

## The Role of Forensic Experts in the Repression of Religious Minorities in Kyrgyzstan

Indira Aslanova

*Research Centre for Religious Studies, Kyrgyz Russian Slavic University, Bishkek, Kyrgyzstan*  
aslanovaindira@gmail.com

**ABSTRACT:** After the fall of the Soviet Union, authorities in post-Soviet republics relied on “religious experts” who might explain to them the theology and organization of groups they were not familiar with and that were seeking registration. Later, “experts” also played a crucial role in determining which religious organizations and literature should be considered “extremist” and banned. Unfortunately, both in Russia and other post-Soviet countries influenced by the Russian model, the “experts” appointed were, in general, not religious studies scholars and were heavily influenced by anti-cult literature. This article focuses on the situation in Kyrgyzstan and mentions the 2021 case seeking to ban literature of the Jehovah’s Witnesses deemed “extremist,” while noting that the role of “experts” is similar in other Central Asian countries.

**KEYWORDS:** Forensic Experts in Kyrgyzstan, Experts and Extremist Cases in Kyrgyzstan, Jehovah’s Witnesses in Kyrgyzstan, Anti-Cult Movement in Russia, Anti-Cult Movement in Central Asia.

What role do forensic experts play in cases involving religious minorities in Kyrgyzstan? I would like to clarify that I will not discuss here all possible forensic experts, but only those who are engaged in religious or theological expertise. In fact, I will focus on the improper use of purported expertise in determining the legal capacity or “extremism” of religious organizations. I will discuss the practice of conducting such examinations in the Kyrgyz Republic, which largely reflects the reality in other Central Asian countries. I will also cover the subject of reform initiatives, and finally the roles of the experts themselves.

Religious expertise (or theological, since initially no significant distinction was made between these areas) became widespread in the post-Soviet space after the collapse of the Soviet Union and subsequent changes in the religious landscape of

different countries. The examination, initially used in Kyrgyzstan to determine the religious doctrine of an organization by the body responsible for the state registration of religious organizations, later began to be actively used to determine the “extremist” nature of religious materials or organizations (Aidarbekova 2021).

After independence, the practice of conducting two different types of expert examinations has taken shape in Kyrgyzstan. The first is state religious expertise, conducted by the State Commission for Religious Affairs of the Kyrgyz Republic (SCRA) when registering religious organizations and authorizing the import of religious literature into the country. The second is forensic religious examination as part of a comprehensive examination to identify signs of extremism, which is carried out by the state forensic service.

In the latter case, the broad interpretation of “extremist activity” in national legislation, including armed seizure of power, hate speech, and propaganda of the superiority of one religion over another, allowed the state bodies to label law-abiding organizations as extremist. Unfortunately, religious expertise has been used to substantiate such decisions.

An analysis of the judicial practice of recent years has shown multiple and systemic problems in determining the type and body of expertise, posing legal questions to experts, going beyond the competence of the experts themselves, the low quality of expert opinions, the unjustified role of expertise in court, and so on. However, this has not led to a critical reduction in the use of expertise in court. Judges and other judicial actors rarely scrutinise the quality of expertise if its conclusions contain the desired provisions; alternative, and perhaps more authoritative, expert opinions are often ignored.

Within the framework of state religious expertise, defining the religious nature of organizations has become a widespread practice, as was the case, for example, with the Church of Scientology and the Tenirchilik movement (or “Kyrgyz Tengrism”: see Zhaparaliev 2019). At the same time, the assessment was carried out according to the criteria of monotheistic religions, i.e. the presence of a single God, a holy book, the institution of the church and the clergy.

The second widespread trend is declaring organizations as “destructive cults” (Russian *секты*, sekty). Such attempts have mostly related to new religious movements, and Protestant organizations, which were presented in the media and

in public speeches of politicians as “non-traditional” (Štimac and Aslanova 2021, 122–23). Today, the discourse about “non-traditional” or “destructive” religions is still present but is less intense compared with other countries in the region. However, it has now shifted into the realm of accusations of extremist activity.

As an example, we can cite the cases of the Ahmadiyya Religious Community of Kyrgyzstan, which was denied re-registration by the SCRA, referring to the results of a theological expertise. This expert examination, by representatives of the so-called “traditional” Muslim clergy, identified the organization as a destructive “cult.” As a consequence, the registration was withdrawn, and the organization currently does not have the right to conduct any public religious activities, including gatherings. About nine years ago, an attempt was made to declare the literature of the organization extremist (Alisheva 2013, 16).

The Jehovah’s Witnesses also face systematic attempts to shut down their organization, or label their literature extremist, which would unquestionably lead to dissolving the organization. The last known case occurred in November 2021, when the Prosecutor General’s Office filed a lawsuit with the request to declare the religious literature of Jehovah’s Witnesses extremist (Corley 2021a). Examples were handed over to the Prosecutor General’s Office in 2019 by the State Committee for National Security. The examination concluded that the material contained information “inciting religious hatred.”

However, a detailed study of the examinations, carried out by linguistic and “religious studies” experts of the State Forensic Service, shows an abundance of clichés and stereotypes towards the religious organization. The expert study does not stand up to criticism when it comes to the requirements set out in the Law on Forensic Activities of the Kyrgyz Republic for the quality of expert studies. In addition, experts went beyond their jurisdiction by defining legal terms, for example, using conflicting interpretations of extremism from popular science literature; and they undertook to evaluate the dogma of the organization from theological and apologetic standpoints. There are absolutely no references to academic literature on Jehovah’s Witnesses. Moreover, a significant part of the expert study is a verbatim copy of infamous Russian studies, on the basis of which the organization was banned in Russia (see e.g. Corley 2010). To the judge’s credit, the prosecutor’s claim was dismissed (Introvigne 2021; Corley 2021b).

It should be noted that, with the support of international and local organizations, government agencies are taking a number of initiatives to reform the institution of forensic study in the country. Methodological guidelines have been developed, trainings were held for civil servants, judicial actors, and so on (see Gunger 2021). However, the above facts indicate the low efficiency of this work. For example, the experts who provided their opinions on the Jehovah's Witnesses case had undergone such training.

The main problem boils down to the fact that specialists whose qualifications are far from scientific religious studies are enrolled as religious experts, and produce reports considering religious movements from given standpoints: right or wrong, traditional or non-traditional, destructive or formative.

Kyrgyzstan, located in the infosphere of Russia, very organically absorbed its anti-cult rhetoric, and began to view new religious movements and Protestant organizations as a threat to so-called religious or spiritual security. This vision was not only widely disseminated through the media, and in statements by politicians and civil servants, but was also transmitted through textbooks at universities. It is not surprising that specialists who grew up on these narratives, superimposed on the Soviet atheistic understanding of religion, see in every “non-traditional” religious movement a threat to the moral and spiritual heritage of the country. There is an urgent need to create a self-regulated organization of religious scholars that would certify specialists with due regard to their education, academic degrees, seniority and work experience, scientific publications, and so on.

My personal position is that, as it functions in Kyrgyzstan today, this type of expert examination is fabricated and unnecessary. Investigators and judges must rather rely on factual evidence of illegal acts, and on the test set out in the Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred That Constitutes Incitement to Discrimination, Hostility or Violence (Office of the United Nations High Commissioner on Human Rights 2012).

## References

- Aidarbekova, Chynara, ed. 2021. “ОТЧЕТ ОБ ИССЛЕДОВАНИИ СУДЕБНОЙ ПРАКТИКИ ПО ДЕЛАМ, СВЯЗАННЫМ С ПРОТИВОДЕЙСТВИЕМ ТЕРРОРИЗМУ И ЭКСТРЕМИСТСКОЙ ДЕЯТЕЛЬНОСТИ В КЫРГЫЗСКОЙ РЕСПУБЛИКЕ” (Judicial Practice on Cases Related to Combating Terrorism and Extremist Activity in the Kyrgyz Republic). Bishkek: Kyrgyz Supreme Court. Accessed on December 20, 2022. <https://bit.ly/3j7WXIq>.
- Alisheva, Atyrkul. 2013. “Freedom of Religion or Belief in the Kyrgyz Republic: An Overview.” Bishkek: Openviewpoint. Accessed December 20, 2022. <https://bit.ly/3BT88er>.
- Corley, Felix. 2010. “Russia: City Administration Considered Liquidation of Religious Community ‘Necessary.’” *Forum 18*, December 1. Accessed December 9, 2022. <https://bit.ly/3BPTxk9>.
- Corley, Felix. 2021a. “Kyrgyzstan: Jehovah’s Witness Book Ban in Court, Criminal Case, Secret Police Ban Request.” *Forum 18*, November 30. Accessed December 9, 2022. <https://bit.ly/3PDK6Kd>.
- Corley, Felix. 2021b. “Kyrgyzstan: Literature Ban Rejected: ‘Repression Is Postponed for Now.’” *Forum 18*, December 17. Accessed December 9, 2022. <https://bit.ly/3GgJRSp>.
- Gunger, Victoria. 2021. “В Кыргызстане изменили подход к исследованию материалов по экстремизму” (Kyrgyzstan Has Changed Its Approach to Investigating Extremist Materials). *Vecherniy Bishkek*, April 2. Accessed December 10, 2022. <https://bit.ly/3v3kIUP>.
- Introvigne, Massimo. 2021. “Kyrgyzstan: Jehovah’s Witnesses Books Will Not Be Banned as ‘Extremist.’” *Bitter Winter*, December 3. Accessed December 9, 2022. <https://bit.ly/3I88YYX>.
- Office of the United Nations High Commissioner on Human Rights. 2012. “Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred That Constitutes Incitement to Discrimination, Hostility or Violence: Conclusions and Recommendations Emanating from the Four Regional Expert Workshops Organized by OHCHR in 2011, and Adopted by Experts at the Meeting in Rabat, Morocco, on 5 October 2012.” Appendix to the “Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred.” Annex to the “Annual Report of the United Nations High Commissioner for Human Rights” for the year 2012, published on January 11, 2013, doc. A/HRC/22/17/Add.4. Accessed December 9, 2022. <https://bit.ly/3BQfvmP>.

- Štimac, Zrinka, and Indira Aslanova. 2021. "The Role of Securitization in the Relationship Between State and Religion: The Example of the Kyrgyz Republic." In: *Between Peace and Conflict in the East and the West: Studies on Transformation and Development in the OSCE Region*, edited by Anja Mihr, 117–38. Cham: Springer.
- Zhaparaliev, Sherbol. 2019. "Shamanism in Kyrgyzstan: The Rise of the Kyrgyz Tengrism in the Modern Era." *Turcology Research* 64:1–22.