

22 March 2017

KYRGYZSTAN: Impunity for body snatching officials

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

Out of around 70 people in mobs incited by officials who twice exhumed a deceased Protestant's body in Kyrgyzstan, only four were given suspended sentences. None were given the jail sentences of between three and five years the law requires. No officials were tried.

The criminal cases brought after two mobs incited by officials in October 2016 twice exhumed the body of Kanygul Satybaldiyeva have ended, with just four suspended sentences and one acquittal. No officials have been tried or convicted and no further criminal cases or investigations are underway.

The deceased Satybaldiyeva was a member of the Isa Mashiyakh (Jesus Christ) Protestant Church, in the south-western Jalal-Abad Region's Ala-Buka District. Her family still do not know for certain where she is buried, officials having claimed that she has been buried secretly in open countryside.

On 27 February 2017 Judge Gulmira Kodjobekova of Ala-Buka District Court gave three-year suspended prison sentences to two Ala-Buka residents – not the jail sentences of between three and five years the law requires. Judge Kodjobekova also presided over the first trial in January, which ended with one acquittal and two suspended sentences.

Judge Kodjobekova has now been promoted to a new judicial post in the capital Bishkek.

The February convictions brought the total number of convictions to four people out of about 70 possible defendants. No officials have been either tried or convicted for their part in the events, including those named by witnesses and human rights defenders as inciting the events. Contrary to the law, no jail sentences have been imposed (see below).

Officials have either refused to answer questions about their role, or claimed that officials who witnesses state incited mobs are innocent of any crime (see below).

Satybaldiyeva's daughter told Forum 18 that "mobs dug up the body of my mother in two villages. Many officials witnessed the exhumations and did nothing to stop it. And the end result is that four people received suspended sentences" (see below).

Record of impunity

Kyrgyzstan has a record of impunity for officials committing serious crimes, for example named police officers who tortured seven Jehovah's Witnesses who met for worship. The United Nations (UN) Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) found in 2012 during a visit that "torture and ill-treatment is prevalent in the country", caused by among other factors "the impunity and general lack of accountability of officials" (see F18News 3 March 2016 http://www.forum18.org/archive.php?article_id=2155).

Coercion, mob violence, impunity

Satybaldiyeva died of natural causes on 13 October 2016 and on 14 October a small group of family and friends tried to have her buried. However the village imam and a mob prevented them from doing so. This was even though her daughter tried to obtain her mother's burial by, under coercion from state-appointed District Chief Imam Shumkar Chynaliyev, claiming that her decision to become a Christian had been a mistake. But the mob still refused to allow the burial and dug the body up, and Imam Chynaliyev and other officials did nothing.

On 15 October Satybaldiyeva's family and friends buried her in a different cemetery with respect and according to her own Christian burial rites. But on 17 October a mob of 30 people – in the presence of ordinary police, the National Security Committee (NSC) secret police, and Ala-Buka District Administration officials - dug up Satybaldiyeva's body. Officials then took the body away to an undisclosed location, without the family's presence or consent (see F18News 20 October 2016 http://forum18.org/archive.php?article_id=2226).

Sonunbek Akparaliyev, the Akim (Head of Administration) of Ala-Buka District, was stated by witnesses to have incited this second mob. Human rights defenders, some of whom wished to remain anonymous for fear of state reprisals, also stated that state-appointed imams Chynaliyev and Tynchtyk Orozmatov (of Sary-Taala village where Satybaldiyeva lived) also incited mobs in the two villages to dig up the body (see F18News 20 January 2017 http://forum18.org/archive.php?article_id=2248). None of these officials have been put on trial (see below).

After the second mob exhumation, officials then claimed that Satybaldiyeva's body had been buried secretly in open countryside. With great reluctance they eventually showed her daughter where they claimed to have buried the body. But her daughter saw no evidence that her mother's body was in the place where officials claimed it was (see F18News 15 December 2016 http://forum18.org/archive.php?article_id=2239).

No officials, and only three out of around 70 possible defendants were put on trial in January 2017. Of the three put on trial, one was acquitted. The two convicted were given only suspended sentences, and not jail sentences as Criminal Code Article 263 (which they were tried under) requires.

Judge Kodjobekova of Ala-Buka District Court refused to tell Forum 18 why she did not act according to the law. Human rights defenders and the family condemned the trial and punishments as "not appropriate and not effective" (see F18News 20 January 2017 http://www.forum18.org/archive.php?article_id=2248).

Long-standing and continuing problem

The government has long failed to ensure that people may exercise their right to bury their dead with the religious ceremonies and in the cemeteries they would wish. Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have complained about this problem, which causes families and communities great distress (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

These freedom of religion and belief violations still continue throughout Kyrgyzstan in 2017 (see F18News 20 January 2017 http://www.forum18.org/archive.php?article_id=2248).

"An attitude of intolerance"

An Ahmadi Muslim, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 17 March that one contributory factor may be "public hate speeches against the so-called 'non-traditional' religions".

The individual noted that after the December 2015 murder of Ahmadi Muslim Yunusjan Abdujalilov, "the village imam warned people not to attend the funeral. Because of this many villagers did not attend it". However, Ahmadi Muslims and other villagers did attend the funeral (see F18News 18 February 2016 http://www.forum18.org/archive.php?article_id=2150).

"An attitude of intolerance against members of other religious communities is encouraged by the likes of former Chief Mufti Chubak azhy Zhalilov," the Ahmadi Muslim noted. The former Chief Mufti called for people to "totally boycott Ahmadis and isolate them from society by: not marrying them; not allowing them to be buried in cemeteries; and not employing them". No action has been taken against him, the Ahmadi noted.

The authorities have repeatedly ignored or even encouraged such hostility to people exercising their freedom of religion and belief (see F18News 18 February 2016 http://www.forum18.org/archive.php?article_id=2150).

Judge breaks the law

On 27 February Judge Kodjobekova of Ala-Buka District Court gave three-year suspended prison sentences to Syrgabek Turgunbay uuly and Maksatbek Koychumankulov. Both men are from Ala-Buka District.

The two men were tried under Criminal Code Article 263 ("Defilement of the body of a deceased person or a place of burial"), Part 2, which specifies only one possible punishment for those convicted: "deprivation of liberty for between three and five years" (see F18News 20 January 2017 http://forum18.org/archive.php?article_id=2248).

Turgunbay uuly and Koychumankulov "will report to police for one year during which they must not violate the law. If they commit any violations during that period they will be imprisoned," Nurlan Orozbekov, Chief of Ala-Buka District Court's Chancellery, told Forum 18 on 14 March. Asked why they were not jailed for between three and five years as the law requires, Orozbekov replied "you need to talk to the Judge".

Another official of the Court (who would not give her name) claimed to Forum 18 on 14 March that Judge Kodjobekova "is busy in a hearing" and did not know when the Judge might be available. Further calls to the Judge's phone that day went unanswered.

Another Judge of the Court, Kambarbek Beysheyev, refused to say on 17 March whether more people will be tried for the crime, claiming that he cannot give details of the case. He also said that Judge Kodjobekova was recently appointed as the new Chair of a court in Bishkek.

No officials put on trial

During the 27 February trial, defendant Koychumankulov told the District Court that Ala-Buka Akim (Head of Administration) Akparaliyev and state-appointed District Chief Imam Chynaliyev "provoked the crowd to dig up the body", Satybaldiyeva's daughter Zhyldyz Azayeva, who was at both the 12 January and 27 February trials, told Forum 18 on 14 March. Koychumankulov also stated that neither official warned those who dug up the body that they were committing a crime.

Azayeva complained to Forum 18 that the "investigation of the case is over and the main responsible persons in the case, Akparaliyev and Chynaliyev were not punished or even fired from their jobs".

She noted that "mobs dug up the body of my mother in two villages. Many officials witnessed the exhumations and did nothing to stop it. And the end result is that four people received suspended sentences."

No actions after repeated complaints

Azayeva on 18 January filed a complaint to Ala-Buka Prosecutor's Office. "I asked for two things to be done," she told Forum 18. "We want the authorities to punish all those responsible for the exhumations, including both those who incited the mobs and asked them to dig up the body and those who did the exhumations. We also want my mother to be buried with all dignity in Ala-Buka's central cemetery" (see F18News 20 January 2017 http://www.forum18.org/archive.php?article_id=2248).

No answer has been received to her previous complaints to the Interior Ministry and the Prosecutor-General's Office (see F18News 15 December 2016 http://www.forum18.org/archive.php?article_id=2239).

Ala-Buka's Chief Prosecutor Arslanbek Boybosunov on 18 January referred the complaint to Mirbek Isagaliyev, Chief of Jalal-Abad Regional Police Investigations Division.

Isagaliyev told Forum 18 on 14 March that Akim Akparaliyev and Imam Chynaliyev had both been questioned and "are not guilty". Asked how the two men had justified their conduct, he replied: "I do not remember the details. Call me back later today". Police Chief Isagaliyev did not answer any subsequent phone calls.

Asked by Forum 18 on 14 March why Akim Akparaliyev and Imam Chynaliyev were not held responsible for their actions, Chief Prosecutor Boybosunov replied: "Send your questions in writing". He then put the phone down.

Orozbekov of Ala-Buka District Court's Chancellery claimed to Forum 18 that both officials "were questioned as witnesses by the police and the Court. The Court did not find them guilty". Yet witnesses from the hearings state that Akim Akparaliyev did not attend any of the court hearings.

"Why should we punish them?"

Bakhtybek Anarkulov, Deputy Head of Jalal-Abad Regional Administration, told Forum 18 on 14 March: "Why should we punish them [Akim Akparaliyev and Imam Chynaliyev]? They are not guilty of the crime."

Anarkulov claimed in October 2016 of the secret reburial without the family's presence or consent that he was "overseeing the whole process", and that "we buried her with all dignity" (see F18News 20 October 2016 http://forum18.org/archive.php?article_id=2226).

Anarkalov then claimed of Akim Akparaliyev "why should he be responsible when he asked people not to dig up the body but they did not listen to him?". Asked how Akparaliyev can continue his responsibilities as the chief official of the District when the local people apparently do not respect him and the law-enforcement agencies apparently do not obey his orders, Anarkalov did not respond. He then put the phone down and did not answer subsequent calls.

What steps are being taken on a national level?

Almas Kulmatov, Head of the Presidential Administration's Ethnic, Religious Policy, and Cooperation with Civil Society Department, on 17 March claimed to Forum 18 he has sent a written reply to questions put to him on 18 January. Forum 18 asked:

- When will responsible state officials or imams be brought before the law in the Satybaldiyeva case?

- Will the authorities hand down more serious punishments against those who block the burials?

- What other measures are the central authorities taking to resolve burial problems?

Kulmatov had refused to answer these questions when they were originally put to him on 18 January (see F18News 20 January 2017 http://forum18.org/archive.php?article_id=2248).

Forum 18 told him that as of 17 March it had not received the written answers he claimed to have sent, and asked him to resend them. Kulmatov promised to resend them "before Monday" (20 March). He then refused to discuss burial problems, or any other freedom of religion and belief questions, with Forum 18 over the phone.

As of the end of the working day in Bishkek on 22 March, Forum 18 had not received the answers Kulmatov claimed to have written and sent.

Baha'is who wished to remain anonymous for fear of state reprisals told Forum 18 on 17 March: "The authorities promised us that they would allocate a plot of land for our burials half a year ago. But we still do not have our own cemetery. We continue our talks with the authorities."

Protestants who wished to remain unnamed for fear of state reprisals told Forum 18 on 17 March that the state is not resolving the burial issue, and is not willing to allocate cemetery plots to them. (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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