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Religion Law changes being done "democratically"

Forum 18 (19.12.2012) - Draft amendments to the Religion Law prepared by the State Commission for Religious Affairs (SCRA) have begun passage in Kyrgyzstan's single-chamber parliament, the Zhogorku Kenesh, Forum 18 News Service notes. If eventually adopted, the government-backed Religion Law amendments would ban sending students to foreign religious colleges without government permission, require each religious community to have 200 local citizen adult founders in one locality, and ban all exercise of freedom of religion or belief by foreign citizens without a state license.

Meanwhile, the Ahmadi Muslim community in the capital Bishkek is preparing to again challenge in court state registration denial and so of permission for them to exist. Because of the re-registration denial, the community has not been able to meet for worship since July 2011. Also, the Jehovah's Witnesses have taken state registration denials in three separate districts of the country to the UN Human Rights Committee in Geneva.

"We're doing all this democratically"

Galina Kolodzinskaia, coordinator of the Inter-religious Council in the Kyrgyz Republic, fears that the Religion Law amendments could be adopted "quickly and quietly", especially if public debate is minimal. "I know that several parliamentary deputies are opposed to them, but if most of them are committed to adopting them this could be done as early as in a month's time," she told Forum 18 from Bishkek on 18 December.

Mira Karybaeva, Head of the Presidential Administration's Ethnic, Religious Policy, and Cooperation with Civil Society Department, claimed to Forum 18 on 3 December that "these new amendments will not be hurried - we're doing all this democratically". The initial text of the draft amendments was made public on the government website on 18 June. Work on the text was completed in late October, after changes described by human rights defender Dmitry Kabak, of the Bishkek-based Open Viewpoint Foundation, on 29 October as "minor".

Karybaeva of the Presidential Administration insisted to Forum 18 that: "Government and society have reached a consensus on this". She declined to discuss the censorship amendments then awaiting presidential signature, or proposed changes to the Code of Administrative Offences. Her claim of "consensus" ignored heavy criticism of the amendments by human rights defenders and civil society activists, as well as some religious communities – including criticism made at an Open Viewpoint roundtable she personally attended (see below).

The Justice Ministry has prepared draft amendments to the Administrative Code, extensively widening the freedom of religion or belief manifestations subject to administrative punishment. The Ministry is currently seeking government approval to present them to the Zhogorku Kenesh (see forthcoming F18News article).

Censorship amendments to the Religion Law were signed by President Almazbek Atambayev on 7 December. State officials have refused to explain how the amendments – which increase state control over religious literature and other materials - will be implemented.

Religion Law "is not working"?

On 30 October the latest draft amendments to the Religion Law, prepared by the State Commission for Religious Affairs (SCRA), reached the Zhogorku Kenesh according to its website. The draft was assigned to the parliamentary Education, Science, Culture and Sport Committee, which was behind the tightening of censorship changes. The Committee is chaired by Kanybek Osmanaliev, former Chair of the State Agency for Religious Affairs (the SCRA's predecessor) under the discredited regime of ex-President Kurmanbek Bakiev.

SCRA Director Abdilatif Zhumabayev presented the draft to the Committee at an 11 December meeting. Committee Chair Osmanaliev complained that the current Religion Law "is not working". Despite repeated calls, Forum 18 was unable to reach Osmanaliev or Zhumabayev on 18 or 19 December to ask why they think the current Law is not working and why they think it needs to be changed. Osmanaliev's aide told Forum 18 he was in meetings.

Osmonaliev also used the meeting to launch an attack on "foreign missionaries". "Kyrgyzstan has turned into a polygon for various religious sects," local news agencies quoted him as claiming. He also complained that "it has reached the point where Baptists are divided on ethnic lines: into Kyrgyz and Russians".

The current Religion Law came into force in January 2009, a year before then-President Bakiev was ousted from power. After Bakiev's departure, Protestant, Catholic, Baha'i, Hare Krishna, Jehovah's Witness, and civil society human rights groups told Forum 18 they wanted it to be abolished or radically changed. But parliamentary deputies and government agencies have since then repeatedly tried to harshen the Law's restrictive provisions, as with the censorship amendments.

Amendments "do not contradict international norms"?

In his justification of the new amendments, apparently completed by 10 October and published on the parliamentary website, SCRA Director Zhumabayev noted that some of the provisions had emerged from other state agencies during government consultations on the draft text. He insisted that "the norms of this draft Law do not contradict international norms".

As the amendments reinforce the current Law's breaches of the international human rights treaties Kyrgyzstan has solemnly promised to implement, it is unclear how Zhumabayev could have come to this conclusion.

"No proposals or observations"?

SCRA Director Zhumabayev also claimed that "in the course of public discussion of this draft, no proposals or observations came in". This ignores serious criticism compiled under the auspices of Open Viewpoint, which the SCRA is aware of.

Open Viewpoint head Kabak published a critical analysis of the initial draft amendments on 5 September. In mid-October, Open Viewpoint published further critical reviews by Associate Professor Natalya Alenkina of Bishkek's American University of Central Asia (AUCA), who looked at the amendments from a legal perspective, Dmitry Kabak, and Nurlan Alymbayev (from an anti-corruption perspective) and a joint analysis by Tatyana Vygovskaya and Ikbol Mirsaiitov from local conflict management agency Egalitee (from a conflict-prevention aspect).

Open Viewpoint held a roundtable discussion in Bishkek on 16 October, attended by human rights defenders and people from religious communities, Karybaeva of the Presidential Administration, and Kanybek Mamataliyev of the SCRA. Open Viewpoint also invited seven parliamentary deputies, the General Prosecutor's Office, and the National Security Committee (NSC) secret police, but none of these turned up.

Burials obstructed or banned

At the October roundtable, Protestant pastor Almaz Ryskulov lamented that the Religion Law amendments do nothing to overcome difficulties over burying non-Muslims in communal graveyards. He called for an addition allowing for "any Kyrgyz to be allowed to be buried in any graveyard".

The 2009 Religion Law in a small but crucial sentence – which made it impossible for many non-Muslims to be buried according to their own wishes – state in Article 16, Part 3: "Recognition of regulations of use of confessional cemeteries and regulations of cemetery exactions shall be governed by regulations of local municipalities." Local authorities have long 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 resolve the issue with state officials before the Religion Law was passed failed.

The amendments now in the Zhogorku Kenesh leave Article 16, Part 3 untouched.

For many years, local people and Muslim leaders have on occasion obstructed or denied burial according to their own rites to deceased Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees – especially those of ethnic Kyrgyz or ethnic Uzbek background – in village graveyards which they insist are only for Muslims. Police often back those obstructing these burials, in some cases actively participating in burial denials.

The most recent case known to Forum 18 of a non-Muslim being denied burial under their own rites, in a graveyard outside Bishkek, occurred in November 2012.

What else is in the amendments?

The parts of the current amendments thought locally to be most significant are:

- Amendments increase risk of conflict

In their joint analysis, Vygovskaya and Mirsaiitov of Egalitee note that the draft does not comply with Kyrgyzstan's international legal obligations to protect the freedom of religion or belief of all. They warn that, flowing from this, the amendments' restrictions on freedom of religion or belief and expansion of the powers of government – especially local authorities' powers to determine which communities should be allowed to exist – could contribute to a rise in conflicts within society, rather than contributing to social stabilisation.

Local NGO the Foundation for Tolerance International found in 2009 that citizens think that repressing freedom of religion or belief and other fundamental freedoms boosts the credibility of radical extremist groups as an alternative to the government. The authorities' actions were thought by ordinary Kyrgyz to be motivated by a wish to stay in power against the people's will, and the authorities were said to allege threats to justify restrictions.

- Need for 200 founders who live in one locality reinforced

The current Religion Law already makes state registration compulsory for a community to be allowed to exist in Kyrgyzstan, against international human rights law. The amendments' addition to the Religion Law, Article 8, Part 3, would require the 200 adult citizens needed to found a new religious organisation and apply for registration to live in one district of the country. The current Religion Law does not specify where the founders must live in Kyrgyzstan.

Professor Alenkina of the AUCA criticises this provision, noting that the current Law does not restrict the activity of registered religious organisations to a specific territory.

- Registration denial possibilities amplified

The amendments also state at several points that submitting applications for registration which contain "violations of the Law" will result in their rejection, though this does not prevent applications being corrected and resubmitted.

Many religious communities have already experienced officials making full use of the existing Law's potential for arbitrary denials of applications for the right to legally exist, including the provision that all applications must be approved by one local authority (kenesh).

- SCRA role extended

A new Article 2 of the Religion Law specifies that the SCRA coordinates national policy on religion, while local administrations enact it on a local level.

Vygovskaya and Mirsaiitov of Egalitee warn that the draft amendments increase the powers of the SCRA. "All other state bodies regulating the religious sphere are subject to the SCRA's decisions," they observe. "The SCRA is 'usurping' executive and legislative power and is starting to carry out supervisory and control functions over religious organisations."

- Agreements with foreign educational institutions mandatory

A new addition to Article 6, Part 1 would require religious organisations to have agreements with foreign educational establishments and have state permission before sending local people abroad for religious education.

In her analysis, Professor Alenkina criticises this proposal as contradicting the provision that religious organisations have the right to establish foreign ties. She also notes that it is likely to be ineffective, as individuals have the right to travel abroad.

Kabak of Open Viewpoint notes the proposed provision violates individuals' right to make their own choices over religion and education, as well as violating religious organisations' rights to run their own affairs "including on the question of securing denominational education".

The Religion Law is already hostile to religious communities with international 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. The Law also requires all religious educational establishments within Kyrgyzstan to be both founded by a registered organisation and to have official – including local authority – permission to exist.

- Unclearly defined places of worship must have SCRA permission

A new Article 10-1 would require "objects of religious designation (namazkhana [Muslim prayer room], chapel or other form of religious object)" to be registered with the SCRA. Local authorities can only give land to build such places with SCRA permission. If such places are within an institution, the director of the institution must give written permission when they apply for "notification registration". It appears that only registered religious communities can apply for notification registration for such places.

Professor Alenkina criticises the vague and contradictory nature of the term "objects of religious designation". Kabak of Open Viewpoint condemns the provision as a violation of people's internationally-recognised human right to conduct religious activity alone or in association with others.

In his analysis prepared under Open Viewpoint's auspices, Alymbayev warned that vague provisions (such as the required notification registration of "objects of religious designation") and heightened bureaucratic requirements for religious communities to meet might contribute to a rise in corruption. He pointed out that the government is publicly committed to reducing such possibilities.

- New restrictions on foreigners' freedom of religion or belief

A new addition to Article 12, Part 1 declares: "Foreign citizens are banned from engaging in religious activity on the territory of the Kyrgyz Republic without undergoing [personal] notification registration." At present, the Law requires those "who have arrived in Kyrgyzstan with the aim of religious activity" to have personal registration as "missionaries", but is not as explicit in banning all exercise of freedom of religion or belief by foreign citizens without state permission.

International law defends the human rights, including freedom of religion or belief, of all persons within a given state's jurisdiction whether or not they are citizens of that state. In international law, human rights do not require state permission to be exercised.

The current provision in Article 12, Part 2 restricting foreign missionaries to a maximum of three years' residence in Kyrgyzstan would be removed.

A new addition to Article 12, Part 7 would allow the SCRA to apply to the courts to halt the activity of missionaries if their activity "represents a threat to public security and order, inter-ethnic and inter-denominational accord, and the health and morals of the population, as well as in cases of violation of the law".

Refusal by local keneshes to endorse religious communities' lists of founders has already affected communities of a variety of faiths. Such refusals have prevented some of these communities from getting state registration and thus also from being allowed to gain missionary visas for foreigners.

- Other issues

Other provisions in the amendments are locally thought likely to have less of an impact in practice. Among these is a revised definition of the term "sect", though the term does not appear elsewhere in the current Religion Law or the proposed amendments.

Ahmadi Muslims to challenge SCRA re-registration refusal

Members of Bishkek's Ahmadi Muslim community are preparing to challenge in court the SCRA's decision not to re-register them, and so to deny them permission to exist, they told Forum 18 on 17 December. Because of the re-registration denial, the community has not been able to meet for worship since July 2011.

At the same time, the General Prosecutor's Office has brought another case to court to have the Ahmadi community banned as "extremist". The new attempt follows the failure in June on "technical" grounds of their first attempt. On 13 July, Judge Madina Davlatbayeva, Deputy Chair of Bishkek City Court, rejected the Prosecutor General's appeal against the lower court decision.

Deputy General Prosecutor Lyudmila Usmanova, who signed the first liquidation suit, refused to explain by telephone why her Office is again seeking to ban the Ahmadi community through the courts. "I won't comment on court decisions and won't give consultations by phone," she insisted to Forum 18 from Bishkek on 18 December. "Write us an official letter," she added, before putting the phone down.

Jehovah's Witnesses take registration denials to UN Human Rights Committee

On 3 September, Jehovah's Witnesses lodged a complaint (seen by Forum 18) to the United Nations Human Rights Committee in Geneva. It outlined their case that the denial of registration to three of their communities in southern Kyrgyzstan is a violation of their rights enshrined in the International Covenant on Civil and Political Rights.

The SCRA rejected Jehovah's Witness registration applications in Osh, Naryn and Jalal-Abad because the local city councils (keneshes) did not approve the list of 200 founding members for each organisation, as required by Article 10 of the Religion Law. "In reality, the local city councils stated in their decisions they did not approve the lists of founding members because there was no government order in place on the process to be followed, a fact admitted by the SCRA," Jehovah's Witnesses complained to Forum 18.

A Chair of one of the local keneshes in January 2012 revealed to Forum 18 that the reason for registration refusal was that "the deputies do not like the Jehovah's Witnesses, and made a decision to refuse to endorse their list".

Although the Jehovah's Witnesses won a subsequent case in the lower courts, the SCRA appealed against this. In May 2012 the Supreme Court backed the SCRA, upholding the re-registration denial.

The Jehovah's Witnesses argued in their complaint to the UN that the Supreme Court decision "insulates the discriminatory actions of the SCRA from judicial review. More importantly, we argue that the requirement to have the list of founding members approved by the local city council is a violation of international law".

Jehovah's Witnesses pointed out to Forum 18 that even the Presidential Administration has admitted that since the amended Religion Law came into force in 2009, no non-Muslim or non-Russian Orthodox community has been able to gain registration.

Prosecutor General preparing new banning suit

Forum 18 (04.07.2012) - Zhanibek Botoyev, the Chief Legal Expert of the State Commission on Religious Affairs, has revealed to Forum 18 News Service that plans are underway to try again in court to ban Kyrgyzstan's Ahmadi Muslim community as "extremist". The new attempt follows the failure on technical grounds in their first attempt. The court ruling came two weeks after the Supreme Court rejected Jehovah's Witness suit against the denial of registration to three of their branches.

The legal cases come amid a lack of clarity over how many religious communities have been able to gain re-registration and how those languishing without re-registration can do so. Lack of re-registration has prevented communities from exercising their full rights, including over establishing local communities or inviting foreign citizens for religious work.

Only 135 Muslim communities and three Russian Orthodox communities are believed to have gained re-registration since the new Religion Law was adopted. The Ahmadi community, which is among those denied re-registration, has not been able to meet for worship since July 2011.

The Bakiev-era new Religion Law came into force in January 2009. Among other provisions it requires each local religious community to have 200 adult citizen founders, which need to be approved by the local kenesh (council).

Prosecutor General's Office to again seek Ahmadi ban

Botoyev of the State Commission told Forum 18 on 4 July that the Prosecutor General's Office is preparing a fresh attempt to ban the Ahmadi Community as "extremist" through the courts, after the failure of its first suit on 15 June.

"We have consulted with the Prosecutor General's Office, and according to Civil Procedural Law we cannot re-register the Ahmadi Community until the lawsuit is over." Botoyev could not tell Forum 18 the exact provisions of the Civil Procedural Code allowing the State Commission to refuse the re-registration.

Botoyev said Ahmadis have worked for a decade in Kyrgyzstan with no problem, "but now they have become cheeky and think that they are the best". He said the Ahmadi community had complained to the President and higher authorities about the Muslim Board, "which oversees millions of Kyrgyzstan's Muslims". "We qualify this as inter-religious enmity," he insisted to Forum 18. "We have the opinions from various religious experts and Muftis that the Community is not even Muslim. They need to decide who they are, whether or not they are Muslim."

Deputy Prosecutor General Lyudmila Usmanova – who signed the initial suit to ban the Ahmadi community - refused to comment on the Court decision. Asked by Forum 18 on 4 July whether or not the Prosecutor General's Office will continue efforts to ban the Ahmadi Community, she responded: "We have not received the Court decision yet, and when we receive it we will make a decision what action to take next."

Aygul Matiyeva, the lawyer who defended the Ahmadi Community in the case, told Forum 18 on 4 July that "the Court established that the Prosecutor General's Office did not establish any facts of extremism in the activity of Ahmadi Muslim Community, and applied to the Court in violation of legal procedures." Asked whether she thinks the authorities will continue their suit to ban the Community, she said that the Community was "not re-registered by the State, so they may be accused of unregistered activity".

An Ahmadi Muslim who asked not to be named, told Forum 18 on 6 July that they are surprised to hear that the Prosecutor General's Office is preparing another suit, especially because they "hope that the authorities will have goodwill towards them".

Court dismisses first suit

Kyrgyzstan's Prosecutor General's Office went to court to have the country's Ahmadi Muslim Community qualified as an "extremist" organisation and to ban its activities. Court hearings began on 5 June.

However, in her 15 June ruling, Judge Gulyayim Erkebayeva of Bishkek City's October District Court dismissed the suit. The decision entered into force on 26 June.

In her ruling, of which Forum 18 has seen a copy, Judge Erkebayeva explains that she was rejecting the suit because the Prosecutor General's Office had failed to issue or send a written warning to the Ahmadi Community before it brought a suit to court. The warning should have demanded that the Community eliminate specified facts of extremism within no less than 10 days. She pointed out that such a warning is required under Article 7 of the Law on Countering Extremist Activity.

The Judge noted that the plaintiff has the right to bring a new suit after eliminating the circumstances which caused the dismissal.

Three officers of Kyrgyzstan's National Security Committee (NSC) secret police - Kanat Tyukeyev, Zafar Ashuraliyev and Murat Ashimov - as well as Botoyev of the State Commission participated in the hearings to testify as third parties in the lawsuit.

On 5 June, while the case was beginning in court, the NSC secret police headquarters in Bishkek refused to put Forum 18 through to any of its three officers who participated in the hearing. It also refused to say why and what exactly those officials testified in court about the Ahmadi Community.

The duty officer who answered the phone, who refused to give his name, insisted to Forum 18 that he knows that the Ahmadi Muslims are "extremists, and perhaps extremist literature was confiscated from them." Asked what precise actions or literature of the Ahmadi Muslims are extremist, he referred Forum 18 to the NSC secret police's International Relations Department. However, the phone at that Department went unanswered each time Forum 18 called in early June and again in early July.

Supreme Court upholds re-registration denial

On 31 May, Kyrgyzstan's Supreme Court ruled in favour of the State Commission on Religious Affairs in a case brought against it by the Jehovah's Witnesses' Central Community in Bishkek. The Jehovah's Witness community brought the suit over the denial of registration to its affiliated communities in Jalal-Abad, Osh and Naryn Regions, Hamit Iskakov, the Jehovah's Witnesses' lawyer, told Forum 18 from Bishkek on 5 June.

As of 5 July the Jehovah's Witnesses had not received the Court decision. That day, Aziz Dosmambetov of the Court's International Relations Department once again assured Forum 18 the Jehovah's Witnesses will "very soon receive it, since it is ready". However, he refused to say how soon.

The Supreme Court had referred Forum 18 to Dosmambetov on 23 June. He had told Forum 18 then that the reason why Jehovah's Witnesses did not still receive a copy of the decision, was that "its text was not written down yet, that the Court was preparing it, and that they should receive it by the end of June." Asked why 23 days after the hearing the written text of the decision was not ready, Dosmambetov said that the Court has

"few Judges, there is much work to do, and they are not able to manage all the work on time."

Told that the local Keneshes, in violation of the Law, refuse to endorse the lists of the founders of the local Jehovah's Witnesses communities, and asking what other legal actions must be taken to re-register these communities, Dosmambetov declined to comment saying that he is "not familiar with the details of the case". Asked who from the Supreme Court could comment on this question, he said he could not refer Forum 18 to any official. "Most of the Judges are on vacation, and there will soon be election of Judges to the Court."

Local keneshes withhold permission

The refusal by local Keneshes to endorse religious communities' lists of founders has affected communities of a variety of faiths. Such refusals have prevented some from getting state registration and thus also from being allowed to gain missionary visas for foreigners.

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

Back in January one of the local Keneshes Chair revealed to Forum 18 that even if the said mechanisms were ready, the local deputies still did not want to assist the Jehovah's Witnesses with registration. Kokotayev of Naryn Kenesh told Forum 18 that the Kenesh is a collective body of deputies, and they make joint decisions. "The deputies do not like the Jehovah's Witnesses, and made a decision to refuse to endorse their list".

Botoyev of the State Commission appeared unsure as to who was to blame for the Jehovah's Witnesses' lack of registration. "It is the fault of the local keneshes that the Jehovah's Witnesses were not registered in those regions," he maintained. He then added: "Jehovah's Witnesses need to fulfil the law, and have their lists of founders endorsed by local Keneshes in those regions."

On 10 July a court case is due to begin at Bishkek Interdistrict Court in a suit brought by Bishkek's Grace Presbyterian Church, Botoyev and ChynasyI Chynybayev, Head of the Legal Department of Bishkek City Kenesh, separately told Forum 18. The Church is bringing the suit because it is unable to get missionary visas for those it wishes to invite, since Bishkek City Kenesh has not confirmed their list of founders.

Aleksandr Shumilin, Head of Kyrgyzstan's Alliance of Evangelical Churches, told Forum 18 on 6 July that not long after the new Religion Law entered into force, the Alliance - which has roughly 300 Protestant member Churches - decided not to ask the State organs for official registration in protest at the threshold of 200 founders and other restrictions in the Law. "Most communities cannot possibly register and function under the conditions stipulated by the Law," he lamented.

Do regulations for Keneshes exist?

Botoyev, the Chief Legal Expert of the State Commission on Religious Affairs, insisted to Forum 18 that regulations governing how local Keneshes approve founders' lists were approved in 2011. He said he will prove in court to Bishkek City Kenesh in the Grace Church case that such regulations exist. He could not say where Forum 18 could see their electronic version.

He said that in 2011, in co-operation with the Organisation for Security and Co-operation in Europe (OSCE), the State Commission prepared the regulations and published them in the form of booklets.

Botoyev said they were sent in June 2011 to the Union of local Keneshes of Kyrgyzstan, the Central Organ that coordinates the activity of all local Keneshes. "In its turn the Central Organ sent us an official reply in July 2011 that they had already forwarded the regulations to the local keneshes," he told Forum 18.

However, Jalalbek Boltagulov, Director of the Union of Local Keneshes of Kyrgyzstan, disputes this. He told Forum 18 on 6 July that he had looked back at correspondence for that period, and there was no communication between the State Commission and the Union in June-July 2011. "The State Commission as a state organ cannot give such orders to us to send or inform of the existence of such regulations to the local Keneshes since we and the local Keneshes are non-government and non-commercial organisations."

Shumilin of the Alliance of Evangelical Churches said that he does not believe that regulations for the local Keneshes exist. He said that at a regular meeting of the Alliance in early July, several Churches complained that they cannot obtain or extend visas for their missionaries because the Keneshes in Bishkek and in the regions have told them that they cannot endorse their lists of the founders necessary for obtaining the visas.

Chynybayev of the Legal Department of Bishkek City Kenesh told Forum 18 on 6 July that "no regulations exist until this day, and there are no mechanisms for how the local Keneshes can endorse lists of founders." He said that it is not clear whether the Chair of the Kenesh should do it, or the deputies should endorse by voting, and whether it should be written or oral. He said that if such regulations exist, that will become clear in court proceedings in the suit brought by Grace Presbyterian Church.

Chynybayev said that since the Law entered into force, Bishkek City Kenesh has not endorsed lists of founders of any religious organisations, whether Muslim, Christian or of any other faith.

How many religious communities are registered?

Given the lack of clarity over whether or not the State Commission has provided regulations to the Union of Local Keneshes and, if so, whether it has distributed them to local Keneshes, it remains unclear how many religious communities currently have state registration which allows them to conduct the full range of religious activities, including registering local branches and inviting foreign citizens for religious work.

Yekaterina Ozmitel, Head of the Centre of Religious Research, told a press conference in Bishkek on 26 June that 2,330 religious organisations have registration. However, she complained of the lack of clarity in the Religion Law.

Ozmitel clarified to Forum 18 on 6 July that the 2,330 religious organisations she spoke about had registration before the new Religion Law. She said they are still regarded as registered, even though they need to be re-registered.

Asked how many religious communities are currently registered, and how many have been registered or re-registered since the new Religion Law came into force, Botoyev refused to say. He referred Forum 18 to Baktybek Osmanov, the official who oversees statistics at the State Commission.

Osmanov also refused to give the figures of registered religious organisations. "We do not provide such statistics over the phone," he told Forum 18 on 5 July. But he insisted that the State Commission registers organisations according to the Law. Asked whether it has registered or re-registered any Muslim communities outside the framework of the Muslim Board or any non-Muslim communities, Osmanov did not answer, and put the phone down.

Tightened censorship from September?

Forum 18 (29.06.2012) - After President Almazbek Atambayev refused on 13 April to sign amendments to tighten censorship under Kyrgyzstan's Religion Law, it was sent back to the single-chamber parliament, the Zhogorku Kenesh. The main proposer has told Forum 18 News Service that the amendment is being considered by parliament's Education, Science, Culture and Sport Committee.

The proposed Religion Law amendments add a new provision, Article 22, Part 9: "Control on the import, production, acquisition, storage and distribution of printed materials, film, photo, audio and video productions, as well as other materials with the purpose of unearthing religious extremism, separatism and fundamentalism is conducted by the plenipotentiary state organs for religious affairs, national security and internal affairs."

A lawyer from one religious community, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 25 June that this will have the effect of imposing total censorship on all literature and similar material. Officials, the lawyer said, will interpret this as meaning that anyone wanting to import, publish or distribute religious literature will have to seek prior permission from the authorities.

Lawyers from two other religious communities and a leader of a religious community, who also wished to remain anonymous, also independently stated that officials will take this as an instruction to impose total censorship on all religious literature and similar material.

The 2009 Religion Law did not impose prior compulsory censorship of all religious literature. However, it allows state examination of any religious literature and requires state examination of all religious materials placed in a library. It also bans 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

Tightened censorship text to be finalised in September.

Deputy Tursunbay Bakir uulu, who is one of the initiators of the changes to the Religion Law, told Forum 18 on 25 June that 27 deputies (out of 120) support tightened censorship. He stated that, after the Zhogorku Kenesh's summer break, the text will be finalised in September.

The Committee voted on 29 May to form a joint group to prepare a revision of the proposed amendments. Deputy Bakir uulu stated that this will include officials from the Presidential Administration, the Zhogorku Kenesh, and independent legal experts from non-commercial organisations to agree on the final text.

The Education, Science, Culture and Sport Committee was called the Committee on Education, Science, Culture, Information and Religious Policies until late 2011, and was under this name considering the changes.

Who will censor?

The Religion Law amendments also propose the establishment of a new Co-ordinating Expert Committee to oversee this censorship. President Atambayev did not object to the tightened censorship as such, only to the provision in the amendments requiring religious organisations to be involved in it.

The Education, Science, Culture and Sport Committee noted, in its 29 May response to President Atambayev's refusal to sign the draft in current form, that those who censor religious literature must be "specialists with an appropriate profile". It stressed that individuals and legal entities are required to cooperate with government agencies in countering extremism.

"Law-enforcement agencies should not be involved in evaluating religious literature since they are not specialists in this area, and do not have staff to do it objectively," Deputy Bakir uulu insisted to Forum 18. He said that it was his idea to give this role – in the initial draft of the amendments - to the state-backed Muslim Board and the Russian Orthodox Church. (In the parliamentary process, the Muslim Board and Russian Orthodox Church were removed, and the final version approved by parliament required religious organisations merely to assist state agencies.)

"The President does not want religious communities to have anything to do with the expertise or be obliged to cooperate with the state in this way," Deputy Bakir uulu added.

