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KYRGYZSTAN: "I received it from heaven"

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

Religious communities in Kyrgyzstan are encountering bans and great difficulties in inviting foreign religious workers to work with them, Forum 18 News Service has found. Many but not all of the problems relate to the harsh 2009 Religion Law being used against communities with foreign contacts. There are moves to strengthen the Law's censorship provisions, but two Jehovah's Witnesses imprisoned in 2011 on seven-year prison terms have now been released. Following an application for a foreign religious worker to be re-registered, Ahmadi Muslims were themselves denied re-registration by the State Commission for Religious Affairs (SCRA). The NSC secret police had told the SCRA that Ahmadi Muslims are a "dangerous movement and against traditional Islam". SCRA Head Ormon Sharshenov, asked by Forum 18 how the SCRA concluded that Ahmadi Muslims are dangerous, replied: "I received it from heaven". Ahmadi Muslims told Forum 18 that since July they had stopped meeting for worship in the hope that they will receive state permission to exercise their right to freedom of religion or belief. The Grace Presbyterian Church is also facing an SCRA threat to its legal existence. All unregistered religious activity is banned, against international human rights standards.

Religious communities in Kyrgyzstan have been encountering bans and great difficulties in inviting foreign religious workers to work with them, Forum 18 News Service has found. Many of the problems relate to officials using the harsh 2009 Religion Law against communities with foreign contacts. There are parliamentary moves to strengthen the Law's censorship provisions, but two Jehovah's Witnesses imprisoned in 2011 on seven-year prison terms after false charges have now been released. However, the Ahmadi Muslim community has been stopped from meeting, and the Grace Presbyterian Church is facing an State Commission for Religious Affairs (SCRA) threat to its legal existence.

The 2009 Religion Law, passed under former President Kurmanbek Bakiev, is hostile to religious communities with foreign contacts, as well as to the exercise of freedom of religion or belief by anyone. If a community has "administrative centres located beyond Kyrgyzstan or having foreign citizens in its administrative body" it is classified as a "mission". This must re-register every year and does not have legal status. It can be refused registration if it poses "a threat to the state and social security, the interethnic and ecumenical concord, health and morality of the population, or in other cases anticipated by legislation".

Similarly, foreign religious workers must register with the SCRA before they can engage in religious activities. This can be denied "if this may endanger public safety, social order, interethnic and ecumenical consensus, social health and morality." In August 2011, Vice Prime Minister Ibrahim Junusov, speaking of "foreign missionaries" in discussing a draft state youth policy, stated that young people may fall into "the western sewage system". He commented that youth policy should counteract any targeting of young people by such missionaries. Junusov was one of the drafters of the Religion Law (see F18News 2 October 2008 http://www.forum18.org/Archive.php?article_id=1197).

The 2009 Religion Law also states that "actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other illegal foreign religious worker work, are prohibited". The Law does not (as with many other terms it uses) define these terms. It also imposes censorship of imported religious materials, and those in libraries, as well as placing severe restrictions on their distribution. There are moves in the parliament, the Zhogorku Kenesh, to tighten the censorship. On 20 December 2011 the parliamentary Committee on Education, Science, Culture, Information and Religious Policies approved 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" (see F18News 16 January 2012 http://www.forum18.org/Archive.php?article_id=1655).

Following ex-President Bakiev's April 2010 fall from power, Protestant, Catholic, Baha'i, Hare Krishna, and Jehovah's Witness communities and civil society human rights groups called for the Religion Law to be abolished or radically changed (see F18News 16 April 2010 http://www.forum18.org/Archive.php?article_id=1432).

A "dangerous movement"

Ahmad Basharat, an Ahmadi Muslim invited by Kyrgyzstan's Ahmadi Muslim community, received registration as a foreign religious worker from the SCRA's predecessor agency in 2009, which was renewed by the SCRA in 2010. However he was refused registration renewal by an official letter signed by the Head of the SCRA, Ormon Sharshenov, on 27 July. The letter, which Forum

18 has seen, states that Basharat's registration cannot be renewed as the Ahmadi Muslims were themselves denied re-registration by an SCRA decision of 13 July. The Ahmadi Muslims had not been denied re-registration as a "mission", as the Religion Law defines them, in previous years.

Among the reasons given for refusal to re-register the Ahmadi Muslims is a National Security Committee (NSC) secret police official warning to the SCRA, claiming that Ahmadi Muslims are a "dangerous movement and against traditional Islam".

Ahmadi Muslims, who asked not to be named for fear of state reprisals, told Forum 18 that since July they had stopped meeting for worship in the hope that they will receive state permission to exercise their right to freedom of religion or belief. All unregistered religious activity is banned under the 2009 Religion Law. "There is no freedom of religion in Kyrgyzstan," one Ahmadi Muslim complained (see F18News 18 January 2012 http://www.forum18.org/Archive.php?article_id=1657).

"I received it from heaven"

Head of the SCRA Sharshenov on 20 December declined to discuss the refusal to re-register the Ahmadi Muslim community and Basharat. "How can we issue him a permit if his community is not registered?" he asked Forum 18. Asked how the SCRA concluded that Ahmadi Muslims are dangerous, he replied: "I received it from heaven".

Sharshenov also refused to discuss SCRA refusals to re-register other foreign religious workers. "Send the rest of your questions in writing," he said, before terminating the telephone call.

Few foreign religious worker registrations in 2011?

A foreign religious worker from a community which asked not to be identified, for fear of state reprisals, told Forum 18 on 17 December that "I hear many applications for foreign religious workers are being returned by the SCRA". They added that they thought that no foreign religious workers were able to receive permission to teach in religious education institutions in Kyrgyzstan in 2011.

Their own foreign religious worker registration expires soon, and they commented that they were not sure whether they would receive a new visa to stay in the country.

One Kyrgyz religious community, which is registered but not as a "mission", told Forum 18 on 15 December that "we invite international visitors unofficially". Asking not to be named for fear of state reprisals, they said that this was because such visitors would be required to register as foreign religious workers, "which will not be granted". They commented that it is "such a waste of time to collect the documents for foreign religious worker registration. It may take forever in Kyrgyzstan".

They commented that the Religion Law is to blame for this situation. "We want to unite with other communities to challenge the government to change this discriminatory Law."

Visa problems

Even if a foreign religious worker receives annual registration from the SCRA, this does not necessarily mean that they will be able to work in Kyrgyzstan. Aleksandr Shumilin, a Baptist pastor who heads the Association of Evangelical Churches of Kyrgyzstan, told Forum 18 on 20 December that the SCRA gave registration to one of their foreign religious workers in November. However, the Visas Department would only issue a six-month visa for this person. Shumilin commented that they were "happy to receive the registration, but do not understand why only a six-month visa was given".

Bishop Alfred Eicholz of Kyrgyzstan's Evangelical-Lutheran Church (who has been in the country since 1999) told Forum 18 on 15 December that their two foreign religious workers had been given visas each time they applied during the past year. "However, the visas are given only for three months, and we have to begin collecting various documents to obtain the visas for the next three months almost immediately, which is a waste of time."

Each time a visa is applied for, the Church – which with its foreign contacts is defined as a "mission" under the Religion Law - has to pay a large amount for Kyrgyzstan, about 1,865 Soms (240 Norwegian Kroner, 30 Euros, or 40 US Dollars). From April 2011 the official minimum monthly salary in Kyrgyzstan is 690 Soms (90 Norwegian Kroner, 11 Euros, or 15 US Dollars).

Oleg Pakhomov, a Kyrgyz citizen who is Director of the International Church in the capital Bishkek, which is officially registered as a local religious organisation, told Forum 18 on 19 December that it is trying to extend the foreign religious worker registration of the Church's Pastor, Tim Berends. He is a Canadian citizen. Pakhomov stated that around one third of their 150 members are Kyrgyz citizens, and that they are hopeful they will obtain re-registration for Pastor Berends.

"However, it is possible he will receive only a three-month visa as a foreign religious worker based on his registration," Pakhomov said. The SCRA had told the Church that "foreign religious worker visas are difficult to obtain at the moment, but they promised that

our pastor would at least receive a three-month visa". He said that he was "not sure whether it will be possible to renew our Pastor's registration and visa every three months".

Why shorter-term visas?

Before 2010 Lutheran foreign religious workers were able to receive one-year visas but from the second half of 2010 they were given only six-month visas, Bishop Eicholz said. "There are no provisions in the Religion Law or Decrees that I know of which limit such visas to three or six months," he commented to Forum 18.

The Visas Department of the State Registration Service (which is responsible for all visas) in the capital Bishkek referred Forum 18 to Nurlan Tokonayev. He is the official responsible for issuing visas to foreign religious workers. Tokonayev declined to comment on why shorter term visas were issued to foreign religious workers than the one-year registration issued by the SCRA.

"There is a special Visas Commission consisting of representatives of the Interior Ministry, the NSC [secret police], the Finance Police, and other law-enforcement agencies, which decides who is given visas and for how long," he told Forum 18 on 20 December. "They only send us an instruction on who will receive what kind of visa, and they do not explain to us the reasons for their decisions," he claimed. He refused to discuss the matter further with Forum 18.

Registration application followed by raid

The SCRA does sometimes take direct action along with other authorities against religious communities it dislikes. In a manner similar to the Ahmadi Muslims, the SCRA has claimed that the Grace Presbyterian Church in Bishkek cannot receive foreign religious worker registrations because its status is "under question". However, its registration has not been definitively removed and so, unlike the Ahmadi Muslims, Grace Church is able to continue to meet.

