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## **State permission to exist still denied**

Forum 18 (11.11.2016) - <http://bit.ly/2fAEhLz> - Kyrgyzstan continues to deny state registration – and so state permission to exist – to many belief communities which apply for it, and to ban groups of people from exercising freedom of religion and belief without state permission.

Protestant pastors state that they "live and exercise freedom of religion and belief with constant fear." State officials have refused to answer, when asked by Forum 18, why they continue to fail to seriously investigate officials' torture of Jehovah's Witnesses meeting for worship. It also remains unclear whether the prosecution and arrest of Jehovah's Witness mother and daughter Oksana Koryakina and Nadezhda Sergienko, now being investigated by the United Nations (UN) Human Rights Committee, has finally come to an end. The two were apparently targeted in retaliation for their community applying for state registration (see below).

Control continues to be exercised over the Muslim Board and Russian Orthodox Church, as well as biased decisions being made in their favour, Almaz Esengeldiyev of Open Viewpoint noting that "the state acts as if it is their mentor" (see below).

### ***"I cannot give you such information"***

Since the 2009 Religion Law came into force, one Jewish Community, up to four Russian Orthodox communities, and about 141 Islamic organisations including mosques, madrassahs, and foundations, mainly under the state-controlled Muslim Board, have been registered. But no Catholic, Protestant, Jehovah's Witness or Ahmadi Muslim communities have been registered. The Ahmadi Muslims have been banned as "extremist" and cannot meet or worship together. All other Muslim communities are state-controlled via the Muslim Board. The Caritas charity organisation, which aims to reflect the core values of the Catholic Church, has been registered and does not undertake any religious activities.

Several Protestant Pastors, who lead communities without state permission to exist, told Forum 18 on 8 and 9 November 2016 that they "live and exercise freedom of religion and belief with constant fear." There are also threats by the government against secular human rights defenders in the country.

Mob violence with no state action to protect victims continues to be experienced by members of smaller vulnerable religious communities.

Both Almaz Esengeldiyev of the Open Viewpoint human rights defender organisation and Galina Kolodzinskaya of the Interfaith Council told Forum 18 on 10 November 2016 that up to the end of 2015 only four new Russian Orthodox communities and about 141 Islamic organisations were registered.

The secretary (who refused to give her name) to State Commission for Religious Affairs (SCRA) Head Orozbek Moldaliyev claimed he was not available on 10 November 2016. SCRA lawyer Asel Myktybekova and the Deputy Head of the SCRA registration section Nurbek Shamraliyev both refused to state how many religious communities had been registered. "I cannot not give you such information", Shamraliyev claimed to Forum 18. Myktybekova stated without giving details that "we approved Muslim and Christian organisations' lists". She then admitted under questioning that the only Christian organisations were Russian Orthodox churches. She then claimed that "I cannot give such information over the phone".

### ***Long-standing registration denials, harassment***

Under the 2009 Religion Law all unregistered exercise of freedom of religion and belief is banned. Registration demands among other things 200 founder members of a community to give their personal details to the authorities, which many people are afraid to do for fear of state reprisals. Among the Law's many other demands are details of a community's beliefs. Many communities which may want to apply for registration do not have 200 members, and the authorities take full advantage of the many arbitrary reasons the Law allows for registration to be refused.

These demands flagrantly break Kyrgyzstan's international human rights obligations, which are outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities. Kyrgyzstan is both an OSCE participating State and a Venice Commission member state.

### ***Targeting, arrests, torture***

Some communities think they and their followers have been targeted by the authorities after applying to register. This appears for example to have happened in the long-running case of Jehovah's Witness mother and daughter Oksana Koryakina and Nadezhda Sergienko, who from March 2013 have faced house arrest and criminal charges in punishment for their community lodging a registration application. The case was described by a judge as "a fabricated case" in November 2015, but still continued.

On 14 March 2016 the UN Human Rights Committee, following a complaint from Jehovah's Witnesses, informed the government that it had accepted the case and asked that the two women, their lawyers and witnesses be protected while the Committee considered the case. Osh City Court on 25 April closed the case against the women, stating that the three year limit for legal action was exhausted. Osh City Prosecutor's Office with the help of the Russian Orthodox Church appealed against this on 30 May in Osh Regional Court, without success. It is unclear whether Koryakina's and Sergienko's long legal struggle is now finally over.

Kyrgyzstan has also refused to follow its international obligations by arresting and trying under criminal law state officials in Osh who tortured Jehovah's Witnesses meeting for worship. On 8 July General Prosecutor's Office Senior Prosecutor Urmat Karypbekov wrote to Jehovah's Witnesses claiming that the officials are allegedly being investigated

by Osh City Prosecutor's Office. On 18 July Jehovah's Witnesses petitioned the General Prosecutor's Office asking for the case to be withdrawn from Osh Prosecutor's Office in view of their past open biased decisions. This has not happened.

Gulmira Davletbayeva of the General Prosecutor's Office refused to answer when asked by Forum 18 why the torture case had not been withdrawn from Osh Prosecutor's Office, and why the General Prosecutor's Office itself is not investigating the case. "We cannot answer such questions over the phone", she claimed, before referring Forum 18 to Osh City Prosecutor's Office. They did not answer their phones on 11 November.

### ***Constitutional Chamber ignored by officials***

In September 2014, a Constitutional Chamber of the Supreme Court decision removed two major obstacles to the registration of religious or belief communities: a restriction that a religious organisation is limited to carrying out its activity only in the place where it has its legal address; and a requirement that local keneshes (councils) must approve a list of 200 founding members of a religious organisation before it can apply for legal status. Local keneshes have long obstructed registration applications in conjunction with the SCRA.

Yet officials have refused to follow the Constitutional Chamber decision, and the SCRA is preparing a draft Religion Law ignoring it. And in February 2016 the Supreme Court rejected an appeal by Jehovah's Witnesses against keneshes' refusal to register communities in Osh, Naryn, Jalal-Abad, and Batken. Other communities have continued to face harassment from keneshes.

Esengeldiyev of Open Viewpoint commented that keneshes often give no reasons or vague reasons for refusing to approve lists of founders, complaining that the 2014 Constitutional Chamber decision "has not been executed for the last two years".

### ***Fear of giving authorities founder names***

Protestant pastors, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 7 and 8 November that "many new churches across Kyrgyzstan would like to receive registration, but cannot gather 200 founders as they are small communities." It is known that some churches have collected the signatures and details of 200 founders willing to make themselves known to the authorities, along with the other required documents, but the SCRA refuses to register them. None of the churches wish to discuss this publicly, as "it is a sensitive issue, and they are still asking for registration".

Aleksandr Shumilin, a Baptist pastor who chairs the Association of Evangelical Churches, told Forum 18 on 10 November that Baptists and other churches have "expressed concerns about having to provide personal data on founding members to the authorities. This data will be given to the ordinary police and National Security Committee (NSC) secret police, which may lead to the founders being put in danger." He knows of churches who have for this reason privately told the authorities that they will not provide lists of founders.

Another Protestant pastor expressed concern that giving the authorities the names of 200 founders may lead to community leaders being charged with "illegal missionary work". The Religion Law bans "actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other illegal missionary work".

### ***Biased state treatment of Muslim Board and Russian Orthodox Church***

"It is impossible not to notice the special treatment given by the state to the so-called traditional religions", Esengeldiyev of Open Viewpoint commented to Forum 18. As well

as their organisations and communities getting state registration, he noted that on 2 April 2015 the government freed the Muslim Board from making normally compulsory payments such as taxes and insurance.

Esengeldiyev of Open Viewpoint also noted that the Bishkek and Central Asia Diocese of the Russian Orthodox Church (Moscow Patriarchate) was registered not as a "foreign mission" but as a local organisation. Under the Religion Law, 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.