Elaborating on why he does not want the state to provide the "expert analyses", Bakir uulu said that recently a woman was arrested and charged with extremism in Tashkumyr in Jalal-Abad Region, for storing a Quran and several disks in Kyrgyz with sermons on what the Quran teaches. "Since the Quran is in Arabic, and Prosecutor's Office officials do not speak or understand Arabic, they claimed that she has ties with some militant Islamic groups. The sermons are in Kyrgyz and only explain what the Quran teaches."

Deputy Bakir uulu said that the woman received a seven year jail term, but would not give any more details of the case. "I am preparing a complaint against this decision," he told Forum 18.

The Religion Law amendments were originally presented to the Zhogorku Kenesh in June 2011, and then named the Muslim Board and the Russian Orthodox Church's Bishkek Diocese, not state agencies, as being responsible for providing censorship "expert analysis". Other religious communities expressed fears to Forum 18 that this might allow these two communities to exercise a veto over literature from other religious communities. However, before the November 2011 first reading in parliament, the amendments had been changed to remove any specific mention of the Muslim Board and the Russian Orthodox Church.

Why?

Asked why religious literature and material should be censored, and why – if there is a problem which can be defined - Kyrgyzstan is not using alternatives to censorship, Deputy Bakir uulu told Forum 18 he was busy in a meeting, and could not comment further.

Kanybek Osmanaliyev, Head of the Parliamentary Science, Education, Culture and Sports Committee (and a former Head of the then State Agency of Religious Affairs), insisted that state control of religious literature needs to be tightened. "This is clear from the wide support from the Parliament for the changes to the Religion Law," he told Forum 18 on 22 June. However, he refused to elaborate on why he thinks such a need exists and

refused to talk to Forum 18 further, saying he was busy with a group of people with urgent issues.

Censorship now

A lawyer from one religious community, who did not wish to be named for fear of state reprisals, told Forum 18 on 25 June that total censorship is already applied to all imported religious literature and materials. Permission is required from the State Commission for Religious Affairs (SCRA) before Customs will release literature. The lawyer was not certain whether any legal basis exists for Customs and other state agencies to allow the SCRA to make this decision. "It may be just an agreement between the state organs."

"I have heard that the SCRA and Customs discriminate in favour of some communities, especially the Russian Orthodox Church, in granting permission to import literature," the lawyer told Forum 18. "But state agencies can delay or block other communities' literature being released by Customs."

Hamit Iskakov, a lawyer for the Jehovah's Witnesses, told Forum 18 on 25 June that in the recent past Jehovah's Witnesses several times received shipments of literature from abroad without problem. But they had to obtain a signed and stamped letter from the SCRA allowing release of the shipments by Customs. "Each time we had to give samples of literature to the Commission for an 'expert analysis' – even if some of the books were the same as in previous shipments," he complained. "Some books were not released but returned to the sender."

Asked why some books were not approved by the SCRA, Iskakov said that some of them had quotations from the Quran to better explain some Jehovah's Witness teachings to Kyrgyz people. SCRA officials did not like this. They also did not like the pictures in some other books.

Aleksandr Shumilin, a Baptist pastor who chairs the Association of Evangelical Churches, told Forum 18 on 25 June that Baptists are not importing much literature at present. He added that Protestant Churches are not publishing much inside Kyrgyzstan. This is because printing firms and publishing companies often refuse to do work for Protestants because they were told by officials not to print religious materials. He declined to give details of specific cases for fear of state reprisals.

Synarkul Muraliyeva, leader of the Hare Krishna community, told Forum 18 on 21 June that her community is still not able to function openly and publicly. "We were refused official registration, and the situation has not changed," she lamented. "This makes it impossible for us to import, print or distribute literature." She did not think that they will receive official registration soon, as the Hare Krishna community does not have the officially imposed threshold of 200 founders to gain state permission to exist.

Many communities have been unable to gain official permission to exist for a variety of reasons, including overt hostility and discrimination on the part of state officials and the SCRA. Indeed, Kyrgyzstan's law-enforcement and other state agencies are failing to stop or even appear sympathetic to violent attacks on people exercising freedom of religion or belief.

Censorship violates human rights commitments

Censorship directly violates Kyrgyzstan's international human rights commitments, such as Paragraphs 16.9 and 16.10 of the Organisation for Security and Co-operation in Europe's (OSCE) Vienna Concluding Document of 1989. In 2010, Kazakhstan was OSCE Chair-in-Office. Paragraphs 16.9 and 16.10 read:

"(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.9) – respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) – allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief".

OSCE criticism

In a 22 March Opinion on the draft amendments that President Atambayev rejected, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) called on the Kyrgyz authorities to "reconsider in their entirety" the proposed amendments. It stressed the right of religious communities and individuals to produce and distribute religious literature without interference. It expressed concern about assigning the state's investigative powers to religious organisations and pointed out the terms "religious extremism, separatism and fundamentalism" "lack a clear legal definition" which it fears could lead to "a significant risk of arbitrary application of the law".

The OSCE Opinion concluded that "in their current reading they are both too vague and disproportionately restrictive to conform to international standards. It should be recalled that violent separatism and terrorism are better addressed not through laws on freedom of religion, but rather through the ordinary criminal law or through precisely formulated special laws on national security – which moreover should not be used as a pretext to restrict legitimate religious activity"

"We need to protect the rights of the majority"

By Mushfig Bayram

Forum 18 News Service (15.06.2012) - Kyrgyzstan's law-enforcement and other state agencies have been inactive, very slow to act against, or even apparently sympathetic to violent attacks on people exercising freedom of religion or belief, Forum 18 News Service notes. Commenting on attacks against members of minority communities, new Head of the State Commission for Religious Affairs (SCRA) Abdilatif Zhumabayev told Forum 18 that "we need to protect the rights of the majority".

Among recent attacks, a Kingdom Hall of an officially-registered Jehovah's Witness community in the south-western Jalal-Abad Region was burnt down by a mob of people, who had earlier beaten up and threatened the individual members. Local police and Public Prosecutors took no action when they witnessed the same attackers threatening that they would destroy the homes of Jehovah's Witnesses and kidnap them. In the central Naryn Region, police have been reluctant to bring serious charges against those who attacked five Baptists in their home village.

Forum 18 is aware of similar violent attacks against members of other religious communities exercising their religious freedom elsewhere in Kyrgyzstan, but they do not wish to discuss this in public for fear of state reprisals.

In the capital Bishkek on 5 June, the October District Court began hearing a case brought against the Ahmadi Community by Deputy Prosecutor-General Lyudmila Usmanova. She is seeking to have the Community declared "extremist" and banned in Kyrgyzstan. The SCRA has previously denied Ahmadis registration, rendering all their activity illegal, as the National Security Service (NSS) secret police, has stated they are a "dangerous movement and against traditional Islam". The case resumed on 14 June, with what is expected to be the final hearing today (15 June).

Destabilising?

Zhumabayev of the SCRA expressed hostility to people exercising their right to freedom of religion or belief. Asked what law-enforcement agencies are doing to protect people's freedom of religion or belief, why they are reluctant to act against those who use violence against people peacefully exercising fundamental rights, and what the SCRA is doing about this, Zhumabayev told Forum 18 on 13 June that the Jehovah's Witnesses are "peacefully existing in other regions but in Jalal-Abad they are destabilising the situation".

Asked how exactly Jehovah's Witnesses were "destabilising the situation", Zhumabayev replied that "local people do not want them in their region". He elaborated on this by stating that: "For example, a year ago people of [the south-western] Batken Region stated that they do not want Jehovah's Witnesses in their region, so the authorities cancelled their registration for that region."

The SCRA, the NSS secret police, and local authorities have been actively blocking registration applications by many religious communities. Unregistered exercise of freedom of religion or belief by communities is illegal, and some religious communities think their lack of legal status – and for those with under 200 founders the impossibility of gaining this - contributes to violence against them.

Zhumabayev was appointed on 24 January as SCRA Head by a decree of President Almazbek Atambayev, the presidential website noted the same day. Zhumabayev replaced former Head Ormon Sharshenov. The 35-year-old Zhumabayev studied at the Azreti Umar Islamic Institute in Bishkek and in the Islamic Law Faculty at Al-Azhar University in Egypt. The SCRA website notes that he was an advisor on religious issues to the Interior Minister from 2009, as well as teaching law and Islamic law at universities in Bishkek.

Do minorities have human rights?

Asked by Forum 18 whether this means that minorities cannot enjoy human rights in Kyrgyzstan, and whether in Jalal-Abad the mobs decide who should believe in what, Zhumabayev replied: "I do not give a damn about who believes in what, and we cannot always protect minority rights at the cost of the majority. We need to protect the rights of the majority."

Zhumabayev said that the Jehovah's Witnesses "should just stop struggling and agree to stop their activity in Jalal-Abad". He said the Jehovah's Witnesses complained against the Batken closure to all the courts and eventually to Kyrgyzstan's Supreme Court and lost in April. "We know that they are preparing to complain in international courts, and we told them that they can go ahead and complain to whoever they want."

Asked about violent attacks on Baptists in Naryn Region, he told Forum 18, "You were not told all the details of the story." Asked what information was missing and what the Baptists had done wrong, Zhumabayev replied that "we are still investigating the case".

He then declined to discuss the case further.

Asked why the government wants to ban the Ahmadi Muslim community, and what wrong they have done, Zhumabayev replied: "You should not be talking to me but to my Secretary, and who gave you my phone number?" He then put the phone down.

Mob attacks, place of worship torched the first time

The Jehovah's Witness Kingdom Hall in Toktogul in Jalal-Abad Region was first destroyed in 2010 by a mob who also attacked community members. "Despite our multiple complaints in 2010, the persons responsible for the criminal attacks were not charged," the community's lawyer Hamit Iskakov told Forum 18 on 6 June 2012.

Iskakov said that complaints to the national Prosecutor-General in 2010 were no help, as the complaints were "merely forwarded" to the Jalal-Abad Prosecutor's Office. The Jalal-Abad Prosecutor did "virtually nothing" concerning the attacks in 2010, he told Forum 18.

"Failure to prosecute the persons who carried out the mob violence in May 2010 is no doubt the main reason why the mobs felt they could attack our community again in 2012," he lamented.

Escalating mob attacks, place of worship torched - again

In early 2012 groups of young men began repeatedly throwing stones at community members rebuilding their Kingdom Hall. Jehovah's Witnesses complained to Jalal-Abad law-enforcement authorities about this in mid-April, noting that community members had also received threats. But the authorities took no noticeable action.

Between 13 and 16 May the violence intensified. "Large mobs gathered and inflicted heavy damage on the place of worship," Iskakov recounted. On 18 May the mob burned down the Kingdom Hall – again.

Police have in the past raided Jehovah's Witnesses and other communities in Jalal-Abad and other regions. The SCRA and its predecessor the State Agency for Religious Affairs have obstructed the registration of Jehovah's Witness and other communities in Jalal-Abad and other regions since a repressive Religion Law was introduced in 2009.

Violent attacks and threats against members of minority communities remain an ongoing problem. This can also take the form of people being physically prevented from burying dead family members according to their own rites, including by the stealing of bodies.

"We are busy"

Deputy Prosecutor-General Usmanova told Forum 18 on 13 June that she cannot comment on attacks such as those on the Jehovah's Witnesses since she does not know the details. When Forum 18 asked how this can be, and that Forum 18 has seen a copy of the complaint the Jehovah's Witnesses sent to the Prosecutor-General, she replied: "We are busy, there are so many complaints, and various officials are considering various complaints."

Asked why she signed and filed a legal case to ban Ahmadi Muslims as "extremist", Usmanova curtly replied "please put all questions in writing" and refused to talk further.

"Police have not prevented attacks, or arrested any perpetrators"

"Police have not prevented attacks or arrested any perpetrators," Iskakov told Forum 18. Jehovah's Witnesses learned from the police that in late May they stopped four young men on suspicion of committing the arson, but released them the same day on receiving assurances that they will not leave the town. The police "seem unwilling to investigate the case", and are letting supporters and relatives of the young men and other attackers "pressure us to withdraw our complaint."

Police "invited the mob"

Iskakov said that on both 1 and 6 June, when he took some of the victims to testify to Toktogul Police, each time "minutes after we arrived at the Police Station, a mob gathered in front". The crowds shouted threats that "we should withdraw our complaint". Iskakov thinks someone from the authorities may be informing the attackers. He noted that representatives of a local mosque, and a woman who works for the local municipality, whose home is next to the Kingdom Hall, were among the mob.

On 1 June despite "strong objections" from Iskakov and his fellow-believers, Ayilchi Myrzamamytov, Deputy Chief of Toktogul Police "invited the mob" into the police station. He then put the Jehovah's Witnesses face-to-face with the mob "to settle our differences".

Iskakov said that Jyldyzbek Zairov, Deputy Prosecutor of Toktogul, was present at the confrontation. When people from the crowd screamed that "we must withdraw our complaint otherwise they will abduct our co-believers and also burn down their homes", the officials did not react.

Jehovah's Witnesses asked Deputy Police Chief Myrzamamytov and Deputy Prosecutor Zairov "don't you see what they are saying?", and asked them to take measures. But the officials replied that "we [Jehovah's Witnesses] need to come to an agreement with them [the mob]," Iskakov said. "The mob gave us one week until Friday 8 June to withdraw our complaint." Jehovah's Witnesses did not withdraw the complaint, they told Forum 18 on 15 June.

Similarly on 6 June a mob arrived at the police to make the same demands of the victims. Police again "pressured us to talk to them", Iskakov stated. "But this time we talked to a person who presented himself as their lawyer, and so avoided having to face the mob."

Perpetrators still free

Iskakov also complained to Forum 18 that they are not satisfied that "let alone the perpetrators are free, the Police opened the case only on charges for arson." He explained that the Police brought charges under Criminal Code Article 174, which punishes "deliberate destruction or damage to property". However, the Jehovah's Witnesses are demanding that the charges also be brought under Criminal Code Articles 134 (violation of equality), 146 (obstructing the exercise of the right to freedom of religion), 167 (robbery), 234 (hooliganism) and 299, Part 2 (incitement with violence of interethnic, racial, religious or inter-regional hatred).

"No-one threatened the Jehovah's Witnesses, they just asked them nicely"

Deputy Police Chief Myrzamamytov claimed to Forum 18 on 6 June that "the crowd did not enter our building, but were standing outside on the street". He did not answer when asked why he and Deputy Prosecutor Zairov did not prevent the crowd from threatening the Jehovah's Witnesses. Asked why police are not investigating the case properly,

Myrzamamytov replied: "Please talk to the Interior Ministry." He then declined to discuss the case further.

Deputy Prosecutor Zairov claimed to Forum 18 on 6 June that "it's not us, it's the police who are investigating the case". Asked about the mob inside the Police Station on 1 June, he claimed he was there on a different issue but "witnessed the meeting by chance".

Asked why he did not take measures against the threats of the attackers, Zairov responded "no one threatened the Jehovah's Witnesses, they just asked them nicely to withdraw their complaint". Zairov then declined to talk further.

An Interior Ministry official in Bishkek, who categorically refused to give his name, on 6 June declined to comment on the case. He claimed that "we do not want an escalation of the problem into a religious conflict, and we will take measures". He declined to talk further.

Petty hooliganism?

Following an attack on himself and four other Baptists in his home village of Ak-Kya in Ak-Talaa District of Naryn Region, Narsbek Sydykov told Forum 18 on 6 June that the Ak-Talaa District Police are "slow" to investigate the attack. He also complained that police brought charges of "petty hooliganism, and want to at most fine our attackers and let them go".

Sydykov told Forum 18 that he was visiting relatives in the village on 11 April, from his current home in the city of Naryn, with four other Protestants. He had been given a list of poor families by fellow villagers, and had brought presents for their children which he intended to distribute with the consent of the parents. He took the gifts – which had no religious material in them – to the local school with the consent of the Head Teacher. They had no intention of undertaking any identifiably specifically Christian activity.

At the school, "Kylych Abashakirov, the local Imam and some robust young men arrived," Sydykov recounted. "They threw the presents around, and then began to hit and kick me and my friends." He was stunned and fell down and the five Baptists "decided to leave the village quickly before anything serious happened". Sydykov told Forum 18 that on that day they went to a hospital in Naryn for medical examination, which said that he received "bruises in his head and body, as well as had been concussed".

The Imam and other attackers "followed our cars in their cars, and threw stones and hard objects on our car". The back and side windows of Sydykov's and the other car of the Baptists were broken by this attack.

Sydykov told Forum 18 that this is not the first time he has had problems with Imam Abashakirov. He said that the Imam earlier threatened his family in the village, because he [Sydykov] had become a Christian.

Forum 18 on 11 June tried to reach Imam Abashakirov. But his father, who did not give his name, said that the Imam is not available to talk.

Police Investigator Meyerzhan Kasmaliyeva, who is leading the investigation of the case, told Forum 18 on 6 June that charges were brought against Imam Abashakirov and four others under Criminal Code Article 234, Part 2, Points 1 to 4. This punishes hooliganism committed by a group, by a prior conspiracy, accompanied by humiliation of others and with substantial damage to property. Maximum punishment is five years' imprisonment.

Sydykov expressed concern to Forum 18 that even if all five are brought to trial under the hooliganism charges, they might end up simply with a fine.

Told of the concerns of Sydykov and the other victims that punishment might not be imposed or might be minor, Investigator Kasmaliyeva, responded: "The evidence and results of the forensic tests showed us they did not receive serious injuries, but we are still investigating the case."

Kyrgyzstan to ban Unification Church

RIA Novosti (06.02.12) - Kyrgyzstan's Prosecutor General's Office requested a court ban on the Unification Church, the controversial religious movement founded by Korean leader Sun Myung Moon.

The prosecutors ruled the religious group "a danger to the country's security," said Abdilatif Zhumabayev, who heads a government commission on religion, local news web site Knews.org said.

A lawsuit to ban the group is under review in a district court in the capital, Bishkek, Knews.org said, without giving a date for the hearing.

A similar ban was slapped earlier on Hizb ut-Tahrir, an Islamist group recognized as terrorist in Russia and several other countries, though not in Europe or the United States, Deputy Prosecutor General Ryskul Baktybayev said.

Officials did not elaborate what prompted the ban, but regional media reported in mid-January about a Kyrgyz national tortured over his refusal to join the Unification Church.

The religious movement, founded in 1954, counted about 3 million members worldwide in 1995, the latest year for which data is available. It enjoyed backing from many powerful figures worldwide, especially in South Korea, but was also accused of sectarian practices by critics, including officials in Russia, France and Germany, among others.

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

By Mushfig Bayram

Forum 18 News Service (18.01.12) - Since July 2011, "we have not been able to pray and worship together", an Ahmadi Muslim complained to Forum 18 News Service. Kyrgyzstan's State Commission for Religious Affairs (SCRA) has denied registration – or the right to legally exist - to their communities in four locations, citing a National Security Service (NSS) secret police claim that Ahmadi Muslims are a "dangerous movement and against traditional Islam". Only 135 communities of the state-backed Muslim Board and three Russian Orthodox have gained registration since the repressive Bakiev-era Religion Law came into force in January 2009. Hundreds of mosques, Protestant churches, Jehovah's Witness and Hare Krishna communities have been left without registration, which requires not only 200 adult citizen founders and SCRA approval but approval from local keneshes (councils). Jehovah's Witnesses failed in their court challenges over three keneshes' refusal to approve their lists of founders. "The deputies do not like the Jehovah's Witnesses, and made a decision to refuse to endorse their list," Ardak Kokotayev, Chair of Naryn city Kenesh, told Forum 18.

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

No progress has been made by the authorities in dealing with registration applications from – among others - hundreds of mosques, unregistered Protestant churches, and the Hare Krishna community. Unregistered religious activity is – against human rights standards Kyrgyzstan has agreed to implement – banned. Many people are afraid to identify themselves as founders to local and national authorities, even if a community is large enough to have 200 potential founders, and local human rights defenders have condemned the Law as "against the Constitution and discriminatory".

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

The SCRA has denied registration to the Ahmadi Muslim community in the capital Bishkek and in three different regions across the country, citing a National Security Service (NSS) secret police claim that Ahmadi Muslims are a "dangerous movement and against traditional Islam". Since July 2011, in the wake of an SCRA warning not to meet, "we have not been able to pray and worship together", an Ahmadi Muslim who wished to remain unnamed for fear of state reprisals told Forum 18 on 17 December 2011.

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

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

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

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

"When will Regulations to implement Law be produced?"

Many keneshes claim that they cannot approve notarised lists of founders because the SCRA has still not produced Regulations to implement the Religion Law. There have been persistent delays on the part of officials in the SCRA and its predecessor agencies in issuing Regulations to implement the Law.

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

soon".

Artykova also stated that the Religion Law will be changed in the second quarter of 2012.

SCRA and keneshes block registration applications

The SCRA has claimed not to know why 138 organisations (135 state-backed Muslim and three Russian Orthodox) have been able to gain local kenesh approval for their lists of founders since January 2009, but numerous others have not. Asked what those who cannot get kenesh approval can do, SCRA Director Sharshenov replied to Forum 18 "let them sue them in the courts".

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

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

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

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

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

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

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

"Why should local keneshes decide?"

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

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

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

Consequences

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

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

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

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

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

Power struggle?

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

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

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

"Against the Constitution and discriminatory"

By Mushfig Bayram

Forum 18 News Service (16.01.12) - Three years after Kyrgyzstan's Religion Law came into force, officials continue to enforce the repressive Bakiev-era Law, Forum 18 News Service has found. No progress has been made in dealing with registration applications from – among others - hundreds of mosques, unregistered Protestant churches, and the Hare Krishna community. The restrictive Law was passed under deposed former President Kurmanbek Bakiev and entered into force in January 2009.

Unregistered religious activity is – against human rights standards Kyrgyzstan has agreed to implement – banned. National and local state officials have obstructed some communities - such as the Ahmadi Muslims and Jehovah's Witnesses - who have tried to gain state registration. In addition, State Commission for Religious Affairs (SCRA) officials have threatened to close down unregistered mosques in the southern Osh Region, but this threat does not appear to have been carried out.

In the three years since the Law came into force, only 122 mosques, 23 Muslim religious education institutions, and three Russian Orthodox organisations have been given registration - i.e. permission to exist. SCRA officials Forum 18 has spoken to have been unable to explain why only these organisations have been registered but many others have not. Regulations to implement the Law have still not been issued by the SCRA, which some local keneshes (councils) have been claiming is the reason they are refusing to notarise lists of founders. Kenesh approval for lists of founders is an essential part of registration (see below).

The total of only 138 organisations registered since January 2009 was announced at a roundtable organised by the SCRA on 30 November 2011. No organisations have been registered since then. The SCRA also claimed at the roundtable that before the 2009 Religion Law came into force, 2,200 religious organisations and associations had gained registration under previous laws. This total includes 77 Islamic organisations, 1,764 mosques, 62 madrassahs (Islamic religious schools), and 140 Christian communities, including Baptist, Catholic, Pentecostal and Russian Orthodox churches.

It remains unclear why 138 organisations have been able to since January 2009 gain local kenesh approval for their lists of founders, but numerous others have not. SCRA Director Ormon Sharshenov claimed to Forum 18 on 20 December 2011 that he did not know, but "I think if the local keneshes want to register them they can find a way". When asked what those who cannot get kenesh approval can do, he said, "let them sue them in the courts". But in at least some cases, the SCRA and keneshes have obstructed registration applications.

Following President Bakiev's April 2010 fall from power, many religious communities and civil society human rights groups called for the Religion Law to be abolished or radically changed.

"Extremist, totalitarian, and sectarian"

Some un-named groups have been targeted by officials' public statements. SCRA Director Ormon Sharshenov, for example, told the November 2011 roundtable that "despite the efforts of the state, destructive [religious] groups, which are extremist, totalitarian, sectarian appear in the country, and they want to reinforce their positions in the minds of citizens. These groups are destabilising society, and pose a threat to the security of Kyrgyzstan."

The only communities invited by the SCRA to the roundtable were the state-backed Muslim Board, the Russian Orthodox Church, the Catholic Church, and some Protestants. Other Protestants, Ahmadi Muslims and Jehovah's Witnesses have all told Forum 18 that their unregistered branches in various regions of the country cannot hold open and public meetings for worship. Police and other local authorities have even raided meetings in private homes, demanding that such meetings stop until the various communities gain official registration.

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

200 founders

Those communities who would like to do so have often found it very difficult to obtain registration, with officials contradicting themselves on whether previously registered religious communities must re-register.

One major obstacle is Article 10.2 of the Religion Law. This demands that those wishing to found a religious organisation – which Article 8.3 demands should have at least 200 adult permanent resident citizens as founders – must among other documents: "present notarised lists of citizens endorsed by the local keneshes [councils] as founders, who are the initiators of establishment of the religious organisation or mission, and who are responsible before the Law within the frame of the organisation's charter". All 200 founders must provide their full name, date of birth, citizenship, place of residence, with their passport number, date of issue and issuing authority.

As noted above, many keneshes have been claiming that they cannot notarize lists of founders because the SCRA has still not issued Regulations to implement the Law. But this has not stopped some keneshes from notarising the founders lists of 135 state-backed Muslim organisations, as well as three Russian Orthodox churches.

Also, members of the Baha'i and other religious communities have voiced concerns that many people are afraid to identify themselves to the authorities as founders. Others including Hare Krishna devotees, Jehovah's Witnesses and Catholics have pointed out that many smaller communities do not have 200 members, and so have no possibility of legally existing.

These problems have caused some communities – such as Protestants in the Association of Evangelical Churches of Kyrgyzstan – to decide not to apply for registration. Aleksandr Shumilin of the Association, who is also Head of the Baptist Union, told Forum 18 on 9 January that this is because "many unregistered churches do not even have 200 members, and also churches are afraid to give the personal data of their members to local and central authorities".

Those who do decide to register, and should theoretically be able to do this, still face problems. Some communities have found that the SCRA and local keneshes have deliberately obstructed their registration attempts.

"Against the Constitution and discriminatory"

Human rights defenders Valentina Gritsenko of Justice, a human rights group in Jalal-Abad, and Dmitri Kabak of Open Viewpoint in Bishkek, both describe the Law as "against the Constitution and discriminatory". "Why should communities have to collect 200 signatures to worship or pray together?" Gritsenko asked Forum 18 on 12 January.

Asked whether the Religion Law will be changed, Odina Artykova, who oversees religious issues in the Education, Science, Information and Religion Department (which reports direct to the Prime Minister), claimed to Forum 18 on 12 January that: "the Government will initiate to change the Religion Law in the second quarter of this year, and we will bring clarity to this and other questions in the Law".

The parliamentary Committee on Education, Science, Culture, Information and Religious Policies is due tomorrow (17 January) to continue considering a bill amending the Religion Law to impose greater controls on the "import, making, obtaining, keeping and spreading of print, photo, video and audio products that contain calls for religious extremism, separatism, and fundamentalism".

During the Bakiev era, officials claimed that the Religion Law's restrictions on sharing faith, distributing religious literature, and the high threshold of members required before religious communities can register and thus function legally, might be changed. However, no fundamental changes to ease such restrictions have yet been made.

"Foreign" organisations

If a community has "administrative centres located beyond Kyrgyzstan or having foreign citizens in its administrative body" it is classified as a "mission", must re-register every year and is not regarded as having legal personality. This provision has been used against communities officials dislike, such as the Grace Presbyterian Church. The SCRA has forced the Church to stop its activity in the capital Bishkek, Osh in the southern Osh Region, and the town of Kant and village of Serafimovka in Chui Region surrounding the capital.

But SCRA Chief Specialist Kadyrazhiyev dismisses any concerns. "We are just trying to help Grace Church in a legal way by asking them to re-register as a foreign Mission as in the past," he claimed to Forum 18 on 20 December 2011. He added that the SCRA "will help them to easily register their missionaries and re-register their branches."

Grace Church members have told Forum 18 that they do not believe that the SCRA wants to help them. They have also commented that "it is difficult to re-register each year as a foreign 'mission' because of the unwillingness of the authorities. This is why we decided to register as a local organisation".

The status of the Catholic Church, which would like a concordat with the government, has occasionally been questioned by officials, who have intermittently claimed that it should be registered not as a local but as a foreign religious organisation. The questioning has arisen from the Church's strong foreign links. But a Catholic from outside Bishkek told Forum 18 on 12 January that this has not led to interference with the freedom of religion or belief of Catholics.
