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KYRGYZSTAN: Burial blocked with violence "resolved peacefully"?

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

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.

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, Muratbek Toktogonov 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 (see Forum 18's Kyrgyzstan religious

freedom survey http://www.forum18.org/archive.php?article_id=2013).

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 (see F18News 22 March 2017 http://www.forum18.org/archive.php?article_id=2266).

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 (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

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).

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).

"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).

"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. (END)

For more background information see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/archive.php?article_id=2013.

More reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=30>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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