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KYRGYZSTAN: "I don't see political will on higher level" to resolve burial problems

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

As burial problems continue for deceased non-Muslims or Muslims who have non-Muslim relatives, Orozbek Moldaliyev, Head of Kyrgyzstan's State Commission for Religious Affairs, insisted to Forum 18 News Service that the problem has already been "resolved". A recent draft of Kyrgyzstan's Concept on State Policy in the Religious Sphere 2014-20 acknowledges that the problem exists. But even a Presidential Administration official involved in drafting the Concept admits that any solutions that might be included "may not resolve all future burial problems". 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 on the higher level."

Amid continuing violations of freedom of religion or belief connected to the burial of deceased non-Muslims or Muslims who have non-Muslim relatives, little sign appears at the national level that the problem will be resolved in practice, Forum 18 News Service notes.

A recent draft of Kyrgyzstan's Concept on State Policy in the Religious Sphere 2014-20 acknowledges that the problem exists. But even a Presidential Administration official involved in the drafting admits that solutions that might be included "may not resolve all future burial problems". At the same time, Orozbek Moldaliyev, Head of the State Commission for Religious Affairs (SCRA), insisted to Forum 18 from the capital Bishkek that the problem has already been "resolved".

Galina Kolodzinskaya, an independent religious expert from Bishkek, points out that the specialists drafting the Concept did not include in its first Draft possible solutions for the burial problems non-Muslims face. "Even if the Concept finally includes such solutions, it will still be a document, not a law on the basis of which actions and measures are taken," she told Forum 18 on 30 May.

She insists that solving this long-standing problem requires both political will "on the higher level", as well as laws. "Until then the problem will not be solved, and similar violations will take place," she warned. "At the moment I don't see such political will on the higher level."

Although Baha'is, Jehovah's Witnesses and Hare Krishna devotees have all complained of problems in recent years, the most recent publicly documentable failures by the authorities to ensure people may exercise their rights concern Protestants. In two villages in Jalal-Abad Region in January, local imams interfered in the conduct of funerals. In another case in a different Region later in 2014, 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 Abdukayimov – 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 of the burial problems by giving land plots in nearby towns for such burials (see F18News 6 June 2014 http://www.forum18.org/archive.php?article_id=1966).

Will new Concept resolve burial problems?

The Concept on State Policy in the Religious Sphere 2014-20 – a wide-ranging document - is currently being prepared by a Working Group of the Defence Council under the President. The new Concept was ordered at a 3 February closed-door Defence Council meeting that ordered a major reassessment of all aspects of state policy towards religion. During the meeting, President Almazbek Atambayev described as a "mistake" the constitutionally-enshrined "distancing state bodies from regulating processes in the religious sphere" (see F18News 27 February 2014 http://www.forum18.org/archive.php?article_id=1932).

Although the President and other senior officials insist that greater state control is to be imposed on the Muslim Board, it remains unclear why the state does not prevent the Muslim Board's imams from obstructing other citizens from exercising their human rights in relation to burials.

The draft Concept, as of 30 April and seen by Forum 18, lists difficulties obtaining burial for deceased members of non-Muslim communities, especially in rural areas, among "problematic aspects of mutual relations between the state and religions and the deficiencies of religious policy".

"Sometimes conflicts arise on a religious basis in villages connected with missionary activity," the 30 April draft notes. "Problems arise in localities connected with burying proselytes in native cemeteries." Elsewhere, the draft notes that religious communities have the right to spread their faith, provided they do so without using pressure, "psychological methods of influence", blackmail or exploiting vulnerable people. However, the draft Concept says nothing about how village cemeteries can be made accessible to all local people who die there, of whatever or of no faith.

President's Atambayev's Administration referred Forum 18 on 2 June to Mira Karybayeva, Head of its Ethnic and Religious Policy and Public Affairs Division. Karybayeva's secretary said that Karybayeva was busy, and referred Forum 18 to the Division's Chief Expert Kubanykh Abakirov, a member of the Working Group preparing the Concept.

In addition to Abakirov, the Working Group includes two other representatives from the State organs, including the SCRA, as well as four independent religious experts. It also contains representatives from three religious communities: Ravshan Iratov of the state-backed Muslim Board, Yekaterina Ozmitel of the Russian Orthodox Church in Kyrgyzstan and Aleksandr Shumilin of the Union of Evangelical Churches.

Abakirov admitted that problems exist over burials. "Though we do not have problems with burials in the cities, we do have problems in the rural areas," he told Forum 18 from Bishkek on 3 June. "They arise because nearly all the rural population, especially in Jalal-Abad and other regions, consider themselves Muslims. In the views of local people, Muslims and Christians should not be buried together."

Authorities "want to change this situation"?

Abakirov claimed that the authorities "want to change this situation". But he admitted to Forum 18 that the present draft of the Concept does not include solutions. However, he insisted that possible solutions will be included in the final draft, which he expected to be finalised by the end of June.

