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KYRGYZSTAN: Freedom of religion or belief without state permission = murder?

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

After the December 2015 murder in Kyrgyzstan of Ahmadi Muslim Yunusjan Abdujalilov, an independent human rights defender has noted this month (February 2016) to Forum 18 News Service that "the authorities turn a blind eye to hate speeches on TV, other mass media, and mosques about Ahmadi Muslims and other vulnerable religious groups". They also noted that, in addition to attacks by Muslim Board imams, the Ahmadis were refused state registration. "All of this created a tense situation and hatred against the Ahmadis." 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 are seeking to punish the Ahmadis instead of investigating the murder, Ashirbayev reiterated that both the murder and the Ahmadi Community's activity are being investigated. Asked what the freedom of religion or belief of the Ahmadis has to do with the murder, he referred Forum 18 to the NSC secret police.

After the murder of Ahmadi Muslim Yunusjan Abdujalilov, police in Kyrgyzstan have arrested nine suspects, Forum 18 News Service has been told. An independent human rights defender has told Forum 18 that they think that there was "an indirect link" between a state ban on Ahmadis being registered, hatred promoted by state-backed Muslim Board imams and the murder. An Osh Regional Police spokesperson 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".

Also, the government is still failing to enable people to peacefully bury their dead, with the religious ceremonies and in the cemeteries they would wish. The latest known such problem involves a Jehovah's Witness who died of natural causes (see below).

Central government officials have refused to state whether the government intends to implement its international obligations to protect peoples' right to exercise freedom of religion or belief, or to take steps to prevent further murders (see below).

Murder, severe attack

On 22 December 2015 Ahmadi Muslim Yunusjan Abdujalilov was murdered in front of his home in the village of Kashkar Kyshtak in Osh Region. Salamat Kyshtobayev, an Ahmadi who knew the victim, described him to Forum 18 on 10 February 2016 as "an exemplary man who did no harm to anyone". Police arrested nine suspects on 25 December 2015 and claimed they are members of terrorist groups linked to Daesh who had been ordered to carry out attacks. Police have this month told Ahmadis that the investigation is continuing.

Ahmadis stated that police said one of the murder suspects was arrested because he boasted about his involvement in the murder of "an infidel". They also pointed out that a Kyrgyz Daesh terrorist in Syria, Sirojiddin Mukhtarov known as Abu Saloh, is from the same village as murder victim Abdujalilov and has called for Ahmadis to be murdered. They noted that Mukhtarov in the past had preached sermons under the Muslim Board.

The state has repeatedly failed to take any action to stop state officials and imams of the state-backed Muslim Board encouraging or condoning violence and other coercion against people peacefully exercising their human rights. An example has been the government's 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 (see eg. F18News 6 June 2014 http://www.forum18.org/archive.php?article_id=1966).

One of the murder suspects allegedly confessed that he killed Abdujalilov. He also confessed that on 18 September 2015, with other accomplices, he attacked another Ahmadi in the same village, Ulugbek Turdakhunov. "He survived but was severely beaten with iron rods and stabbed with a knife several times," Ahmadis stated. His legs were broken.

Link between murder, Ahmadi ban and hate speech?

The state has repeatedly stopped Ahmadis and members of some other vulnerable communities from exercising their freedom of

religion or belief and other human rights. On 10 July 2014 the Supreme Court rejected an appeal against two lower courts' support of the State Commission for Religious Affairs' (SCRA) refusal to give state registration to the Ahmadi community. Asel Bayastanova, the Ahmadi's defence lawyer, told Forum 18 that "it means that Ahmadi Muslims cannot act like Ahmadi Muslims and organise meetings for worship or any other activity together" (see F18News 17 July 2014 http://www.forum18.org/archive.php?article_id=1977).

Some communities think that contributory factors to violence against them and their followers are the blocking of registration applications by the SCRA, the National Security Committee (NSC) secret police, and local authorities, the banning of the unregistered exercise of freedom of religion or belief by communities, and the impossibility for those with fewer than 200 founders of gaining legal status. This lack of registration deprives communities of possible social status and so, they think, makes them vulnerable to attack (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

"The authorities turn a blind eye to hate speeches on TV and other media, and in mosques about Ahmadi Muslims and other vulnerable religious groups," an independent human rights defender, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 11 February. "The NSC secret police is using former Chief Mufti Chubak azhy Zhalilov [who resigned in July 2012 amid corruption allegations] and other well-known Kyrgyz Islamic figures, who openly speak to young people's meetings against vulnerable religious groups."

One Ahmadi complained to Forum 18 on 15 February that former Chief Mufti Zhalilov has recently publicly told people to: "totally boycott Ahmadi and isolate them from society by: not marrying them; not allowing them to be buried in cemeteries; and not employing them".

The independent human rights defender thought there was "an indirect link" between the ban on Ahmadi and the murder of Abdjalilov. They noted that, in addition to attacks by Muslim Board imams, the Ahmadi were refused registration as the NSC secret police stated they were "dangerous movement and against traditional Islam" (see F18News 21 December 2011 http://www.forum18.org/archive.php?article_id=1650). The human rights defender stated that "all of this created a tense situation and hatred against the Ahmadi among the population".

Taalaybek Osmonov, a senior Ahmadi, told Forum 18 on 15 February that he "did not think there is a direct link, as the authorities are doing their best to investigate the murder." He noted though that the SCRA's refusal of registration to Ahmadi and Muslim Board attacks "could have made the murderers think their actions will go unpunished".

Freedom of religion or belief without state permission = murder?

Osh Regional Police have passed the investigation into the murder to the NSC secret police, Regional Police spokesperson Jenishbek Ashirbayev told Forum 18 on 9 February. He could not say how long the investigation will continue or when a criminal trial may be held.

Ashirbayev then commented: "There are two sides of the issue, one is the murder, and the other is the unregistered freedom of religion or belief of the Ahmadi." He said that the Ahmadi Community "may also be punished for unregistered freedom of religion or belief".

When Forum 18 asked why the authorities are seeking to punish the Ahmadi instead of investigating the murder, Ashirbayev reiterated that both the murder and the Ahmadi Community's activity are being investigated. "We have the Religion Law, which demands that all religious organisations register and the Ahmadi were refused registration," he commented. Asked what the freedom of religion or belief of the Ahmadi has to do with the murder, he referred Forum 18 to the NSC secret police.

Asked what steps the authorities are taking to provide proper protection for vulnerable religious groups, and whether those who are not registered are entitled to protection by the state, Ashirbayev refused to answer.

The NSC secret police duty officer at its headquarters in the capital Bishkek asked Forum 18 on 9 February to send questions in writing. As of the middle of the working day in Bishkek on 18 February, no answer has been received as to why the NSC is investigating the Ahmadi.

Chinarbek Maylibekov, Chief of the Interior Ministry's Osh Regional Investigations Department, claimed on 12 February that Osh Police are investigating the murder. He also stated that the NSC secret police are working on unspecified "different issues relating to the same case". He refused to say what they are.

"It looks like the authorities are more interested in developing the theme of murder on the grounds of religious hatred between Ahmadi and others, rather than just investigating the murder," The independent human rights defender commented to Forum 18.

The SCRA has from 21 January refused to answer any questions relating to the case. For example, on 21 January SCRA Head Orozbek Moldaliyev's secretary claimed he was not available. His Deputy Baktybek Osmonov, when told by his secretary that

Forum 18 wanted to discuss the case with him, stated that he "did not wish to talk". No answer was received to Forum 18's written questions by the middle of the working day in Bishkek on 18 February.

"We are afraid for our and our family members' safety"

Kyshtobayev of the Ahmadis told Forum 18 that he and his co-believers are thankful to the Interior Ministry that the suspects were caught. But, he added, "we are afraid for our and our family members' safety because of these attacks".

He noted that "in the past we warned the authorities that imams in Mosques in Osh, Jalalabad and elsewhere in Kyrgyzstan preached sermons against us that Ahmadis are not Muslims and are infidels who deserve to be put to death. But these warnings were not heeded." For example, he noted that in Kara-Suu District there are 1,000 Ahmadis but because of the condemnation of Muslim Board imams "there are local people who dislike and hate us". He expressed concern that "these people may attack us, just like the recent cases."

A Baptist from the central Naryn Region, who wished to remain unnamed for fear of state reprisals, commented on 10 February that: "at the moment we are enjoying peace and there has been no interference from the authorities or attacks by local people".

However, the Baptist noted that the authorities have taken no action against a mob led by local imam Kylych Abashakirov who violently attacked five Protestants in June 2012 (see F18News 15 June 2012 http://www.forum18.org/archive.php?article_id=1712).

"Some of our churches are not registered," the Baptist added. "This makes them more vulnerable to attacks as it shows society that the authorities do not recognise them."

Catholic Bishop Nikolaus Messmer told Forum 18 on 10 February 2016 that "we do not feel our security is threatened, and have not had problems with burials". He said that the Church is "able to work without problems". However, he added, "I was not aware of the murder case, and I cannot comment on what is being done in that regard".

Other belief communities declined to comment to Forum 18 on the murder for fear of state reprisals.

"More and more inaction by state organs"

The independent human rights defender told Forum 18 that "we are noticing more and more inaction by state organs in situations where unlawful actions are committed against members of vulnerable religious groups".

They said that the authorities "consider the very fact of existence of some peaceful and law-abiding vulnerable religious groups as a threat, just because their activity is not welcome to those who consider themselves as members of 'traditional' religions".

"The problem of non-discrimination and equal treatment is acute problem. Vulnerable religious groups often experience pressure from the authorities, who instead of ending violations of their human rights investigate whether they exercise freedom of religion or belief without state permission."

Lower courts, the human rights defender commented, often do not uphold rights even if the law is on vulnerable groups' side. They quoted the example of a court in Kemin in the northern Chuy Region, which upheld the local council's suspension of a Protestant Church's activity despite the council having no legal authority to do this (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155).

The Supreme Court on 15 February heard an appeal by Jehovah's Witnesses against the SCRA's refusal to register four of its communities (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155). This is despite a 4 September 2014 ruling by the Constitutional Chamber (see F18News 22 May 2015 http://www.forum18.org/archive.php?article_id=2064).

Muslim Board hostility

After the murder of Abdujalilov, Daniyar Muradilov, who is in charge of the state-backed Muslim Board's work with young people, told national Russian-language newspaper "Delo Nomer" on 8 February: "we are not saying kill the Ahmadis because killing an innocent person is equal to killing all of humanity (...) but we are against the Ahmadi movement as they are not Muslims". He stated that only the state can impose the death penalty for apostasy, which he defined as "active planting in society of negative ideas", and denied that individuals can decide to kill someone on their own authority.

Muradilov added that "just as the Jehovah's Witnesses are considered a sect by the [Russian] Orthodox Church, they [Ahmadis] are a sect and far from the truth". He also stated that Ahmadis "are divisive and corrupt society from within".

Asked by Forum 18 on 15 February whether public open animosity by Muslim Board imams and others against Ahmadis, Jehovah's Witnesses and others creates an atmosphere of intolerance and religious hatred and can encourage attacks on Ahmadis, Muradilov

replied: "I stated in the interview that killing an innocent person is equal to killing all of humanity."

Asked why he did not in the interview strongly condemn attacks on the two Ahmadis, and whether he considers murder victim Abduljalilov to be innocent, Muradilov said: "I do not have time to discuss this with you, I have a meeting." He then put the phone down.

Latest Jehovah's Witness burial problem

Local news agencies reported that on 4 January, a Jehovah's Witness who died of natural causes in Tura-suu in the eastern Issyk-kul Region was not permitted to be buried in his family's and fellow-believers' choice of cemetery. The local imam and about 60 villagers did not allow the burial as the dead man was not a Muslim. Turdakun Kasymov, Head of Administration of the Tura-suu village, told Jehovah's Witnesses that the burial should be in a part of the cemetery in Kazhi-Sai in the same Ton District, which had been allocated for non-Muslims. Jehovah's Witnesses confirmed this to Forum 18.

Taalibek Akunov, the Chief Imam of Ton District, told Turmush news agency on 6 January that "most of the villagers are Muslims and a Muslim cannot be buried with members of other religions". Mufti Almazbek Sagdykov, the Muslim Board's Chief Imam for Issyk-Kul region, refused to discuss the issue with Forum 18 on 12 February.

In the Soviet era atheists were buried in the cemetery.

Kamchibek Ashimbayev, Chief Specialist on religious issues of Issyk-Kul Regional Administration's Legal Department, on 15 February told Forum 18 that "members of other religions cannot be buried in the same cemetery as Muslims." When Forum 18 asked why the family could not bury their relatives with his other relatives, as they wished to, he replied that "there was an oral agreement among the local people that deceased Jehovah's Witnesses and Protestants will be buried in one of the two cemeteries in the District for members of vulnerable religious groups".

Ashimbayev commented that "the law does not categorise cemeteries based on religious identity, but this needs to be addressed. Times have changed, and people want their religious beliefs to be respected". He added that it is "not only Muslims who want a separate cemetery, but Christians and others in some cases objected to being buried as Muslims or in the same cemetery as Muslims."

The state has repeatedly failed for many years to stop violence and coercion to change beliefs against people who want to peacefully bury their dead, with the religious ceremonies and in the cemeteries they would wish (see eg. F18News 6 June 2014 http://www.forum18.org/archive.php?article_id=1966).

What should government do?

Asked what steps the authorities can take to prevent further murders, Osmonov from the Ahmadi community told Forum 18 that "first, we need official registration." He then added: "We also asked the authorities to liquidate the Muslim Board and have instead a public forum of religions under the President, which could regulate inter-religious issues and create an atmosphere of religious tolerance". He thought this should include "majority Muslims, Ahmadi Muslims, Protestants, other Christian confessions, and other religious communities".

An independent observer from Bishkek, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 15 February that "the authorities should start by recognising the right of Ahmadi Muslims to exist, and register them on their request."

The observer insisted that the authorities should enforce the rule of law and "make those who speak against Ahmadis or Protestants in mosques or on TV responsible before the law". They should if found guilty "be punished for inciting religious hatred among the people".

The observer also noted that the authorities give time on state TV to former Chief Mufti Zhalilov speaking against the Ahmadis and others. Instead, "vulnerable religious groups should be given air time to speak and express themselves, which could create an atmosphere of respect for various religious and world views."

"There are many more steps to be taken, but if the authorities start with these steps it would be a great improvement."

Will government do anything?

Kunduz Bayaliyeva, Executive Officer of the Cabinet of Ministers Division for Education, Culture and Sports, when asked on 15 February what the government is doing to implement its obligation to protect everyone's freedom of religion or belief and related freedoms – and to prevent further murders - referred Forum 18 to Kuanichbek Kultayev. He is Executive Officer of the Cabinet's Defence, Public Order and Emergency Division.

Bayaliyeva refused to say whether Kyrgyzstan would implement the March 2014 United Nations (UN) Human Rights Council recommendation to "remove all restrictions incompatible with article 18 of the Covenant [on Civil and Political Rights]" (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

Asked whether the authorities will register the Ahmadiis, Bayaliyeva suggested that Forum 18 should contact the SCRA. Kultayev of the Cabinet's Defence, Public Order and Emergency Division on 15 February refused to answer when asked whether the government intends to stop further murders of people exercising freedom of religion or belief. "I will not answer you because you are not a state organ, you are just a public organisation," he stated. (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY