was announced, he said, "I don't remember now."

This lack of openness mirrors a similar official attitude over the controversial proposed new Religious Education Law. Only some religious communities have been invited to discuss the draft text and religious communities were only given one week to submit comments. The SCRA has so far refused to allow the legal review it requested from the Organisation for Security and Co-operation in Europe (OSCE) to be published.

When will Regulations be signed?

None of the several SCRA officials Forum 18 talked to could say when the Regulations will be signed. "The State Commission itself is going through structural changes so I cannot tell you when it will happen," Murzakhalilov explained.

However, Usenov said that the signing should take place soon. "I can't say how soon it will happen though," he told Forum 18. "The religious communities have had more than a month to respond, and it cannot be put on the back burner for long."

Women & radicalisation

ICG (03.09.2009) / HRWF (25.09.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Kyrgyzstan's increasingly authoritarian government is adopting a counter-productive approach to the country's growing radicalisation. Instead of tackling the root causes of a phenomenon that has seen increasing numbers, including many women, joining groups such as Hizb ut-Tahrir (HT), it is resorting to heavy-handed police methods that risk pushing yet more Kyrgyz towards radicalism. The authorities view HT, which describes itself as a revolutionary party that aims to restore by peaceful means the caliphate that once ruled the Muslim world, as a major security threat. But for some men and ever more women, it offers a sense of identity and belonging, solutions to the day-to-day failings of the society they live in, and an alternative to what they widely view as the Western-style social model that prevails in Kyrgyzstan. Without a major effort to tackle endemic corruption and economic failure, radical ranks are likely to swell, while repression may push at least some HT members into violence. This report focuses primarily on the increasingly important role that women are playing in the movement.

HT is banned in Kyrgyzstan and operates clandestinely. There are no accurate membership figures. It may have up to 8,000 members, perhaps 800 to 2,000 of them women. To join, individuals participate in formalised training, take examinations, an oath of loyalty and pledge to recruit others. But while HT's membership is still small, support for it in the wider population is growing.

In post-Soviet Kyrgyzstan, where many have responded to 70 years of atheism by embracing religion, HT's uncompromising Islamic message has gained considerable acceptance. Women, especially those living in rural or conservative areas where traditional gender norms prevail, turn to HT to find meaning in their restricted social roles. The party's activists regard the growth in those who count as sympathisers if not actual members as a critical component of a long-term strategy – a currently quiescent element of society that would be ready accept a caliphate once it begins to take form.

There are limits to HT's expansion. In other countries, HT has sought to function as an elite organisation, not a mass movement based in the poorer sectors of the society, and there is no clear sign that the Kyrgyz party has as yet been able to substantially expand its appeal to the educated, middle class, either male or female. The degree to which it has spread from its original, predominantly Uzbek, base in the south into the majority ethnic Kyrgyz community in the north is unclear. And HT's restrictive view of women's roles in an avowedly revolutionary party could well limit its growth among female sympathisers who may be deeply critical of the regime but unwilling to abandon the freedoms they enjoy in a secular society.

The government hardened its position on Islamist groups following an October 2008 protest in Nookat, prosecuting and imprisoning a number of HT members, including two women. Officials justify their response to the incident by saying that HT had become too

militant in its challenge to the state and had to be taught a lesson. They insist that energetic police action is coupled with political dialogue with believers. In fact, however, security methods prevail. Civilian elements of the government tasked with reaching out to the religious community take at best a distant, secondary part. They are either too inefficient and uncoordinated, or simply reluctant to do anything that impinges on the responsibilities of the powerful security establishment.

A policy based on repression will play into HT's hands and may even accelerate its recruitment. HT has a sophisticated political organisation that resembles that of the Muslim Brotherhood in Egypt and even, to a degree, successful communist undergrounds. It thrives on the perception of social injustice, economic collapse and repression. It views prison as the ultimate test of party resolve and will regard a crackdown as an opportunity to provide new martyrs and draw new recruits. Women, whether presently members themselves or not but whose husbands are arrested, may feel compelled to assume a more public role in petitioning authorities.

Despite the prominent role they played in the Nookat protest, the government has not implemented policies aimed specifically at discouraging women from joining HT. Kyrgyzstan's progressive legislation on gender equality and its quotas for women representatives in government have little impact on the lives of those most likely to join HT. Religious women in particular feel that women in government do not represent their views, because most are proponents of secularism. Non-governmental organisations (NGOs) are not reaching out to such women. They suffer from a lack of credibility with religious women and feel compelled to concentrate on projects they can secure funding for from donors rather than grassroot initiatives such as helping mothers by providing after-school programs for young children – something HT does for its women members.

The only effective long-term strategy is political. For this, however, Kyrgyzstan – and its neighbours in Central Asia, all of whom face similar problems – needs to take serious steps to eradicate systemic corruption and improve living conditions. Economic crisis and rigged elections strengthen HT's appeal to those who feel socially and politically dispossessed and buttress its argument that Western democracy and capitalism are morally and practically flawed. All states in the region need also to differentiate between a political struggle against HT and the desire of large segments of their societies to demonstrate renewed religious faith by adopting some traditional attributes of Islam – beards in the case of men, for example, and headscarves for women. As Central Asia becomes a major supply route for NATO's expanded war in Afghanistan, Western powers with an increased interest in the region's stability should caution against repressive policies.

RECOMMENDATIONS

To the Government of Kyrgyzstan:

1. Conduct a comprehensive study on the socio-demographic characteristics and needs of religious women, starting with a pilot project in Osh and Jalal-Abad and the areas around the towns of Nookat, Aravan, Uzgen and Karasuu, which are considered the hotbed of Islamic radicalism in the country.
2. Develop, based on the results of this study, social and economic policies targeting religious women that include:
 - a) employment schemes (at first in sectors acceptable for religious women like education, health care and social work) and vocational training opportunities; and

b) rehabilitation of social services, including kindergartens and after-school programs, that would lighten women's workload at home and allow them to pursue outside employment.

3. Develop and implement a system of financial assistance at the local level for poor families, especially those headed by single mothers, and raise government assistance for maternity leave, sick leave to care for children, alimony and support for children with dead or missing fathers.

4. Organise, in cooperation with the Spiritual Directorate of Muslims of Kyrgyzstan (DUMK), free study groups on Islam at the neighbourhood level that are led by respected, knowledgeable women from local communities.

5. Encourage DUMK, financially and by providing domestic and international expertise, to design a program of outreach to religious women that would ensure their greater participation in the local religious community.

6. Shift the focus from prohibiting hijab in public schools to implementing measures that would ensure better attendance and graduation rates from secondary schools by girls (especially in rural and southern areas) and deliver a basic secular curriculum in women's madrasas.

7. Set up an inter-agency task force on radicalisation whose remit includes developing specific policies relevant to religious women and assign the lead role to a non-security government body in order to establish better information sharing and decrease the influence of law enforcement agencies; ensure that concerns of religious women are separated from the agenda on gender equality.

8. Take steps to change the climate of secrecy and taboo around religious radicalism by encouraging greater public discussion on the causes of and ways to address radicalisation, and welcoming more in-depth research by domestic and international experts.

To Donors:

9. Expand programs for women beyond gender issues to include projects for religious women and joint initiatives for both secular and religious women on practical matters (e.g. water quality, coping with male labour migration, pre-school education).

10. Fund research and survey activities by the government, local think tanks and academics on the topics of religious women and female radicalisation.

11. Adjust aid priorities by channelling more funding to grassroots projects that address practical concerns of religious women and engage secular and religious audiences within local communities, as opposed to large-scale institutional initiatives.

12. Encourage local NGOs to reach out specifically to religious women in their advocacy and service provision initiatives.

13. Encourage the government to incorporate the policies on religious women as a distinct component of its institutional agenda.

To the U.S., Russia and Other Members of the International Community with Particular Influence:

14. Warn the government that its recent policy shift, which relies disproportionately on security measures in dealing with Islamic radicalism, threatens to stimulate rather than undermine the appeal of Hizb ut-Tahrir (HT) and has potential to generate a popular backlash.

15. Call upon the government to conduct a new investigation and new trials in the Nookat case that observe due process and exclude evidence obtained through torture.

To Domestic Civil Society:

16. Initiate specific projects to address daily concerns of religious women and seek partnerships on such initiatives with religious NGOs.

17. Combine any advocacy on gender equality with more regular community work and, whenever possible, service provision to enhance credibility.

Bishkek/Brussels, 3 September 2009

Full report at <http://www.crisisgroup.org/home/index.cfm?id=6296&l=1>

“Don't meet for worship”

By Mushfig Bayram

Forum 18 (13.08.2009) / HRWF (14.08.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Unregistered communities of Protestant Christians, Hare Krishna devotees and Ahmadiya Muslims in many parts of Kyrgyzstan have been ordered by the authorities to stop meeting for worship, Forum 18 News Service has found. In some cases, communities have been told that state registration in the capital Bishkek does not allow religious activity elsewhere. One Protestant church in the north-west told Forum 18 that they had been unsuccessfully trying for two years to register, but that they "would not be registered unless they had 200 signatures. How can we collect 200 signatures if we are not allowed to function normally?" Asked what would happen to religious communities who have less than 200 members, and so cannot be registered, an official of the State Agency for Religious Affairs told Forum 18 that "there is a Law, and we will deal with them accordingly." An employee of the State Agency recently told a person known to Forum 18, who wished to remain unnamed for fear of state reprisals, that after the July presidential elections there would be "a massive campaign against religious groups meeting illegally."

Kyrgyzstan is continuing a crackdown on people exercising their freedom of religion or belief, Forum 18 News Service has found. Communities of Protestant Christians, Hare Krishna devotees and Ahmadiya Muslims have all been ordered by the authorities to stop meeting for worship, in some cases the orders having been originally issued in 2007.

Since the entry into force of Kyrgyzstan's new Religion Law in January 2009, officials of the Prosecutor's Office, Police, National Security Service secret police, local Executive Authorities and the State Agency for Religious Affairs have checked up on or raided many religious communities. One such community was the Jehovah's Witnesses in Maili-Suu, whose members were told that "they have no rights to distribute or to keep any religious literature at their homes".

An employee of the State Agency for Religious Affairs recently told a person known to Forum 18, who wished to remain unnamed for fear of state reprisals, that after the July presidential elections there would be "a massive campaign against religious groups meeting illegally." President Kurmanbek Bakiev, who has been in power since 2005, was officially announced as having won these elections. Organisation for Security and Co-operation in Europe (OSCE) observers noted that electoral fraud and intimidation of the opposition "contributed to an atmosphere of distrust and undermined public confidence in holding genuinely democratic elections."

Crackdown on unregistered worship outside Bishkek

One of the many controversial aspects of the Religion Law is the ban on unregistered religious activity. The authorities in the north-western city of Talas in April told the leader of the Protestant Church of Jesus Christ to stop meeting for worship in his private flat, a church member wished to remain unnamed told Forum 18 on 12 August.

The Church was registered in the capital Bishkek, and its members in Talas met in a rented cinema for worship until January. In that month, the authorities claimed that registration in Bishkek did not cover public worship in Talas and stopped the Church using the cinema. When the worship meetings were moved to the leader's flat, police summoned the leader for questioning in March and April.

"Our church in Talas has tried to register with the regional Justice Department for two years without success," the church member told Forum 18. "The last time they tried, they were told they would not be registered unless they had 200 signatures. How can we collect 200 signatures if we are not allowed to function normally?"

As a Baha'i pointed out to Forum 18, as well as the very high threshold of 200 founders, many people are reluctant to sign registration applications as they distrust the authorities.

At the Talas regional Justice Department, the Secretary (she did not give her name) of Department Head M. Karmyshakov said neither he nor anyone else was available to talk. "Most of the responsible officials are either out of office for a few days, or on holiday," she told Forum 18 on 13 August.

In the central Naryn Region, Prosecutor T. Kasymbekov of Kochkor District in March issued a warning letter to Bakhyt Mukashev, Pastor of El-Shaddai Protestant Church, to stop meetings for worship in his private home. A church member who wished to remain unnamed told Forum 18 on 13 August that Pastor Mukashev and his wife were then summoned to the Prosecutor's office and questioned. Other state agencies summoned some church members for questioning and compelled them to write statements on their activities. They were then warned not to meet in Mukashev's home.

The Church showed the authorities a certificate that they were a branch of the registered El-Shaddai Protestant Church in Bishkek. But as in Talas, the authorities in Kochkor claimed that registration in Bishkek does not apply elsewhere in Kyrgyzstan.

Forum 18 attempted on 13 August to reach officials at Kochkor District Prosecutor's Office to discuss the case. The Naryn Regional Prosecutor's Office assured Forum 18 that officials in Kochkor would answer calls, but no official in Kochkor answered their telephone that day.

Crackdown on unregistered worship in Bishkek

Synarkul Muraliyeva (Chandra Mukkhi) of Bishkek's unregistered Hare Krishna community also complained that they are not able to meet publicly. In 2008 "a few of us

[Hare Krishna devotees] were taken to the National Security Service (NSS) secret police headquarters in Bishkek," she told Forum 18 in Bishkek on 7 August. "An NSS lieutenant colonel compelled us to sign a paper saying that we would not meet publicly for worship." Muraliyeva said the NSS secret police told the devotees that "they acted on complaints from neighbours" of their community building, where they used to hold worship meetings. She also told Forum 18 that a former official of the State Agency for Religious Affairs told her in 2007 that "someone from higher up" had stated: "Do not even dare to register them!"

When asked why the Hare Krishna community in Bishkek, the only in the country, has not so far been registered, Kumar Dushenbayev of the State Agency responded on 6 August in Bishkek that "they have an internal problem they cannot solve." He added that "we met them a year ago and told them to correct certain things in their charter. But they did not come back."

Muraliyeva agreed that the Community has an internal property problem, but insisted that "our main problem is that we have been refused registration and cannot meet publicly," she emphasized.

Other religious communities Forum 18 knows of throughout Kyrgyzstan face the same problems of being unable to worship publicly. A Protestant church leader from Bishkek, for example, told Forum 18 on 13 August that his church too is also in an "illegal" situation. "There are very many home churches like ours," he continued. He predicted that "some groups will either go underground trying to hide", and others will "unite with other groups, despite confessional differences, to gain legal status."

Crackdown on "foreign mission"

The Ahmadiya Muslim Community has been registered in Bishkek as a "foreign mission". This "creates certain problems", a member of the community who wished to remain unnamed told Forum 18 on 12 August. "As a foreign mission it is harder to register communities outside Bishkek," he emphasised. Also, because of the new Law, "it will be difficult to get missionary visas" for leaders from Pakistan, the community member added. "The members of our community are predominantly Kyrgyz," he noted. "Between 150 and 180 local people attend our Friday prayers in Bishkek."

Elsewhere in Kyrgyzstan - in Osh in the south-west, Karakol in the north-east, and Issyk-Kul [Ysyk-Kol] in the centre - Ahmadiya Muslims were in 2007 "asked to stop meeting publicly for worship by the State Agency for Religious Affairs in Bishkek," the community member told Forum 18. "Our activity in those regions was not registered, but we rented places and met freely. We were told we could not continue as a foreign mission without official registration." The community member said the Ahmadiyas then tried to register as local communities, but were told by local authorities to wait as a Religion Law was being introduced. "We submitted documents then, and are still waiting," he said.

Asked why Ahmadiya communities cannot register as local communities, Dushenbayev of the State Agency told Forum 18 that "we will register them if they submit documents in compliance with the Law."

"There is a Law, and we will deal with them accordingly"

Asked by Forum 18 what would happen to religious communities who have less than 200 members, and so cannot be registered, Dushenbayev of the State Agency asked: "Why should religious communities such as the Presbyterians try to open a branch in every corner of the country? Why can't they come together in one place, where they would not have a problem gathering 200 people?" When Forum 18 repeated the question, he said that "we will not fight with them. There is a Law, and we will deal with them accordingly."

Asked whether he thought the Law placed many restrictions on freedom of religion or belief in Kyrgyzstan, Dushenbayev said the question "should be asked of the Parliament, which adopted it." However, he quickly added that "the Law is at the moment being worked on" by a group of experts. Regulations to implement the law "were not in place yet," Dushenbayev said, "and another group is working them out." Without giving an exact date, Dushenbayev told Forum 18 that both groups "should finalise their work in the autumn."

Officials have previously claimed to Forum 18 that only after three controversial elements of the Law – on restrictions on sharing faith, distributing literature and on the high threshold of 200 adult citizen members required – have been resolved will regulations enacting the Law be produced.

Will restrictive provisions of new Religion Law be removed?

By Mushfig Bayram

Forum 18 (28.05.2009) / HRWF (04.06.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Although Kyrgyzstan's restrictive new Religion Law came into force in mid-January, the authorities claim to be still working to reconcile controversial provisions of it, Forum 18 News Service has found. Shailibek Orkunbaev, Secretary of the State Agency for Religious Affairs in the capital Bishkek, told Forum 18 on 20 May that Justice Ministry experts are working on the regulations to enact the Law. However, Kanatbek Murzakhilov, Deputy Head of the State Agency told Forum 18 on 21 May that a high-level Commission has been set up to resolve three major controversial issues in the new Law first, before the regulations are prepared. He would not say if the Commission would remove restrictions on sharing faith and distributing religious literature, or reduce the high threshold of members required before religious communities can register and thus function legally.

Religious communities have complained to Forum 18 that the New Law is highly restrictive and has already substantially limited their religious freedoms. In defiance of Kyrgyzstan's international human rights commitments, the new Law outlaws all unregistered religious activity, imposes severe restrictions on the sharing of faith, restricts the distribution of religious literature and bans the involvement of children in religious activity even with their parents' permission.

Aleksandr Shumilin, Chair of Kyrgyzstan's Baptist Union, told Forum 18 from Bishkek on 27 May that "all Protestant Churches" have met this week and drawn up a complaint to the Constitutional Court to repeal the New Law as it is "very anti-democratic". He said that they intend to file the complaint – which the Lutherans, Seventh-day Adventists, Baptists, Pentecostals and other Protestants are expected to sign - on 4 June.

Despite widespread protests by religious communities and human rights defenders, the controversial Law was adopted by the Kyrgyz Parliament on 6 November 2008 and signed by President Kurmanbek Bakiev on 31 December. It entered into force on its official publication on 16 January in the official newspaper "Erkintoo" (Free Mountains).

Despite the fact that regulations to the New Law are not yet in place, Forum 18 has learned that many Protestant churches across the country have faced check-ups since late February, while in two regions the Prosecutor's Office and a Justice Department sent written warnings to religious communities to bring order to their activity in light of the new Law and bring their founding documents into line with it. Police have raided the

homes of Jehovah's Witnesses to confiscate religious literature, and warned them not to be involved in missionary activity. Also a foreign missionary was stripped of a residence permit and forced to leave Kyrgyzstan in early May.

The Commission working on the Law's controversial points

The three major controversial issues the Commission is working on are the ban on proselytism, the ban on distribution of religious literature in public places and the requirement to have 200 founding members to register a religious organisation, Murzakhalilov of the State Agency for Religious Affairs told Forum 18. He did not know when the Commission would complete its work but said that once it draws up "a consensus of opinion on those issues," either the Justice Ministry or the Cabinet of Ministers will sign the regulations enacting the new Law. He did not say if these controversial provisions would be removed.

Murzakhalilov claimed that the Commission includes experts from the Cabinet of Ministers, Justice Ministry and State Agency for Religious Affairs, as well as representatives of major religious confessions, including the Spiritual Board of Muslims, Russian Orthodox Church, Jewish community and the Baptist Union.

Fr Igor Dronov, the Diocesan Secretary of the Russian Orthodox Church in Kyrgyzstan, and Shumilin of the Baptist Union denied the claim to Forum 18, saying that they have not been invited to work with such a Commission. "Maybe they will still invite us to the work of the Commission, but we have not yet participated in it," Fr Dronov told Forum 18 from Bishkek on 22 May. However, Haji Lugmar Guahunov, Deputy Head of Kyrgyzstan's Muslim Board, confirmed to Forum 18 on 26 May his participation in the work of the Commission.

Asked whether the Muslim Board approves of the new Law, Haji Guahunov told Forum 18: "It is too late to ask such a question since the Law has already passed." He said he did not know when the Commission will complete its work. He would not say who else is participating in the work of the Commission. "Please, ask the state officials about this."

The ban on sharing faith

Article 5.4 of the New Law bans "persistent actions aimed at converting followers of one faith to another (proselytism)". Proselytism is defined in Article 3 as "striving to convert to one's religion followers of other faiths."

Shumilin said officials of the Prosecutor's Office, Police, National Security Service (NSS) secret police and local Executive Authorities as well as from the State Agency for Religious Affairs have checked on many Protestant churches in the wake of the new Law. Officials "gave a lecture" each time that they should not be involved in sharing their faith. "The officials warned that they will strip the registration of the organisations if they find instances of proselytism," he pointed out.

Asked what should be understood by the phrases "persistent actions" meant, Orkunbaev said, "it could be, e.g., be when religious organisations use financial means or charity work to encourage others to join their ranks." He said charity was not banned but using charity for propagation purposes was.

Brother Damian Wojciechowski of the Catholic parish of Blessed Mother Teresa in Jalalabad in southern Kyrgyzstan told Forum 18 on 22 May he is not sure how the new Law will work, but the ban on sharing of faith could substantially limit the spread of religion. "My personal opinion is that it may effectively stop our charity work," he pointed out.

"I guess, we will have to be low-key and only tell our close friends and relatives about our faith," Aida Ibraeva of Bishkek's Baha'i community said when asked whether the ban on sharing of faith worried them.

Asked what would happen if an individual from one faith who received charity decided to accept the charity-giver's faith, Orkunbaev told Forum 18: "All that will be made clear in the regulations to come. The Justice Ministry is at the moment working on the regulations." He added that the "courts would ultimately decide" whether or not an individual had been forced to convert to a religion.

The ban on literature distribution

Article 22.6 of the new Law bans distribution of religious literature and audio-video materials in public places, including on the street, house-to-house, and in children's institutions, schools and higher education institutions. The first part of the article allows such distribution only within the confines of a religious organisation's legally owned property or in places allocated by local administrations for this purpose.

Vladimir Gavrilovsky, Chairman of Bishkek's Jehovah's Witness community, told Forum 18 on 21 May that the new law "significantly limits them" in sharing their faith with others. Jehovah's Witnesses are known for their methods of propagating their religion by passing out leaflets on the streets and going from house to house.

Jehovah's Witnesses have already been affected by the new Law's ban on distribution of literature. Police in the town of Maili-Suu in south-western Kyrgyzstan raided three homes of their members on 19 April and confiscated all their religious literature, Mikhail Kokhanovsky, a Bishkek-based Jehovah's Witnesses lawyer, told Forum 18.

