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KYRGYZSTAN: Complaining to local authorities about burial violations is "useless"

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

Kyrgyzstan's government continues its long-standing failure to ensure that people may exercise their right to bury their dead with the religious ceremonies and in the cemeteries they would wish, Forum 18 News Service notes. Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have all long complained that the authorities have not resolved this problem, which greatly distresses the families and friends of the dead. But they are frequently afraid to raise this problem, for fear of reprisals aided by state indifference. The most recent publicly documentable failures by the authorities to ensure people may exercise their rights concern Protestants, when in two villages in Jalal-Abad Region local imams interfered in the conduct of funerals. In another case in a different Region an imam blocked the burial of a Protestant woman and forced her grieving husband to convert to Islam to get her buried. The authorities appear to be content to allow local imams to control who is buried in state-owned cemeteries not owned by religious communities. Complaining to local authorities about the violations is "useless", Pastor Kapar Yusup uuly – who was stopped from participating in his brother's funeral in Jalal-abad Region - told Forum 18. He insisted that the authorities could resolve some problems by giving land plots in nearby towns for such burials.

Kyrgyzstan's government is continuing its long-standing failure to ensure that people may exercise their right to bury their dead with the religious ceremonies and in the cemeteries they would wish, Forum 18 News Service notes. Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have all long complained that the authorities have not resolved this problem, which causes great distress to the families and friends of the dead. But relatives and friends are frequently afraid to raise this problem, for fear of reprisals aided by state indifference. The most recent publicly documentable failures by the authorities to ensure people may exercise their rights concern Protestants.

In January in the villages of Oktyabr and Zherge-Tal, in Suzak District of the north-western Jalal-Abad Region, local imams interfered in the conduct of funerals. In Oktabyr the imam barred the burial of a Protestant woman in the village cemetery, and in Zherge-Tal the imam stopped a Protestant pastor from participating in the funeral of his Muslim brother. In Kyrgyz culture it is extremely important that a brother take a central part in the funeral of a sibling (see below).

Yet Orozbek Moldaliyev, Head of the State Commission for Religious Affairs (SCRA), insisted to Forum 18 on 2 June that the problem has already been "resolved" and that "cases like those are simply not possible in Kyrgyzstan". Bishkek-based religious expert Galina Kolodzinskaya told Forum 18 that solving this long-standing problem requires both "political will on the higher level" and new laws. "At the moment I don't see such political will" (see F18News 11 June 2014 http://www.forum18.org/archive.php?article_id=1968).

Failure to stop block on funeral and forced conversion

Later in 2014, in another region of Kyrgyzstan which relatives do not wish to be named for fear of reprisals, the authorities failed to intervene when a local imam refused for three days to allow the burial of a deceased Protestant woman in a village cemetery. The imam permitted the burial to go ahead only after the woman's Protestant husband was forced to publicly renounce his Christian faith and declare that he is a Muslim, a family member and local Protestants who attended the funeral told Forum 18.

The family member commented that the other reason the imam allowed the burial to go ahead was that he was coming under pressure from villagers to allow the burial. However, friends and neighbours were afraid to identify the woman as a Christian as a further reason why the imam should not either interfere in the family's burial of their relative, or forcibly convert the grieving husband.

At no point did the authorities attempt either to ensure that the family could exercise their rights to bury their dead, or to protect the distressed husband of the woman against being forced to change his faith to bury his wife.

"I am ill"

Jumagul Egamberdiyeva, the central government's Jalal-Abad Representative, refused to comment on the cases or state what measures will be taken to both punish those who prevented people from exercising their rights, and to ensure people will be able to exercise their rights in future. "I am ill and cannot talk to you at the moment," she claimed from her office to Forum 18 on 5 June.

Egamberdiyeva asked Forum 18 to speak instead with either Gulzod Ashirova, Head of Jalal-Abad Regional Administration's Social Issues Division, or Abdulla Kambarov, the Division's chief specialist on social issues.

Kambarov of the Regional Administration claimed to Forum 18 on 5 June that Ashirova is also "ill and not available".

"I don't think anyone's rights were violated"

Asked what concrete action to defend people's rights the authorities will take in both the most recent Jalal-Abad cases, Kambarov claimed that "I don't think anyone's rights were violated. Christians should be buried in a Christian cemetery and Muslims in a Muslim cemetery."

However, asked whether cemeteries belong to village civil authorities and not to religious communities, and therefore belong to every citizen from the village, Kambarov replied "Yes."

However, he then contradicted himself by claiming that "I do not see a problem if Christians are buried in a Christian cemetery". Asked why a citizen who happens to be Christian can be banned by another citizen who happens to be an imam from participating in his brother's funeral, he replied: "I'm only a specialist here, and I can't tell you what measures will or won't be taken."

