

15 June 2012

KYRGYZSTAN: "We need to protect the rights of the majority"

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

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, Forum 18 News Service notes. Among recent attacks, a Jehovah's Witness Kingdom Hall in the south-western Jalal-Abad Region has been burnt down twice and five Baptists in Naryn Region were attacked in the home village of one of the Protestants. Local police and Public Prosecutors took no action when they witnessed attackers threatening to destroy the homes of Jehovah's Witnesses and kidnap them. Commenting on threats he witnessed by a mob, a Deputy Prosecutor told Forum 18: "No-one threatened the Jehovah's Witnesses, they just asked them nicely." Asked about these and other physical attacks on religious minorities, the new Head of the State Commission for Religious Affairs (SCRA), Abdilatif Zhumabayev, told Forum 18: "We need to protect the rights of the majority." One Jehovah's Witness commented that "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". Forum 18 is aware of similar violent attacks against members of other religious communities.

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 Ahmadi registration, rendering all their activity illegal, as the National Security Committee (NSC) secret police, has stated they are a "dangerous movement and against traditional Islam" (see F18News 21 December 2011 http://www.forum18.org/Archive.php?article_id=1650). 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 NSC 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 (see F18News 18 January 2012 http://www.forum18.org/Archive.php?article_id=1657).

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 representative Khamit 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 (see F18News 28 May 2009 http://www.forum18.org/Archive.php?article_id=1302).

Violent attacks and threats against members of minority communities remain an ongoing problem (see F18News 27 September 2006 http://www.forum18.org/Archive.php?article_id=846). 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 (see F18News 10 July 2008 http://www.forum18.org/Archive.php?article_id=1156).

"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." (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY