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## **Kyrgyzstan faces increasing religious diversity: Its responses raise concerns**

**By Willy Fautré, director of Human Rights Without Frontiers (Brussels)[i]**

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HRWF (27.03.2018) - After the collapse of the Soviet Union and its fragmentation into a series of independent states, missionary movements of Christian and Islamic origin swept across the newly emerging states to respond to the spiritual needs of peoples who had been force-fed with atheism for decades. The honeymoon for freedom of religion or belief in Central Asia lasted for a few years and then started to fade away. Kyrgyzstan was no exception to this phenomenon.

### **Religious Statistics: 1991 - 2016 [ii]**

In 1991, there were 39 mosques (about one thousand functioned without an official status) and 25 churches and parishes of the Russian Orthodox Church. Islam was then represented by the Spiritual Administration of the Muslims of Kyrgyzstan (Muftiate), uniting over 1725 religious entities, including seven regional kazyats (units), the kazyats in the cities of Osh and Bishkek, one university six institutes, 45 madrassas and Koran classes, three missions of foreign communities, 26 centers and associations, and 1619 mosques.

According to the Concept Paper on State Policy in the Sphere of Religion of the Kyrgyz Republic dated 6 May 2006, the Christian religious communities were represented by up to 343 entities, 46 churches and parishes of the Russian Orthodox Church, including one nunnery, one Orthodox parish school, two Orthodox religious organizations (Old Believers Churches), three Catholic communities, 292 Protestant organizations (including 48 Baptist, 20 Lutheran, 45 Pentecostal, 30 Adventist, 18 Presbyterian, 16 Charismatic, 41 Jehovah's Witnesses, 22 non-denominational Protestant organizations, and 21 new religious movements (including 12 Baha'i communities). There were also 21 missions of foreign churches, 13 educational institutions, seven centres, funds and associations, one Jewish community and one Buddhist community. Since 1996, more than 1137

registered/re-registered foreign citizens arrived to the Republic from 54 countries, including the CIS, to carry out religious activity in the country.

### **Religious Statistics: 2016 [iii]**

As of the end of 2016, the registered religious groups and organizations reported by the authorities included 2,743 mosques, 10 Islamic higher educational institutions, 89 madrassas, 74 Muslim foundations, centers and unions, 380 Christian organizations and unions, 51 Russian Orthodox churches; four Catholic communities, 50 Baptist communities, 31 Seventh-day Adventist churches, 56 Pentecost communities, 20 Lutheran communities, 38 Presbyterian communities, 43 Charismatic communities, 26 foreign Protestant organizations, 18 non-denominational Protestant organizations, one Jewish community, one Buddhist community, and 12 Baha'i Faith communities.

The total population of Kyrgyzstan is currently estimated at about 5.7 million. According to Kyrgyz Government estimates, approximately 85 % of the population is Muslim. Almost all are Sunnis. Shias make up less than 1 %. There are also about 1000 Ahmadis. Russian Orthodox Christians represent about 5 % of the population. Other Christians are Roman Catholics, Baptists, Lutherans, Pentecostals, Presbyterians and Seventh-day Adventists. Jehovah's Witnesses number about 6000. There are also Jews, Buddhists, and Baha'is.

### **Restrictions to Freedom of Association**

The Law on Freedom of Conscience and Religious Organizations in the Republic of Kyrgyzstan (2008)[iv] requires all religious groups to register with the State Committee on Religious Affairs (SCRA), which is responsible for overseeing implementation. The law prohibits activity by unregistered religious groups. Each congregation of a religious group must register separately and must have at least 200 founding resident citizens. Foreign religious organizations are required to renew their registration with the SCRA annually.

The SCRA is legally authorized to deny the registration of a religious group if it does not comply with the law or is considered a threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality. Unregistered religious groups are prohibited from actions such as renting space and holding religious services. Violations may result in an administrative fine of 500 soms (\$7).

After the SCRA has approved a religious group's registration, the group must register with the Ministry of Justice (MOJ) to obtain status as a legal entity so it may own property, open bank accounts, and otherwise engage in contractual activities. The organization must submit an application to the MOJ, which includes a group charter with an administrative structure and a list of board and founding members.

Some unregistered groups assert that the SCRA purposefully creates artificial difficulties to deny them registration.

Although the Government does not list the Ahmadiyya Community as a banned organization, the SCRA continues to deny it re-registration. The Ahmadiyya community initially registered in 2002, but the SCRA has declined to renew its re-registration since 2012.

Religious groups continue to report that the SCRA registration process is cumbersome, taking anywhere from a month to several years to complete. Unregistered groups continued to report they were able to hold regular religious services without government

interference, especially if they had been registered in the past and their annual application for re-registration was pending. Most Muslim groups which have never been registered exercise their freedom of assembly and worship unhindered.

The Government has banned about 20 "religiously oriented" groups they considered to be extremist and arrested hundreds of people they accused of participating in "extremist" incidents: al-Qaida, the Taliban, the Islamic Movement of Eastern Turkistan, the Kurdish Peoples' Congress, the Organization for the Release of Eastern Turkistan, Hizb ut- Tahrir (HT), the Union of Islamic Jihad, the Islamic Party of Turkistan, the Family Federation for World Peace and Unification (Unification Church; Moon San Men Church), Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, Ansarullah, At-Takfir Val Hidjra, Akromiya, ISIS, Djabhat An Nusra, Katibat al-Imam al-Buhari, Jannat Oshiqdari, and the Jamaat al-Tawhid wal-Jihad. Authorities also continued the ban on all materials or activities connected to A.A. Tihomirov aka Said Buryatsky.

Most of these organizations were Islamist homegrown or international groups using or advocating violence but the Family Federation for World Peace and Unification (Unification Church; Mun San Men Church) is a peaceful movement created by late Reverend Moon from South Korea.

In October 2008, the Venice Commission of the Council of Europe and the OSCE/ODIHR[v] made the following comment with regard to the Law on Freedom of Conscience and Religious Organizations in the Republic of Kyrgyzstan (2008):

- c) a ban on all operation and activity without registration is disproportionate and is clearly an unnecessarily broad limitation of freedom of religion or belief, as states may not make acquisition of legal entity status a condition for individuals or groups engaging in religious activity;
- d) the requirements set forth for registration of religious organizations and associations are not spelled out clearly, leaving considerable confusion;
- e) the Draft Law fails to provide for the reasons which may lead to refusal of registration of a religious organizations and associations, for the requirement that the grounds for refusal be spelled out in detail and in writing and for the explicit possibility to appeal against refusal in court;
- f) the Draft Law does not appear to allow religious groups flexibility to organize in accordance with their own doctrines and traditions;
- g) minimum membership and duration requirements are impermissible for acquiring legal entity status;
- h) the Draft Law appear to impose undue limitations on access to legal entity status;

### **A Questionable Concept Paper on State Policy in the Sphere of Religion of the Kyrgyz Republic[vi]**

On 6 May 2006, the Government of the Kyrgyz Republic issued Decree 324 entitled "Concept of State Policy in the Sphere of Religion."

On 7 February 2014, the President of the Kyrgyz Republic signed the Decree "On the implementation of decisions of the Council of Defense of the Kyrgyz Republic on the state policy in the sphere of religion." This Decree called for, amongst other actions, a review of the 6 May 2006 Decree.

On 19 March 2014, the Head of the OSCE Centre in Bishkek sent a letter to the OSCE/ODIHR Director requesting an OSCE legal review of the Concept Paper on State.

On 20 March 2014, the OSCE/ODIHR Director responded to this letter, confirming the OSCE/ODIHR's readiness to prepare a legal review of the Concept Paper's compliance with OSCE commitments and international human rights standards.

These Comments were prepared in response to the letter of 19 March 2014. They are based on contributions from members of Advisory Panel of Experts on Freedom of Religion or Belief and have benefited from consultations with the Secretariat of the European Commission for Democracy through Law of the Council of Europe (Venice Commission).

### **Some comments of the OSCE/ODIHR on the Concept Paper: Religious or Belief Communities New to the Kyrgyz Republic[vii]**

In its key recommendations, the OSCE/ODIHR urged Kyrgyzstan to remove from the Concept Paper all generalized references to religious or belief communities which are new to the country:

29. The Concept Paper makes a number of claims about religious or belief communities new to the Kyrgyz Republic. It argues that such communities are "taking advantage of temporary socio-economic difficulties in order to win more followers" ('Analysis of the Religious Situation'). The Concept Paper goes on to claim that "under the guise of different foundations and public organizations, they have founded illegal religious missionary centers" and that using "big foreign finances", they "conduct religious propaganda to communicate reactionary and occult doctrines to the youth in regions of the country." It cites an analysis of literature disseminated by new religious movements as showing that "uncontrolled activities of these groups that are utterly expansionist by their character, cause irreparable harm to human health, violate fundamental human rights, endanger the family, the society and the State (Section VII). Section I also refers to the "spread and penetration of destructive groups and doctrines, harming health, morals, rights and legal interests of citizens."

30. The Kyrgyz Republic is a State which recognizes the freedom of religion or belief both in its Constitution and in its international obligations. This means that all those within Kyrgyz jurisdiction (not only Kyrgyz citizens) are free not only to believe what they wish, but also to attempt to convince others of their beliefs through peaceful means[viii]. This includes new emerging religious movements or religions which may be new to the Kyrgyz Republic.

31. As the UN Special Rapporteur on Freedom of Religion or Belief has pointed out, it is not acceptable to identify harmful practices with particular communities or types of communities[ix]. Allegations of harmful practices must always be based on clear empirical evidence and should not be presented as mere conjectures or negative projections, which often turn out to reflect existing stereotypes and prejudices[x]. More generally, the mere fact that religions are newly established should not be a cause to discriminate them[xi].

The references of the Concept Paper to claims of "irreparable harm to human health" and "endangering the family, society and the State" promote a negative and stereotypical view of new religious communities as harmful influences on society. Even where harmful practices do occur, they should not be attributed in a generalized manner to religions as such, but rather to certain individuals who engage in them.

32. In addition, as the European Court of Human Rights has noted, the neutrality requirement "excludes assessment by the State of the legitimacy of religious beliefs or the ways in which those beliefs are expressed[xii]."This precludes the qualification by a State organ of the beliefs of new religious movements, or any other religion as "inadequate ideas and views."

33. Section I of the Concept Paper also calls for improvements in regulation. It is pointed out here that although improvements in regulation are generally welcome, regulation should not be the norm, but the exception when it comes to religious associations, including those following religions new to the Kyrgyz Republic[xiii]. Regulation should only be contemplated where necessary and proportionate to an enumerated aim in an international human rights instrument[xiv].

34. It is therefore recommended to remove all generalized negative references to religious or belief communities which are new to the Kyrgyz Republic from the opening Section, Section I and Section VII of the Concept Paper, and to make explicit reference to the need to ensure that the regulation of religious associations remains the exception, not the rule, and that any restrictions to freedom of religion or belief needs to be prescribed by law, necessary and proportionate to a legitimate aim.

### **Jehovah's Witnesses, a Case Study[xv]**

Despite the Comments of the OSCE/ ODIHR four years ago, religious of belief communities that are new to the Kyrgyz Republic have suffered severe state restrictions to their right to religious freedom.

Jehovah's Witnesses have national registration in Kyrgyzstan. Generally, they can meet for worship and share their beliefs without serious interference. No member of their movement has recently been put in prison or been fined for his/her activities.

#### ***Registration***

As of 1 January 2018, the Witnesses had registered 41 congregations but they have been denied registration in the Southern regions of the country due to some local opposition. The United Nations Human Rights Committee (CCPR) is currently reviewing three complaints against authorities for refusing to register Local Religious Organizations (LROs). Although not legally required, registration of LROs may help to lessen interference with religious activity by local authorities.

On 27 January 2017, Jehovah's Witnesses submitted a complaint to the CCPR regarding the refusal by the SCRA to register LROs in southern Kyrgyzstan.

Since 2010, Jehovah's Witnesses have been attempting to register four LROs in the Osh, Naryn, Jalal-Abad and Batken regions without success. They also applied directly to the SCRA for registration, but their applications were denied in 2011 and again in 2013.

On 4 September 2014, the Constitutional Chamber of the Supreme Court declared Article 10 (2) of the 2008 Religion Law unconstitutional. That provision required that the local city council approve a list of 200 founding members of an LRO before an organization could obtain "record registration" from the SCRA.

In late 2014 and early 2015, Jehovah's Witnesses again applied to the SCRA for registration of these LROs, submitting that Article 10 (2) of the Religion Law no longer applies because it has been declared unconstitutional.

The SCRA refused to apply the 4 September 2014 judgment of the Constitutional Chamber, insisting that until the law is amended by Parliament, Article 10(2) of the Religion Law is still in force and an LRO must obtain "approval" from the local city council of a list of founding members. On 15 July 2015, the appeal by Jehovah's Witnesses was rejected by the Bishkek Inter-district Court and later by the Bishkek City Court. A further appeal was heard by the Supreme Court on 15 February 2016. The Supreme Court denied the appeal, leaving in force the negative decisions of the trial and appeal courts.

### ***Abuses and Restrictions of Religious Freedom***

On **30 May 2017**, the Supreme Court dismissed the latest appeal from the prosecution in the trial of Oksana Koriakina and her mother, Nadezhda Sergienko accused of defrauding local residents while engaged in their religious activity. The prosecutor had appealed the decision of the lower court declaring the women innocent of the charges against them and ruling that they should be compensated. However, in dismissing the appeal the Supreme Court concluded that since the women agreed to the expiration of the limitation period, they had confessed to committing the crime. This is false. The women never admitted guilt. Jehovah's Witnesses have filed an update to the CCPR, explaining the Supreme Court's misinterpretation and the true reason for the women's request to apply the limitation period in their case. Mrs. Koriakina and Mrs. Sergienko spent more than two and a half years under house arrest based on the false charges brought by the Osh Ministry of Internal Affairs (MIA).

The trial court concluded that investigators had mistreated Oksana and Nadezhda "for being members of the religious organisation of Jehovah's Witnesses." On 29 October 2015, the Osh Regional Court upheld the trial court decision and confirmed that both women were innocent of the charges and entitled to compensation. However, the Osh City Prosecutor relentlessly resorted to appeals to keep the two women under house arrest. On 24 February 2016, the Supreme Court of Kyrgyzstan sent the case back for a new trial before a different judge. The new trial, scheduled to begin on 25 April 2016, exceeded the three-year limitation period. Attorneys for the women requested that the case be terminated on that basis. The judge agreed, giving force to the original decision. The so-called victims filed a supervisory appeal to the Supreme Court.

### ***Interference in Religious Services***

**Kemin.** On **11 January 2017**, authorities raided a religious meeting in Kemin. They began recording the meeting and taking photos. After the meeting, the officials demanded permission documents from those who took part in the meeting and drew up protocols for signature. Three elders were summoned to court and charged with administrative violations. On 19 May 2017, the court dismissed the case against the elders, but a representative from the State Committee on Religious Affairs (SCRA) told the local Witnesses that they would now monitor all religious meetings in the country.

**Osh.** On **24 January 2017**, officials from the SCRA and local police raided a meeting and charged one of the elders with an administrative violation: religious activity without local registration.

**Osh.** On **1 June 2017**, the Prosecutor General of Kyrgyzstan (GPO) asked the Osh District Prosecutor to consider an appeal in a case concerning police brutality. Despite repeated attempts by the Witnesses' lawyers, the Osh District Prosecutor has repeatedly refused to file criminal charges against police officers who brutally attacked a group of Witnesses peacefully meeting for worship on 9 August 2015. The victims of this brutal attack filed a criminal complaint against the police. However, the Osh City Prosecutor's Office has refused to initiate a criminal case, even though it acknowledges that the officers behaved unethically. For the past two years, the victims have filed a number of appeals with the GPO. Each time, the GPO has directed the Osh City Prosecutor to

investigate the policemen, and each time, the Osh City Prosecutor has refused to open a criminal case.

### ***Censorship of Religious Literature***

On **6 February 2017**, the Supreme Court of Kyrgyzstan upheld a decision that denied Jehovah's Witnesses permission to import one of their religious publications.

On **4 November 2015**, the SCRA refused to allow Jehovah's Witnesses to import the November 2015 issue of the Awake! magazine. This was the first time that the SCRA had denied a request for import since the enactment of Kyrgyzstan's Religion Law in 2008, The Religious Centre of Jehovah's Witnesses in the Kyrgyz Republic filed a claim in the Bishkek Inter-district Court against the SCRA's censorship of the magazine. On **29 March 2016**, the trial court rejected the claim. This decision was upheld by the Bishkek City (Appeal) Court on **13 July 2016**.

### **Conclusions**

The future of religious freedom is uncertain in Kyrgyzstan. Last year in October, a new president was elected, Sooronbay Jeenbekov. He took office for a single six-year term on 24 November. His position on the management of religious diversity is not known.

A new draft law on religion meant to replace the one from 2008 would require 500 founding members instead of the 200 currently requested to be eligible for registration. This would lead to the deregistration of numerous Christian and Muslim organizations, and fuel deep resentment.

The Opinion of the Venice Commission and the OSCE/ ODIHR concerning both the 2008 Law on Religion currently in force and the Concept Paper on State Policy in the Sphere of Religion of the Kyrgyz Republic was not taken into consideration.

Jehovah's Witnesses have filed four complaints with the UN Committee on Human Rights. Foreign forms of Islam have been introduced in the country and have provided a fertile ground for the recruitment of Jihadists for the battlefields of Syria and Iraq.

Around 20 religious groups (mainly Muslim) have been banned and numerous so-called "extremists" have been arrested but such measures are inefficient at best, if not counterproductive.

State and human security are at stake, as in many other countries, but new more restrictive laws, especially about registration, will not contribute to a solution.

However, a number of positive measures are being taken to protect the population and the state against radicalization and violent extremism. Classes on religions are organized to thwart the religious illiteracy of the youth and make them less vulnerable against to the narratives of violent Islamic groups. Programs are put in place to counter violent extremism, to improve the qualifications of religious teachers and imams, and to urge greater religious tolerance.

On 28 September 2017, former President of Kyrgyzstan Almazbek Atambayev opened an international conference in Bishkek entitled "Islam in Modern Secular State", which led to a Declaration[xvi] sponsored by the participants reasserting their will to promote peace and tolerance while decisively fighting against "persons or groups holding radical and extremist ideas and inciting to commit terroristic and violent actions."[xvii]

The Kyrgyz Republic, led by a new President, is at a cross-road, either to restrict the religious freedom of all faiths in the name of security and the fight against violent Islamic groups, or to open the space of religious freedom for all peaceful movements whilst educating their youth about religion in a spirit of tolerance and fighting any initiative inciting to violence.

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[i] The author was in Kyrgyzstan from 18 to 24 March 2018.

[ii] Source: Concept Paper on State Policy in the Sphere of Religion of the Kyrgyz Republic. Approved by Decree Nr 324 of the Government of 6 May 2006. See <https://www.osce.org/odihr/118672?download=true> (Annex)

[iii] <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

[iv] [http://www.venice.coe.int/webforms/documents/?pdf=CDL\(2008\)117-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL(2008)117-e)

[v] Joint Opinion on Freedom of Conscience and Religious Organizations in the Republic of Kyrgyzstan by the Venice Commission and OSCE/ODIHR Advisory Council on Freedom of Religion or Belief adopted by the Venice Commission at its 76th Plenary Session, (Venice, 17-18 October 2008)

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2008\)032-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2008)032-e)

[vi] <https://www.osce.org/odihr/118672?download=true>

[vii] Ibid.

[viii] See *Kokkinakis v. Greece*, ECtHR judgment of 25 May 1993, appl. no. 14307/88.

[ix] Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/19/60, par 36, available at

<http://daccess-dds->

<ny.un.org/doc/UNDOC/GEN/G11/175/41/PDF/G1117541.pdf?OpenElement>.

[x] Ibid.

[xi] (25) United Nations Human Rights Committee, General Comment 22, The right to freedom of thought, conscience and religion (available at

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?OpenDocument): par 2.

[xii] (26) Freedom of Religion or Belief Guidelines, par B 4, *Metropolitan Church of Bessarabia and Others v. Moldova*, ECtHR judgment of 13 December 2001, appl. no. 45701/99, par 117.

[xiii] (27) Copenhagen 1990, par 24.

[xiv] (28) Article 18 ICCPR, Article 9 ECHR, Copenhagen 1990, par 9.4.

[xv] Submission of Jehovah's Witnesses to the OSCE/ODIHR Human Dimension Implementation Meeting (HDIM) in Warsaw on 11 September 2017.

[xvi] [http://www.eias.org/wp-](http://www.eias.org/wp-content/uploads/2016/03/Declaration_Conference_Islam_Politics_Bishkek.pdf)

[content/uploads/2016/03/Declaration\\_Conference\\_Islam\\_Politics\\_Bishkek.pdf](content/uploads/2016/03/Declaration_Conference_Islam_Politics_Bishkek.pdf)

[xvii] [http://www.eias.org/wp-](http://www.eias.org/wp-content/uploads/2016/03/Declaration_Conference_Islam_Politics_Bishkek.pdf)

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## **Burial blocked with violence "resolved peacefully"?**

***An imam admitted to Forum 18 he had, accompanied by a "mob" of young men and officials, blocked a Christian's burial in the state-owned cemetery in Barskoon in Issyk-Kul Region. He then denied all responsibility and tried to blame everything on villagers.***

By Mushfig Bayram

Forum 18 (01.02.2018) - <http://bit.ly/2nVq6ak> - Kyrgyzstan continues to refuse to defend residents wishing to bury their dead in the way they and the bereaved families wish. Mob rule backed by violence and threats continues to be a normal experience for



such families which, along with the authorities' complicity in such violations of the rule of law, causes families and friends great distress. One of the latest such known incidents took place in the village of Barskoon, in Jeti-Oguz District of the north-eastern Issyk-Kul [Ysyk-Kol] Region, local Protestants, who wished to remain unnamed for fear of state and unofficial reprisals, told Forum 18 on 30 January.

The local imam, accompanied by what was described as a mob of young men and officials, refused to allow the burial of a Christian villager to take place. As soon as the imam was asked by local Christians by what authority he could do this, the mob also threatened local people that unless they stopped talking they would be beaten up. Forum 18 has been told that some villagers still fear for their lives and are very distressed (see below).

The imam admitted to Forum 18 that he had blocked the burial, but then denied all responsibility and tried to blame everything on the villagers (see below).

The village kenesh's [council's] legal expert claimed to Forum 18 that "it's only a one-off incident. It was resolved peacefully". Asked whether the village authorities or higher authorities had or would take any steps to punish the Imam or the mob, Toktotonov answered: "No. This is not a big problem" (see below).

Ravshan Eratov, Head of the Muslim Board's Fatwa Section, adamantly denied that a burial in Barskoon had ever been stopped. "I do not know where you are getting your facts. No such thing ever happened" he claimed to Forum 18. He refused to reply when asked why a colleague of his, village officials, the local Imam, and local Christians had all stated that the incident happened (see below).

### ***Request to bury dead denied***

On 23 November 2017, Ulam Kaliyev, a 48-year-old Protestant, died of kidney failure in hospital and his family took his body back to their home in Barskoon. Foreseeing possible trouble, Kaliyev's family that day asked village imam Sultan Murzaliyev for permission to bury their relative. They planned to bury Kaliyev in the local state-owned cemetery, where his other relatives are buried. Imam Murzaliyev told the family to wait until the next morning.

Followers of a wide variety of non-Muslim beliefs told Forum 18 on 1 February 2018 that, to avoid mob violence, they often ask Muslim members of a deceased's family to arrange for burials with Muslim ceremonies. They asked to remain anonymous for fear of state and unofficial reprisals. However, Kaliyev's family wanted him to be buried as a Christian.

Kyrgyzstan has only a very small number of places where non-Muslims can be quietly buried in their own way. In the majority of the country even such a quiet burial is very frequently effectively impossible.

On the morning of 24 November 2017, Imam Muzaliyev pushed into the grounds of the Kaliyev family home with a group of local young Muslim men, as well as members of the village Kenesh [council]. Local Protestants described the group of 15 men the Imam brought with him as a "mob". Kaliyev's family and friends found the mob's presence on the grounds of the family home to be intimidating.

Imam Kaliyev then announced that there is a fatwa of the Muslim Board that non-Muslims cannot be buried in cemeteries together with Muslims. The Board and the appointment of imams is controlled by the government.

Therefore, the Imam announced, "we will not allow Kaliyev to be buried in the village cemetery". The mob also threatened Kaliyev's local fellow-Christians who were present, Protestants told Forum 18.

The local Christians present then asked the Imam what gave him and some local Muslims the right to decide who is buried in a state-owned cemetery. The Christians also asked why a villager cannot be buried in his home village, a normal Kyrgyz custom which pre-dates the arrival of Islam on the territory of the country.

As soon as the Imam was questioned, the young men in the mob began shouting at the Christians that unless they stopped talking they would be beaten up. The mob also started shouting "insults and curses" at local people who have converted to Christianity. "Those curses still ring in my ears and break my heart," a family member stated. The Imam did not answer the questions.

### ***Long-standing state complicity***

Non-Muslims of all beliefs trying to bury their dead in their own way have faced increasing mob violence and state complicity in this. For instance, out of around 70 people in mobs incited by officials who twice exhumed a deceased Protestant's body, only four were in February 2017 given suspended sentences. None were given the jail sentences of between three and five years Kyrgyzstan's domestic law requires. None of the responsible officials were prosecuted.

This long-standing problem was exacerbated by a small but crucial one-sentence change in the 2009 Religion Law. A new Article 16, Part 3 stated: "Recognition of regulations of use of confessional cemeteries and regulations of cemetery exactions shall be governed by regulations of local municipalities". With this sentence the government legitimised the power of local imams to control who is buried in state-owned cemeteries not owned by religious communities.

### ***Burial before arson attack***

Although Kaliyev was not a Baptist, on 25 November 2017 his body was buried in the Baptist cemetery in Kaji-Sai, in Ton District of the same Region. This is about 60 kilometres (35 miles) from Kaliyev's home in Barskoon.

Baptists in Kaji-Sai told Forum 18 that they think that the burial may have been used by some to justify a 2 January 2018 arson attack on their church. Baptists think this happened because the authorities did nothing to punish the perpetrators of previous threats and attacks in Issyk-Kul Region. Police claim they are trying to find the criminals behind the arson attack, but the police are also investigating the victims (see F18News 24 January 2018 [http://forum18.org/archive.php?article\\_id=2346](http://forum18.org/archive.php?article_id=2346)).

That the Baptists in Kaji-Sul can use a cemetery is unusual. From late 2010, Christians in villages of Issyk-Kul Region began to be threatened when they asked for grave plots to bury their dead. The threats and worse have included violent attacks, intimidation of people out of their homes and work, and other refusals to allow non-Muslim dead to be buried according to their own ceremonies and rites (see F18News 24 January 2018 [http://forum18.org/archive.php?article\\_id=2346](http://forum18.org/archive.php?article_id=2346)).

### ***"Serious violation of our rights"***

"After the burial outrage, local Christians - especially those who are elderly - are in distress," Protestants told Forum 18. "The ban on burying individual Christians in their home village puts enormous pressure on us, and is a serious violation of our rights."

Some local people are "shocked and afraid for their lives", the Protestants added. Some other villagers have now started to try to coerce Christians into renouncing their beliefs.

Protestants throughout Issyk-Kul Region pointed out to Forum 18 that many similar burial problems in their region go unnoticed, because people are afraid to publicly discuss the issue. For example, in the regional capital Karakol in 2017, relatives and two imams forced a widow to renounce her faith to enable her deceased Christian husband to be buried. The imams also pressured the widow into publicly announcing that her husband was a Muslim.

### ***"We have religious freedom"?***

Imam Murzaliyev of Barskoon claimed to Forum 18 that he blocked the burial because of the state-controlled Muslim Board's fatwa. Asked why he blocked the burial in a state-owned cemetery, he replied on 30 January 2018: "I am under the Muslim Board". He then contradicted himself by claiming that "we have religious freedom, and I only asked people of the village if they are against the burial in our cemetery. They stopped the burial, not me."

Asked why he did not tell the mob about this freedom of religion and belief, and why he did not stop the mob threatening Christians, he claimed: "I was only there at the start. When the villagers decided not to permit the burial I left."

### ***"It was resolved peacefully"?***

Muratbek Toktogonov, the legal expert of Barskoon's Kenesh, claimed to Forum 18 on 30 January: "who should be buried where and religious freedom issues are regulated by the village authorities and not the Imam". Asked why Imam Murzaliyev and the mob prevented the burial and why the authorities did not protect people's human rights, Toktogonov replied: "There is no issue here. The man was buried in a neighbouring village."

When Forum 18 pointed out that the burial was 60 kilometres (35 miles) away, and asked why a resident cannot be buried in a state-owned cemetery, Toktogonov claimed: "It's only a one-off incident. It was resolved peacefully."

Asked whether the village authorities or higher authorities had or would take any steps to punish the Imam or the mob, Toktogonov answered: "No. This is not a big problem." Asked what he will do to stop future burials being blocked, he claimed: "This will not happen here again."

Kyrgyzstan's human rights record, including official complicity in violations and impunity for officials, has been strongly criticised with calls for systemic remedial action by United Nations (UN) treaty bodies, including the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Subcommittee on Prevention of Torture (SPT). But the government appears to have shown no serious intent of acting upon UN treaty body recommendations, or the binding international human rights law obligations they stem from (see F18News 24 January 2018 [http://forum18.org/archive.php?article\\_id=2346](http://forum18.org/archive.php?article_id=2346)).

### ***"No fatwa but a recommendation"***

Almaz Sagyndykov, Muslim Board Kazi (senior official) of Issyk-Kul Region, immediately put the phone down when Forum 18 began on 30 January to ask him about the burial problems. His phone went unanswered for the rest of the day.

Maksat Atabayev, Press Secretary to Kyrgyzstan's Chief Mufti Maksat Toktomushev, claimed to Forum 18 on 30 January that "there is no fatwa but a recommendation agreed with the State Commission for Religious Affairs [SCRA] that non-Muslims should not be buried in the same cemeteries as Muslims." Asked why this applied to non-Muslim burials in state ceremonies where other relatives are buried, Atabayev replied: "They can be buried there if they make a fence or boundary."