He said the final version of the Concept will note that "prophylactic work must be conducted with village Imams explaining to them that all citizens of Kyrgyzstan have the right to be buried properly and with respect," that "village municipalities must learn how to cooperate with religious communities," and that municipalities "will be asked to allocate land plots for the burial of local non-Muslims in case of demand".

But Abakirov admitted that "even these possible solutions in the Concept may not resolve all future burial problems", such as when family members of a deceased non-Muslim – regardless of the deceased's wishes - insist that they be buried in the same cemetery with their Muslim relatives.

Problem "resolved"?

By contrast, Moldaliyev of the SCRA claimed to Forum 18 on 2 June that the problem of burials was "resolved". Told about the three cases in early 2014, and asked what solutions his Commission or other state authorities will put in place, Moldaliyev claimed that: "Cases like those are simply not possible in Kyrgyzstan." When Forum 18 told him that it talked to the victims and the local authorities who confirmed the violations, and gave the details of the cases, he claimed that: "We did not hear about these cases. No one complained to us."

Despite denying any problem exists, Moldaliyev claimed that "after the Defence Council meeting in February, we made a decision in February that private land plots in the villages of individuals can be used for burial" as well as the village municipalities "on demand should be prepared to allocate land plots for burial of Christians or others." The Defence Council's decision "was made in February, and already in February we sent letters to all the Regional authorities and village municipalities to convey to them our decision. So that question was resolved." However, he did not specify to Forum 18 which state agency sent the letters. He declined to give details of the decision saying that it "does not matter when exactly, who and what."

Asked what solutions of burial or other problems in the religious sphere he and President Atambayev discussed when they met on 27 May, Moldaliyev declined to say. He then put the phone down. Subsequent calls to him went unanswered.

Abakirov told Forum 18 that the Defence Council did not send any letter to Regions on the allocation of land plots. "The SCRA may have sent the letter, as it is the organ which regulates the activity of religious communities," he added.

Forum 18 has been unable to obtain copies of the letters reportedly sent to local administrations.

Will violations be investigated and violators punished?

Several imams involved in the burial denials in early 2014 – including Talant Zhoroyev, Chief Imam of Suzak District of Jalal-Abad Region - insisted to Forum 18 that they are following Muslim Sharia law which, they claimed, was the law which prevailed on this issue (see F18News 6 June 2014 http://www.forum18.org/archive.php?article_id=1966).

However, Presidential Administration Chief Expert Abakirov told Forum 18 that local Imams are "not right" to say that religious issues are governed by Sharia laws. "We are a secular state and are governed by Kyrgyzstan's laws. In democracies people can give their opinion freely on anything, and so I evaluate the statements from Imam Zhoroyev and others as being just their opinion." However, he added that "if any violations of those Christians' rights can be identified in their actions, state organs will then take measures."

Abakirov insisted that state organs would investigate the burial problems and "punish those who insulted those Christians or treated their deceased family members with disrespect or violated their rights." But he said that "we need those victims to write complaints to the state organs. None of the victims have complained to any state organs so far."

Why do burial problems persist?

Protestant pastor Yusup uuly was stopped by the local Imam on 26 January from participating in the burial procession of his deceased brother in Jalal-Abad Region. "The purpose of the imams' burial denials and scandalous actions is to take revenge on the Kyrgyz who accepted the Christian faith and scare others not to do so," he told Forum 18 on 27 May from Bishkek. "When people see such scandals they develop fear not to accept other religions. The Imams pressure Muslims to turn away from their Christian relatives or make them renounce their faith."

One religious expert from Kyrgyzstan pointed out to Forum 18 on 3 June that cemeteries "are basically hereditary, meaning people bury their dead in the same cemetery for generations and centuries. Most Kyrgyz would like to be buried where their ancestors' bodies lie." The expert believes that burial problems can be overcome. "According to my understanding of Islamic tradition, if there is a path, stream or any barrier between Muslim and non-Muslim graves, burial should not be a problem."

The expert believes that local Imams are artificially maintaining that Muslims and non-Muslims cannot be buried in the same cemetery. "These Imams perceive the religions non-Muslim Kyrgyz chose as competitors." The expert pointed to an apparent 1986 Muslim Board fatwa (religious ruling) that Muslims cannot be buried in the same cemetery as non-Muslims which "serves the same purpose".

Forum 18 asked the Muslim Board on 30 May if and, if so, why such a fatwa exists and whether it had authorised local imams to prevent burials of non-Muslims in state-owned cemeteries (see F18News 6 June 2014 http://www.forum18.org/archive.php?article_id=1966). It had received no response by the end of the working day in Bishkek on 11 June.

Abakirov of the Presidential Administration, however, rejects such assertions. "I can agree that there may be competition between local Imams and other religious communities over attracting more adherents, and that Imams don't like the fact that more Kyrgyz are becoming Christian or choosing other religions," he told Forum 18. "But I cannot say there are concerted efforts to create burial problems for non-Muslims. I think such burial problems arise locally and have no connection to each other." (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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