Asked by Forum 18 whether the ban on distribution did not constitute a limitation of religious freedom, Murzakhalilov of the State Agency for Religious Affairs responded: "Would you like it when someone forces their books or religious literature on you? Religion is so sacred, that it should not be spread like that. It represents intimate, inner feelings and beliefs." Murzakhalilov said he was not against spreading of religious beliefs, but they "should be spread within the confines of religious communities". He did not agree that by doing so the Law dictates to religious communities how they can and cannot spread their beliefs.

The Law's requirement for 200 founding members to register organizations

Article 8.3 of the new Law declares that establishment of a religious organisation shall be initiated by no fewer than 200 adult citizens of Kyrgyzstan permanently residing in the country.

Brother Wojciechowski of the Catholic parish in Jalalabad is concerned about the high number of founders required to register new communities. "This will make it difficult to register our new communities," he said.

Gavrilovsky of the Jehovah's Witnesses complained that it will now be impossible to gather 200 signatures to register their congregations in Naryn, Jalalabad and Osh regions.

Synarkul Muraliyeva (Chandra Mukkhi) of Bishkek's unregistered Hare Krishna community said the number of their devotees at the moment barely reaches 70. "I guess this means that we have no rights to exist as a community until we reach 200 members," she complained to Forum 18.

Asked whether the requirement of 200 founding members did not constitute a limitation of religious freedom, Orkunbaev told Forum 18: "They will have to comply with what the law requires. The law was adopted by the Parliament of Kyrgyzstan, whose deputies know much more about the Law than do you and I."

The Law asks for personal details of founding members

Article 4.2 and Article 10.2 of the Law contradict each other, as the former bans indicating on official documents a citizen's attitude to religion while the latter requires founding members of a religious organisation to supply personal data. Under Article 10.2, founding members must present a notarised list of their names also confirmed by local keneshes (self-governments), which will include their names, date of birth, place of residence, citizenship and other passport details.

No church wants to reveal personal data of 200 members, who must sign under the charter to receive State registration, Protestants have told Forum 18. "Many churches are discussing whether to give full details of all their members – we remember the Soviet times and the problems for people that resulted," one Protestant pastor told Forum 18.

Fr Dronov said it should be no problem to gather 200 people to register new Russian Orthodox churches, but he feared that "the personal information of people can be stolen from official files and misused in the future."

Aleksandr Kim, pastor of Bishkek's Word of Life Protestant Church, said requiring people to sign and give their information "contradicts the Constitution and even an article of the new law. I understand if people won't sign."

Orkunbaev of the State Agency for Religious Affairs dismissed religious communities' fears over having to give the names and personal data of their 200 founding members in order to gain registration. "What is so secret about those personal details?" he asked.

Other concerns about the Law

Beyond the three major issues of concern in the Law, religious communities have also complained to Forum 18 of other restrictive provisions:

Article 8.2 bans the activity of religious organisations which are not registered with the State Agency for Religious Affairs

Article 4.5 bans the involvement of children in religious organisations. Both Shumilin of the Baptist Union and the Catholic Brother Wojciechowski warn that this will put unnecessary obstacles to parents teaching their faith to their children.

Article 11.7 declares that missions or representations of foreign religious organisations shall be issued a certificate of registration valid for no more than one year. When this expires they must re-register with the State Agency for Religious Affairs.

Article 12.3 allows foreign missionaries to function in Kyrgyzstan for no more than three years. Brother Wojciechowski said the new Law substantially limits the duration of stay in the country of foreign missionaries. Most Catholic priests in Kyrgyzstan are foreign citizens.

Article 26.4 obliges religious organisations to present information to the State Statistics and Tax Agencies, State Agency for Religious Affairs and Prosecution bodies, on their activity, leading personnel as well as documents on expenditure of cash funds and usage of other property, including that received from international organisations and foreign citizens.

Article 26.7 declares that any religious organisation not regularly submitting the specified information within the required time constitutes the basis for an appeal by the Prosecution bodies to the State Agency for Religious Affairs for the organisation to be liquidated.

Crackdown follows new Religion Law

By Mushfig Bayram

Forum 18 (28.05.2009) / HRWF (04.06.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Since the entry into force of Kyrgyzstan's new Religion Law in January, officials of the Prosecutor's Office, Police, National Security Service secret police, local Executive Authorities and the State Agency for Religious Affairs have checked up on many religious communities, Forum 18 News Service has learned. Jehovah's Witnesses in Maili-Suu faced raids and summonses in April. "The Police told our members that in the light of the new Law they have no rights to distribute or to keep any religious literature at their homes," their lawyer Mikhail Kokhanovsky told Forum 18. Police told Forum 18 they had to confiscate the literature to check if it is "legally permitted". Officials have checked up on whether Protestant churches have been involved in sharing their faith and whether children are involved in religious activity. One foreign Protestant was forced to leave the country in early May. Bishkek's Hare Krishna community - which has been told a "secret instruction" bans it from registering - fears it will never be able to gain legal status.

In the wake of Kyrgyzstan's newly adopted Religion Law, the authorities have been cracking down on religious organisations across the country, Forum 18 has learned. Although regulations to enact the new Law are not yet in place, religious communities have already faced the practical implications of the restrictive new Law. Officials have checked up on the documentation of religious communities, where they meet and whether any foreigners working with them have the necessary permit. They have warned religious communities not to share their faith with others and not to give out religious literature. In one town, Jehovah's Witnesses had religious literature confiscated in April. A foreign Protestant leading a church in the capital Bishkek has been forced to leave the country.

Officials of the Prosecutor's Office, Police, National Security Service (NSS) secret police and local Executive Authorities as well as from the State Agency for Religious Affairs have checked up on many Protestant churches, Forum 18 has learned. Religious communities of a variety of faiths in Bishkek and various regions have received warnings to bring their activity into order and make the necessary changes to their founding documents to bring them into line with the new Law.

The controversial Law was adopted by the Kyrgyz Parliament on 6 November 2008 and signed by President Kurmanbek Bakiev on 31 December. It entered into force on its official publication on 16 January. Officials have claimed that a new Commission is working to resolve three controversial elements of the Law - on restrictions on sharing faith, distributing literature and on the high threshold of 200 adult citizen members required before religious communities can gain the compulsory state registration. Officials told Forum 18 that only after the Commission has completed its work will regulations enacting the Law be produced.

Three homes of Jehovah's Witnesses in south-western Kyrgyzstan were raided by the local Police in April and all their religious literature was confiscated. "The Police told our members that in the light of the new Law they have no rights to distribute or to keep any

religious literature at their homes, although they were not distributing literature," Mikhail Kokhanovsky, the Jehovah's Witnesses' lawyer in Bishkek, complained to Forum 18 on 22 May. The Law's Article 22.6 bans distribution of religious literature, print and audio-video materials in public places – on the street, house-to-house, in children's institutions, schools and higher education institutions.

Several Protestant churches in Bishkek have been forced to move the place where they meet for worship in recent months, Protestants told Forum 18. Among them is the Khudoy Jamaat (Assemblies of God) Church. Without its own place of worship, the church was using the building of Bishkek's Silk Road Bible College. Forum 18 has learned that the church is meeting in a new place.

Many religious communities have complained to Forum 18 that they have not been able to officially register in the past two years, and now with the new Law's requirement of a minimum 200 founding members for many it will be impossible to register. With the adoption of the new Law, unregistered religious activity is now banned.

Shailibek Orkunbaev and Kanatbek Murzakhilov, two officials of the State Agency for Religious Affairs in Bishkek, gave Forum 18 contradictory remarks on whether any new organisations have been registered in the recent past.

Neither Haji Lugmar Guahunov, Deputy Head of Kyrgyzstan's Muslim Board, nor Fr Igor Dronov, the Diocesan Secretary of the Russian Orthodox Church in Kyrgyzstan, complained to Forum 18 of specific problems for their communities in the wake of the adoption of the new Law.

Authorities check up on and send warning letters to organisations

By late February state officials had checked up on at least six Protestant churches in Bishkek, examining their registration documents, missionaries' permits and the places where they met. Such check ups have continued since February there and elsewhere in the country, Protestants from across Kyrgyzstan told Forum 18.

The officials checking up "warned that they will strip the registration of the organisations if they find instances of proselytism," Aleksandr Shumilin, Chair of Kyrgyzstan's Baptist Union, told Forum 18 on 22 May from Bishkek.

The officials check up not only on whether a church has been involved in sharing their faith but also on whether children are involved in religious activity, Shumilin pointed out. "The officials demanded that the churches produce the signatures of parents permitting their children to attend church services as the new Law requires."

In one instance, leaders of a Protestant church in a Region away from the capital were even summoned to the office of the Regional Governor, Protestants who asked not to be identified for fear of reprisals complained. "The governor warned us not to involve children in religious activity and not to proselytise," they told Forum 18, asking that the location of the church not be identified.

The Prosecutor's Office in another region issued a written warning – of which Forum 18 has seen a copy - to a Protestant church to bring its activity into line with the Law. The church told Forum 18 that they have already sorted out the problem with the Prosecutor's Office, and did not want Forum 18 to investigate the issue further for fear of reprisal.

Also warning religious organisations to make the necessary changes and amendments to their founding documents was Department of Kyrgyzstan's Justice Ministry in the north-western Talas Region. In an official letter of 4 February to religious organisations in the

Region, of which Forum 18 has seen a copy, M. Karmyshakov, the Justice Department's Head, informs them of the adoption of the new Law and demands that they "make necessary changes" to their founding documents in order to bring them into line with it.

Changes made to founding documents in turn would require the religious organisations to re-register, according to Orkunbaev, Secretary of the State Agency for Religious Affairs in Bishkek. Asked whether existing registered religious organisations need to re-register now, he told Forum 18 on 20 May that they will not have to do so unless they change their names or statutes. "The law does not have retroactive force," he insisted.

Contrary to the Talas Justice Department's warning, Orkunbaev said that religious communities are not obliged to make changes to their founding documents in order to harmonise them with the new Law. "They simply will function according to the parts of their charters that correspond to the new Law," he explained to Forum 18. "The Law will take precedence over points in their charters which are not in line with it."

Asked to explain the warning letter, Nurkaly Solpiyev, the Chief Specialist on registration issues at Talas Regional Justice Department, insisted it was "just a recommendation" to religious organisations. "They may or may not make changes to their documents," he told Forum 18 from Talas on 25 May. He said religious organisations would not be penalised in any way for not making changes to their documents. Asked what then the purpose of the letter was, Solpiyev responded: "It is to let the organisations know that if they make any changes they will have to officially register the changes."

Aida Ibraeva of Bishkek's Baha'i community said officials have not yet checked up on her community. She told Forum 18 that she was surprised to hear that other organisations have already been instructed to make changes to their founding documents. "I do not want to worry before time, but I cannot see how we will re-register if we have to."

Jehovah's Witnesses raided and religious literature confiscated

Jehovah's Witnesses have already been affected by the new Law's ban on the distribution of literature. Police in the town of Maili-Suu in Jalalabad Region of south-western Kyrgyzstan raided the homes of three local Jehovah's Witnesses on 19 April and confiscated all their religious literature "without making official records," Kokhanovsky, the Jehovah's Witnesses' lawyer, told Forum 18. Some 54 books and magazines were seized.

"The Police told our members that in the light of the new Law they have no rights to distribute or to keep any religious literature at their homes, although they were not distributing literature," Kokhanovsky complained.

Nine Jehovah's Witnesses were summoned to Maili-Suu town police station on 20 April at around 2 pm. Six of them were released at around 5 pm after they were compelled to write statements, while the other three were then taken to the local department of the NSS secret police. The three were only released at 9 pm after further questioning, Kokhanovsky told Forum 18.

Three Jehovah's Witnesses were once again summoned to the Maili-Suu Police on 30 April. "They were warned that in addition to the ban on the distribution, they were also not allowed to preach their religion in their homes," Kokhanovsky added.

Usmanov (he did not give his first name), a Deputy Police Chief of Maili-Suu, told Forum 18 his officers seized the literature from the Jehovah's Witnesses for "religious expert analysis" to see "if it is legally permitted". He declined to answer further questions, referring all enquiries to fellow Deputy Police Chief Oroz Turganbaev. "Turganbaev seized it," he said. "Please, ask him." Turganbaev's phones went unanswered on 25 and 26 May.

No new organisation registered for over a year

Religious communities have often faced difficulty in recent years in gaining state registration, with many complaining that none of their new communities have been registered in this time. Some have told Forum 18 that the requirements of the new Law will make registration either impossible or much harder still.

Kokhanovsky, the Jehovah's Witnesses' lawyer in Bishkek, complained that the State Agency for Religious Affairs has refused registration to their congregations in Naryn, Jalalabad and Osh Regions. "We submitted the documents for registration almost two years ago," he told Forum 18 on 22 May. He pointed out that the Agency several times returned the documents, insisting that the statutes needed further "corrections". In September 2008 they were told to wait until after the Law was adopted.

Kokhanovsky said that when he personally visited the Agency most recently in April to ask about the progress of their registration applications, officials told him: "We can register you only if you can fulfil all the requirements of the new law."

Orkunbaev of the State Agency for Religious Affairs said that although the regulations to apply the new law were not in place yet, new organisations wishing to get state registration could already approach them. "We gave registration to a few organisations since the law came into force," he claimed to Forum 18 on 20 May. However, he would not give the names of the organisations.

The State Agency's Murzakhalilov, nevertheless, gave contradictory comments to Forum 18 on the registration issue. "It's been more than a year now that no new organisations have approached us for registration." He said existing organisations could continue with their current registration but "new ones will have to wait until after the regulations to the Law are in place."

Synarkul Muraliyeva (Chandra Mukkhi) of Bishkek's unregistered Hare Krishna community said they were told in the past by various law-enforcement agencies, when being summoned and questioned that "there is a secret instruction" not to register the community. "With the new provisions of the Law we cannot actively convert others to our faith, cannot distribute literature freely and openly, and do not have 200 founding members," she complained to Forum 18 on 22 May. "This is a very restrictive law."

Muraliyeva said that at the moment the Hare Krishna community has no official, open meetings. "How can we then reach more people if we cannot function normally?" she asked.

Murzakhalilov denied that the Hare Krishna community had been unfairly denied registration. He claimed that its founding documents were not in order when it asked for registration more than a year ago. "They have not approached us since then," he insisted.

Foreigner forced to leave

A foreign citizen who was leading a Protestant congregation in the capital Bishkek was forced to leave the country in early May after the NSS secret police took away the five-year residence permit, church members told Forum 18 on 25 May. The foreigner had lived in Kyrgyzstan for some years and had already renewed a visa and obtained a new five-year permit earlier this year from the Interior Ministry's Visas Department. Article 12.3 allows foreign missionaries to function in Kyrgyzstan for no more than three years.

Another foreign Protestant, the New Zealander Edward Sands, was forced to leave Kyrgyzstan in June 2008. The NSS accused Sands, the Rector of the Protestant interdenominational United Theological Seminary in Bishkek, of violating the then Religion Law by having allowed the city's Protestant International Church to hold services in its building without the church being officially registered there.

Kyrgyz high court upholds convictions for religious extremism

RFE/RL (20.05.2009) / HRWF (21.05.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Kyrgyzstan's Supreme Court has upheld verdicts against 32 people convicted of spreading ethnic and religious hatred, although it slightly reduced their sentences, RFE/RL's Kyrgyz Service reports.

