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KAZAKHSTAN: Do-it-yourself demolition for embattled Hare Krishna commune?

By Igor Rotar, Forum 18

As official pressure on the Hare Krishna commune near the commercial capital Almaty mounts, three more home owners have been served demolition notices, Hare Krishna sources told Forum 18 News Service. If they fail to demolish their own homes by 2 February, the authorities will do so and charge them for the cost. Thirteen Hare Krishna-owned homes were bulldozed last November, though other homes in the village owned by non-Hare Krishna residents have not been touched. Other court cases are pending. The Kazakh authorities have failed to respond to a November 2006 offer to help from the OSCE Advisory Council on Freedom of Religion, but Gauhar Beyeseyeva of the Kazakh Foreign Ministry claimed to the head of the Hare Krishna commune: "We were denied the OSCE chairmanship specifically because of you people." Despite denying any religious motives to the moves against the commune, Amanbek Mukhashev defended the inclusion of Muslim and Orthodox clergy in the official Commission charged with examining the dispute: "The population of Karasai district is basically Orthodox and Muslim and it follows that we should have regard for the views of the representatives of these faiths."

The Kazakh authorities are increasing pressure on the embattled Hare Krishna community near the commercial capital Almaty in their long-running bid to demolish the only Hare Krishna commune in Central Asia. On 29 January Viktor Golous, Chair of the Hare Krishna Commune, was summonsed to a court hearing to take place on 30 January to continue the case on the ownership of the commune's farm, Maksim Varfolomeyev of the Hare Krishna community told Forum 18 from Almaty on 31 January. At the same time, demolition notices were served on a further three Hare Krishna home owners, who were told that they must demolish their own homes within 5 days – or the authorities will carry out compulsory demolition and charge the Hare Krishna devotees the cost of this. The 5 days' notice given to the cottages' owners will expire on Friday 2 February.

No previous notice had been given to any of the three latest Hare Krishna targets of any claims filed against them, court hearings or court rulings. So they were not able to file an appeal and defend their property.

Golous appeared in court on 30 January and requested that – due to the short notice given – the hearing be adjourned until lawyers were able to appear. Judge Jurhan Zhailybayev accepted the application for an adjournment and told Golous that he could leave as notice of the new date of the hearing would be sent to him. However, after Golous left the court, Judge Zhailybayev ruled – with only one of the three defendants present – that the Hare Krishna-owned farm should be confiscated.

Members of the Sri Vrindavan Dham commune in Karasai district question who will benefit from the confiscation of their property (see F18News 20 March 2007 http://www.forum18.org/Archive.php?article_id=933).

On 21 November, the authorities demolished 13 of the 66 houses belonging to Hare Krishna devotees at the commune (see F18News 24 November 2006 http://www.forum18.org/Archive.php?article_id=876). The demolitions preceded the final report of a special Commission, appointed by the authorities to – allegedly – resolve the dispute between the state and the Hare Krishna community. Hare Krishna devotees, and Kazakh human rights activists Yevgeny Zhovtis of the Kazakhstan International Bureau of Human Rights and the Rule of Law and Ninel Fokina of the Almaty Helsinki Committee, who were observers of the Commission, denounced it as having "shown no real desire to look into the essence of the conflict and find a mutually beneficial, intelligent and just solution" for the Krishna community.

"Furthermore," Zhovtis and Fokina continued, "the authorities constantly tried to avoid discussing the legal aspects of the issue, although the justice of the court decisions against the Krishna devotees is very doubtful" (see F18News 22 December 2006 http://www.forum18.org/Archive.php?article_id=895). Organisation for Security and Co-operation (OSCE) officials who attended the Commission – and were denied access to the November 2006 demolitions as they were taking place – declined to comment to Forum 18 on the Commission's work or findings.

Kazakhstan routinely and unconvincingly denies that its bid to crush the Hare Krishna community is a religious freedom issue (see F18News 1 December 2006 http://www.forum18.org/Archive.php?article_id=881). The state strenuously insists that its attacks on the Hare Krishna community are "a purely economic dispute having no religious hidden agenda," as Amanbek Mukhashev, head of

Kazakhstan's state Religious Affairs Committee, claimed to Forum 18 on 24 January.

However, Mukhashev chaired the Commission and this had both Muslim and Russian Orthodox representatives. As Varfolomeyev put it to Forum 18 on 24 January, "it's not clear what relationship representatives of these religions have to our conflict." Mukhashev – despite his insistence on this being a "purely economic" dispute – told Forum 18 that "the inclusion of Muslim and Orthodox clergy representatives in the commission was entirely logical." He continued, apparently without noticing his contradiction of his earlier claim of "no hidden religious agenda": "The population of Karasai district is basically Orthodox and Muslim and it follows that we should have regard for the views of the representatives of these faiths."

The OSCE's Advisory Council on Freedom of Religion or Belief examined the dispute last year and concluded that "state sponsored action has been focused upon members of the Hare Krishna community in a manner that suggests they have been targeted on the basis of their religious affiliation," and that "this raises serious issues regarding the enjoyment of the freedom of religion and belief." The Advisory Council stated its "willingness to meet with the Kazakh authorities in order to discuss the situation and to extend its good offices to assist in the resolution of that dispute" (see http://www.osce.org/odihr/item_1_22228.html). The Kazakh authorities have so far given no answer to the Advisory Council's 27 November 2006 offer.

However, the Foreign Ministry did send a representative to the 22 December final meeting of the Commission to read to it an 11 December letter from Deputy Foreign Minister Rapol Zhoshybayev to the Justice Ministry, of which the state Religious Affairs Committee is part (see F18News 22 December 2006 http://www.forum18.org/Archive.php?article_id=895). In the letter, Deputy Foreign Minister Zhoshybayev made the demonstrably untrue claim, referring to the OSCE Advisory Council's assessment and offer of assistance, that the "OSCE issued a press-release about its intention to take measures to frustrate Kazakhstan's bid for the OSCE chair in 2009."

After complaining about the worldwide protests against the demolitions, Zhoshybayev stated that Kazakh embassies had been ordered to use the following "basic arguments while performing explanatory work." They were: that "legal actions" were brought against people who "violated Kazakh law, regardless of their religious and political affiliation"; that the Hare Krishna community "is not registered in the Land Cadastre as a land owner, therefore it cannot be considered a defendant"; and finally that 10 Hare Krishna associations are "registered and function unobstructed" in the country "which excludes any possibility of religious motivation of the conflict".

However, Zhoshybayev bemoaned the fact that the information he had from embassies was that "after the demolition they find the above mentioned arguments insufficiently convincing." Gauhar Beyeseyeva, of the Cultural and Humanitarian Co-operation with International Organisations Department of the Foreign Ministry, who read out Zhoshybayev's letter, then claimed to Golous of the Hare Krishna commune: "We were denied the OSCE chairmanship specifically because of you people."

Varfolomeyev of the Hare Krishna community commented to Forum 18 that "The authorities are very dissatisfied that we brought the quarrel out into the open and did not allow them to repress us without a fuss. Now we are being accused of harming the international image of Kazakhstan. We fear that in this situation the repression against us can only get worse."

On 3 January 2007, Karasai District Prosecutors opened a criminal case against commune members, accusing them of forging documents proving their ownership of the farm. No form of investigation of this allegation – which the Hare Krishna community vehemently denies - was made by the authorities before they opened criminal proceedings. Bozhan Kokolbaev, Deputy Prosecutor of Karasai district, refused to answer any questions from Forum 18 on 30 January. The chief religious affairs specialist of the Karasai district administration, Ryskul Zhunisbayeva, on 30 January repeated the authorities' latest allegation to Forum 18. Without producing any proof of her claim, she alleged that "in 1999 three members of the Hare Krishna community registered their ownership of the land as private individuals through the use of forgery."

This allegation takes up an accusation – made without any proof – by the Commission that "the functional purpose of the plot was changed in the contract of sale-purchase which was certified by a state notary: it was changed from 'peasant farming' to 'part-time farming', which constitutes a forgery, a serious violation of law."

The Hare Krishna community observed on 16 January that the allegation is based "on copies of documents of unknown origin. The seller has the original of the contract with unchanged text," but the Hakim (district administration) has produced an "allegedly changed document. The original of the changed document has never been presented."

The community also pointed out that, under Kazakh law, if a court finds that forgery has been committed, the sale contract should be declared null and void and the land should be returned to the first owner – Abydykalykov. However the authorities are – in contravention of Kazakh law - seeking to give the land to the local Hakim, or administrator.

Rati Manjari of the Hare Krishna community observed to Forum 18 on 20 January that "by this new claim the authorities are preparing to cancel a 2005 Supreme Court decision that the Hare Krishna community are the bona fide purchaser and user of the land." She suggested that the authorities plan - "after they win this case" – to appeal to the Supreme Court to annul the Hare Krishna community's purchase of the land.

In a further twist, on 12 January the local Legalisation Commission produced a decision of the Karasai district court, dated 25 December 2006, that the Priozerye horticultural association (HA) that owns the land, to which Hare Krishna devotees belong, does not exist – and had not existed since 1998. "You don't exist, go away," the devotees were told.

In February 2006, home owners of the HA, including Hare Krishna devotees, voted the former head of the Ptitsevod HA, Irina Zakharchuk, out of office and renamed it Priozeriye. Varfolomeyev stated that Hare Krishna devotees had participated in the vote because Zakharchuk had "tormented" the devotees. However, the former head did not accept the vote and took her case to the court – which on 25 December invalidated the vote.

On 19 January, Hare Krishna sources reported that the Tax Police – claiming that this was a "regular scheduled inspection" - have begun a full check-up of all the community's accounting records for 2005-6. It was notable that the Tax Police paid particular attention to any documents relating to the community's land and property. (END)

For a personal commentary on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a survey of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kazakhstan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>

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