Authorities' long-standing failures

The authorities have failed for many years to ensure that relatives can bury their dead in the way they would wish (see eg. F18News 17 February 2006 http://www.forum18.org/archive.php?article_id=729). Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have all long complained that the authorities have not resolved this problem (see eg. F18News 10 July 2008 http://www.forum18.org/archive.php?article_id=1156).

Indeed, in one documented case, the police and local administration actively collaborated with a drunken mob to deny people's human rights. The police forcibly broke into the family home of a deceased 14-year-old Baptist boy, stole the body and buried it 40 kms (25 miles) away (see F18News 2 June 2008 http://www.forum18.org/archive.php?article_id=1138).

The discredited regime of former President Kurmanbek Bakiyev made the situation worse, by in the repressive 2009 Religion Law passing the responsibility to local authorities. This in practice made it impossible for many people to bury their dead in the way they would wish (see Forum 18's December 2009 Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=1388).

Since the fall of the Bakiyev regime, repeated complaints about this problem have been made. Yet the authorities have taken no detectable action to ensure that people can exercise their freedom of religion or belief in these distressing circumstances (see eg. F18News 19 December 2012 http://www.forum18.org/archive.php?article_id=1784).

The authorities' long-standing repeated failure to take any effective action to protect people's human rights in relation to funerals violates their binding obligations under international human rights law. Paragraph 4 of General Comment 22 on Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights, which Kyrgyzstan acceded to in 1994, states: "The freedom to manifest religion or belief may be exercised "either individually or in community with others and in public or private". The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. .. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as .. participation in rituals associated with certain stages of life".

The authorities' failure to ensure people can effectively exercise their rights continues, but people are fearful of reprisals if they raise the issue (see below). The latest publicly-known cases concern Protestants, but Forum 18 is aware that people from a wide range of religious and belief communities suffer from the authorities' failure to implement their obligations in this regard.

Burial stopped

In the village of Oktyabr, Erkayim Jeyinbekova, a 73-year old member of the Protestant Church of Jesus Christ, died on 31 December 2013. The following morning, local Imam Saypiddin Matazimov and several villagers stopped Jeyinbekova's relatives from burying her in her village cemetery.

Pressure to make false statements and change faith

Sanjar Jeyinbekov, Jeyinbekova's son, who is a member of Greater Grace Protestant Church, told Forum 18 on 27 May from

Bishkek that, although his mother was Christian, she had asked her Christian family members to bury her according to local Muslim tradition "because this was the only way she could be allowed to be buried in the village cemetery where her relatives and ancestors were buried."

Jeyinbekov stated that Imam Matazimov "at first demanded that three relatives write a statement that my mother was not a Christian and that she was a Muslim". When under pressure three relatives wrote such statements, Imam Matazimov then produced a new demand that "I and my two sisters [who were present for the burial] renounce our Christian faith. We did not do this," Jeyinbekov told Forum 18.

Third new demand, "cold-blooded" refusal

Imam Matazimov then produced a third new demand that the family get permission from Kazy Abdulaziz Zakirov, Chief Imam of Jalal-Abad Region, for the burial in Oktabyr village cemetery – which is owned by the local village civil authority, not any religious community.

That same afternoon, 1 January, the relatives visited Kazy Zakirov in the city of Jalal-Abad about 25 kms (16 miles) away. But he "categorically refused" to give permission for the burial, Jeyinbekov told Forum 18. "One of my aunts almost fell down on her knees, and pleaded with him for permission, but he still with no emotion on his face cold-bloodedly said 'No'", Jeyinbekov recounted.

Suzak District Chief Imam Talant Zhoroyev confirmed the refusal to Forum 18 on 30 May. He stated he was with Kazy Zakirov in his office when he received Jeyinbekova's relatives on 1 January. "The Kazy told them straight out that he will not give permission for her burial in the same village cemetery." Asked what explanation Zakirov gave, Imam Zhoroyev referred Forum 18 to the Kazy.

Chief Imam Zakirov put the phone down on 30 May as soon as Forum 18 identified itself. Subsequent calls went unanswered.

Threat to stop future burials of villagers who "leave Islam"

Local Imam Matazimov then threatened Oktyabr villagers that those "leave Islam and become Christian will not be buried in the village cemetery".

"When we saw it wasn't possible to fulfil my mother's wish we decided to bury her in a cemetery used by the Russian Orthodox in the city of Jalal-Abad", Jeyinbekov recounted. The cemetery, where they buried her on 2 January, is about 25 kms (16 miles) from her native village. He added that the family wanted to "bury her according to Christian tradition right from the beginning", but unsuccessfully tried to fulfil Jeyinbekova's wish.

Jeyinbekov explained that the cemetery where his mother is buried is now known as a Christian cemetery, and has burials from Russian Orthodox, ethnic German, and Kyrgyz Protestant families. Many of these families, Jeyinbekov stated, "also faced similar difficulties and humiliations when they first tried to bury their dead in local village cemeteries".

"If there is no conflict between the Imam and relatives.."

Rakhmon Shergaziyev, Head of Oktyabr village civil authority, claimed to Forum 18 on 30 May that he only found out about the problems some time after the burial. "In March we gathered village representatives and decided that if in future such cases arise, we will allow non-Muslim Kyrgyz to be buried in the same cemeteries with their Muslim relatives if there is no conflict between the Imam and relatives of the deceased or between groups of Muslims and non-Muslims."

Shergaziyev said that "if the burial becomes problematic then the deceased can be buried in one of the five cemeteries of the village, which is centrally located and where Russian Orthodox people were buried."

Asked why non-Muslim villagers cannot be buried together with their Muslim relatives if they desire it, he responded: "We do not want unnecessary conflicts between people. If they can bury their dead calmly, for us it does not matter what faith they belong to and where they are buried. But if not, then for that we also have a solution now."

Asked if this means that, as Suzak District Chief Imam Zhoroyev put it to Forum 18 (see below), religious issues and burials in particular are decided based on Sharia law, Shergaziyev stated: "Do not let Zhoroyev deceive you. Kyrgyzstan is not governed by Sharia law."

Was Head of Oktabyr village civil authority involved in burial events?

However, on 4 June Shergaziyev contradicted his previous claim of non-involvement in the actual burial events. "Actually I was away from the village on that day," he told Forum 18. "I talked to the village leaders [elderly men respected by the villagers] over the phone, and told them she could be buried in the 'Christian cemetery' in the village, which her relatives did not want."

However, Jeyinbekov told Forum 18 that the "only things we heard were from the village Imam and regional Chief Imam that she could not be buried in the village". Jeyinbekov was not aware of any action on the part of the authorities to protect his family's rights.

"Which protect the rights of all citizens equally"?

Myrbolot Myrzakhmedov, Head of Suzak District Administration, insisted to Forum 18 on 30 May that "Kyrgyzstan is governed by the Constitution and its laws, which protect the rights of all citizens equally". He then claimed that "non-Muslim Kyrgyz can be buried in the same cemeteries with Muslims. We can also allocate separate land plots to solve these problems."

Myrzakhmedov said that he heard "rumours" about the Jeyinbekova case, but heard nothing about Yusup uuly's case (see below). "No complaints were made to the District Administration," he insisted. Myrzakhmedov took down details of both cases, and promised: "We will look into these cases, and take measures."

Imams to be fired – maybe or perhaps not?

Asked what concrete measures will be taken against Imam Matazimov and the individuals who barred the burial of Jeyinbekova, Myrzakhmedov on 4 June told Forum 18 that "We are already investigating the case after your call on 30 May." He then claimed that "depending on the results of the investigation we can submit a request to the Muslim Board to dismiss Imam Matazimov and Imam Arstan from their positions." Asked what will happen to the other individuals who helped the Imam in his actions, he responded, "We will see, we are still investigating."

The state has started to impose greater controls than currently exist on the Muslim Board and its activities (see F18News 27 February 2014 http://www.forum18.org/archive.php?article_id=1932).

District Administration Head Myrzakhmedov said that in future, particularly in Oktyabr, non-Muslims can be buried in its central cemetery. Told that Jeyinbekova herself had asked her children to bury her according to Muslim tradition and next to her relatives, and asked what concrete measures will be taken to make sure that non-Muslims will be able to gain access to cemeteries where their ancestors and relatives are buried, he replied: "I cannot say what now but perhaps we will talk to the imams and explain that they cannot act independently and make such decisions."

He added though that he was not sure what measures will be taken in future to prevent such cases.

"It is democracy when the authorities agree with the opinion of the majority"

However, Oktyabr village Head Shergaziyev disagreed with District Administration Head Myrzakhmedov. When Forum 18 told Shergaziyev on 4 June that the District authorities may punish individuals who barred the burial of Jeyinbekova, he claimed that "we cannot go against the majority of people and what they decide in the village. Yes, the cemetery belongs to every citizen, resident of the village, but we can't interfere if the majority is against the burial in the particular cemetery where Muslims are buried."

Asked whether it is the duty of state authorities to defend individuals' rights, Shergaziyev stated: "It is democracy when the authorities agree with the opinion of the majority."

Pastor not allowed to participate in brother's burial

In Kyrgyz culture the brother of a deceased man must wash his body and lower it into the grave. It is deeply humiliating for the family if this does not take place. However, in the village of Zherge-Tal, village Imam Arstan stopped Protestant pastor Kapar Yusup uuly Abdukayimov from participating in the burial procession on 26 January of his deceased 51-year old brother Japar Abdukayimov.