On 17 May the Korean husband and wife founders of the Church, Pastors Kang Hyeong Min and Kang Sook Jin applied for foreign religious worker re-registration. Their previous registrations expired in June, and prior to 2011 they had had no difficulty with re-registration. The SCRA demanded that the Kangs provide a copy of an invitation to them from the founding members, the list of which must be notarised by the Bishkek City Council.

In an official letter of 10 June, Bishkek Council refused to notarise the list of founding members, stating that although the Religion Law came into force on 31 December 2009 no mechanisms to implement the Law had been established.

There have been persistent delays on the part of officials in the SCRA and its predecessor agencies in issuing Regulations to implement the Law (see eg. F18News 13 August 2009 http://www.forum18.org/Archive.php?article_id=1336).

On 27 July the SCRA wrote to the Church, informing them that on 13 July they had decided that, following Bishkek Council's decision, it was returning the religious worker registration documents to the Church. The SCRA stated that before applying again the Church must resolve its conflict with the City Council.

On 25 September SCRA officials Yusupzhan Kadyrazhiyev, Rafael Aydekov and Kubanychbek Abakirov raided the Church when it was meeting for worship led by the Pastors Kang with local pastors. On 29 September the Pastors Kang received a warning letter, a copy of which Forum 18 has seen, from the SCRA saying that he led religious activity in violation of the Religion Law without having permission from SCRA and a foreign religious worker visa. The letter stated that they must stop their religious activity, which he has done.

Both the Pastors Kang have permanent residence visas in Kyrgyzstan, and can still attend Church services. "The problem for us is that they cannot preach or teach now," church members told Forum 18 on 16 December. "This violates our constitutional rights," they complained.

Court rules SCRA's actions and registration refusal unlawful

Bishkek Inter-District Economic Court on 24 November, following a case brought against the SCRA's actions, ruled that the SCRA had acted unlawfully. This was because it had not decided on the Grace Church's application within the two months allowed by the Religion Law. The Court obliged the SCRA to positively respond to the Church's request.

Head of the SCRA Sharshenov told Forum 18 on 16 December that the SCRA does "not have a problem with the Church". But he went on to claim that "they should complain against the City Council in Court". However, Sharshenov told Forum 18 that the SCRA will challenge the Court verdict in a higher court.

Status "under question"

Sharshenov went on to claim that "we cannot issue foreign religious worker visas for the Grace Church since its status now is under

question". "In 2008 by mistake officials re-registered Grace Church as a local organisation, but it is a foreign 'mission' which is how it was first established and registered." He stated that "we have warned the Church to go back to their previous status as a 'mission' and then they will have no problems to get visas for their foreign religious workers".

The text of the official warning signed by Sharsenov, seen by Forum 18, states that the Church's new status was forged by former SCRA officials. He evaded questions on whether any legal action was brought against the former SCRA officials. "We passed this information to the government but it cannot make any decisions on this at the moment, as no-one at the moment is given powers to bring cases to court," he claimed.

Branches threatened with closure

Grace Church members have told Forum 18 that the SCRA also refuses to re-register its four branches in three different regions of Kyrgyzstan. It has also threatened to close them down if they continue unregistered activity (see F18News 16 January 2012 http://www.forum18.org/Archive.php?article_id=1655).

Prisoners released, case closed

Two cousins – both Jehovah's Witnesses – had been sentenced on 18 May to seven years' imprisonment accused of having two DVDs in their private home claimed by the state to be extremist Islamic. The two young men, Iskandar Kambarov and Jonibek Nosirov, insisted that the DVD discs must have been planted by police during a 29 January search of their flat at which they were arrested. The two appealed against their conviction, noting "fabricated evidence" and "procedural violations". In June Batken Regional Court in southern Kyrgyzstan overturned the prison terms, but stated that it rejected the two men's appeal (see F18News 24 June 2011 http://www.forum18.org/Archive.php?article_id=1584).

However, on 15 December Kadamjay Prosecutor's office terminated the criminal case against the two cousins. The case had been referred to them by Batken Regional Court on 12 November for further investigation. The two Jehovah's Witnesses were released on 2 November from pre-trial detention, on the motion of their lawyers pending the completion of the investigation, Jehovah's Witnesses from Bishkek told Forum 18 on 16 December.

Kambarov and Nosirov are "delighted that the case is now over and they are free", Jehovah's Witnesses told Forum 18. "We were very impressed and thankful for the professionalism shown by the new investigator and prosecutor in Kadamjay. They carefully looked at all the facts, considered our arguments, and made a decision based on law to terminate the criminal proceedings." (END)

For background information see Forum 18's Kyrgyzstan religious freedom surveys at <http://www.forum18.org/Analyses.php?region=30>.

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

A printer-friendly map of Kyrgyzstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kyrgyzstan>.

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