"Another example of bias in favour of the Orthodox Church took place on 2 April 2013", Esengeldiyev noted. That day Bishkek City Kenesh with its Decision No. 8, seen by Forum 18, approved the list of founders of a Russian Orthodox community, stating that it did this: "For the purposes of fulfilling the Religion Law, taking into account historical and modern realities, the necessity of preserving and developing the spiritual-moral potential of society, and on the basis of the reference of the religious affairs working group".

The same day, with its Decision No. 9 seen by Forum 18 the Kenesh refused to approve the similar lists of nine other communities – one Catholic, one Lutheran, two Presbyterian, one Seventh-day Adventist, the Renewal and Grace Protestant churches, one Jehovah's Witness, and one Jewish community. The unclear reason given was: "Being governed by the Religion Law and for the purposes of regulating the activity of religious organisations of Bishkek City, based on the reference of the religious affairs working group".

Yelena Krashennikova of Bishkek Kenesh, asked on 10 November 2016 what criteria Kenesh deputies used to approve or reject applications, replied: "We do not have such criteria or mechanisms." Asked what this means, and whether deputies make subjective decisions, she said: "I don't know what to say. I cannot answer you over the phone". She then put the phone down.

Rabbi Ariye Raikhman of Bishkek's Jewish Community told Forum 18 on 8 November that their community was able to re-register in 2014. "We had to apply for re-registration in 2013, as changes were made to the founding documents", he explained. "At first the Kenesh told us that they could not approve our list of founders as there were no regulations to regulate the process of approval, but later they re-registered us". Rabbi Raikhman stated that he could not remember why the Kenesh changed its mind.

[Stating that the SCRA has not issued regulations governing re-registration has been a common excuse used by keneshes to deny registration applications]

Fr. Aleksandr Pelin, Secretary of the Chancellery of the Russian Orthodox Diocese in Bishkek, on 9 November declined to state either how many Orthodox communities had registration, or whether the state gave the Moscow Patriarchate favourable treatment. "Ask the SCRA, the question is in their competence", he told Forum 18. Both Myktybekova and Shamraliyev of the SCRA refused to discuss the questions, Shamraliyev putting the phone down.

### ***State control of Muslim Board and Russian Orthodox Church***

Esengeldiyev of Open Viewpoint also told Forum 18 that state bias towards the Muslim Board and the Russian Orthodox Church "does not exempt them from state control". He noted that both organisations are described as so-called "traditional religions" in the Concept on State Policy in the Religious Sphere 2014-20 (adopted by the Defence Council on 3 February 2014), but "the state acts as if it is their mentor."

Esengeldiyev noted, for example, the increased controls imposed on the Muslim Board, including all imams having to be Sunni Hanafi, by the Defence Council after its Decree of 3 February 2014.

He also noted the SCRA's 2014 expulsion of both Russian Orthodox Bishop Feodosy and catechist Vakhtang Fyodorov.

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## **Christian convert from Islam denied burial in village cemetery in Kyrgyzstan**

Barnabas Fund (20.10.2016) - <http://bit.ly/2gFE8eY> - When her 76-year-old mother died on 13 October, Jyldyz Azaev had nowhere to bury her. The local Orthodox Church in Sary-Talaa refused permission for her to be interred in their cemetery, because, although she was a Christian, she was not from the Orthodox Church. Village imams also refused to allow her to be buried in the Muslim cemetery (Jyldyz's mother had converted to Christianity from Islam).

Jyldyz appealed to local authorities, who permitted the burial in another village. However, residents there also objected and forced officials to dig up the body. The district imam then gathered local Muslims and threatened to stone Jyldyz, demanding that she convert to Islam. "They asked me to leave Christianity and convert to Islam ... They wanted it to be a lesson for others. They demanded I say the *shahada* [the Islamic creed, recitation of which is considered conversion to Islam]. I could not and the imam publicly began to laugh at me ... I asked if they would allow me to bury my mother because the corpse had lain for two days and begun to decay," she explained to Barnabas Fund. The Muslims still refused to allow the burial, but village authorities eventually gave Jyldyz a place to bury her mother on a plot next to the town's Muslim cemetery.

A few days later, local police and Muslims dug up the body again and accused Jyldyz of moving it. Her mother was subsequently laid to rest in another location, although there are unconfirmed reports that her body has again been disinterred. Jyldyz has now been forced to leave the village for own safety as a result of aggression from her neighbours and she does not know where her mother is buried.

Kyrgyzstan's population is more than 80% Muslim. Unregistered religious activity is banned and churches viewed as non-traditional face interference from the authorities. Believers from Muslim backgrounds have repeatedly encountered problems securing places to bury their loved ones. In Kyrgyz culture, the issue of what happens to the body after death is immensely important. The 2016 report by the U.S. Government's Commission on Religious Freedom concluded that "The Kyrgyz government also has not resolved the chronic problem of religious minorities being denied burials in municipal cemeteries controlled by the Muslim Board. For example, in August 2015, Osh city officials and a local imam did not allow a Protestant to bury her son in their local cemetery and the imam pressured her to renounce her faith."

Last year Barnabas Fund assisted with finance to purchase land for a cemetery for Christians from a Muslim background in Kyrgyzstan.

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## **Mobs twice exhume body – with impunity?**

By Mushfig Bayram

Forum 18 (20.10.2016) - <http://bit.ly/2eIMfp1> - Mobs in two villages dug up the body of deceased Protestant Kanygul Satybaldiyeva, insisting non-Muslims cannot be buried in village cemeteries. Police, secret police and officials observed the exhumations but did not stop them. Officials took Satybaldiyeva's body and claim to have buried it elsewhere.

On 14 and 17 October, mobs in two different villages of Kyrgyzstan's western Jalal-Abad Region exhumed the body of deceased Protestant Kanygul Satybaldiyeva, a 76-year old member of Jesus Christ Protestant Church. They objected to the burial of a non-Muslim in public village cemeteries. Police and National Security Committee (NSC) secret police officers, as well as local and regional officials, observed the exhumations but did nothing to stop them, Forum 18 has learned.

Amid contradictory official assertions of what they did with the body after the second exhumation, Satybaldiyeva's family as of the evening of 19 October does not know where the body is.

"I pray that they did not throw away the body somewhere," Satybaldiyeva's daughter, Zhyldyz Azayeva, lamented to Forum 18 on 19 October. "I hope that we can soon find out where my mother's body is."

"I continue in my faith in Jesus Christ but I am afraid for my own life, for my 19-year old daughter and 80-year old father," Azayeva added. "I would like to move out of the area, but cannot leave my father behind."

"We just want peace and that we can peacefully practise our faith," Pastor Nurgazy Babanazarov of the local Protestant community told Forum 18 on 18 October. "I don't know whether the Imams are provoking people. Whoever is organising this does it for one purpose: to humiliate in the eyes of society Kyrgyz who became Christian."

### ***No state protection of right to burial***

State officials - including from the Interior Ministry and the State Commission for Religious Affairs (which oversees religious issues) in the capital Bishkek, as well as Jalal-Abad Regional and Ala-Buka District Administrations – refused to explain to Forum 18 why Satybaldiyeva could not be buried in public village cemeteries and why they did not protect the right of her family to bury her with the rites that they chose in the cemetery of her choice.

One official claimed that a case had been initiated against those who had dug up Satybaldiyeva's body, but other officials seemed unsure of this (see below).

The State Commission for Religious Affairs referred Forum 18 to Chief Specialist Zamir Tursunbekov. "We are working locally to explain to people about religious freedoms," he claimed to Forum 18 from Bishkek on 18 October. "Jalal-Abad is a southern region, and people there have deeper Islamic beliefs, and they do not accept Christians or others to be buried in their cemeteries."

Tursunbekov would not say why the government has not resolved this long-running problem.

### ***Why won't government resolve burial problems?***

The government has long failed to ensure that people may exercise their right to bury their dead with the religious ceremonies and in the cemeteries they would wish. Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have complained about this problem, which causes families and communities great distress. In January

2014 in Jalal-Abad Region, an imam barred the burial of a Protestant woman in the village cemetery, and in another village the imam stopped a Protestant pastor from participating in the funeral of his Muslim brother. In Kyrgyz culture it is extremely important that a brother take a central part in the funeral of a sibling (see F18News 6 June 2014 [http://www.forum18.org/archive.php?article\\_id=1966](http://www.forum18.org/archive.php?article_id=1966)).

Asked why the Government does not resolve long-standing problem of burials of adherents of non-Muslim religious communities, the central government in Bishkek on 18 October referred Forum 18 to Ulan Ismailbekov, Expert of the Education, Culture and Sports Section, overseeing religious affairs.

Ismailbekov said only that Satybaldiyeva's body was buried in Jalal-Abad region on 17 October. He refused to answer any of Forum 18's questions about why the government has not solved long-running burial problems, claiming that "we will call you back". Forum 18 received no calls or answers in writing as of the end of the working day in Bishkek on 19 October.

### ***Violence, death threats, hate speech***

Mob interference in the rights of families and communities to bury their deceased with the rites and in the cemetery of their choice is not the only violence individuals who are not from the dominant Muslim community can face because of their faith. Officials sometimes choose not to stop such violence or punish the perpetrators.

In July 2015, officials in Kemin in northern Chui Region summoned members of a local Protestant Church to the Kenesh (council). Some Muslims threatened the Church with violence if it continued its activity. Although police and NSC secret police officers were present and heard the threats, no one was prosecuted. The Kenesh ruled the following month to ban the Church.

Ahmadi Muslims, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 18 October that they still cannot meet for worship publicly, since they have no state registration and that they are "afraid for their lives because we receive death threats by email from Kyrgyz nationals". It appears that the emails were sent from outside Kyrgyzstan, they said.

Following the December 2015 murder of Ahmadi Muslim Yunusjan Abdujalilov in the village of Kashkar Kyshtak in Jalal-Abad Region, Police arrested nine suspects. Ahmadi said the investigation of the murder case continues, with the suspected individuals having been under arrest. However, no one has been brought to trial.

Some religious communities think that contributory factors to violence against them and their followers are the blocking of registration applications by the State Commission for Religious Affairs, the NSC secret police, and local authorities, the banning of the unregistered exercise of freedom of religion or belief by communities, and the impossibility for those with fewer than 200 founders of gaining legal status. This lack of registration deprives communities of possible social status and so, they think, makes them vulnerable to attack.

### ***Burial blocked, daughter made to renounce faith***

Satybaldiyeva died of natural causes on 13 October. On 14 October a small group of family and friends took her body for burial to the cemetery in her home village of Sary-Talaa in Ala-Buka District. However, the village Imam and a mob prevented them from doing so.

"We then asked the District authorities and Shumkar Chynaliyev, the District Chief Imam, to come to the village to resolve the issue," Azayeva told Forum 18. However, the Imam's visit did not calm villagers or help ensure the burial could proceed.

Imam Chynaliyev "made me recite the Islamic shahada [profession of faith] in front of the crowd, and say that I made a mistake by becoming a Christian." Azayeva said that she did so "for my mother's sake, and hoped that they would allow us to proceed with the burial". The mob still refused the burial, and "some even shouted that I should be stoned because I became a Christian". She complained that Imam Chynaliyev said nothing in her defence.

Imam Chynaliyev adamantly denied that he asked Azayeva to renounce her Christian faith. "We respect people's faith, whether it is Christian or Muslim," he claimed to Forum 18 on 18 October. "It was she who asked us to help her, and she voluntarily confessed that she made a mistake by becoming Christian."

Asked whether he agrees with those who blocked the burial and shouted that Azayeva should be stoned, Imam Chynaliyev responded: "I don't think it's wrong for a Kyrgyz to become Christian or choose another religion, because we have religious freedom here." Asked why then he did not defend Azayeva in front of the mob, telling them about individuals' right to freedom of religion or belief, he replied: "I cannot convince people."

Asked on 19 October why he watched and did nothing while the mob prevented Satybaldiyeva's family from burying her body in the village cemetery, Myrzagul Jenkulov, head of Sary-Talaa Administration, told Forum 18: "People listen to the Imam. They did not allow the burial because it is a Muslim cemetery."

Told that many atheists also were buried in the cemetery during Soviet times, and asked why Satybaldiyeva's family was deprived of the right to bury her in the cemetery where many of her relatives are buried, Jenkulov repeated that the village Imam's "word is what the people listen to". Asked whether he cannot fulfill his duties as the head of the Administration, he replied, "I was only recently appointed."

### ***Dug up twice***

After being prevented from burying the body in Sary-Talaa village cemetery, Satybaldiyeva's relatives the same day, 14 October, went to the nearby village of Oruktu in Ala-Buka District and buried her there. However, Police soon called Azayeva and summoned her to come and collect her mother's body, since a mob from that village had dug up the body.

While the mob dug up her body, "village, District officials, officers of the police and NSC secret police watched but did not stop them," Azayeva complained to Forum 18.

The following morning, 15 October, relatives took Satybaldiyeva's body "which had already begun decaying and had a strong odour", Azayeva said. They buried her for the second time, this time in the central cemetery of Ala-Buka District. "Muslims and Russian Orthodox believers were buried in the past in that cemetery without clear boundaries between graves," Azayeva said. "We buried her close to the Russian graves."

However, in the afternoon of 17 October, two days after the second burial, Azayeva again received a call from Officer Talant (last name not given), Jalal-Abad Regional representative of the Police 10th Department, which oversees religious extremism cases. "I should immediately come to the cemetery because a crowd has gathered, and they want to dig up the grave again," Azayeva quoted the officer as telling her.



On the advice of her relatives and the Christian community, Azayeva did not attend the exhumation of the body. "I was afraid for my life and also did not want to go through the same humiliation," she said.

On 17 October, a mob of 30 people - in the presence of Police and officials of Ala-Buka District Administration - dug up Satybaldiyeva's body, and officials took it away, Radio Free Europe's Kyrgyz Service reported two days later.

Asked why Police and other officials allowed the mob to exhume Satybaldiyeva's body from among the Russian graves, Officer Talant (who refused to give his last name) on 18 October brushed off Forum 18. "You have more information than me." Asked what happened to Satybaldiyeva's body, he responded: "I don't know what the latest is. I need to talk to my superiors." He then refused to talk further to Forum 18, and put the phone down.

"At 5 pm on 17 October, Ala-Buka Administration officials called and asked me to participate and witness the burial of my mother in a new place, the third site," Azayeva told Forum 18. "I didn't go because I was afraid of what the crowd could do with me and I didn't want to be humiliated again."

Azayeva said she did not know what they did to the body, whether and where exactly it was buried, "since I wasn't there and couldn't witness it".

### ***Where is the body?***

Asked on 19 October where officials buried Satybaldiyeva, Bakhtybek Anarkulov, Deputy Head of Jalal-Abad Regional Administration, hesitated at first. But when Forum 18 insisted he claimed that she had been reburied in Kara-Tebe "not far from Sary-Talaa". He said that he has been "overseeing the whole process".

The village of Kara-Tebe is about 20 kms (12 miles) north-east of Satybaldiyeva's home village of Sary-Talaa.

Anarkulov said that that day, 19 October, Regional Administration officials, as well as officials of Ala-Buka District and representatives of the Police and NSC secret police, met to discuss the issue. "Everybody has calmed down now, and the situation is under our control," he claimed to Forum 18. "We buried her with all dignity."

Azayeva told Forum 18 she is not sure whether this is true. "Since 17 October, none of the authorities showed or told us where my mother was buried." She said that on 19 October, her father visited Ala-Buka District Administration, but they refused to tell him what they had done with the body.

Asked why neither he nor other authorities told the family where they claim they buried Satybaldiyeva, Anarkulov responded: "It is a very sensitive and tense situation, we just want to be careful."

The Interior Ministry Press Service gave a very different account of the burial. After consulting with her colleagues, Senior Inspector Anna Zhukova told Forum 18 from Bishkek on 19 October that Satybaldiyeva was buried "just outside Sary-Talaa village in an open field adjacent to the village cemetery". This is the "latest information we received from the local Police," she told Forum 18. Asked why the authorities buried Satybaldiyeva in a field, she could not answer.

Senior Inspector Zhukova referred Forum 18 to Rysbek Duyshubayev, Chief of the Section overseeing religious extremism cases at the Ministry's 10th Department in

Bishkek. The officer who answered Duyshubayev's phone the same day told Forum 18 he was not available. Duyshubayev's mobile phone went unanswered on 19 October.

However, Jenkulov, Head of Sary-Taala village administration, denied both this and Anarkulov's report. He told Forum 18 that Satybaldiyeva "might have been buried in Shekaftar village, because that is where she was born". Shekaftar is in Chatkal District of Jalal-Abad Region, some 20 kms (12 miles) west of Sary-Talaa

However, Azayeva told Forum 18 that her mother was indeed born in Chatkal District "but not in Shekaftar".

### ***Will perpetrators be punished?***

Asked on 19 October about the denial of burial, repeated exhumations, what happened to Satibaldiyeva's body and whether a case was opened against individuals who twice exhumed the body, Rakhat Sulaimanov, Press Secretary of the NSC secret police in Bishkek, declined to say. He asked Forum 18 to send questions in writing.

Similarly, Zhukova of the Interior Ministry Press Service declined to tell Forum 18 whether a case had been or will be opened against the perpetrators. She referred Forum 18 to Duyshubayev of the Ministry's 10th Department. Yerlan Bakiyev of the 10th Department told Forum 18 on 19 October: "We will not answer you over the phone. You need to send your questions in writing."

Anarkulov of Jalal-Abad Regional Administration claimed to Forum 18 that a case had been opened. Asked who exhumed Satybaldiyeva's body and what punishments will be given to them, he told Forum 18: "This was a group of people." He gave no names. "Everything will be done according to the Law."

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## **Inter-religious tolerance in Kyrgyzstan in focus of OSCE-supported meeting**

OSCE (03.06.2016) - <http://bit.ly/1YrwlhX> - Measures to enhance tolerance among religious communities in Kyrgyzstan is in focus of an OSCE-supported meeting which concludes tomorrow in Cholpon-ata town in Issyk-Kul region, having brought together some 120 representatives of local self-government bodies, political parties, education and health sectors, academia, civil society, as well as elderly people and youth.

The OSCE Centre in Bishkek organized this event jointly with the State Commission on Religious Affairs, the State Agency on Local Self-Government and Inter-Ethnic Relations, and the Interior Ministry.

"Kyrgyzstan strives for the implementation of OSCE commitments on human rights and fundamental freedoms, including freedom of thought, expression, religion, and belief for all without any form of discrimination," said Silvia Pogolsa, Human Dimension Officer at the OSCE Centre in Bishkek. "During this event, Kyrgyzstan has shown willingness to progress in respecting the rights of religious communities by engaging in consultations with religious institutions of different faiths in order to achieve a better understanding of the needs for adequate protections of religious freedom."

The participants discussed and reviewed policies related to religious organizations, radical movements and prevention of extremism leading to terrorism. The event provided a platform for dialogue among representatives of national institutions, religious communities, and civil society to strengthen unity and inter-religious tolerance.

The meeting is part of the OSCE Centre's project on enhancement of human rights and fundamental freedoms in Kyrgyzstan, which aims at promoting compliance with the provisions of national law on freedom of religion and belief and supporting the implementation of the state religious policy within the National Strategy for Sustainable Development 2013-2017.

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## **Impunity for officials, mob and torturers ignoring law**

Forum 18 (03.03.2016) - <http://bit.ly/1WbB8D3> - On 15 February Kyrgyzstan's Supreme Court rejected an appeal by Jehovah's Witnesses against refusal to register communities in Osh, Naryn, Jalal-Abad, and Batken, Forum 18 News Service has learned. And on 24 February the Supreme Court sent two Jehovah's Witnesses, Nadezhda Sergienko and Oksana Koriakina, for a new trial "in total disregard of the overwhelming and unchallenged evidence of my clients' innocence", their lawyer Shane Brady told Forum 18. Elsewhere, a court rejected an appeal by the registered Elchilik Zhiyini Church against Kemin Kenesh's halting of their activity despite a decision by the Constitutional Chamber of the Supreme Court. "Our decision must be followed", Akylbek Akhmatov of the Constitutional Chamber told Forum 18. He added that "the lawyers of the Kemin Church should refer to our decision in court". The Church has not been able to meet since August 2015 and was threatened with violence at a Kenesh (council) meeting. Police have refused to take action against people they witnessed threatening violence. In another case, the authorities have refused to bring officials who tortured Jehovah's Witnesses in Osh to justice.

On 15 February Kyrgyzstan's Supreme Court rejected an appeal by Jehovah's Witnesses against the State Commission for Religious Affairs' (SCRA) refusal to register four religious communities, Forum 18 News Service has learned.

In September 2014, a Constitutional Chamber of the Supreme Court decision removed two major obstacles to the registration of religious or belief communities: a restriction that a religious organisation is limited to carrying out its activity only in the place where it has its legal address; and a requirement that local keneshes (councils) must approve a list of 200 founding members of a religious organisation before it can apply for legal status. Yet officials have refused to follow this decision, and the SCRA is preparing a draft Religion Law ignoring it.

Under international human rights law (which Kyrgyzstan's Religion Law contradicts) state registration cannot be a precondition for exercising freedom of religion or belief, as is outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Kyrgyzstan is an OSCE participating State.

"We asked the Supreme Court to cancel trial and appeal court decisions and to order the SCRA to approve our applications for the registration of four religious organizations in Osh, Naryn, Jalal-Abad, and Batken districts", Jehovah's Witness lawyer Shane Brady told Forum 18 on 24 February. The authorities have persistently obstructed many religious or belief communities in gaining registration.

The authorities have also arrested and detained for 31 months on false charges two women, Nadezhda Sergienko and Oksana Koriakina, in reprisal for a registration application. On 24 February the Supreme Court sent the women for a fresh trial, despite many violations of due process and strong evidence of their innocence – including a judge describing it as a "a fabricated case" (see below).

Brady explained that "the SCRA refused our application, arguing that although Article 10(2) of the Religion Law had been declared unconstitutional by the 4 September 2014 decision of the Constitutional Chamber, Parliament had not yet amended the Law". Judge Mukambet Kasymaliyev, Chair of the Constitutional Chamber, told Forum 18: "Everyone must abide by the Court's decisions as they become part of the law immediately after they are passed". Asked what he thinks of local officials and the SCRA ignoring this, Judge Kasymaliyev replied that "I cannot evaluate the actions of those officials. But it seems to me that they do not know Kyrgyzstan's laws and must study them."

"According to the SCRA", Brady said, "the unconstitutional provision still remained in force." Lower courts agreed with the SCRA and the Supreme Court has not yet made its reasoning public. "We are waiting to see what exactly arguments the Supreme Court will give in its written decision."

Supreme Court officials who would not give their names and Press-Secretary Aynura Toktosheva refused to discuss the cases with Forum 18 on 3 March, or put Forum 18 through to any officials who would discuss the cases.

### ***Will the law be followed by officials?***

Asked why the SCRA and Kemin Kenesh (see below) do not follow the Constitutional Chamber decision, SCRA Deputy Director Zakir Chotayev told Forum 18 on 3 March that "it is an arguable issue and it has been contested in many court cases". He then refused to discuss the issue more with Forum 18 and referred it to SCRA lawyer Zhanibek Botoyev.

Botoyev also claimed that "the issue has been contested in Courts". Asked what exact court cases he meant, and whether he respects the Constitutional Chamber decision, he replied "I will not discuss these issues with you" and declined to talk more to Forum 18.

### ***No freedom of religion or belief even with registration***

Even if a religious community has state registration, this does not mean that it can exercise freedom of religion or belief. In the northern Chuy Region, the Inter-District Economic Court on 14 December 2015 rejected an appeal by the registered Elchilik Zhiyini (Embassy) Protestant Church against a decision by Kemin Kenesh that the Church's activity should be stopped. The Church argued that the Kenesh had no such power, but the Court argued in a decision that Forum 18 has seen that, under Article 269 of the Civil Procedure Code, it had such a power. Article 269 describes the competence of a court to uphold or reject administrative decisions by the authorities.

The Church has not been able to meet for worship since August 2015 and was threatened with mob violence at the Kenesh meeting which halted its activity. Church lawyer Toktorbek Ahsirkul uuly told Forum 18 on 24 February that "we are challenging the unlawful decisions in the Regional Appeal Court. Church members are not gathering for worship officially, because they are afraid of more severe punishments by the authorities." (see below).

Ahsirkul uuly told Forum 18 that the Court gave "no reasonable arguments" for its decision. Judge Kurmanov of the Economic Court refused to answer when asked why the Court decided that a Kenesh could stop a religious or belief community exercising freedom of religion or belief. "They have appealed against our decision in the Regional Court, let us wait and see what it will decide," he told Forum 18 on 24 February.

Judge Jeksenaly Kurmanbayev, one of the Judges of the panel hearing the Church's new appeal in Chuy Regional Court on 24 February told Forum 18 that the initial hearing was postponed. This was because "a representative of the SCRA also needs to participate in

the hearing". He did not say why this was and stated that "we are investigating whether or not the Kenesh can suspend the activity of the Church". He would not say how long the investigation will go on and commented that "attracting young people to the Church was brought up."

### **Warning, threats of violence**

In late July 2015 Kemin Kenesh summoned Elchilik Zhiyini Church to a meeting at which it was told, Church lawyer Ahsirkul uuly told Forum 18, "that it must stop its activity since there are complaints and threats against the Church from local Muslims and that their legal documents are not in order."

Kenesh Vice-Speaker Bakhtiyar Kurmanaliyev confirmed this, and added that there were threats of violence made against the Church at the meeting and that the National Security Committee (NSC) secret police was present. "We received not only complaints but also threats that if the Church continued its activity, it could lead to bloodshed", he told Forum 18 on 24 February. "The Muslim group at the Kenesh meeting expressed threats to us once again. That's we decided it would be better to stop the Church at least temporarily to calm down the local people."

Asked how it is possible that a group of individuals can threaten others in the presence of the authorities and NSC secret police, Kurmanaliyev said "that's the reason we invited the law-enforcement agencies". Asked if the authorities had taken action against those who threatened the Church, Kurmanaliyev claimed that "it is none of my business but it is up to NSC and police. We cannot interfere in their work, and you need to ask them."

"Our colleagues were in that Kenesh meeting since it is our duty to calm down possible conflicts between groups of local citizens", Chuy Regional Police Press-Secretary told Forum 18 on 26 February after consulting police chief Kapar Batyrkanov. "But the police are not investigating any threats as Church members did not file a complaint". Asked why the police did not take action against threats of violence they themselves witnessed, Toktosunov claimed without giving any details that "the case was referred to court, and we cannot make any further comments".

The authorities in Kyrgyzstan have a long history of complicity with violence and failure to protect people. Many in Kyrgyzstan think this was a contributory factor in the December 2015 murder of an Ahmadi Muslim. The state has also repeatedly failed for many years to stop violence and coercion to change beliefs against people who want to peacefully bury their dead, with the religious ceremonies and in the cemeteries they would wish.

### **Ban**

On 5 August Kemin Kenesh made a decision (which Forum 18 has seen), signed by Kenesh Vice-Speaker Kurmanaliyev, to stop the activity of the Church. It stated that the NSC secret police on 9 July and the SCRA on 29 July both claimed that the Church violated the Religion Law as it is officially registered at one address but holding meetings at a different address. These claims directly contradict the Constitutional Chamber of the Supreme Court's September 2014 decision that this is legal (see above).

Asked whether the Kenesh was aware of the Constitutional Chamber decision and why the Kemin authorities did not follow it, Kurmanaliyev replied that "I am not answering for the whole of Kyrgyzstan".

The Kemesh decision also says that a group of local Muslims complained to the Kenesh on 15 July that the Church is: "adding young Kyrgyz people to its ranks by misleading them". Asked why the Church members cannot share their faith with others and children,

and whether there is freedom of religion or belief in Kyrgyzstan, Vice-Speaker Kurmanaliyev replied: "Kyrgyzstan respects religious freedoms but at the meeting the Church did not provide us with documents proving they can do religious activity". Asked why the Kenesh thinks it is their duty to interfere in the activity of the Church, he replied that "there could have been a scandal, we were concerned".

Asked why the Kenesh made a decision to stop the Church, which has official registration, Vice-Speaker Kurmanaliyev claimed that "we asked the Church to show us their founding documents and they did not do so". He then claimed that "in that meeting they did not want to show us their documents but did so some time later. We had made our decision by that time".

Church lawyer Ashirbek uuly told Forum 18 that "the Church did not provide documents as the Kenesh has no rights to stop its activity. Nowhere in the law are they given such a competence".

Asked by what authority Kemin Kenesh halted the Church's activity, Kurmanaliyev claimed that "I am busy. If you came to our office I could show you our competences from the official documents".

"Our decision must be followed in the whole territory of Kyrgyzstan"

"Our decision must be followed in the whole territory of Kyrgyzstan", Akylbek Akhmatov, Advisor to the Chair of the Constitutional Chamber of the Supreme Court, told Forum 18 on 2 March. He added that "those who do not follow it must be held responsible".

Whilst Akhmatov did not wish to directly comment on the actions of Kemin Kenesh, he added that "the lawyers of the Kemin Church should refer to our decision in court".

### ***Supreme Court sends freed women in "fabricated case" for another trial***

In October 2015 a Jehovah's Witness mother and daughter, Nadezhda Sergienko and Oksana Koriakina, were freed from house arrest, having been held since March 2013, in what a judge described as "a fabricated case". NSC secret police and ordinary police 10th Department officers repeatedly illegally tried to stop the two women's lawyers participating in the appeal hearing, and then invaded the judges' deliberation room when they realised that the women might be set free. Under international law some of the police should not have been at liberty, as they were involved in torturing other Jehovah's Witnesses. The two women's defence lawyers have publicly called for the ordinary police and NSC secret police officers who openly attacked lawyers' and judges' independence to be investigated on criminal charges, and if guilty punished according to the law. Officials have refused to tell Forum 18 if these and other official attempts to obstruct the rule of law will be subject to investigation and criminal charges.

Yet the Supreme Court on 24 February 2016 granted an appeal by Nazar Kenzheyev and D. Kachybekov of Osh City Prosecutor's Office against the decision to acquit and free Sergienko and Koriakina. The Supreme Court also sent the two women for a new trial in Osh City Court "in total disregard of the overwhelming and unchallenged evidence of my clients' innocence", their lawyer Brady told Forum 18.

"Both the trial and appeal courts, in detailed written reasons dated 7 October 2014 and 25 October 2015, agreed that Oksana Koriakina and Nadezhda Sergienko were innocent of the criminal charges. The trial court had concluded that both women had in fact been wrongly targeted based on religious prejudice by investigators from the Osh Department of Internal Affairs and the Osh City Prosecutor's office", Brady explained.

Brady noted that Osh City Prosecutor's office "raised the identical arguments they raised at trial and on appeal", but despite this they were represented in the Supreme Court by a prosecutor from the Prosecutor General's Office. "We are very concerned about the prospects of this case now returning to Osh City Court", Brady stated. He anticipated that it may take a month for the case to be sent back to Osh.

The Judges of the Supreme Court who heard the case were Kanatbek Turganbekov, Busurmankul Baktygulov and Kanibek Bokoyev. Judges Turganbekov and Baktygulov did not answer their phones on 3 March. Judge Bokoyev refused to discuss the case with Forum 18, claiming that "I cannot make comments over the phone".

### ***Supreme Court does partial justice in one case***

However, on 2 March the Supreme Court did reject Osh Prosecutor's appeal against the acquittal of Jehovah's Witness Nurlan Usupbayev, a Jehovah's Witness leader who was tortured along with fellow believers by Osh Police. They were arrested and charged after a 9 August raid on them as they were meeting for worship. During the raid the Jehovah's Witnesses were tortured.

The Supreme Court rejected Osh Prosecutors' appeal because they had missed the limitation period to file the appeal, Brady told Forum 18. "So, the appeal court decision and trial court decision which held Mr. Usupbayev was innocent of the charges are in force, and the Prosecutors will now have no further ability of to appeal it."

### ***International obligations***

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Kyrgyzstan acceded to on 5 September 1997, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention Kyrgyzstan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4 Kyrgyzstan is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

On 29 December 2008 Kyrgyzstan acceded to the Optional Protocol to the Convention, whose purpose is to "establish a system of regular visits undertaken by independent international and national bodies". The UN Subcommittee on Prevention of Torture (SPT) carried out its first regular visit to Kyrgyzstan from 19 to 28 September 2012. Its report found that "torture and ill-treatment is prevalent in the country", caused by among other factors "the impunity and general lack of accountability of officials".

### ***Torturers free and unpunished***

Osh City Prosecutor's Office refused – despite their clear obligations in international law - to open a criminal case against named officers of Osh City Police over their torture of seven members of a Jehovah's Witness community during a 9 August 2015 raid on a meeting for worship. The authorities also refused to follow their international obligations by arresting the police officers involved. The victims led by Usupbayev challenged this refusal to the General Prosecutor's Office.

"Although we have video and audio recordings proving the police beat the persons gathered for the religious service, Osh Prosecutor's Office refuses to file criminal charges and the Prosecutor General's office has to date refused to intervene and order that the police be criminally charged", Brady told Forum 18. "We appealed to the Prosecutor General's office three times demanding that the police be criminally charged; the last appeal was simply referred back to the Osh City Prosecutor, who refused to start a criminal case."

Almaz Subandykov of the Chancellery and other officials (who would not give their names) from the Prosecutor General's Office in the capital Bishkek on 1 March refused to tell Forum 18 what they are doing to bring the torturers to justice.

Prosecutor on duty Marat Busurmankulov of Osh Prosecutor's Office refused on 1 March to state why they refuse to bring the torturers to justice. "We cannot give you such information over the phone", he claimed. He then refused to talk further.

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## **Will victims of police brutality in Osh receive justice?**

JW.ORG (01.03.2016) - For the third time, Kyrgyzstan's Prosecutor General has directed the Osh City Prosecutor's Office to consider opening a criminal investigation against ten police officers. The police illegally raided a religious meeting of Jehovah's Witnesses in August 2015 and severely beat several in attendance. Despite clear evidence of police misconduct, the Osh City Prosecutor's Office has refused to open a criminal investigation.

### ***Illegal Raid and Heavy-Handed Police Action***

On Sunday morning, August 9, 2015, ten officers from Department 10 \* of the Osh police raided a religious meeting at a rented café where over 40 people had gathered for a peaceful religious service. One of the police officers shouted at Nurlan Usupbaev, who was conducting the meeting, to stop the religious service immediately because it was "illegal." The police repeatedly threatened to shoot everyone in attendance. When one attendee, Tynchtyk Olzhobayev, attempted to video record the heavy-handed actions of the police, they took him into a separate room and viciously beat him.

The officers took ten of the Witness men to the police station. There the police brutally beat six of them and strangled three, including Mr. Usupbaev. The men were released that day, and those with severe injuries went to the hospital to be examined.

Two days later, on August 11, police officers Kozhobek Kozubayev and Nurbek Sherikbayev—the same officers who had directed the raid and the beatings—arrested Mr. Usupbaev on the charge of engaging in illegal religious activity. His hearing was set for August 20 and 21 before the Osh City Court.

### ***Courts Uphold Witnesses' Right to Worship***

During the hearing, the representative for Department 10 argued that the August 9 religious meeting was illegal because Jehovah's Witnesses do not have local registration in Osh. The prosecution also alleged that the presence of children at the meeting with their Witness parents violated Kyrgyzstan's religion law, which prohibits recruiting children into religious organizations.

On August 21, the presiding judge of the Osh City Court found Mr. Usupbaev innocent of illegal religious activity. The court concluded that the administrative case against him should be dismissed because there was no evidence that he engaged in illegal religious activity or that he "recruited" children.



The Osh City Prosecutor filed an appeal with the Osh Regional Court, objecting to Mr. Usupbaev's acquittal. The regional court dismissed the prosecutor's appeal and upheld the trial court's decision to acquit Mr. Usupbaev. The regional court reiterated that Jehovah's Witnesses are a religious organization that is duly registered in Kyrgyzstan. The court further observed that the Constitutional Chamber of the Supreme Court had already declared unconstitutional the portion of Kyrgyzstan law requiring local religious registration. \* However, the prosecutor has now appealed to the Supreme Court, and the Court will hear the case on March 2, 2016.

### **Local Prosecutor Ordered to Investigate Police**

While his case was in progress, Mr. Usupbaev along with the others who had been viciously beaten in the August 9 raid filed a complaint with the Osh City Prosecutor's Office. They asked that criminal charges be lodged against the ten police officers involved in the beatings. This began a series of filings and appeals. Three times the Osh City Prosecutor refused to initiate a case, and each time the victims appealed to the Prosecutor General. Twice the Prosecutor General reversed the decision of the Osh City Prosecutor and directed him to reconsider the case. However, after receiving the victims' third appeal, rather than consider the appeal himself, the Prosecutor General referred it back to the Osh City Prosecutor for a decision. This latest directive from the Prosecutor General, dated January 21, 2016, leaves in question whether the victims will ever receive justice.

Jehovah's Witnesses in Kyrgyzstan are grateful for national registration and for these recent court rulings in Osh. They appreciate that fair-minded judges courageously pave the way for religious freedom by applying the rule of law and upholding the government's stated commitment to freedom of worship and belief. However, they are very concerned that State officials have not acted decisively to bring the police who engaged in this brutal attack to justice. Jehovah's Witnesses plead with the Prosecutor General's office to take clear and decisive action and prosecute those who perpetrated this violent act.

