

Kyrgyzstan UPR submission, July 2019

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Forum 18, established in 2003, provides truthful, original, detailed, and accurate monitoring and analysis of violations of freedom of thought, conscience and belief in Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Azerbaijan, Georgia, occupied Ukrainian territory, and Belarus. We also provide analyses on freedom of religion and belief in Turkey.

1. Before the January-February 2020 UN Human Rights Council Universal Periodic Review (UPR) of Kyrgyzstan, Forum 18 notes continuing violations of freedom of religion and belief, and of interlinked freedoms of expression, association, and assembly. This UPR submission focuses on two issues: violence with state complicity against followers of non-Muslim beliefs and Muslims who support them; and obstructions to the freedom of religion and belief of communities. Fear of discussing freedom of religion and belief violations and publicly expressing views the government may dislike is found among followers of various beliefs.

Torture unpunished

2. The UN Human Rights Committee's 2014 Concluding Observations (CCPR/C/KGZ/CO/2) on Kyrgyzstan stated that the state should "investigate all cases of violence based on religion, prosecute perpetrators and compensate victims". State agencies have repeatedly failed to do this, and have even been complicit in such attacks. The victims often do not wish to discuss them for fear of further attacks.

3. On the night of 15-16 October 2018, three young men broke into a house in the village of Tamchi to attack the householder because he is a Protestant. They attacked Eldos Sattar uuly "hitting him and kicking him until he fell on the floor. They shouted at him that he is a 'Kafir', and that he had betrayed Islam. Then they kicked his head while on the floor, breaking several of his front teeth and his jaw-bone," a villager stated. "They threatened that they would come back to kill him if he had not left the village by the morning." Sattar uuly needed immediate surgery at the National Hospital in Bishkek. His attackers were not arrested after the crime, and were able to threaten Sattar uuly in hospital with death if he did not withdraw complaints to the authorities.

4. The attackers were not held in custody, and the house arrest they were under was not enforced. During a formal police questioning of witnesses, Sattar uuly and his lawyer were both verbally attacked and threatened by the attackers' lawyer and police investigator, and his lawyer was physically violently attacked, resulting in her needing two days' hospitalisation. The attackers' families put Sattar uuly's family under pressure, and he fled the country because of the threats his attackers made during the police questioning. His relatives wrote to the authorities that they have no complaints against the attackers.

5. The case was ended on 15 May 2019 "because the two sides came to an amicable solution", Issyk-Kul Court claimed. The Court denied that Sattar uuly was attacked because of his beliefs, and Issyk Kul Regional Police claimed that "what the Court decides does not concern us".

6. Violence continued into 2019 in Tamchi against local Christians, and Muslims friendly with

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Christians. However, a Protestant who knows the village and asked not to be named for fear of state reprisals, stated in June 2019: “there have been no new attacks on Christians or their families or friends in recent months”. They noted that “the authorities did not punish the attackers of Eldos or the other attackers in the village. But the issue was widely discussed in social media and the attacks were widely condemned by society, including many who identified themselves as Muslims. Many said that the attackers should be seriously punished.” The Protestant added: “Kyrgyz people are very active in social media and pay attention to what is being expressed there. This is what I think may have influenced the residents of Tamchi.”

7. Kanybek Niyazbayev of the State Commission for Religious Affairs (SCRA) claimed that “we demand that law-enforcement agencies investigate the cases and punish the violators.” However, he could not say what the SCRA did in the Sattar uuly case.

8. “By not punishing the perpetrators, the authorities encourage attacks against non-Muslims,” a human rights defender who wished to remain anonymous for fear of reprisals stated. “I think this is done to make people afraid to share or make public their beliefs, particularly in the regions. In this context giving registration does not guarantee that people can exercise their freedom of religion and belief.” A Protestant, who asked not to be named for fear of state reprisals, stated that “I think that the central authorities, by not punishing the perpetrators of violent physical attacks and of burial problems, by not punishing the local authorities for taking no effective action against the perpetrators, and by not taking serious steps to prevent such violations in future, send a message that they quietly agree with attacks and do not want people to exercise their freedom of religion and belief in the regions.”

9. The human rights defender stated that “the authorities must also be proactive in creating an atmosphere of good-will towards members of non-Muslim communities”. The Protestant stated that the “authorities must publicly in all kinds of mass and social media condemn violent attacks against Christians and followers of other beliefs. They should have meetings with the public and the local authorities in the regions to strongly affirm the equality of majority Muslims and all other religious communities and mutual respect, and about freedom of religion and belief for all.”

10. Niyazbayev of the SCRA claimed that “we hold educative talks with the local population in the regions.” He could not name any concrete recent examples when asked.

11. “We do not impede them from advertising themselves, all religions and religious communities are equal in Kyrgyzstan,” Shamil Dyushenbayev of the staff of Parliament’s Social Affairs, Education, Science, Culture and Health Committee, replied when asked about taking proactive steps against violence and for freedom of religion and belief for all. When Forum 18 pointed to the known cases where both individuals and the authorities have initiated and been complicit in violence, Dyushenbayev claimed: “You are deliberately dividing Kyrgyzstan into Muslim and non-Muslim people. We do not have such divisions. If you have any complaints against the state authorities, please write to us and we will investigate the cases.”

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12. Despite medical evidence, officials have initiated no arrests or prosecution (as required by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) of police who tortured seven Jehovah's Witnesses during a 9 August 2015 raid on an Osh meeting for worship. Officers beat one man for filming the raid and "his screams of terror and pain could be heard throughout the building", Jehovah's Witnesses stated. At the police station, officers strangled three Jehovah's Witnesses "to the point that they passed out". Asked by Forum 18 why Prosecutors will not prosecute torturers but prosecuted their victims meeting for worship, Deputy Osh Prosecutor Mirlan Kongaytiyev claimed: "We just want the law and justice to be fulfilled".

13. The impunity which the authorities give perpetrators of violence against people exercising freedom of religion or belief is long-standing and may have been a factor in the December 2015 murder of Ahmadi Muslim Yunusjan Abdujalilov (see below).

14. After a January 2018 arson attack on the Baptist Church in Kaji-Sai, Baptists were convinced that it happened because the police did nothing to find and punish the perpetrators of a series of violations of human rights, including of freedom of religion and belief, that had taken place in the Region since 2010. After one such incident, police summoned Baptists to meet their attackers in Karakol Police Station. Police expressed sympathy for the attackers, and ordered the Baptists and their attackers "to write statements that they forgave each other and will have peace between themselves in future".

15. The Religion 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 people, with the connivance of local authorities, have long used mob violence to obstruct or deny burials 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 they insist are only for Muslims. The authorities allow local imams to control who is buried in state-owned cemeteries. Police often back this, in some cases actively participating in burial denials. The authorities' failure to ensure people may bury their dead in the way they would wish causes deep distress to the family and friends of the dead. Women trying to bury their dead husbands have been coerced into changing their faith for the burial to go ahead.

16. In March 2017, out of around 70 people in mobs incited by officials who twice exhumed a deceased Protestant woman's body in Jalal-Abad Region, only four people were given three-year suspended sentences – even though the law requires jail sentences of between three and five years. No officials or police named by witnesses as inciting the events were put on trial, and no police were held to account for having buried her body somewhere unknown in open country. The judge involved refused to state why she did not act according to the law, and was subsequently promoted to a post in the capital Bishkek. That the trial took place at all was due to the bravery of the dead woman's daughter, Zhyldyz Azayeva, who refused to stop demanding justice. It is the only known case where there has been a serious legal attempt to hold officials to account for cases where mob violence with official complicity stops people burying their dead with non-Muslim ceremonies.

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Right of communities to exist

17. Kyrgyzstan has given many religious communities state registration and therefore permission to exist in recent months, including various Christian churches, Baha'i communities, the Falun Gong Chinese spiritual movement, and some but not all Jehovah's Witness communities. However, Ahmadi Muslims remain banned (see below), and the exercise of freedom of religion and belief without state registration is illegal. Nor has the legal situation been made clear.

18. Under the Religion Law religious communities must have at least 200 adult permanent resident citizens as founders, who must give their full details to local keneshes [councils] for approval. Many religious communities of a variety of faiths have pointed out that people are afraid to identify themselves as founders, and that communities without 200 founders cannot legally exist.

19. However, in September 2014, the Constitutional Chamber of the Supreme Court ruled in a case brought by Jehovah's Witnesses that a religious organisation is not limited to carrying out its activity only in the place where it has its legal address, and that it is unconstitutional for local keneshes to approve the required list of 200 founding members. Yet the SCRA and other state authorities refused to implement the ruling until late 2018.

20. "It was not difficult to [in 2019] receive registration as none of the communities had to gain approval of their lists of founders from local keneshes," a Protestant who wished to remain unnamed for fear of state reprisals stated in June 2019. They said that "the SCRA told communities that this is because the Constitutional Chamber in 2014 denied that such approval is necessary." The Protestant added that "SCRA officials also stated that the 200 founders needed can be anyone sympathising with our community, and do not all need to be members. That is why so many communities were able to register."

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

22. Other leaders of registered communities declined in 2019 to discuss registration and other problems relating to freedom of religion and belief, for fear of state reprisals.

Ahmadis still banned

23. Ahmadi Muslims have been banned as "extremist" and have not met together for worship since July 2011. All other Muslim communities are state-controlled via the Muslim Board. An Ahmadi Muslim, who wished to remain anonymous for fear of state reprisals, told Forum 18: "We consulted with our world leaders and local leaders, and decided that we should not be publicly active for the time being and not meet for worship as a community."

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24. In December 2015 Ahmadi Muslim Yunusjan Abdujalilov was murdered in the village of Kashkar Kyshtak in Osh Region. In 2017, six men were convicted and given long jail terms. An independent human rights defender who wished to remain unnamed for fear of state reprisals stated at the time of the murder that “the authorities turn a blind eye to hate speeches on TV, other mass media, and mosques about Ahmadi Muslims and other vulnerable religious groups”. They also noted that, in addition to attacks by Muslim Board imams, the Ahmadis were refused state registration. “All of this created a tense situation and hatred against the Ahmadis.”

25. An Ahmadi in July 2019 declined to discuss the murder investigation. But they stated that “I heard that former Chief Mufti Chubak azhy Zhalilov [who resigned in July 2012 amid corruption allegations] was warned by the authorities not to give hate speeches, and I have not heard him making public hate speeches recently”. The Ahmadi added: “If we see goodwill towards us from the authorities, of course we would love to register again and meet for public worship. At the moment we only pray individually in our private homes.”

“Registration only gives you permission to exist”

26. However, state registration does not remove many obstacles to exercising freedom of religion and belief. The Religion Law states that all “actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other [undefined] illegal missionary work, are prohibited”. The Law also requires state examination of all imported religious materials, as well as those distributed or 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 for this purpose.

27. Members of a variety of communities throughout the country, all of whom wished to remain anonymous for fear of state reprisals, pointed out in July 2019 that “communities cannot have public meetings outside their registered addresses unless they receive prior permission for each event from the authorities, and our experience is that the authorities do not normally give permission”.

28. “Religious literature can be imported only after passing compulsory state censorship, and the authorities also demand that they censor and give permission for any text we want to give out in open public places. This is a significant obstacle to sharing one’s beliefs,” one person stated. Censorship, including against loosely-defined “extremist” material, is conducted by the SCRA. However, since November 2015 Jehovah’s Witnesses have been able to import texts unimpeded, after they have passed censorship.

29. Others commented that “the authorities have punished people for sharing their beliefs in public places with adults, and young people under 18 cannot even share their beliefs with others in their

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schools.”

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

31. Another Protestant, who also wished to remain unnamed for fear of state reprisals, commented that “registration does not mean that all of our problems were solved”. They stated in June 2019 that “although there have been no attacks since February [2019], and no new burial problems as no-one from our community has recently died, there is no guarantee that attacks and burial problems will not reoccur in the future.”

32. A Kyrgyz human rights defender, who wished to remain unnamed for fear of state reprisals, stated in June 2019 that “the authorities are playing a game. They kill two birds with one stone, and show the international community that there is democracy. By giving registration they want to silence these communities, as many of them have been vocal critics of the authorities’ policies in the past.”

33. “There is an atmosphere of fear in the country,” they commented. “The fact that I am afraid to give you my name, and that leaders of registered communities would not discuss registration and other problems relating to freedom of religion and belief, demonstrates this.”

34. “The authorities have not yet taken serious steps to resolve the problems of burials and attacks on people exercising their freedom of religion and belief,” the human rights defender said. “They did not imprison those who have attacked Protestants, Jehovah’s Witnesses, and others, or who have committed arson against their community buildings.”

(END)