The defendants, from the southern Osh region, were accused of organizing a mass gathering in October in the town of Nookat to protest a government decision not to allow a religious celebration for the Muslim holiday Eid al-Fitr.

On November 27, the Osh Regional Court sentenced the defendants to prison terms ranging from nine to 20 years.

The Supreme Court reduced the sentences to between five and 17 years.

The defendants complained that they were severely beaten and tortured while in detention.

Public defenders Dmitry Kabak and [Aziza Abdyrasulova](#) say many of those convicted -- the majority of whom are ethnic Uzbeks -- are uneducated and that two of them are women who were under 18 when they were arrested.

Additionally, most are not fluent in Kyrgyz or Russian, the two official languages in which all the court hearings were held.

Putting the repressive religion law in context

WEA Religious Liberty Commission (10.02.2009) / HRWF (11.02.2009) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - On 12 January 2009 Kyrgyzstan's President, Kurmanbek Bakiev, signed a new Religion Law despite it having been widely condemned as unconstitutional and contrary to internationally accepted human rights standards. (Link 1)

The repressive new Religion Law, which passed through the parliament under a cloud of secrecy on 6 November 2008, is highly repressive. Forum 18 reports: "Provisions that have caused concern to religious communities and human rights defenders include: a ban on children being involved in religious organisations; a ban on 'aggressive action aimed at proselytism'; a ban on the distribution of religious literature, print, and audio-video religious materials; and de facto compulsory re-registration of all registered religious organisations.

"The 12 January announcement on the presidential website trumpets the fact that 200 adult citizens permanently living in Kyrgyzstan will now be required before a religious community can apply for state registration, compared to 10 in the current Law. It says

10 registered religious organisations will be needed to form a 'religious association'." (Link 1)

Such restrictions virtually guarantee that small non-"traditional" fellowships -- i.e. those outside the state-approved traditional Muslim and Russian Orthodox structures -- particularly those in small towns and remote villages, will simply be ineligible for registration.

According to another source, the law further stipulates that the Minister of Justice can only register a religious organisation/church after local authorities, and then regional authorities, have approved the membership list, and local authorities have the power to decide if a particular religious organisation is needed in their area. The ban on children being involved in religious organisations puts an end to children's ministries such as summer camps and Sunday Schools, and even means parents cannot take their children to church with them. Religious organisations are obliged to report all donations for the purpose of taxation. Police and former KGB have the right to interrupt services and conduct searches at their will.

According to Forum 18, Kyrgyzstan's Human Rights Ombudsperson, Tursunbek Akun, condemned the signing of the law and has pledged to press the government for amendments.

Reactionary Repression

In Kyrgyzstan, as in numerous other states, the decrease in liberty is directionally proportional to the increase in corruption.

As corruption increases, enriching and empowering an elite at the expense of the disenfranchised poor, grass roots' dissatisfaction and anger mount until the state's stability is threatened.

Corrupt, dictatorial regimes react to the threat by increasing repression. If the primary source of opposition comes from religious groups or religious parties, then religious repression will intensify. However, such reactionary repression only serves to popularise and empower the opposition. Reactionary repression thus fuels an escalating cycle of violence where protest leads to repression which leads to greater protest and more intense repression and so on.

Only good governance (which lessens grievance) with liberty (which provides outlets for grievance to be lawfully expressed and ideas to be openly debated) can break the cycle. A corrupt regime that is deaf to its citizens and resistant to reform is vulnerable to revolution!

Herein lies the great threat to Kyrgyzstan. Escalating, endemic, systematic corruption is empowering the Islamic fundamentalist revolutionary group Hizb ut-Tahrir (HuT). HuT, which has perfected the art of exploiting grievance and victimhood for its own political ends, is a legitimate threat to the peace, security and secularity of Central Asia.

Hizb ut-Tahir inciting revolutionary violence

Just like the Islamic Movement of Uzbekistan (IMU), Hizb ut-Tahrir (HuT) promotes Islam as the solution and advocates the establishment of an Islamic State ruled by Sharia Law. However, while the IMU is militant and engages in terrorism, HuT is political and advocates peaceful means to Islamic revolution. According to HuT ideology, when the Caliphate is restored it will establish a conventional Islamic Army that will advance Islam globally.

Since its emergence in Central Asia in the 1990s, HuT has espoused peaceful means. Furthermore it has employed peaceful means to further its radical, Islamist ideology: literature and audio-visual distribution, proselytism and teaching in small groups. However, over recent years HuT has become not only more sophisticated (branching into humanitarian relief and development), but more aggressive. HuT has begun inciting revolutionary violence.

Two events have emboldened HuT in this regard: 1) Kryrgyzstan's March 2005 "Tulip Revolution", 2) the propaganda coup secured in Andijan, Uzbekistan in May 2005.

Kyrgyzstan's 2005 "Tulip Revolution" was quite different from the so-called "colour revolutions" in Georgia (Rose, 2003) and Ukraine (Orange, 2004) as it was thuggish and violent. Furthermore, whilst the "revolutions" (regime changes) in Georgia and Ukraine were effected by genuinely pro-West (pro-NATO) forces, the "Tulip Revolution" was effected predominantly by poor HuT-incited Muslims bussed up to Bishek from the south, predominantly from Osh Province in the Fergana Valley.

Despite these glaring deficiencies, the "Tulip Revolution" was applauded in and legitimised by the West as yet another example of people-power democracy, simply because a "regime change" had occurred.

Immediately after the 14 March 2005 "Tulip Revolution", EurasiaNet's editor Justin Burke warned that it could turn out "that Islamic radicalism emerges as the ultimate winner of the Kyrgyz revolution".

Burke explained: "Allegations of vote-rigging served as the catalyst for the Kyrgyz revolution. But it was pent-up frustration among the population over persistent poverty and pervasive government corruption that packed the revolution with its explosive power. Many supporters of the revolution aren't necessarily interested in democracy; they are preoccupied simply with providing for themselves and their families.

"It is not too early to start worrying about the nightmare scenario of the Kyrgyz revolution -- one in which early hopes for a democratic transformation mutate into anxiety about the spread of Islamic radicalism. [. . .] In recent years, an extremist group that espouses non-violence tactics, Hizb-ut-Tahrir, has intensified its agit-prop activities aimed at overthrowing all the existing regimes in Central Asia and establishing an Islamic caliphate. The next few weeks are critical. If the provisional government can harness the revolutionary forces and keep political infighting to a minimum until new presidential and parliamentary elections are held, Kyrgyzstan will stand a chance of establishing Central Asia's first genuinely pluralistic political system. However, there is no guarantee at this time that the provisional government can accomplish these basic tasks. If it falters, and if Kyrgyzstan is saddled with a weak central government, Islamic radical groups may find themselves a new safe haven for international terrorist operations." (Link 2)

It was the "success" of the March 2005 "Tulip Revolution" that motivated Akramiya -- an offshoot of Hizb ut-Tahrir in Uzbekistan -- to attempt a "colour revolution" of its own. In May 2005, Akramiya organised a peaceful rally for justice in Andijan, in the Fergana Valley in Uzbekistan, which it then used as a cover for its violent coup d'etat attempt. When the security forces arrived to contend with the armed Islamic revolutionaries who had set fire to the court house and jail, killing guards and releasing prisoners, the militants, in an act of unspeakable betrayal and evil, used peaceful protestors as human shields, guaranteeing a high civilian death toll. While the Islamists failed to topple the government, they scored a major propaganda coup when the West, which was all too quick and eager to swallow the Islamist deception wholesale, reacted with strong one-sided condemnation of and sanctions against the Uzbek authorities.