"Imam Arstan insulted me with all kinds of unrepeatable words, calling me a traitor, and told people at the procession this will happen to anyone who leaves Islam and accepts Christianity or other religions," Pastor Yusup uuly told Forum 18 on 27 May from Bishkek. The Imam stated publicly to the funeral procession that "such people will not be allowed to participate in their relatives' burials or even be buried in the village cemetery when they die".

The Imam then told villagers gathered for the funeral that "when the pastor dies he will not be allowed to be buried in the same cemetery, and the same will happen to anyone who follows him", relatives complained to Forum 18. He also - pointing with his hands at the Pastor - told villagers that "there is no place for this kind of infidel among us".

Complaining to authorities about violations is "useless"

"Numerous Kyrgyz Christians in recent years were not allowed to be buried in their local villages, and several were buried in other

cemeteries used by Russian Orthodox," Pastor Yusup uuly lamented to Forum 18. "Most of these cases went unnoticed by the wider public. Christian relatives, under pressure from their Muslim relatives, who were themselves pressured by local imams, were afraid to complain about the cases publicly."

"Even if we complain to local authorities about the violations it is useless," Pastor Yusup uuly added. "They gave all the responsibility and authority for burials to local imams." And the imams "act like some kind of rulers during burials".

Pastor Yusup uuly insisted that the authorities could resolve such burial problems by giving land plots in nearby towns or cities to bury Christian Kyrgyz. "It would be difficult to get land plots in the villages, but at least the bodies of deceased Christians could be taken to the nearest city cemetery," he told Forum 18.

Pastor had to leave native village and region because of pressure

Pastor Yusup uuly works as a pastor in Osh Region. "I had to leave my native village and Jalal-Abad Region because of the problems with the Imam, local authorities and my relatives."

The Pastor told Forum 18 that Imam Arstan had similarly insulted him publicly nine years earlier when he wanted to participate in the burial of another relative in the village. The Imam "made my relatives avoid publicly meeting or talking with me, and I communicate with my mother only over the phone now," Yusup uuly said. While doing so the Imam "refers to Islamic Sharia law saying that his actions are based on it."

Does Kyrgyz law apply in Kyrgyzstan?

Suzak District Chief Imam Zhoroyev told Forum 18 on 30 May that the Muslim Board, Kazys of the regions, or local imams "decide based on Sharia law" who should be buried where. Asked whether Kyrgyzstan's affairs are ruled by Sharia law or the secular state's laws, he replied "by both laws".

"Religious issues, especially on cemeteries in a country like Kyrgyzstan, where the majority of the people are Muslim, are decided based on Sharia law," Zhoroyev insisted to Forum 18. He admitted that the cemeteries belong to the local municipalities but the "municipalities decide who to bury where based on the majority local public opinion, who are Muslims."

Asked whether the Muslim Board or the civil authorities' decisions are the basis for burial decisions, Zhoroyev stated that "municipalities have a majority of Muslim people and they make decisions based on Sharia law".

"Apostates cannot be buried in same cemetery as Muslims"

Suzak District Chief Imam Zhoroyev also defended the local imams' actions. "Apostates cannot be buried in the same cemetery as Muslims according to Islamic Sharia law," he claimed to Forum 18. "There is also a 1996 fatwa [religious ruling] of the [state-controlled] Muslim Board that non-Muslims cannot be buried with Muslims in the same cemetery." But when Forum 18 asked why non-Muslims cannot participate in the funeral of their Muslim relatives, he admitted that it was "unnecessary for that imam to do that."

Muslim Board

Askar Skakov, Assistant to Maksat Haji Toktomushev, Head of the state-controlled Muslim Board, on 30 May declined to comment on the recent cases or put Forum 18 through to Board officials. He asked Forum 18 to send questions in writing.

Forum 18 asked in writing on 30 May:

- whether the Muslim Board had issued a fatwa that non-Muslims cannot be buried in the same cemetery as Muslims;
- if so how lawful the fatwa is based on the Constitution and laws of Kyrgyzstan;
- whether the Muslim Board authorised local imams to prevent burials of non-Muslims in state-owned cemeteries;
- and whether non-Muslims can participate in Islamic burials of Muslims.

Forum 18 had received no response to these questions by the end of the working day in Bishkek on 6 June. It is unclear whether the state's current imposition of greater controls than currently exist on the Muslim Board will affect this problem (see F18News 27 February 2014 http://www.forum18.org/archive.php?article_id=1932). (END)

For background information see Forum 18's Kyrgyzstan religious freedom surveys at <http://www.forum18.org/Analyses.php?region=30>.

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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY