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KYRGYZSTAN: Raids, closures of mosques, madrassahs, Muslim critics arrested

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

After raids and closures of mosques and madrassahs in Osh Region, three members of the Al-Sarakhsi Mosque community who protested have been arrested and face criminal trial. The men have been held in Osh's Investigation Prison since 18 October. A Justice Ministry "expert analysis" claims the men "discredited the authorities' actions by saying that the 'law-enforcement agencies interfered in mosque matters and acted against Muslims'". One of the men's fathers commented: "If we live in a democratic state, a person should not be criminally prosecuted for expressing their opinion."

In early August the National Security Committee (NSC) secret police announced that it had closed 39 mosques and 21 madrassahs (Islamic religious schools) in Osh Region. The order to raid mosques and madrassahs in Kara-Suu District and across the southern Osh Region came from the Osh Regional Administration. "This was decided by the Regional Administration, and the Regional Prosecutor's office gave a warrant to carry out the inspections," police investigator Senior Lieutenant Edilbek Japarov told Forum 18.

The regime appears to be targeting all religious communities in the context of its increasing repression of any exercise of human rights, having targeted Catholics, Protestants (some of whose churches have recently been sealed), and Hare Krishna devotees (see below).

The closures came as a proposed repressive draft new Religion Law includes provisions which would make it easier for the regime to close and refuse state permission to exist to religious communities (see below).

On 21 July, officials raided and then closed 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 (see below).

Janybek Dosmambetov, Deputy Prosecutor of Kara-Suu District, told Forum 18 that Osh Prosecutor's Office ordered raids on and closures of mosques and madrassahs in the region as: "Some of them violated sanitary norms, did not have registration, and violated other legal norms" (see below).

Three Muslim men (Asadullo Madraimov, Mamirjan Tashmatov, and Mahamatayubhon Mashrapov, all members of the Al-Sarakhsi Mosque community) posted a video online on 27 July protesting against the closures. One day later the mosque was suddenly reopened (see below).

Deputy Prosecutor Dosmambetov would not answer Forum 18's question as to why Al-Sarakhsi Mosque was reopened the day after the video was published, given the regime's excuses for its closure. He instead claimed that this and other mosques were reopened as "they resolved the violations." However, Dosmambetov could not name any other reopened mosques or what "violations" they had allegedly committed. "I do not remember," he claimed (see below).

Police questioned and then released the three men, but the regime then began to prepare criminal cases against them. On 18 August, Justice Ministry "experts" Shekerbek Berdibek uuly and Almaz Kulmatov produced an "expert analysis" (which Forum 18 has seen). The "expert analysis" states that the video "discredited the authorities' actions by saying that the 'law-enforcement agencies interfered in mosque matters and acted against Muslims'" (see below).

Senior Lieutenant Japarov claimed that the video was made for "illegal dissemination" and "constitutes inciting religious hatred". He refused to explain to Forum 18 why he made these claims, even when Forum 18 pointed out that the Justice Ministry "expert analysis" does not specify who the alleged hatred was incited against. He also refused to explain why criticising the regime – which is not a religious group – is "illegal" and is "inciting religious hatred" (see below).

Colonel Urmatbek Jumabekov, head of the Interior Ministry's "Department for the Struggle against Extremism and Illegal Migration", also refused to explain to Forum 18 why the criminal cases were opened against Madraimov, Tashmatov, and Mashrapov (see below).

The regime under President Sadyr Japarov has become significantly more repressive when its policies are criticised. In May, Protestant Aytbek Tynaliyev was arrested and in July jailed for six months for "inciting religious enmity", for social media posts sharing his faith and questioning the regime's religious policy (see below).

The three Muslims were all arrested on 18 October after their homes were searched, and are now held in Investigation Prison No. 5 (Prison No. 25) in Osh. Madraimov's father wrote on 1 December to President Japarov asking for his son to be freed and the criminal prosecution ended. The letter, seen by Forum 18, denies police allegations 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]" (see below).

Senior Lieutenant Japarov described the arrests to Forum 18 as "nothing personal, it's our job," and said that he will "finalise the investigation by 15 December and refer the case to the Prosecutor's Office so it can be brought to court". Deputy Prosecutor Dosmambetov claimed to Forum 18 that the three men were arrested and detained as "they are extremists". When Forum 18 asked what exactly the "extremism" was, he replied "you do not know the details of the case, and I will not tell you" (see below).

More mosques and madrassahs nationwide are being raided and threatened with closure. Two NSC secret police officials from the NSC headquarters in Bishkek, who refused to give their names, refused to explain to Forum 18 on 11 December why the regime has ordered nationwide raids on mosques and madrassahs (see below).