Uzbekistan, believing its ally in the War on Terror had abandoned it, withdrew from Western rapprochement and assumed an anti-West and anti-Protestant stance. The break down in Uzbekistan-West relations had negative consequences on religious liberty. Years of slow but certain religious liberty reform were instantly undone and severe persecution returned. (For full background and analysis, see Link 3.)

Meanwhile in Kyrgyzstan, HuT has gone from strength to strength, popularised and empowered by escalating corruption and repression.

A "deceptive calm" indeed

On 14 August 2008, International Crisis Group (ICG) published a report entitled "Kyrgyzstan: A Deceptive Calm". (Link 4)

ICG describes a government lurching towards totalitarianism over a sidelined and increasingly apathetic opposition. ICG remarks: "A superficial calm has overtaken the usually boisterous political scene. This calm may, however, prove deceptive, given worsening corruption, increasing disillusionment with politics and a series of major economic crises that could strike before year's end."

The ICG report goes to great lengths to paint a picture of Kyrgyzstan: a power-hungry government; rising HIV/AIDS due primarily to drug trafficking (from Afghanistan, through Osh to Russia and the West) and soaring drug addiction; growing north-south tensions; endemic and systematic corruption; looming food and energy crises; and widespread poverty -- around 40 percent of the population live below the poverty line while the standard "basket" of goods and commodities costs ten times the minimum wage. Yet, for all this excellent background, the ICG report makes not one single mention of Hizb ut-Tahrir -- or even "Islam".

On 1 October 2008, only six weeks after ICG reported on Kyrgyzstan's "deceptive calm", a reported 1000 Muslims rioted in the strongly Muslim southern Fergana Valley town of Nookat in Osh province.

(Whilst Kyrgyzstan's capital of Bishek and the rest of the north comprises largely Russified Kyrgyz, the south has a large ethnic Uzbek minority and is increasingly staunchly Muslim.)

Nookat Muslims had asked the local authorities to sponsor the Muslim community's Eid al Fitr celebrations -- which traditionally mark the end of Ramadan -- in the city centre. When the local authorities refused and offered a local sports stadium as an alternative venue, a riot ensued. (Note: most human rights groups say "protest".)

With incitement from elements of Hizb ut-Tahrir, a reported 1000 Muslims rioted, throwing stones at police and smashing the windows and doors of the local government offices. Five police were injured and riot police had to be brought in from Osh city to disperse the mob with tear gas.

Numerous reports, including Kyrgyz ones, blame the riot on "government insensitivity" towards Muslim needs, as if destructive, violent rioting can ever be justified. (Link 5)

Thirty-two Uzbek and Kyrgyz Muslims, all reportedly members of Hizb ut-Tahrir, were arrested and subsequently charged with incitement to cause mass unrest, overthrow the authorities and create ethnic or religious strife. They were sentenced to long, harsh prison terms which advocates hope will be reduced upon appeal, particularly in the case of minors. (Link 6)

The local, provincial and central authorities should all have seen this coming. Indeed they should have spent the year preparing for Eid 2008, building relationships and negotiating, with the aim of marginalising HuT and circumventing a repeat of the debacle of Eid 2007.

In October 2007 Nookat's local authorities supported the community's Eid al Fitr celebrations in the town centre until it became clear that some 300 HuT members had "hijacked" the event.

Abdygany Aliev, head of the Nookat district administration told the Institute for War and Peace Reporting (IWPR): "At first, we welcomed the initiative to hold a big celebration of the Muslim feast. But Hizb-ut-Tahrir activists started using this event for their own ends." According to IWPR: "Before the Eid festival, about 1,000 people signed a petition calling on the [secular] government to fund the celebrations, and also to pay for a new state school for girls who want to follow the Muslim dress code. Hizb-ut-Tahrir members told IWPR they helped with logistical arrangements for the party." (Link 7)

The Nookat authorities reacted to the HuT "hijacking" of the Eid event by moving in and cracking down harshly, disrupting the peaceful, joyous celebration; dispersing the crowds and confiscating equipment used in food preparation. Several of those arrested were severely beaten by police. IWPR reported: "Hizb-ut-Tahrir says the authorities' actions caused widespread discontent among Nookat residents, and the event transformed into a demonstration involving some 15,000 people." (Link 7)

The 1 October 2008 Nookat riot (especially when seen in the light of the October 2007 Eid al Fitr debacle) goes some way to explaining why the draconian Religion Law passed so easily through the parliament on 6 November 2008 and was subsequently signed into law by the President on 12 January 2009 despite protests from the "international" community. While being profoundly short-sighted and self-defeating, increasing repression is just so much easier than dealing with complex systemic problems that require profound government reform.

Protestants caught in the law's net

There is little doubt that Kyrgyzstan's new repressive Religion Law is designed to curtail the very real and serious threat posed by an ascendant Hizb ut-Tahrir. According to Eurasianet, on 28 January 2008 Prime Minister Viktor Chudinov announced as much when ordered into action a plan to combat the "spread of religious extremism" over the next three years. The only group identified by name was the "religious extremist party Hizb-ut Tahrir". (Link 8)

However, not the Muslims nor the Russian Orthodox nor the government seems concerned that Protestants and other small religious groups, who do not threaten or harm anyone, are going to be unjustly and constitutionally caught up in the Law's net.

The situation is complicated by two other issues that need to be addressed in the context of religious liberty advocacy: 1) the adversarial and detrimental nature of "New Cold War" geopolitics combined with the complicity of the (Protestant) West in the so-called "Colour Revolutions" that have brought regime change (but not necessarily stability or improved governance) to several former-Soviet states; 2) the fact that the region's "traditional" religions -- state-approved "traditional" Islam and the Russian Orthodox Church -- are more interested in securing hegemony than supporting religious liberty or expressing solidarity with their brethren, whom they refuse to recognise as such.

The adversarial and detrimental nature of "New Cold War" geopolitics not only negatively impacts religious liberty, it also has a serious, detrimental effect of regional and global security. The Taliban has strangled NATO's primary supply-line into Afghanistan

(Peshawar to Kabul/Bagram via the Khyber Pass). So NATO is now seeking to establish a new supply-line coming into Afghanistan from Central Asia in the north. But Kyrgyzstan has just expelled the US from the Manas air base, not primarily because Kyrgyzstan is anti-American, but because it knew it could play Russia and the US against each other for its own gain. Russia won, not because it wants the Taliban to win in Afghanistan, but because it wants the US to negotiate with Russia on Russia's terms. The US may also have to consider making deals with Iran for the use of Chabahar port on the Persian Gulf. Meanwhile the Taliban are preparing a cataclysmic Spring offensive.

Local security is also threatened by a repression of religious liberty. So as to be clear to Kyrgyzstan's southern Muslims that a Sharia-enforcing Caliphate is not the solution, the government must provide solutions -- practical and ideological.

Whilst the Institute for War and Peace Reporting did blame the Noorkat riot on "official insensitivity" (instead of official negligence combined with Islamic belligerence), it did quote several analysts who understood that the government needs to do more to stop Islamic radicals channelling grass-roots discontent.

Among them was Miroslav Niazov, a former government official. "Niazov believes that support for Hizb ut Tahrir in Kyrgyzstan is growing not because people espouse radical ideologies, but because they are profoundly unhappy with government policies and lack of responsiveness."

Another was Kadyr Malikov, an academic who specialises in Islamic studies. "According to Malikov, the government and its allies need to tackle Hizb ut-Tahrir head on by addressing the same issues that it highlights -- among them poverty -- and setting out arguments to counter its extreme views.

"Malikov said influential Muslim religious leaders had a large role to play in changing popular attitudes to Hizb ut-Tahrir. They must do more than talk, he said, recommending instead 'practical grassroots work to tackle poverty, supported by local government'. 'This conflict [in Nookat] is the first serious alarm-bell signalling a need to change the strategy and methods for countering Hizb ut-Tahrir,' he said." (Link 5)

Protestants too could have a part to play in this, but that would require complete religious liberty including the right to convert and the right to criticise or scrutinise religion.

Without profound reform, Kyrgyzstan will remain stuck in a destructive cycle that is destined to further popularise and empower HuT.

Such a scenario leaves all religious liberty advocates concerned that Kyrgyzstan's next "revolution" -- a virtual certainty unless there is reform -- might be the Islamic revolution HuT is seeking.

If HuT does make a serious attempt at Islamic revolution it could trigger civil war and regional jihad. If Islam is victorious then all hopes of religious liberty reform will be crushed for the foreseeable future.

These are critical, pivotal days for religious liberty and advocacy of good governance in Kyrgyzstan. It is possible that only a small window of opportunity remains.

Elizabeth Kendal

Links

1) KYRGYZSTAN: President's signing of restrictive Religion Law condemned

By Felix Corley, Forum 18 News Service; 13 Jan 2009
http://www.forum18.org/Archive.php?article_id=1240

2) KYRGYZSTAN'S REVOLUTION: Be careful what you wish for.
A EurasiaNet Commentary by Justin Burke, 25 March 2005
<http://www.eurasianet.org/departments/insight/articles/eav032505.shtml>

ALSO for more on the Tulip Revolution SEE:

The Tulip Revolution takes root

By Pepe Escobar 26 March 2005

http://www.atimes.com/atimes/Central_Asia/GC26Aq03.html

3) Uzbekistan: a new wave of serious persecution may be just beginning
WEA Religious Liberty News & Analysis 23 March 2007
<http://www.worldevangelicals.org/news/article.htm?id=984&cat=main>

4) Kyrgyzstan: A Deceptive Calm

Asia Briefing No.79, 14 August 2008

<http://www.crisisgroup.org/home/index.cfm?id=5627&CFID=58794820&CFTOKEN=16075927>

5) Kyrgyzstan: Islamic Protest Sparked by Official Insensitivity

Analysts say government needs to do more to stop Islamic radicals channeling grassroots discontent.

By Yrys Kadykeev in Bishkek (RCA No. 551, 14-Oct-08)

http://www.iwpr.net/?p=rca&s=f&o=347137&apc_state=henfrc347131

6) Controversy Over Kyrgyz Protest Sentences

Sentences of up to 20 years seen as warning to other protesters, rather than justice.

By Mirgul Akimova and Ayday Tokonova in Bishkek and Regina Kalpanazar in Osh. (RCA No. 558, 12-Dec-08)

http://www.iwpr.net/index.php?apc_state=hen&s=o&o=l=EN&p=rca&s=f&o=348494

7) Islamic Group Quietly Builds Support in Kyrgyzstan

Kyrgyz government seems to be unable to stop the growth of popular support for Hizb-ut-Tahrir in the south.

By Abdumomun Mamaraimov in Jalalabad (RCA No. 516, 16-Nov-07)

http://www.iwpr.net/?p=rca&s=f&o=340673&apc_state=henh

8) KYRGYZSTAN: New effort aggressively counters Hizb ut-Tahrir, religious extremism.

By Bruce Pannier, 15 Feb 2008

A EurasiaNet Partner Post from RFE/RL

<http://www.eurasianet.org/departments/insight/articles/pp021508.shtml>

Kyrgyzstan enacts law restricting religious activities

RFE/RL (13.01.2009) - HRWF (14.01.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Kyrgyz President Kurmanbek Bakiyev has signed a controversial bill on the activities and registration of religious groups, RFE/RL's Kyrgyz Service reports.

The legislation has been criticized by international human rights groups, who believe it would restrict the activities of religious organizations.

The law increases the number of people needed to officially register a religious organization from 10 people to 200 people, bans children from being involved in religious organizations, and prohibits people from proselytizing.

It also forbids the distribution of religious materials in public places, children's institutions, schools, and people from giving out such materials from house to house.

The new law includes new rules for the registration and annulment of religious organizations.

The legislation was supported by the Muslim Spiritual Council and the Russian Orthodox Church in Kyrgyzstan, but was criticized by many Kyrgyz and international organizations concerned with human rights.

US says Kyrgyz law would restrict religious freedom

VOA (07.01.2009) - HRWF (09.01.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - U.S. lawmakers are urging Kyrgyzstan's president not to sign legislation they say will severely restrict religious freedom in the Central Asian country.

The U.S. representatives, Alcee Hastings, Benjamin Cardin and Christopher Smith, and members of the U.S. Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, sent a letter to Kyrgyz President Kurmanbek Bakiyev on Wednesday, saying the passage of a draft religious law would violate international norms and damage the country's reputation.

The lawmakers said the Organization for Security and Cooperation in Europe has reviewed the legislation and found that it would restrict religious freedom by raising the minimum number of members required for registration, banning unregistered communities, and restricting children's education and missionary activity.

The U.S. congressmen called on the Kyrgyz president to return the legislation to parliament for revision to ensure that the country upholds its commitments to the OSCE.

Last year, a U.S.-based non-governmental organization, Freedom House, said Kyrgyzstan took significant steps backwards when it came to ensuring political rights and civil liberties.

Helsinki Commission expresses concern over religion law in Kyrgyzstan

Sends letter urging Presidents Bakiev to uphold OSCE commitments

CSCE (07.01.2008) - HRWF (09.01.2009) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Congressman Alcee L. Hastings (D-FL) and Senator Benjamin L. Cardin (D-MD), Co-Chairmen of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission), and Ranking Minority Member Congressman Christopher H. Smith (R-NJ), sent the following letter to Kyrgyzstan's President Kurmanbek Bakiyev. The letter urges President Bakiyev not to sign a pending religious law that would mark serious regression and not uphold commitments to the Organization for Security and Cooperation in Europe (OSCE).

In particular, the legislation passed by Kyrgyzstan's parliament would severely restrict religious freedom by raising the minimum number of members for registration; ban unregistered communities; restrict the education of children; censor imported religious

literature; threaten the liquidation of religious communities; and restrict missionary activity. **Please find below and attached a copy ([click here](#)):**

January 7, 2009

His Excellency Kurmanbek Bakiev
President
Republic of Kyrgyzstan
Bishkek, Kyrgyzstan

Dear Mr. President:

We are writing to express our concern about the draft law on religion passed by Kyrgyzstan's parliament on November 6, 2008. This legislation needs only your signature to become binding in Kyrgyzstan. We strongly urge you not to sign this law, which would mark serious regression in your country's observance of OSCE norms.

Representatives of minority faiths and many leading international human rights organizations have analyzed the draft and have concluded it is seriously flawed. As you must know, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), has done an exhaustive review of the draft law. There are many problems with the legislation but in essence, as currently drafted it would severely restrict freedom of religion, in terms of, inter alia: registration, with a minimum requirement of 200 adult members; the ban on unregistered communities; restrictions on the education of children; the threat of liquidation of religious communities; and restrictions on missionary activity.

In Central Asia, Kyrgyzstan has in many respects been at the forefront of democratic development. We strongly believe that passage of this draft law in its current state without revision would result in Kyrgyzstan no longer being in compliance with OSCE norms and damage your country's reputation. The United States Government has called on you to return the legislation to parliament for revision, to ensure that Kyrgyzstan upholds its OSCE commitments on religious freedom, as well as Kyrgyzstan's own Constitution. We fully agree and hope that you will take serious account of the concern evoked by this law in many other capitals.

Sincerely,

Alcee L. Hastings, M.C.
Chairman
Benjamin L. Cardin, U.S.S.
Co-Chairman

Christopher H. Smith, M.C.
Ranking Minority Member