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## **Freedom of religion or belief without state permission = murder?**

Forum 18 (18.02.2016) - <http://bit.ly/25ntRnM> - After the December 2015 murder in Kyrgyzstan of Ahmadi Muslim Yunusjan Abdujalilov, an independent human rights defender has noted this month (February 2016) to Forum 18 News Service 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." Osh Regional Police spokesperson Jenishbek Ashirbayev told Forum 18: "There are two sides of the issue, one is the murder, and the other is the unregistered freedom of religion or belief of the Ahmadis". Asked why the authorities are seeking to punish the Ahmadis instead of investigating the murder, Ashirbayev reiterated that both the murder and the Ahmadi Community's activity are being investigated. Asked what the freedom of religion or belief of the Ahmadis has to do with the murder, he referred Forum 18 to the NSC secret police.

After the murder of Ahmadi Muslim Yunusjan Abdujalilov, police in Kyrgyzstan have arrested nine suspects, Forum 18 News Service has been told. An independent human rights defender has told Forum 18 that they think that there was "an indirect link" between a state ban on Ahmadis being registered, hatred promoted by state-backed Muslim Board imams and the murder. An Osh Regional Police spokesperson told Forum

18: "There are two sides of the issue, one is the murder, and the other is the unregistered freedom of religion or belief of the Ahmadis".

Also, the government is still failing to enable people to peacefully bury their dead, with the religious ceremonies and in the cemeteries they would wish. The latest known such problem involves a Jehovah's Witness who died of natural causes (see below).

Central government officials have refused to state whether the government intends to implement its international obligations to protect peoples' right to exercise freedom of religion or belief, or to take steps to prevent further murders (see below).

### ***Murder, severe attack***

On 22 December 2015 Ahmadi Muslim Yunusjan Abdujalilov was murdered in front of his home in the village of Kashkar Kyshtak in Jalalabad Region. Salamat Kyshtobayev, an Ahmadi who knew the victim, described him to Forum 18 on 10 February 2016 as "an exemplary man who did no harm to anyone". Police arrested nine suspects on 25 December 2015 and claimed they are members of terrorist groups linked to Daesh who had been ordered to carry out attacks. Police have this month told Ahmadis that the investigation is continuing.

Ahmadis stated that police said one of the murder suspects was arrested because he boasted about his involvement in the murder of "an infidel". They also pointed out that a Kyrgyz Daesh terrorist in Syria, Sirojiddin Mukhtarov known as Abu Saloh, is from the same village as murder victim Abdujalilov and has called for Ahmadis to be murdered. They noted that Mukhtarov in the past had preached sermons under the Muslim Board.

The state has repeatedly failed to take any action to stop state officials and imams of the state-backed Muslim Board encouraging or condoning violence and other coercion against people peacefully exercising their human rights. An example has been the government's long-standing failure to ensure that people may exercise their right to bury their dead with the religious ceremonies and in the cemeteries they would wish.

One of the murder suspects allegedly confessed that he killed Abdujalilov. He also confessed that on 18 September 2015, with other accomplices, he attacked another Ahmadi in the same village, Ulugbek Turdakhunov. "He survived but was severely beaten with iron rods and stabbed with a knife several times," Ahmadis stated. His legs were broken.

### ***Link between murder, Ahmadi ban and hate speech?***

The state has repeatedly stopped Ahmadis and members of some other vulnerable communities from exercising their freedom of religion or belief and other human rights. On 10 July 2014 the Supreme Court rejected an appeal against two lower courts' support of the State Commission for Religious Affairs' (SCRA) refusal to give state registration to the Ahmadi community. Asel Bayastanova, the Ahmadis' defence lawyer, told Forum 18 that "it means that Ahmadi Muslims cannot act like Ahmadi Muslims and organise meetings for worship or any other activity together".

Some communities think that contributory factors to violence against them and their followers are the blocking of registration applications by the SCRA, the National Security Committee (NSC) secret police, and local authorities, the banning of the unregistered exercise of freedom of religion or belief by communities, and the impossibility for those with fewer than 200 founders of gaining legal status. This lack of registration deprives communities of possible social status and so, they think, makes them vulnerable to attack.

"The authorities turn a blind eye to hate speeches on TV and other media, and in mosques about Ahmadi Muslims and other vulnerable religious groups," an independent human rights defender, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 11 February. "The NSC secret police is using former Chief Mufti Chubak azhy Zhalilov [who resigned in July 2012 amid corruption allegations] and other well-known Kyrgyz Islamic figures, who openly speak to young people's meetings against vulnerable religious groups."

One Ahmadi complained to Forum 18 on 15 February that former Chief Mufti Zhalilov has recently publicly told people to: "totally boycott Ahmadis and isolate them from society by: not marrying them; not allowing them to be buried in cemeteries; and not employing them".

The independent human rights defender thought there was "an indirect link" between the ban on Ahmadis and the murder of Abdujalilov. They noted that, in addition to attacks by Muslim Board imams, the Ahmadis were refused registration as the NSC secret police stated they were "dangerous movement and against traditional Islam". The human rights defender stated that "all of this created a tense situation and hatred against the Ahmadis among the population".

Taalaybek Osmonov, a senior Ahmadi, told Forum 18 on 15 February that he "did not think there is a direct link, as the authorities are doing their best to investigate the murder." He noted though that the SCRA's refusal of registration to Ahmadis and Muslim Board attacks "could have made the murderers think their actions will go unpunished".

### ***Freedom of religion or belief without state permission = murder?***

Osh Regional Police have passed the investigation into the murder to the NSC secret police, Regional Police spokesperson Jenishbek Ashirbayev told Forum 18 on 9 February. He could not say how long the investigation will continue or when a criminal trial may be held.

Ashirbayev then commented: "There are two sides of the issue, one is the murder, and the other is the unregistered freedom of religion or belief of the Ahmadis." He said that the Ahmadi Community "may also be punished for unregistered freedom of religion or belief".

When Forum 18 asked why the authorities are seeking to punish the Ahmadis instead of investigating the murder, Ashirbayev reiterated that both the murder and the Ahmadi Community's activity are being investigated. "We have the Religion Law, which demands that all religious organisations register and the Ahmadis were refused registration," he commented. Asked what the freedom of religion or belief of the Ahmadis has to do with the murder, he referred Forum 18 to the NSC secret police.

Asked what steps the authorities are taking to provide proper protection for vulnerable religious groups, and whether those who are not registered are entitled to protection by the state, Ashirbayev refused to answer.

The NSC secret police duty officer at its headquarters in the capital Bishkek asked Forum 18 on 9 February to send questions in writing. As of the middle of the working day in Bishkek on 18 February, no answer has been received as to why the NSC is investigating the Ahmadis.

Chinarbek Maylibekov, Chief of the Interior Ministry's Osh Regional Investigations Department, claimed on 12 February that Osh Police are investigating the murder. He also stated that the NSC secret police are working on unspecified "different issues relating to the same case". He refused to say what they are.

"It looks like the authorities are more interested in developing the theme of murder on the grounds of religious hatred between Ahmadis and others, rather than just investigating the murder," The independent human rights defender commented to Forum 18.

The SCRA has from 21 January refused to answer any questions relating to the case. For example, on 21 January SCRA Head Orozbek Moldaliyev's secretary claimed he was not available. His Deputy Baktybek Osmonov, when told by his secretary that Forum 18 wanted to discuss the case with him, stated that that he "did not wish to talk". No answer was received to Forum 18's written questions by the middle of the working day in Bishkek on 18 February.

### ***"We are afraid for our and our family members' safety"***

Kyshtobayev of the Ahmadis told Forum 18 that he and his co-believers are thankful to the Interior Ministry that the suspects were caught. But, he added, "we are afraid for our and our family members' safety because of these attacks".

He noted that "in the past we warned the authorities that imams in Mosques in Jalalabad and elsewhere preached sermons against us that Ahmadis are not Muslims and are infidels who deserve to be put to death. But these warnings were not heeded." For example, he noted that in Kara-Suu District there are 1,000 Ahmadis but because of the condemnation of Muslim Board imams "there are local people who dislike and hate us". He expressed concern that "these people may attack us, just like the recent cases."

A Baptist from the central Naryn Region, who wished to remain unnamed for fear of state reprisals, commented on 10 February that: "at the moment we are enjoying peace and there has been no interference from the authorities or attacks by local people".

However, the Baptist noted that the authorities have taken no action against a mob led by local imam Kylych Abashakirov who violently attacked five Protestants in June 2012.

"Some of our churches are not registered," the Baptist added. "This makes them more vulnerable to attacks as it shows society that the authorities do not recognise them."

Catholic Bishop Nikolaus Messmer told Forum 18 on 10 February 2016 that "we do not feel our security is threatened, and have not had problems with burials". He said that the Church is "able to work without problems". However, he added, "I was not aware of the murder case, and I cannot comment on what is being done in that regard".

Other belief communities declined to comment to Forum 18 on the murder for fear of state reprisals.

### ***"More and more inaction by state organs"***

The independent human rights defender told Forum 18 that "we are noticing more and more inaction by state organs in situations where unlawful actions are committed against members of vulnerable religious groups".

They said that the authorities "consider the very fact of existence of some peaceful and law-abiding vulnerable religious groups as a threat, just because their activity is not welcome to those who consider themselves as members of 'traditional' religions".

"The problem of non-discrimination and equal treatment is acute problem. Vulnerable religious groups often experience pressure from the authorities, who instead of ending

violations of their human rights investigate whether they exercise freedom of religion or belief without state permission."

Lower courts, the human rights defender commented, often do not uphold rights even if the law is on vulnerable groups' side. They quoted the example of a court in Kemin in the northern Chuy Region, which upheld the local council's suspension of a Protestant Church's activity despite the council having no legal authority to do this.

The Supreme Court on 15 February heard an appeal by Jehovah's Witnesses against the SCRA's refusal to register four of its communities. This is despite a 4 September 2014 ruling by the Constitutional Chamber.

### ***Muslim Board hostility***

After the murder of Abdujalilov, Daniyar Muradilov, who is in charge of the state-backed Muslim Board's work with young people, told national Russian-language newspaper "Delo Nomer" on 8 February: "we are not saying kill the Ahmadis because killing an innocent person is equal to killing all of humanity (..) but we are against the Ahmadi movement as they are not Muslims". He stated that only the state can impose the death penalty for apostasy, which he defined as "active planting in society of negative ideas", and denied that individuals can decide to kill someone on their own authority.

Muradilov added that "just as the Jehovah's Witnesses are considered a sect by the [Russian] Orthodox Church, they [Ahmadis] are a sect and far from the truth". He also stated that Ahmadis "are divisive and corrupt society from within".

Asked by Forum 18 on 15 February whether public open animosity by Muslim Board imams and others against Ahmadis, Jehovah's Witnesses and others creates an atmosphere of intolerance and religious hatred and can encourage attacks on Ahmadis, Muradilov replied: "I stated in the interview that killing an innocent person is equal to killing all of humanity."

Asked why he did not in the interview strongly condemn attacks on the two Ahmadis, and whether he considers murder victim Abdujalilov to be innocent, Muradilov said: "I do not have time to discuss this with you, I have a meeting." He then put the phone down.

### ***Latest Jehovah's Witness burial problem***

Local news agencies reported that on 4 January, a Jehovah's Witness who died of natural causes in Tura-suu in the eastern Issyk-kul Region was not permitted to be buried in his family's and fellow-believers' choice of cemetery. The local imam and about 60 villagers did not allow the burial as the dead man was not a Muslim. Turdakun Kasymov, Head of Administration of the Tura-suu village, told Jehovah's Witnesses that the burial should be in a part of the cemetery in Kazhi-Sai in the same Ton District, which had been allocated for non-Muslims. Jehovah's Witnesses confirmed this to Forum 18.

Taalaibek Akunov, the Chief Imam of Ton District, told Turmush news agency on 6 January that "most of the villagers are Muslims and a Muslim cannot be buried with members of other religions". Mufti Almazbek Sagdydykov, the Muslim Board's Chief Imam for Issyk-Kul region, refused to discuss the issue with Forum 18 on 12 February.

In the Soviet era atheists were buried in the cemetery.

Kamchibek Ashimbayev, Chief Specialist on religious issues of Issyk-Kul Regional Administration's Legal Department, on 15 February told Forum 18 that "members of other religions cannot be buried in the same cemetery as Muslims." When Forum 18 asked why the family could not bury their relatives with his other relatives, as they

wished to, he replied that "there was an oral agreement among the local people that deceased Jehovah's Witnesses and Protestants will be buried in one of the two cemeteries in the District for members of vulnerable religious groups".

Ashimbayev commented that "the law does not categorise cemeteries based on religious identity, but this needs to be addressed. Times have changed, and people want their religious beliefs to be respected". He added that it is "not only Muslims who want a separate cemetery, but Christians and others in some cases objected to being buried as Muslims or in the same cemetery as Muslims."

The state has repeatedly failed for many years to stop violence and coercion to change beliefs against people who want to peacefully bury their dead, with the religious ceremonies and in the cemeteries they would wish.

### ***What should government do?***

Asked what steps the authorities can take to prevent further murders, Osmonov from the Ahmadi community told Forum 18 that "first, we need official registration." He then added: "We also asked the authorities to liquidate the Muslim Board and have instead a public forum of religions under the President, which could regulate inter-religious issues and create an atmosphere of religious tolerance". He thought this should include "majority Muslims, Ahmadi Muslims, Protestants, other Christian confessions, and other religious communities".

An independent observer from Bishkek, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 15 February that "the authorities should start by recognising the right of Ahmadi Muslims to exist, and register them on their request."

The observer insisted that the authorities should enforce the rule of law and "make those who speak against Ahmadis or Protestants in mosques or on TV responsible before the law". They should if found guilty "be punished for inciting religious hatred among the people".

The observer also noted that the authorities give time on state TV to former Chief Mufti Zhalilov speaking against the Ahmadis and others. Instead, "vulnerable religious groups should be given air time to speak and express themselves, which could create an atmosphere of respect for various religious and world views."

"There are many more steps to be taken, but if the authorities start with these steps it would be a great improvement."

### ***Will government do anything?***

Kunduz Bayaliyeva, Executive Officer of the Cabinet of Ministers Division for Education, Culture and Sports, when asked on 15 February what the government is doing to implement its obligation to protect everyone's freedom of religion or belief and related freedoms – and to prevent further murders - referred Forum 18 to Kuanichbek Kultayev. He is Executive Officer of the Cabinet's Defence, Public Order and Emergency Division.

Bayaliyeva refused to say whether Kyrgyzstan would implement the March 2014 United Nations (UN) Human Rights Council recommendation to "remove all restrictions incompatible with article 18 of the Covenant [on Civil and Political Rights]".

Asked whether the authorities will register the Ahmadis, Bayaliyeva suggested that Forum 18 should contact the SCRA. Kultayev of the of the Cabinet's Defence, Public Order and Emergency Division on 15 February refused to answer when asked whether the government intends to stop further murders of people exercising freedom of religion

or belief. "I will not answer you because you are not a state organ, you are just a public organisation," he stated.

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