Press Secretary Atabayev claimed not to know why state-appointed Imams under the Muslim Board across the country stop burials of non-Muslims.

SCRA Head Zaiyrbek Ergeshov refused to discuss the fatwa or recommendation and burial problems with Forum 18. "I cannot discuss such issues with you over the phone," he claimed through his secretary (who refused to give her name) on 30 January.

Galina Kolodzinskaya, an independent religious expert in Bishkek, told Forum 18 on 1 February that Muslim Board officials had admitted to her the existence of a fatwa issued in 1996 stating that converts from Islam must not be buried with Muslims. She described this and mob violence as "a mechanism of social control. It is aimed at discouraging ethnic Kyrgyz Muslims from converting to other faiths."

Kolodzinskaya thought that this was particularly aimed at those who are considering changing their faith, as "those who have already converted have made up their minds and are strong, but those who are considering this get discouraged when they see these consequences."

Protestant leaders, who wished to remain anonymous for fear of state reprisals, agreed with this assessment.

### **"No such thing ever happened"**

Ravshan Eratov, Head of the Muslim Board's Fatwa Section, adamantly denied that a burial in Barskoon had ever been stopped. "I do not know where you are getting your facts. No such thing ever happened," he claimed on 30 January. He refused to reply when asked why his colleague Atabayev, his subordinate Imam Murzaliyev, village Kenesh officials, and local Christians had all stated that the incident happened. "I cannot talk about such issues to you," Eratov claimed before putting the phone down.

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## **Church arson follows long-standing government failures**

**By Mushfig Bayram, Forum 18**

*Forum 18 (23.01.2018) - [http://forum18.org/archive.php?article\\_id=2346](http://forum18.org/archive.php?article_id=2346) - On 2 January the Baptist Church in the north-eastern town of Kaji-Sai was burnt down. Baptists think this happened because nothing was done to punish the perpetrators of previous threats and attacks. Police claim to be trying to solve the crime, but are also investigating the victims.*

On 2 January 2018 the Baptist Church in Kaji-Sai, in Kyrgyzstan's north-eastern Issyk-Kul [Ysyk-Kol] Region was burnt down. Baptists found bottles filled with petrol nearby, and although police claim to be investigating the crime local Baptists do not think this is the case.

Baptists are convinced that the arson attack happened because the police have done nothing to find and punish the perpetrators of a series of violations of human rights, including of freedom of religion and belief, that have taken place in the Region since 2010. These include violent threats and attacks, intimidation of people out of their homes and work, and refusals to allow non-Muslim dead to be buried according to their own ceremonies and rites (see below).

After one such incident, police summoned Baptists to meet their attackers in Karakol Police Station. After police officers expressed sympathy for the attackers, police then ordered the Baptists and their attackers "to write statements that they forgave each other and will have peace between themselves in future". The Baptists found the atmosphere of the meeting very intimidating and coercive, and for fear of state reprisals do not wish to name the police officers who were present (see below).

After the arson attack on the Church, police were very interested in investigating not the crime but the Church, and asking why ethnic Kyrgyz Christians did not go to a mosque. Police also suggested to Forum 18 that perhaps one of the Baptists had committed the arson attack (see below).

Police told Forum 18 that they were "doing their best to find the responsible persons". But Baptists told Forum 18 they do not think the police "will punish the perpetrators this time either". The Baptists also said that "we are still restoring and renovating the Church, and we will continue our services despite adversity" (see below).

### ***Threats, meeting stopped***

The Baptist Church in Kaji-Sai in the north-eastern Issyk-Kul [Ysyk-Kol] Region started in the 1990s after the collapse of the Soviet Union, and received state registration in 1994. "We have carried our activity peacefully," a local Baptist told Forum 18 on 12 January 2018. "However, from the end of 2010 Christians in some of the villages of the Region [in most of which there are no state-registered churches] began receiving threats."

These threats are part of a wider pattern. From 2007 the state started ordering unregistered communities of Protestant Christians, Hare Krishna devotees, and Ahmadi Muslims in many parts of Kyrgyzstan to stop meeting for worship. Mobs have also conducted violent attacks, including refusals to allow non-Muslim people to bury their dead in their own way, which the state has either failed to stop or has been complicit in encouraging. These attacks and state complicity in mob attacks on people trying to bury their dead continue, with impunity for officials who violate human rights.

From late 2010, Christians in villages of Issyk-Kul Region began to be threatened when they asked for grave plots to bury their dead. One such incident took place in Ak-Terek village in Jeti-Oguz District, about 60 kilometres (35 miles) from Kaji-Sai where the Baptist Church was burned on 2 January 2018.

On 16 December 2010 a group of about 10 local Baptists in Ak-Terek were meeting for worship. They are all ethnic Kyrgyz and were all born in the village. "Fifteen people [who were not known to the Baptists] came in three cars to the meeting. They forced the Baptists to go out of the meeting into the street. They told a Pastor who had come from Kaji-Sai that he corrupted people in Ak-Terek," a local Protestant told Forum 18 on 12 January 2018. The attackers threatened that they will "smash the cars of the believers if they continue meeting for worship in Ak-Terek".

The 15 attackers also threatened people in Ak-Terek that they will not allow those who converted to Christianity to be buried in the local cemetery, and that "converts will have problems".

## ***Forgiveness?***

Baptists complained to the police about the attack and threats, and on 22 January 2011 Issyk-Kul Regional Police summoned the Baptists to meet their attackers in Karakol [the regional capital] Police Station. The meeting was organised by Lieutenant Colonel Arsen Samayev, Head of the 10th Division of the Regional Police, which oversees cases involving freedom of religion and belief. Police refused to prosecute the attackers, and two police officers in the meeting stated that "if we did not work for the police we would have attacked you also because we are Muslims". Another police officer told the Baptists in the meeting that "if Ak-Terek village decided to evict Baptists, police cannot stop this as there are only 70 police in the District".

Police then ordered the Baptists and their attackers "to write statements that they forgave each other and will have peace between themselves in future". The Baptists found the atmosphere of the meeting very intimidating and coercive, and for fear of state reprisals do not wish to name the police officers who were present.

## ***More threats, this time from local council***

On 31 January 2011 local Baptists asked Ak-Terek Kenesh [council] to allocate them a plot of land for burials. They hoped that this would help avoid conflicts over burials. The Kenesh organised a public meeting to decide on the request on 22 February. About 200 people from the area attended, including the police, several village imams, and the Head Imam of Jeti-Oguz District.

All imams are appointed by the government, which has increasingly sought to control the public expression of Islam.

Baptists told Forum 18 that the imams "were very active in the discussions and changed the alleged topic of the meeting to 'how to stop the Baptists'". The imams suggested that local people: stop allowing Baptists' children to attend the village school; stop their cattle grazing on village pastures; not allow their dead to be buried in village cemeteries; and not give them a separate plot of land for a cemetery.

The police filmed the meeting, and took no action about this open encouragement to attack the human rights of the Baptists. The Kenesh did not grant the Baptist's request.

While non-Muslims faced increasing difficulties in providing burials for their dead in their own way, in 2009 the government abdicated its responsibilities and increased these difficulties with a small but crucial sentence in a revised Religion Law. A new Article 16, Part 3 stated: "Recognition of regulations of use of confessional cemeteries and regulations of cemetery exactions shall be governed by regulations of local municipalities". With this sentence the government legitimised the power of local imams to control who is buried in state-owned cemeteries not owned by religious communities.

## ***Renounce your faith or leave the village***

In spring 2011 villagers demanded that Ak-Terek's Baptists either renounce their faith or leave the village. In May 2011 local police held a meeting with village elders and the Baptists, and demanded that local people stop disturbing the Baptists and that the Baptists gain state registration. This was and remains impossible for the small group of Baptists in Ak-Terek, as 200 founders are needed to gain state registration.

Afterwards, due to increasing difficulties caused by some people, a teacher working in the village who is a Baptist was forced to "voluntarily" resign from their job. A local

Baptist who was working as a blacksmith then found that some people organised a rota of people to openly keep watch outside his forge to intimidate villagers to stop bringing him work. This forced boycott continued until the blacksmith was forced to leave the village because of lack of work. After he was forced out, some people also obstructed his sale of his house.

### ***No action to stop those "who spread hatred"***

Despite the open intimidation outside the blacksmith's shop, the police did nothing to stop this. Also, "throughout this time the authorities did not take any measures to punish imams or any locals who spread hatred against our believers", Baptists told Forum 18.

Lieutenant Colonel Samayev organised the January 2011 meeting between Baptists and their attackers, which resulted in the forced "forgiveness". He refused to say why police had not opened prosecution against the Baptist's attackers. "I am not competent to answer you. There is the Ministry of the Interior over me," he claimed.

Lieutenant Colonel Samayev became angry when Forum 18 asked whether the police film of the February 2011 council meeting, where threats were openly made against Baptists, provided enough evidence to start investigations and possible prosecutions. "Who the hell you are you to tell me what to do and what not to do?" he replied. He did not answer questions on why police had not investigated public intimidation of villagers in Ak-Terek, and then put the phone down.

Colonel Ulan Biybosunov, Head of the police 10th Division in the Interior Ministry in the capital Bishkek, claimed to Forum 18 on 24 January that he was not aware of attacks on and threats against Baptists from 2010. Asked whether the Ministry had ever asked police not to investigate and prosecute cases involving attacks against non-Muslims, he replied: "I cannot say anything". Asked whether his 10th Division will investigate the lack of police action, he asked for questions in writing and refused to talk further.

In December 2016 Colonel Biybosunov refused to say why neither the Imams nor the state officials involved in the two forced exhumations and the seizure and hiding of a deceased Protestant's body had been brought to justice.

### ***Kaji-Sai Church windows broken twice, later roof seriously damaged***

In 2013 unknown attackers broke the windows of the Kaji-Sai Baptist Church. The Church did not complain to the authorities about this attack. The next attack was on 26 December 2015, when the building's roof was seriously damaged by rocks and stones being thrown onto it, and all the windows were broken. The damage was so severe that the entire roof had to be replaced.

The Church complained about this attack to Ton District Police, but "they took no action to find the perpetrators and punish them", Baptists complained. The Baptists also received no response from police to their formal written complaint about the attack.

Janibek Asharaliyev, Head of Ton District Police, claimed to Forum 18 on 19 January 2018 that he had not heard of the 2015 attack on the Church. "I hear this for the first time from you. If the Church writes an official complaint, we will respond and investigate this." Asked if the police will investigate the officers who were in charge in 2015, he claimed this would happen if the Church made another "official complaint".

It is unclear why the police claim they need to wait for victims to complain before police will investigate criminal offences they already know about.

Pamir Kutuyev, Head of Kaji-Sai Kenesh [council], maintained that "this type of hooligan attack happens against Muslims or anyone. The authorities are not always able to detect the responsible persons", he claimed to Forum 18 on 19 January. He claimed to have asked the police to investigate, but could not explain why nothing had happened.

### ***Burial sparks arson attack?***

Kaji-Sai Baptists suspect that the January 2018 arson attack could have been sparked by the burial of a (non-Baptist) Protestant man from the village of Barskoon in Jeti-Oguz District. Villagers led by the local imam had opposed his burial in Barskoon, so he was buried in the Kaji-Sai cemetery used by Baptists. The authorities in Issyk-Kul Region have taken no action against those who obstructed the burial (see forthcoming F18News article).

### ***Insults and threats against female Baptists***

A few hours before the on 2 January arson attack on Kaji-Sai Church, three young men approached some older female Baptists who were about to enter the Church's grounds. "It was daylight but the sisters did not recognise the men," Baptists told Forum 18. "They shouted nasty curses at our sisters, and threatened that they will have problems because of attending Church." The men then walked away. On the same night the arson took place.

In patriarchal Kyrgyz society, any insult or attack on women is seen as for more serious than a similar insult or attack on men. Galina Kolodzinskaya, an independent religious expert in Bishkek, told Forum 18 on 19 January that compared to men, women are much less subject to public attacks or insults. "Even in the Kyrgyz-Uzbek interethnic conflict in 2010 in the south of Kyrgyzstan, the assailants spared women. It is a question of honour in our society. However, it is obvious that these women were insulted because they are Baptists."

Captain Mirbek Tabaldiyev, Deputy Head of Ton District Police, told Forum 18 on 18 January that police showed some suspects to the Baptist women, but they did not recognise them. Baptists confirmed this to Forum 18.

### ***Arson attack***

On 2 January 2018 unidentified attackers burned the Kaji-Sai Baptist Church building down. Baptists told Forum 18 that "we found some bottles filled with petrol after the fire subsided".

Baptists resumed meeting for worship in the building from 7 January after partial reconstruction. Baptists, who wished to remain unnamed for fear of their safety and state reprisals, told Forum 18 on 18 January that: "we are still restoring and renovating the Church, and we will continue our services despite adversity".

The Baptists told Forum 18 that they think that the arson attack happened because the police and other state authorities have done nothing to catch and punish the perpetrators of previous threats and attacks in Issyk-Kul Region.

Aleksandr Shumilin, a Baptist pastor who chairs the Association of Evangelical Churches, agreed with this assessment. "We suspect that the people who burnt the Kaji-Sai Church were encouraged by the fact no previous attacks against us were punished," he told Forum 18 on 19 January. Pastor Shumilin also thought that this may be related to "the negative attitude in society against ethnic Kyrgyz who convert to the Christian faith".



In 2012 Kaji-Sai Baptists told Forum 18 that they thought gaining state registration (which they have had since 1994) may help minimise attacks (see F18News 18 January 2012 [http://www.forum18.org/archive.php?article\\_id=1657](http://www.forum18.org/archive.php?article_id=1657)). After the series of incidents culminating in the arson attack, they have told Forum 18 that they no longer think this.

### ***Police investigation – but of what and whom?***

Ton District Police head Asharaliyev told Forum 18 that they were treating the case as arson, "because of all the evidence we collected". But when his Deputy Captain Tabaldiyev, who is leading the investigation, with his colleagues questioned Baptists, they spent a lot of time asking for detailed information and lists of all Church members, who finances the Church, and why ethnic Kyrgyz members of the Church do not go to the local Mosque. "Half of the time they asked this kind of question instead of looking for the criminals," Baptists complained.

After an Ahmadi Muslim was murdered in December 2015, 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 were seeking to punish the Ahmadis instead of investigating the murder, Ashirbayev reiterated that both the murder and the Ahmadi Community's activity were being investigated.

Captain Tabaldiyev denied to Forum 18 that he and his colleagues had asked ethnic Kyrgyz Christians why they do not go to a mosque. He then claimed that they had asked the other questions because "maybe someone who attended the Church set it on fire". However, to the Baptists he had stated: "You built a Church in the midst of Muslims, and those who don't like your Church burnt it".

Captain Tabaldiyev claimed to Forum 18 that police were "doing their best to find the responsible persons". But Baptists told Forum 18 they do not think the police "will punish the perpetrators this time either".

Colonel Ulan Biybosunov, Head of the 10th Division in the Interior Ministry, refused to say whether a proper investigation of the arson attack is taking place.

Kaji-Sai Kenesh [council] Head Kutuyev told Radio Free Europe on 4 January that "he would warn against jumping to a conclusion that the fire was a hate-motivated act." He claimed that "there are no religious reasons behind" the Church fire and that "there is no religious discord in Kaji-Sai". When Forum 18 asked him why he thinks this, he stated that he has worked as the Head of the Kenesh since 2014 and that "until now we did not have serious arguments between various religions here in Kaji-Sai".

### ***UN human rights treaty body criticism***

There has been serious criticism of Kyrgyzstan's human rights record and calls for systemic remedial action by United Nations (UN) treaty bodies. For example, the UN Human Rights Committee in its 2014 Concluding Observations (CCPR/C/KGZ/CO/2) called on Kyrgyzstan to "remove all restrictions incompatible with article 18 ["Freedom of thought, conscience and religion"] of the Covenant [the International Covenant on Civil and Political Rights]", as well as to "take measures, including through public statements and awareness-raising campaigns, to promote religious tolerance and condemn any act of religious intolerance and hatred. The State party should also investigate all cases of violence based on religion, prosecute perpetrators and compensate victims".

Similarly, the UN Committee on the Elimination of Racial Discrimination in its 2013 Concluding observations (CERD/C/KGZ/CO/5-7) recommended that Kyrgyzstan "strongly

condemn the discriminatory statements and hate speech by politicians and media. The Committee particularly recommends that the State party take appropriate measures to investigate, prosecute and punish such acts and take appropriate measures to prevent them".

The UN Subcommittee on Prevention of Torture (SPT) carried out its first regular visit to Kyrgyzstan from 19 to 28 September 2012. Its report (CAT/OP/KGZ/1) 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". For example, the authorities have refused to bring to justice officials who tortured Jehovah's Witnesses in Osh in August 2015.

There is no apparent evidence that the government has any serious intent of acting upon these UN treaty body recommendations, or the binding international human rights law obligations they stem from. For instance, out of around 70 people in mobs incited by officials who twice exhumed a deceased Protestant's body, only four were in February 2017 given suspended sentences. None were given the jail sentences of between three and five years Kyrgyzstan's domestic law requires. None of the responsible officials were prosecuted.

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## Church set on fire

World Watch Monitor (08.01.2018) - <http://bit.ly/2qM9hCB> - A Baptist community in eastern Kyrgyzstan fears for its safety after unknown attackers set its church building on fire.

The damage to the church has forced its 40 Kyrgyz and Russian members to start searching for a new place of worship, while wondering if there will be a further attack.

The church was in Kajisay, a small town in the Issyk-Kul region that borders China.

When local radio and TV stations broadcast news of the arson attack it caused a "great public outcry", sources told World Watch Monitor.

An investigating police officer said the attack was "organised by those who don't like your church and Christianity in the midst of a Muslim country".

"We don't believe that the police will find and punish those who burned our church," one of its members said.

Instead of pursuing the arsonists, local Christians said police have asked questions about who funded the church building, how many Kyrgyz are members, and why, as ethnic Muslims, they do not go to the local mosque.

World Watch Monitor reported an attack on a Christian community in August last year when, according to local sources, Islamic radicals sprayed "We will kill you" across the church's walls. The source added at the time that "police and the authorities will stay away from this case because they do not want to help Christians", who make up only six per cent of the population.