

27 March 2024

KYRGYZSTAN: Two Muslim men jailed for mosque closure protest

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

On 26 February, Kara-Suu District Court jailed prisoners of conscience Asadullo Madraimov and Mamirzhan Tashmatov for three years and two years respectively for protesting against the regime's closure of their mosque, Al-Sarakhsi Mosque. Some mosques and madrassahs, though not the Al-Sarakhsi Mosque, are known to be still closed. An appeal against the two men's jailing, filed on 27 March, should be heard by the end of May. The two prisoners of conscience remain in Osh's Investigation Prison, where they have been held since 18 October 2023.

On 26 February, Kara-Suu District Court jailed prisoners of conscience Asadullo Madraimov and Mamirzhan Tashmatov for three years and two years respectively for protesting against the regime's July 2023 closure of their mosque, Kara-Suu District's Al-Sarakhsi Mosque in the southern Osh Region.

The court jailed the two men under Criminal Code Article 330, Part 1 ("Incitement of racial, ethnic, national, religious or inter-regional enmity (discord), as well as propaganda of the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion, nationality or race, committed publicly or with the use of the mass media as well as the internet"), a Criminal Code article which the regime is increasingly using to target human rights defenders and protestors against regime policies (see below).

Both Judge Syrgak Zhumadylov of Kara-Suu District Court and Kara-Suu District Prosecutor Erginkul Urdauletova refused to explain to Forum 18 on 26 March why the two prisoners of conscience were prosecuted and jailed (see below).

A local Muslim, who knows prisoners of conscience Madraimov and Tashmatov, asked "why do the authorities impose such a harsh punishment for only protesting against a mosque closure?" They pointed out to Forum 18 on 26 March that Criminal Code Article 330 allows the possibility of a fine instead of a jail term (see below).

The jailings followed a protest video three members of the mosque community (Madraimov and Tashmatov, with Mahamatayubhon Mashrapov) made against a 21 July 2023 raid on and closure of the mosque. The raid was part of a nationwide pattern of raids in 2023 on mosques and madrassahs followed by forced closures for varying periods of time. The regime appears to have also targeted other religious communities in the context of its increasing repression of any exercise of human rights, having targeted Catholics, Protestants, and Hare Krishna devotees (see below).

Muslims are afraid to discuss the raids and forced closures, for fear of state reprisals. Although some mosques and madrassahs are known to have reopened, others are known to Forum 18 to be still closed in March 2024. State Commission for Religious Affairs (SCRA) Deputy Director Kanatbek Midin uuly refused to discuss the closures with Forum 18 on 27 March (see below).

One day after the video protest, the Al-Sarakhsi Mosque was suddenly reopened. Police questioned and then released the three men, but the regime then began to prepare criminal cases against them. On 18 October 2023, the three men were arrested and held in detention. The third protestor, Mashrapov, was in January 2024 fined by Judge Jumadilov of Kara-Suu District Court (see below).

Defence Lawyer Khusanbai Saliyev told Forum 18 that he filed an appeal against the two prisoners of conscience's jailing on 27 March. Osh Regional Court should hear the appeal by the end of May. Meanwhile, prisoners of conscience Madraimov and Tashmatov are still in Investigation Prison No. 5 (Prison No. 25) in Osh, where they have been held since 18 October 2023 (see below).

A proposed new Religion Law, made public on 10 November 2023, has not yet reached Parliament. The Law, drafted by the SCRA, would continue to violate Kyrgyzstan's legally-binding international human rights obligations (see below).

Two Muslim men jailed for mosque closure protest

On 26 February, Judge Syrgak Zhumadylov of Kara-Suu District Court jailed prisoners of conscience Asadullo Madraimov and Mamirzhan Tashmatov for three years and two years respectively for protesting against the regime's closure of their mosque, Kara-Suu District's Al-Sarakhsi Mosque.

Prosecutor Maluda Ismailova of the District Prosecutor's Office charged both men with violating Criminal Code Article 330, Part 1 (https://www.forum18.org/archive.php?article_id=2711) ("Incitement of racial, ethnic, national, religious or inter-regional enmity (discord), as well as propaganda of the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion, nationality or race, committed publicly or with the use of the mass media as well as the internet"), and Criminal Code Article 278, Part 3 ("Calling for active disobedience of the lawful demands of state officials and for riots").

The regime is increasingly using both Criminal Code articles to target human rights defenders and protestors (<https://monitor.civicus.org/explore/foreign-agent-style-law-advances-pressure-on-media-and-criminal-proceedings-against-government-critics-continue/>) against regime policies.

However, Judge Zhumadylov of Kara-Suu District Court dropped the charges under Criminal Code Article 278, Part 3, prisoner of conscience Madraimov's lawyer Khusanbai Saliyev told Forum 18 on 27 March. But Judge Zhumadilov maintained the Criminal Code Article 330, Part 1 charges.

Judge Zhumadylov refused to explain why he jailed the two prisoners of conscience. "I will not give any comments on my verdict, which has not entered into force," he told Forum 18 on 26 March. "It is illegal for me to do so at the moment," he added, without indicating which law banned him from explaining his verdict.

Similarly, Kara-Suu District Prosecutor Erginkul Urdauletova also refused to explain why the two prisoners of conscience were prosecuted for protesting against the regime's closure of their own mosque. "I do not know you and I will not tell you why," she told Forum 18 on 26 March, before refusing to say more.

A local Muslim, who knows prisoners of conscience Madraimov and Tashmatov, asked "why do the authorities impose such a harsh punishment for only protesting against a mosque closure?" They pointed out to Forum 18 on 26 March that Criminal Code Article 330 allows the possibility of a fine instead of a jail term.

