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KAZAKHSTAN: Stalled Hare Krishna demolitions to take place "in five days"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Members of Kazakhstan's embattled Hare Krishna commune, where court executors are about to demolish a further five Hare Krishna-owned homes, have told Forum 18 News Service that they vehemently reject court denials that the decision was taken in secret. "The five devotees only found out about the court-ordered demolition yesterday [19 March] although the court says the decision was taken back on 18 January," Maksim Varfolomeyev complained to Forum 18, adding the comment that "the actions of the Karasai District Administration defy due legal process." The demolitions were stopped at the last minute today by a mysterious man in a black Mercedes car, but the Hare Krishna community has heard they will go ahead "in five days". "We don't know who the man was or where he came from," Varfolomeyev explained, "but when he told the men to halt the demolition they did so, making us think he must have been an official." Legal cases have also begun over six more Hare Krishna-owned homes. Officials have refused to discuss the Commune's problems with Forum 18.

Members of the embattled Hare Krishna commune near Kazakhstan's commercial capital Almaty – where court executors are about to demolish a further five Hare Krishna-owned homes – reject absolutely court denials that the decision was taken in secret. "The five devotees only found out about the court-ordered demolition yesterday [19 March] although the court says the decision was taken back on 18 January," spokesperson Maksim Varfolomeyev complained to Forum 18 News Service from Almaty on 20 March. "The actions of the Karasai District Administration defy due legal process." He said that although the demolitions were stopped at the last minute today by a mysterious man in a Mercedes, the community has heard they will go ahead "in five days".

Varfolomeyev said the five devotees learned of the court's orders at 10 am on 19 March and that their homes would be demolished at 10 am on 20 March. "Friends from the local villages informed our members that court executors had already employed many local people, at good wages, to execute the destruction of the homes." Hare Krishna devotees immediately contacted the General Prosecutor's office and the government's Religious Affairs Committee to inform them about what they insist are "illegal actions".

Varfolomeyev said that on the morning of 20 March, Hare Krishna devotees and television reporters from several channels came to the demolition site. Soon "up to twenty" local villagers arrived equipped with crow bars and sledge hammers to destroy the homes. An electrician arrived and prepared to disconnect the energy supply to the community and to prepare everything for the destruction. Varfolomeyev reported that at that moment a black Mercedes Benz arrived, a man emerged and immediately gave an order to halt the demolition, before getting back in his car and driving away. Then the rest of the demolition squad disbanded (see F18News 20 March 2007 http://www.forum18.org/Archive.php?article_id=933).

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Varfolomeyev told Forum 18 that one journalist at the scene informed the community that he had already interviewed officials at the Karasai District Executor's office who promised that they would return to complete the demolition in five days. He added that legal cases have also begun over six more Hare Krishna-owned homes.

The Sri Vrindavan Dham commune - located in the village of Seleksia in Zhetisu rural area of Karasai district and named after the "beautiful forest of Vrindavan" in India where Krishna spent his youth - originally had 66 Hare Krishna-owned homes, plus a 47.7-hectare (118 acre) farm.

Two officials of the Karasai District Court – who refused to give their names – confirmed to Forum 18 separately on 20 March that their court ordered the five homes evacuated and demolished on 18 January. But they both denied any secrecy. "There's no such thing as secret hearings," one of them told Forum 18 from the court. She referred Forum 18 to the court chairman, Zhangildy Bayuzhayev, but Forum 18 was unable to reach him immediately. Her denials were echoed by an official of the court chancellery, who claimed the hearing had been open, that the devotees had been notified of the hearing and that the devotees' lawyer had been present. "The Hare Krishnas can say anything they like," she asserted, adding that there had been many hearings related to Hare Krishna-owned property.

Absolutely unwilling to discuss the imminent demolition of five more homes at the commune was Gulnara Sultonova, head of the Internal Policy Department at the Karasai District Administration. "I'm not informed about the latest situation," she told Forum 18 on 20 March. "It's not my responsibility." She referred all enquiries to her subordinate, Ryskul Zhunisbayeva, who heads the Department's section dealing with religious organisations. However, Zhunisbayeva's telephone went unanswered on 20 March.

The Hare Krishna community insists that the court "did not inform the defendants of the case, did not provide them with the claims, relevant documents, and did not invite them to attend the 18 January court hearing". Nor, they say, did it subsequently provide the defendants with the decision. "Waiting for the 15 day appeal period to pass, never giving the defendants the right to appeal the Karasai District Court decision to the Almaty regional court, court executors were sent to the cottage area to inform defendants of the demolition of their homes."

Not finding the defendants at their cottages, the court executives came to the Hare Krishna farm and left the demolition decrees - dated 29 January - in the office. "They did not bother to find the defendants or have them sign the decrees." The community complains that the Society itself was left to find and inform the five individual devotees of the demolition decrees.

"Shocked by the court's ruthless behaviour, Hare Krishna community members went to the court to enquire about the situation," Varfolomeyev told Forum 18. "Then they appealed to the Almaty Regional Court, though so far the appeal has not been heard."

On 20 March Forum 18 was unable to reach Eraly Tugzhanov, head of the Justice Ministry's Religious Affairs Committee, or Bolat Baikadamov, Kazakhstan's Human Rights Ombudsperson, to find out why what remains of the Hare Krishna commune is again being targeted.

The authorities both in the Karasai District and in the capital Astana continue to lay the entire blame for the dispute on the Hare Krishna community, as happened in a 15 February meeting in Astana between Viktor Golous and other devotees, along with their lawyer Zeinan Akhmetov, and Tugzhanov of the Religious Affairs Committee and an official of the Presidential Administration. "The two officials insisted that the community had broken the law, would not receive compensation for their demolished homes and legal costs, that no cases against the community would be withdrawn and that everything would be decided in court," Varfolomeyev reported.

The only alternative the two officials offered, Varfolomeyev told Forum 18, was for the community to apply to the local authority for a plot of land for "a religious building" to be built on. On 16 March, community representatives saw the plot of land in Talgar District of Almaty Region, which they described to Forum 18 as "a two-hectare desert". "This is far smaller than our 47-hectare farm and twice the distance from Almaty, where most of our devotees live," Varfolomeyev told Forum 18. "We've told officials that we won't accept it."

Despite the fact that only Hare Krishna devotees have been targeted, as have other religious minorities in separate incidents, officials keep claiming that no religious motivation lies behind the attacks and that all religions have equal rights in Kazakhstan.

The Hare Krishna community has obtained a list of all 54 members of the horticultural commune who had up to 7 November 2006 been allowed by the head of the Karasai District Administration to privatise their property. No-one in the list has title documents for both the land plots and the houses, just like the Hare Krishna devotees. But only the devotees were then – and are still - being targeted by the authorities with home demolitions and legal claims. Similarly, the Hare Krishna community has received a February 2007 survey plan, accidentally left at the commune by official surveyors, which marks all the Hare Krishna-owned cottages. The plan claims that only these cottages "are to be demolished" - including three cottages which are the private property of Hare Krishna devotees, whose ownership is not so far disputed by the District Administration.

Another example of targeting only Hare Krishna devotees has been the legal malpractices in the case against Viktor Golous, who owns one of the summer cottages (see F18News 31 January 2007 http://www.forum18.org/Archive.php?article_id=905). Varfolomeyev described this to Forum 18 as being "more a farce than a fair trial." The court provided no documentation to support claims made against Golous, while Anatoly Portnyagin, senior specialist of the Almaty regional Land Committee, repeatedly stressed throughout the hearing that Golous "and all his family" were Hare Krishna devotees and carried out Hare Krishna activities in the cottages. Golous lost the case and his cottage.

The Organisation for Security and Co-operation in Europe (OSCE) has found that court proceedings in Kazakhstan do not offer the guaranteed right to a fair trial. In a February 2007 report on trial monitoring, the OSCE found that Kazakh court proceedings needed to offer "the right of the public to attend court, equality between the parties and the presumption of innocence" (see <http://www.osce.org/astana/24153>).

Recently, when another Hare Krishna devotee whose home is being threatened with demolition, found a buyer for his cottage, the devotee explained that it is being threatened with demolition by the Karasai District Administration. The buyer replied that he had "some connections in the Karasai District Administration, so just give me the demolition claim, let's make a deal and the rest is not your business." The new owner has not experienced so far the problems that the previous Hare Krishna owner experienced.

Portnyagin of the Land Committee appears to be personally involved in a further official attempt to start a spurious claim against the commune. With two officials, he visited the commune on 12 March and measured the two largest remaining intact houses, with their grounds, which are the private property of Hare Krishna devotees and which he has no right to trespass upon. The owners were not present during the visit. When questioned by a resident who is not a Hare Krishna devotee, Portnyagin claimed that his visit was due to a "complaint received from local people that a person from the Hare Krishna cottages poured sewage into a nearby lake." The neighbour told him that each of the cottages is equipped with a septic tank which is emptied every week, but Portnyagin and the other officials ignored the neighbour and continued with their measurements.

Religious minorities of all faiths are under increasing pressure, with a planned harsh new Religion Law (see F18News 21 February 2007 http://www.forum18.org/Archive.php?article_id=916). Unregistered communities are being targeted in what one official described to Forum 18 as "the fight against terrorism and religious groups without registration" (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=921). Baptist pastor Pastor Fauzi Gubaidullin was on 7 March jailed for three days for leading an unregistered church (see F18News 13 March 2007 http://www.forum18.org/Archive.php?article_id=931). (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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