Protestant churches also closed and sealed

Protestant Christians, who asked not to be identified for fear of state reprisals, complained to Forum 18 that officials sealed several Church buildings in Chui Region and Bishkek (they declined to specify the numbers), as well as the building of Bishkek's interdenominational Protestant United Bible Seminary. Officials claimed this was for reasons of "not having proper documentation on the architecture, for violating fire safety, sanitary and other rules".

One Protestant told Forum 18 that the authorities reopened one Church after the community removed the "shortcomings" in the building, which cost them "quite a bit of money". The sources did not want to specify more details of the Churches for fear of state reprisals for those Churches.

Increasing repression of the exercise of freedom of religion or belief

The regime appears to be targeting all religious communities in the context of its increasing repression of any exercise of human rights (<https://www.hrw.org/europe/central-asia/kyrgyzstan>).

A Catholic church was on 26 March raided, worshippers held at gunpoint, and two nuns fined for reading the Bible at Mass (https://www.forum18.org/archive.php?article_id=2849). After this, officials threatened to ban the Catholic Church's Apostolic Administration. A registered Protestant church was also raided in early 2023, and two foreigners were fined. On 25 July, a Hare Krishna wedding rehearsal was also raided, the host fined, and Indian students present had their visas revoked.

The Interior Ministry, police "Departments for the Struggle against Extremism and Illegal Migration", the State Commission for Religious Affairs (SCRA) (https://www.forum18.org/archive.php?article_id=2711), and the National Security Committee (NSC) secret police all refused to explain to Forum 18 why they violate legally-binding international human rights obligations (https://www.forum18.org/archive.php?article_id=2849).

As then United Nations (UN) Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt noted in his August 2016 report (A/71/269 (<https://undocs.org/A/71/269>)), the freedom of religion or belief is linked to other freedoms, including freedom of expression and freedom of peaceful assembly and association. "There can be no free religious community life without respect for those other freedoms, which are closely intertwined with the right to freedom of religion or belief itself," he observed. "This is exactly what worries authoritarian Governments and often causes them to curb freedom of religion or belief."

The NSC secret police announced in early August that it had closed 39 mosques and 21 madrassahs (https://www.forum18.org/archive.php?article_id=2870) (Islamic religious schools) in Osh Region for not having state registration (https://www.forum18.org/archive.php?article_id=2711). It gave no details.

The closures came as a proposed repressive draft new Religion Law (https://www.forum18.org/archive.php?article_id=2875) includes provisions which would make it easier for the regime to close and refuse state permission to exist to religious communities. Public consultation on the draft – and an associated Amending Law – ended on 9 December.

The order to raid mosques and madrassahs in Kara-Suu District and across the southern Osh Region came from the Osh Regional Administration, police investigator Senior Lieutenant Edilbek Japarov told Forum 18 on 8 December. "This was decided by the Regional Administration, and the Regional Prosecutor's office gave a warrant to carry out the inspections."

No NSC secret police, Interior Ministry, or SCRA official was willing on 13 December to explain to Forum 18 why the regime targets state-controlled mosques (https://www.forum18.org/archive.php?article_id=2711).

Raids and closures of mosques

On 21 July, Kara-Suu District's Al-Sarakhsi Mosque was raided and then closed by officials from the 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 SCRA, and the state-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2711) including its Osh District representative (qazi). The mosque is well-known throughout Kyrgyzstan.

The same agencies also in July in Osh Region raided and closed down two madrassahs in Aravan District, a local Muslim who wished to remain anonymous for fear of state reprisals told Forum 18 on 7 December. The two still-closed madrassahs are the men's Al-Bukhari madrassah and the women's Aisha madrassah.

Janybek Dosmambetov, Deputy Prosecutor of Kara-Suu District, told Forum 18 on 8 December that Osh Prosecutor's Office ordered raids on and closures of mosques and madrassahs in the region as: "Some of them violated sanitary norms, did not have registration, and violated other legal norms."

On 17 October, Senior Lieutenant Japarov claimed in a decision requesting the arrests of the three men that the regime closed the Al-Sarakhsi Mosque "due to it being illegally constructed and non-compliance with sanitary requirements," and that the Mosque "does not have running water".

Colonel Urmatbek Jumabekov, head of the Interior Ministry's "Department for the Struggle against Extremism and Illegal Migration" (which controls police departments with the same name), refused to explain to Forum 18 on 11 December why the regime raided and closed mosques and madrassahs in the region.

Video protest against mosque closure

Six days after the 21 July raid on and closure of the Al-Sarakhsi Mosque, on 27 July, three local Muslims produced a three-minute video protesting at the mosque closures. All three - Asadullo Madraimov (born 22 July 1988), Mamirjan Tashmatov (born 24 September 1988), and Mahamatayubhon Mashrapov (born 4 April 1978) - are members of the Al-Sarakhsi Mosque community. Madraimov published the video on social media.

The video stated that the mosque "was not closed even in Soviet times, and there is no excuse for its closure". The video dismissed as "absurd" the regime's claim that the mosque had no running water, noting that Muslims can on religious grounds use dust for the cleansing ritual if water is not available. The video called on Muslims not to attend the funerals of any officials involved in the mosque closures unless mosques are reopened.

In local culture it is a source of shame if people do not attend a funeral. A source who knows the men, who wishes to remain anonymous for fear of state reprisals, told Forum 18 that the men did not intend to use this call as a threat, but rather to use shame to get the mosques reopened.

Another source, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 8 December that the men were questioned in the summer by Kara-Suu Police. The men told police that their use of shame in the video was because they felt great emotional stress at the sudden closure of their Mosque and other mosques, and did not intend any physical harm to regime officials.

After taking written statements from the three men, the police then released them. However, the regime then started preparing a criminal case against the men (see below).

Why was the Al-Sarakhsi Mosque suddenly reopened?

The regime reopened the Al-Sarakhsi Mosque on 28 July, the day after the video was published, local people who wished to remain anonymous for fear of state reprisals told Forum 18. Some of the other 39 mosques were also reopened, but some remain closed. It is unclear which mosques remain closed.

Deputy Prosecutor Dosmambetov would not answer Forum 18's question as to why the Al-Sarakhsi Mosque was reopened the day after the video was published, given the regime's excuses for its closure. He instead claimed that this and other mosques were reopened as "they resolved the violations". However, Dosmambetov could not name any other reopened mosques or what

"violations" they had allegedly committed. "I do not remember," he claimed.

Senior Lieutenant Japarov claimed to Forum 18 that the Al-Sarakhsi Mosque was reopened "not because of his video, but because the State Sanitary and Epidemiological Service found that the problem was solved". However, he could not state what the problem was.

Criminal cases opened

On 18 August, Justice Ministry "experts" Shekerbek Berdibek uuly and Almaz Kulmatov produced an "expert analysis" (https://www.forum18.org/archive.php?article_id=2711) (which Forum 18 has seen) of the three men's video. The "expert analysis" states that it "discredited the authorities' actions by saying that the 'law-enforcement agencies interfered in mosque matters and acted against Muslims'."

On 17 and 31 October, Senior Lieutenant Japarov opened criminal cases against Madraimov, Tashmatov, and Mashrapov in decisions requesting their arrest. They are charged under Criminal Code Article 330 (https://www.forum18.org/archive.php?article_id=2711), 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"), and Criminal Code Article 278, Part 3 ("Calling for active disobedience of the lawful demands of state officials and for riots").

The regime has increasingly used both Criminal Code articles (<https://monitor.civicus.org/explore/mass-arrests-activists-restrictive-draft-laws-and-widening-campaign-against-false-information>) to target human rights defenders and protestors against regime policies.

In his 17 October decision, Senior Lieutenant Japarov claimed that the video was made for "illegal dissemination" and "constitutes inciting religious hatred".

Japarov refused to explain to Forum 18 why he made these claims, even when Forum 18 pointed out that the Justice Ministry "expert analysis" does not specify who the alleged hatred was incited against. He also refused to explain why criticising the regime – which is not a religious group – is "illegal" and is "inciting religious hatred". "Please send this question in writing to us," he told Forum 18 when asked to explain his claim.

Colonel Jumabekov, head of the Interior Ministry's "Department for the Struggle against Extremism and Illegal Migration", refused to explain to Forum 18 why the criminal cases were opened against Madraimov, Tashmatov, and Mashrapov.

The regime under President Sadyr Japarov has become significantly more repressive (<https://www.hrw.org/europe/central-asia/kyrgyzstan>) when its policies are criticised.

In May Protestant Aytbek Tynaliyev was arrested and in July convicted for "inciting religious enmity," for social media posts sharing his faith and questioning the regime's religious policy (https://www.forum18.org/archive.php?article_id=2870). He was jailed for six months. Prosecutor Kaliya Rysbek kyzy refused to say how exactly Tynaliyev insulted Islam and why she called for a two-year jail term. The two Justice Ministry religious "experts", who supported the prosecution case in court, would not explain why they considered Tynaliyev's comments represented "disinformation about the religion of Islam".

Senior Lieutenant Japarov's 17 October decision states that the three Muslims "knew that the Mosque building was temporarily closed", a claim strongly disputed by those who know the men. One Muslim who wished to remain anonymous for fear of state reprisals told Forum 18 that they could not have known that the closure was temporary from a document at the mosque entrance signed by "numerous officials" from the NSC secret police, the Interior Ministry, the State Commission for Religious Affairs (SCRA), and other agencies. "After seeing so many signatures and stamps on the seal closing the mosque, they were afraid that it was closed down for good."

Japarov also accused the three men of membership of Hizb-ut-Tahrir (https://www.forum18.org/archive.php?article_id=170). The families and sources who know them and wish to remain anonymous for fear of state reprisals reject this allegation as groundless.

Arrests, pre-trial detention

The three men were all arrested on 18 October after their homes were searched, and are now held in Investigation Prison No. 5 (Prison No. 25) in Osh. Madraimov's father wrote on 1 December 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 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]."

A local Muslim, who wished to remain anonymous for fear of state reprisals, told Forum 18 that police summoned Madraimov again for questioning after he published on his Facebook account in October that he prays for the families of Palestinians whose relatives

have died. The family "understood from what the police indirectly told Madraimov that they feared that after this local Muslims may go on a protest against the war and against Kyrgyzstan's actions against local Muslims".

Senior Lieutenant Japarov described the arrests to Forum 18 as "nothing personal, it's our job", and said that he will "finalise the investigation by 15 December and refer the case to the Prosecutor's Office so it can be brought to court".

The address of the Investigation Prison in Osh where the men are being held:

Osh oblusu

Osh shaari

Bayalinov kochosu 20

Prison No. 25

"They are extremists"

Deputy Prosecutor Dosmambetov claimed to Forum 18 that the three Muslims were arrested and detained as "they are extremists". When Forum 18 asked what exactly the "extremism" was, he replied "you do not know the details of the case, and I will not tell you." He then added: "I do not want to talk to you. Please do not call me again, I will not answer your questions."

State Commission for Religious Affairs (SCRA) (https://www.forum18.org/archive.php?article_id=2711) Deputy Director Zamir Kozhomberdiev – whose officials took part on the raid and mosque closure - claimed to Forum 18 on 11 December that "I do not know of such a case". He then added: "Maybe you are confusing the name of the mosque and people because Al-Sarakhsi is an exemplary mosque."

When Forum 18 observed that other regime officials know of the case, Kozhomberdiev replied: "We will look into the case and try to help. But we cannot interfere in the work of law-enforcement agencies."

More mosques and madrassahs nationwide raided and closed

The NSC secret police and local media reported on 10 October that regime agencies made joint raids on 32 mosques and five madrassahs in the southern Batken Region, which they then closed. On 4 December, local media reported that Chui Region Presidential Plenipotentiary Gulmira Kyshtobayeva had ordered that all mosques and madrassahs in the northern region will be investigated. Just as in Osh Region, joint raids will be made in Chui Region by multiple state agencies.

Reports stated that officials will inspect all documents of the mosques and madrassahs, as well as "whether they observe sanitary and fire safety rules". Regional Presidential Plenipotentiary Kyshtobayeva was reported as claiming that out of 445 mosques, 90 do not have state registration.

Two NSC secret police officials from the NSC headquarters in Bishkek, who refused to give their names, refused to explain to Forum 18 on 11 December why the regime has ordered nationwide raids on mosques and madrassahs.

Colonel Jumabekov, head of the Interior Ministry's "Department for the Struggle against Extremism and Illegal Migration", refused to explain to Forum 18 why the regime has ordered nationwide raids on mosques and madrassahs.

Defending these nationwide raids on mosques and madrassahs, SCRA Deputy Director Kozhomberdiev told Forum 18: "We carry out the nationwide checkups on the activity of the mosque communities since some of their documents or buildings are not in full compliance with safety or other norms."

On 29 March, SCRA Deputy Director Kozhomberdiev in writing threatened to close the Catholic Church's Apostolic Administration (https://www.forum18.org/archive.php?article_id=2849) after two nuns were fined for reading the Bible in Mass in a registered Catholic church. Colonel Jumabekov of the Interior Ministry's "Department for the Struggle against Extremism and Illegal Migration" refused to explain to Forum 18 why a Catholic Church was raided, worshippers detained at gunpoint, and two nuns fined for reading the Bible in Mass.

SCRA Deputy Director Kozhomberdiev on 11 December refused to explain to Forum 18 why the regime cannot warn and help mosques and madrassahs to resolve alleged problems, instead of closing them down. He also could not tell Forum 18 how many mosques or madrassahs are still closed and why, "I cannot say," he claimed, "as I do not remember." (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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