Mosque raids, closures

On 21 July 2023, regime officials raided and then closed (https://www.forum18.org/archive.php?article_id=2879) Kara-Suu District's Al-Sarakhsi Mosque. Participating in the raid were officials from the National Security Committee (NSC) secret police, the Interior Ministry, the Regional and District Police, the Emergency Situations Ministry, the State Sanitary and Epidemiological Service, Kara-Suu District Architecture Department, Kara-Suu District Land Cadastre, the State Commission for Religious Affairs (SCRA), and the state-controlled Muslim Board including its Osh District representative (qazi). The mosque is well-known throughout Kyrgyzstan.

The raid was part of a nationwide pattern of raids in 2023 on mosques and madrassahs (https://www.forum18.org/archive.php?article_id=2879) followed by forced closures for varying periods of time.

The regime appears to have also targeted other religious communities in the context of its increasing repression of any exercise of human rights, having targeted Catholics, Protestants, and Hare Krishna devotees (https://www.forum18.org/archive.php?article_id=2849).

Some Protestant churches were also in late 2023 forcibly closed by the regime (https://www.forum18.org/archive.php?article_id=2879). They were reopened after Protestant communities corrected regime-alleged "shortcomings" at some cost.

Muslims are afraid to discuss the raids and forced closures, for fear of state reprisals. Although some mosques and madrassahs are known to have reopened, others are known to Forum 18 to be still closed in March 2024. SCRA (https://www.forum18.org/archive.php?article_id=2711) Deputy Director Kanatbek Midin uuly refused on 27 March to discuss the closures with Forum 18.

Madraimov, Tashmatov, and Mahamatayubhon Mashrapov, who are all members of the Al-Sarakhsi Mosque community, posted a video online on 27 July 2023 protesting against the closures (https://www.forum18.org/archive.php?article_id=2879). One day later the mosque was suddenly reopened. Police questioned and then released the three men, but the regime then began to prepare criminal cases against them.

On 18 August 2023, two "experts" from the Justice Ministry's Judicial Expert Analysis Centre, Shekerbek Berdibek uuly and Almaz Kulmatov, produced an "expert analysis" (which Forum 18 has seen). It claimed

(https://www.forum18.org/archive.php?article_id=2879) that the three men's video "discredited the authorities' actions by saying that the 'law-enforcement agencies interfered in mosque matters and acted against Muslims'."

Kulmatov adamantly defended their "expert analysis" (https://www.forum18.org/archive.php?article_id=2711) of Madraimov's comments on the closure of the Mosque. Asked why he evaluated Madraimov's statements in the video as "extremist" while not taking into account his and his fellow Muslims' distress at the news of their Mosque's closure, Kulmatov told Forum 18 in March 2024: "Our opinion was not the only evidence of their violation. The law-enforcement organs also gave their evaluation." Asked what for instance was extremist when in the video Madraimov stated that "even during the Communist times the Al-Sarakhsi Mosque was not closed", he responded: "It is not correct to evaluate our opinion based on one statement." He declined to explain his opinion on Madraimov's statements as a whole. "For a thorough explanation of our opinion you must write a letter to the Justice Ministry."

On 18 October 2023, the three men were arrested (https://www.forum18.org/archive.php?article_id=2879) and held in detention.

Third protestor fined

In a separate hearing in January 2024, Judge Syrgak Zhumadylov of Kara-Suu District Court fined the third protestor, Mahamatayubhon Mashrapov, 1,000 Financial Indicators, 100,000 Soms (about five months' average wage for those in formal work). He has already paid the fine and was released from custody.

The head of the Court's Chancellery, Umurbek Osmonov, refused to discuss the case or fine with Forum 18 on 27 March.

Appeal

Lawyer Khusanbai Saliyev, who represents Asadullo Madraimov and Mamirzhan Tashmatov, told Forum 18 that he filed an appeal on 27 March against the jailing of the two prisoners of conscience.

Kara-Suu District Court should within the next five days – by 1 April - refer the appeal to Osh Regional Court. The Regional Court will then have up to two months – until the end of May - to hear the appeal.

Prisoners of conscience still held in Investigation Prison No. 5

Prisoners of conscience Madraimov and Tashmatov were arrested on 18 October 2023 after their homes were searched (https://www.forum18.org/archive.php?article_id=2879), and have been held since then in Investigation Prison No. 5 (Prison No. 25) in Osh.

Madraimov's father wrote on 1 December 2023 to President Sadyr Japarov asking for his son to be freed and the criminal prosecution ended. The letter, seen by Forum 18, denies police allegations (https://www.forum18.org/archive.php?article_id=2879) and comments: "If we live in a democratic state, a person should not be criminally prosecuted for expressing their opinion about a violation [the mosque closures]."

The address of Investigation Prison No. 5 (Prison No. 25) in Osh is:

Osh oblu

Osh shaari

Bayalinov kochosu 20

Prison No. 25

Proposed new Religion Law still not reached Parliament

As of 27 March, a restrictive proposed new Religion Law has not yet reached Parliament, the Zhogorku Kenesh, according to its website. The Law, drafted by the SCRA and made public on 10 November 2023, would continue to violate Kyrgyzstan's legally-binding international human rights obligations (https://www.forum18.org/archive.php?article_id=2875).

Among numerous other restrictions, it would continue to require all religious communities to gain state registration before being allowed to exercise freedom of religion or belief, and would require re-registration every 5 years. An Amending Law would impose Violations Code fines for a greater range of "offences". (END)

More reports on freedom of thought, conscience and belief in Kyrgyzstan
(<https://www.forum18.org/archive.php?query=&country=30>)

For more background, see Forum 18's Kyrgyzstan religious freedom survey (https://www.forum18.org/archive.php?article_id=2711)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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