

21 August 2009

KYRGYZSTAN: Property obstacles used to stop registrations

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

Some religious communities in Kyrgyzstan are facing problems in registering as they cannot get a certificate from the State Agency for Architecture and Buildings, Forum 18 News Service has been told. In some cases religious communities are told that, on the instructions of the State Agency for Religious Affairs, their building must be 1,000 metres [1,090 yards] away from any school building, and 10,000 metres [10,900 yards] away from any mosque. In another case, an organisation was asked to build an electricity substation to obtain a certificate. Officials have evaded answering Forum 18's questions about these problems. Problems in registering are also facing religious organisations which are not communities. An example of this is the Bible Society, which is facing demands that it must register as a religious organisation. The Religion Law requires all religious organisations to have no less than 200 members, yet as Valentina An, Chair of the Bible Society, explained to Forum 18 "we have only 3 employees."

Some religious communities are facing problems in gaining legal registration as they cannot get a required certificate from the State Agency for Architecture and Buildings, Forum 18 News Service has found. Also, religious societies such as the Bible Society, which does not fit the Religion Law's definitions, face problems in registering.

Unregistered religious organisations and communities in Kyrgyzstan are banned under the restrictive new Religion Law. The restrictive Religion Law demands in Article 10.2 that registration applications must include a: "Document confirming the location (legal address) of the religious organisation to be established at the geographic place (a sales-purchase agreement for the premises, a lease agreement, an agreement on providing premises free of charge, an official letter, etc.)" However, several religious communities – who do not wish to be named – have told Forum 18 News Service that they are having problems in establishing that they use a building in order to apply for registration.

Some religious communities are having no problems in establishing that they use a building. The Jehovah's Witnesses, for example, own the buildings they use for worship. However, Vladimir Gavrilovski told Forum 18 on 21 August that "we used to have problems when we were refused permission to rent public buildings." Similarly, the Baha'i Community "at the moment has no problem" with using their own building, they told Forum 18 on 21 August.

State Agency for Architecture and Buildings certificate needed

However, this is not the case for some other communities. A particular problem is Article 16 of the Religion Law, which states that buildings can be used "in the order established in Kyrgyz law". This is taken by the State Agency for Religious Affairs (SARA) to mean that the State Agency for Architecture and Buildings must issue a certificate permitting usage of a building.

The SARA and the State Agency for Architecture and Buildings "play mutual protection," a lawyer from the capital Bishkek, who is helping some religious organisations to register and wishes to remain anonymous, told Forum 18 on 21 August. In a recent case known to the lawyer, when the State Agency for Architecture and Buildings was asked for a certificate establishing that a religious community used a building, the State Agency replied with a letter from the SARA demanding that the building be 1,000 metres [1,090 yards] away from any school building, and 10,000 metres [10,900 yards] away from any mosque. The lawyer claimed that "SARA requires organisations to produce a certificate from the State Agency for Architecture and Buildings, and then asks the same Agency to obstruct the granting of this certificate."

The lawyer also stated that the State Agency for Architecture and Buildings also asks religious communities and organisations to produce certificates itself from the Water, Natural Gas and Power Supply Administrations, as well as the Fire Brigade," the lawyer explained. The Power Supply Administration in one case asked an organisation to build a power substation, the lawyer said. "It's exceedingly expensive for any organisation to build it, and the officials are trying to use religious organisations to do work for them."

Forum 18 has been told by several Kyrgyz sources of these demands being made by the State Agency for Architecture and Buildings. Some sources have pointed out that the large number of mosques makes this condition very difficult or impossible to fulfil.

The lawyer from Bishkek said the Religion Law does not regulate whether or not state-owned buildings may be used for religious purposes, but he said that "there is an official instruction to public institutions not to rent their premises for religious purposes." Private owners, who in the past have rented premises to religious organisations, are "now afraid" to rent them out. "Officials from the SARA and Prosecutor's Office demand that they have permission from the State Agency for Architecture and Buildings, which in most cases they do not have."

Officials evade answering questions

Nurlan (who did not give his last name), assistant to Onushbek Tursunbayev, Head of the State Agency for Architecture and Buildings, said that religious organisations only need supplementary documentation from municipal administrations only if they are building a new building. "For buildings which are already in use, we give permission without any supplementary documents," he told Forum 18 on 21 August. Asked what Law regulated whether or not state-owned buildings may be used for religious purposes, he said he did not know. "For renting privately-owned halls, no permission from us is necessary unless it is a new building," he said.

Asked if the Power Supply Administration's demand to build a power substation was lawful, Nurlan replied that "I am a new person in this job, and I do not know." Similarly he evaded answering if it was lawful for SARA to demand that a religious building be a long distance from a school or mosque.

Yusupjan Kadyrhojayev of the State Agency for Religious Affairs told Forum 18 on 21 August that "we only ask for two documents from religious organisations – one is the contract of purchase or of rent, and the other is permission from the State Agency for Architecture and Buildings," Kadyrhojayev of SARA told Forum 18. When Forum 18 started asking about property problems faced by religious communities, he put the phone down.

Unregistered communities of Protestant Christians, Hare Krishna devotees and Ahmadiya Muslims in many parts of Kyrgyzstan have been ordered by the authorities to stop meeting for worship (see F18News 13 August 2009 http://www.forum18.org/Archive.php?article_id=1336).

Religious societies which are not communities

Problems in registering are also facing religious organisations which are not communities. An example of this is the Bible Society. The Religion Law requires all religious organisations to have no less than 200 members (see F18News 27 May 2009 http://www.forum18.org/Archive.php?article_id=1301). Yet as Valentina An, the Chair of Kyrgyzstan's Bible Society, explained to Forum 18 on 19 August: "we have only 3 employees. We don't understand why we have to register as a religious organisation, as we do not fit the Law's definition of involving ourselves in religious worship, propagation or education. We only translate and produce Bibles."

The Bible Society was registered as a branch of the Kazakhstan Bible Society, and previously had to re-register it every year as a foreign mission in Kyrgyzstan.

"The Bible Society is involved in religious activity, because they produce and distribute religious literature. Therefore they must also be registered as religious organisation," Kadyrhojayev of the State Agency for Religious Affairs told Forum 18. He maintained that "they are not a printing-press, they are religious believers, and are a type of religious organisation. The law is the same for everybody. There are Muslim religious societies too, which face the same requirement," told Forum 18 on 19 August. He refused to discuss the issue further, or name the Muslim organisations he had in mind.

The Law also imposes severe restrictions on religious literature distribution (see F18News 27 May 2009 http://www.forum18.org/Archive.php?article_id=1301). It also imposes censorship, stating that "Religious organisations and missions can import religious literature and other printed, audio, and video materials into the Kyrgyz Republic only after passing examination by a state religious expert."

"At the moment we are continuing our activity, but have been asked by the State Agency for Religious Affairs to bring our activity in compliance with the Law," An of the Bible Society told Forum 18. "We are uncertain of our future," she said. (END)

For background information see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=222.

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

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kyrgyzstan is available at
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kyrgyz>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY