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KYRGYZSTAN: Orthodox Bishop banned

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

Kyrgyzstan's State Commission for Religious Affairs (SCRA) on 14 July refused registration as missionary to Bishop Feodosy, the head of the Russian Orthodox Church in Kyrgyzstan, Forum 18 News Service has learned. Under the Religion Law, this prevents him from working as a religious worker in Kyrgyzstan. "This is a ban on the Bishop", Orthodox Church spokesperson Yuliya Farbshteyn told Forum 18. The SCRA claimed that the Bishop was denied registration as he "threatens the public security of Kyrgyzstan and sows religious discord among the population". Orthodox believers totally denied these claims to Forum 18. The SCRA also claimed that registration was refused as the Interior Ministry's Anti-terrorism Department was investigating the Bishop. This Department, however, told Forum 18 that it has "nothing against the Church or the Bishop". Sunday school catechist Vakhtang Fyodorov continues to be threatened with deportation. Also, the State Property Fund is again seeking – this time through the Supreme Court - to confiscate the building of the Protestant Church of Jesus Christ in Bishkek.

Kyrgyzstan's State Commission for Religious Affairs (SCRA) on 14 July refused registration as missionary to Bishop Feodosy [secular name Sergei Gazhu], the head of the Russian Orthodox Church in Kyrgyzstan, Forum 18 News Service has learned. Under the Religion Law, this prevents him from working as a religious worker in Kyrgyzstan.

As a Russian citizen, Bishop Feodosy may live and work in Kyrgyzstan without a visa. Under Kyrgyzstan's international human rights obligations everyone resident in a country has the right to freedom of religion or belief, including sharing their beliefs with others. However, the Religion Law contradicts this legally binding international human rights obligation (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=1388).

"This is a ban on the Bishop", Yuliya Farbshteyn, spokesperson for the Orthodox Church, told Forum 18 on 16 July. She said that Bishop Feodosy had to leave Kyrgyzstan in early June as his missionary visa and permit expired on 10 June and was not extended. The Church received the official refusal letter on 14 July - more than a month after the Bishop left the country.

On 10 July the Supreme Court rejected an appeal against two lower courts' support of the SCRA's refusal to give state registration to the Ahmadi Muslim community. An Ahmadi Muslim, who asked to remain unnamed for fear of state reprisals, told Forum 18 that "this is equal to banning us .. If we are found by the NSC secret police, the ordinary police, or any other state agency to be carrying out 'illegal' religious activity, we will be given harsh punishments". SCRA lawyer Zhanibek Botoyev told Forum 18 that "they can individually pray or read their books in their homes but they must not worship together. Otherwise they will be punished" (see F18News 17 July 2014 http://www.forum18.org/archive.php?article_id=1977).

"Anti-terrorism"?

The SCRA letter stated that "Russian citizen Sergei Gazhu cannot be given renewed registration as a missionary in Kyrgyzstan as he threatens the public security of Kyrgyzstan and sows religious discord among the population."

Church spokesperson Farbshteyn told Forum 18 that "This is a lie and absolutely unacceptable form of treatment of the Bishop and the Church." She said that Bishop Feodosy did "great work for the Church, the Russian believers living in Kyrgyzstan. He has also helped Muslim Kyrgyz people".

Another Orthodox believer from Bishkek told Forum 18 that "the community and clergy would very much like him to be able to come back and continue as the Bishop". Forum 18 was told that, as well as developing many church activities such as a choir, education centre and museum, Bishop Feodosy also established the Sisters of Mercy. These ladies provide free warm meals for anyone who needs them – Kyrgyz, Russian or anyone else – both at premises at the Church and also from a bus that makes food available to anyone on the streets who needs food.

The SCRA also claimed that registration was refused as the Interior Ministry's Anti-terrorism 10th Department was investigating the Bishop.

Under the International Covenant on Civil and Political Rights (ICCPR) – which Kyrgyzstan acceded to in 1994 - the only grounds

on which a state may limit manifestations of freedom of religion or belief are if this is: "prescribed by law" and "necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others". "National security" is not a permissible reason to limit the exercise of freedom of religion or belief.

Before Bishop Feodosy left for Russia in early June, Farbshteyn stated that the SCRA had also sent "several insulting letters to the Bishop warning him that complaints had been made to the SCRA that the Bishop patronised illegal preachers, was engaged in unlawful business activity, and encouraged the forced eviction of citizens from the homes belonging to the Church." She denied these unsubstantiated claims, describing them as an "absolutely unacceptable form of treatment of the Bishop and the Church."

However, the SCRA did "not say anything in the letters about our requests to renew the Bishop's registration".

Interior Ministry has "nothing against the Church or the Bishop"

Colonel Azamat Orozov of the Interior Ministry's Anti-terrorism Department told Forum 18 on 15 July that "we found no violations by the Church, and have nothing against the Church or the Bishop."

Colonel Orozov also said that "the only thing we found was that some Kyrgyz citizens are working for the Orthodox Church". This, he stated, "contradicted what Bishop Feodosy told the authorities previously." The Bishop had "told Kyrgyzstan authorities that the Russian Orthodox Diocese is a subject of the Russian Federation and that its employees are Russian citizens".

Asked what this finding meant, and how it could affect the future of the Bishop or the Church, Colonel Orozov referred Forum 18 to the SCRA. "We conducted the investigation at the request of the SCRA, and gave them the results," he stated. "It is now their decision what measures to take."

"Wait until 25 July"

SCRA head Moldaliyev on 15 July refused to comment on the ban on the Bishop. He claimed to Forum 18 – despite earlier interviews – that "I do not know you, and I will not talk to you over the phone". He then put the phone down.

Asked why Bishop Feodosy was banned, SCRA lawyer Zhanibek Botoyev referred Forum 18 on 15 July to Kanybek Mamataliyev, Chief of the SCRA's Legal Section. Mamataliyev refused to state why the SCRA refused to renew Bishop Feodosy's missionary registration. "Please wait until 25 July" he said, without giving any reason. Asked what will happen on 25 July or whether the SCRA will take a decision on that date, Mamataliyev refused to say.

Church spokesperson Farbshteyn told Forum 18 that on 25 July there will be meeting of the Holy Synod in Moscow. "It is meddling in the affairs of the Church if they are trying to compel the Patriarchate to make a new appointment," she commented. She added that she does not know whether a new Bishop will be appointed.

Another Orthodox expulsion threat

SCRA head Orozbek Moldaliyev on 27 February also sent a written warning to Vakhtang Fyodorov, a Sunday school catechist of the Russian Orthodox Church's Bishkek Diocese who is a Russian citizen. The letter – seen by Forum 18 - warned him about his alleged "illegal missionary work over a long period of time in the territory of Kyrgyzstan" (see F18News 17 April 2014 http://www.forum18.org/archive.php?article_id=1949).

The letter preceded a 4 March large-scale official raid on the Russian Orthodox cathedral in Kyrgyzstan's capital Bishkek during a worship service. The raid appears to have been part of a series of raids and inspections on religious communities between January and April. The campaign resulted in warnings of "illegal" religious activity to at least one individual, a Russian Orthodox catechist, and seven mosques in Bishkek's Sverdlovsk District. "The authorities are using these inspections to try to bring religious affairs under greater control" a Russian Orthodox Church member told Forum 18 (see F18News 17 April 2014 http://www.forum18.org/archive.php?article_id=1949).

Fyodorov told Forum 18 on 17 July that he was in June summoned to the Anti-terrorism Department of the Interior Ministry after a written request from the SCRA to the Ministry deport him. "Ministry officials verified that I had a residence permit in Kyrgyzstan and on their request I wrote a statement that I am not involved in missionary activity". He told Forum 18 that Ministry officials told him that they will write to the SCRA stating that there are no grounds to deport him.

The Anti-terrorism Department of the Interior Ministry did not answer its telephone numbers when called on 18 July.

"Maybe you are from Mars"

However, Fyodorov expressed concern that the SCRA "will not be satisfied with this, and will do anything to achieve my deportation".

Forum 18 asked the SCRA why it demanded that the Interior Ministry deport Fyodorov. However on 18 July Mamataliyev of the SCRA, the head of its Legal Section, refused to answer. He claimed that "I know everybody from Forum 18 but not you. Maybe you are from Mars". This was despite Mamataliyev having spoken to Forum three days earlier (see above). He then stated that "I am not obliged to answer your questions" and put the phone down.

Property threat restarts

The State Property Fund is again seeking – this time through the Supreme Court - to confiscate the building of the Protestant Church of Jesus Christ in Bishkek. The move comes after Bishkek City Court in April rejected an earlier Bishkek Inter-District Court decision to annul the Church's ownership of its property. The Supreme Court may hear the case in the first week of August, Andrey Piankov, the Church's lawyer, told Forum 18 on 17 July.

Judge Irina Gorshkovskaya of Bishkek City Court on 18 April annulled the decision of Judge Zhyrgalbek Nurunbetov that the Church should lose the ownership of its property. (Nurunbetov also ruled in favour of Ahmadi Muslims being banned – see F18News 17 July 2014 http://www.forum18.org/archive.php?article_id=1977.) However the State Property Fund has brought an appeal against this to the Supreme Court, informing the Church of this in a letter they received on 18 June.

Edil Turganbayev of the State Property Fund told Forum 18 on 18 July that Aysulu Orozbekova, who represents the Fund in the case, is on holiday. Asked why the State Fund appealed to the Supreme Court he replied that "we still think the contract with the Church was illegal."

Asked whether the EVOS construction company was still interested in the land on which the Church building stands (see below), Turganbayev claimed that "I do not know the company, and do not have any idea about that".

Confiscation threat background

On 24 January a court – following a suit brought by the Fund with the SCRA as an interested party - annulled a 1999 sales contract between the Church and the Fund for the former Culture House of the old Bishkek Machine-Building Plant, claiming the sale violated the law. The Church appealed against the decision and separately to have the whole case thrown out, and Bishkek City Court granted this on 18 April.

The case originated on 12 May 2009, during the Bakiev-era, when the General Prosecutor's Office sent a proposal to the Government's State Property Ministry to "remedy the breaches of the Law in the contract", but that no suit was brought to court. "Now no suits can be brought in court based on the Law because the three years' limitation period for bringing a suit after an alleged violation expired in May 2012", Church members pointed out. Lyudmila Usmanova, Deputy General Prosecutor, said she was unable to comment.

Hearings began in the Economic Court in November 2013 with two other hearings in December 2013, in which Church representatives and interested third parties to whom it rents rooms in the building participated. The Church boycotted the fourth and final hearing, held on 24 January 2014. "We and the third parties gave all the evidence for the defence but the Court ignored it totally," church members complained. "Then in our absence the Judge made the decision."

Church members learned of the final 24 January hearing only two days earlier, when the Economic Court rejected their separate motion to have the whole case thrown out. Church members told Forum 18 they did not wish to be seen to endorse the case by attending the final hearing.

Church members, and members of other Protestant churches in Bishkek, suggested to Forum 18 that the authorities' legal moves to seize the building may be motivated by their dislike of the Church's activity and its members spreading their faith, or by the possibility of selling the property – which is in a sought-after location in Bishkek. The EVOS private construction company told Forum 18 it already has plans for the site. Asked about these comments, Orozbekova of the State Property Fund refused to answer.

Orozbekova also told Forum 18 that the Fund is also looking at property ownership affecting other religious communities, but refused to identify them. Such comments, and situations like that which faced the Church of Jesus Christ, add to the uncertainty which surrounds the question of religious communities' property (see F18News 8 April 2014 http://www.forum18.org/archive.php?article_id=1945).

Religious communities also face raids and inspections by a variety of state agencies, as has happened to mosques and churches in Bishkek since early 2014. Among those visited several times was Bishkek's Hope Baptist Church, most recently on 7 April. Officials inspected the documents of its building. The Church's Pastor Eduard Pak told Forum 18 on 7 April that the Mayor's Office has already "ordered us to vacate the land since we are only renting it" (see F18News 17 April 2014 http://www.forum18.org/archive.php?article_id=1949).

The Religion Law states that religious organisations can "own only buildings, constructions, ceremonial objects, objects of production, social, and charity functions, monetary funds, and other property necessary for provision of their activities." However, the Law does not define what is meant by "necessary" or who decides on necessity. Religious events outside a community's own premises can, under the Law, "be performed in the procedure stipulated by the legislation of Kyrgyz Republic." However, no such procedure is specified in the Religion Law. (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.

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