

2 November 2007

KAZAKHSTAN: State and former user fight over Hare Krishna farm

By Felix Corley, Forum 18

A court in Kazakhstan has decided to hand a confiscated Hare Krishna farm to the person who sold the rights to use the land in 1999, Forum 18 News Service has learnt. The Hare Krishna community, whose lawyer was not allowed to participate in the hearing, describes it as "very strange that the government took back the land and then gave it to another individual. In Kazakhstan this is incredible." They think that their commune will "definitely" be expelled from the farm and that the authorities will claim that "any expulsion is a private matter between the owner and us." Yet a conflict has emerged since the court decision between the state and the new "owner." Yerali Tugzhanov, Kazakhstan's senior religious affairs official, angrily rejected the court ruling. "The land still belongs to the authorities. Why should any private individual have any claim to it?" he told Forum 18, claiming that the land had "long been in the hands of a children's home." Amongst other religious minorities facing Kazakh official hostility are Presbyterians, Baptists, Jehovah's Witnesses and Ahmadi Muslims.

A court in Kazakhstan decided on 23 October to hand a confiscated Hare Krishna farm near the commercial capital Almaty from the regional authority's ownership into the hands of the man who originally sold it in 1999. But since the court decision, Forum 18 News Service has learnt, a battle has emerged between the state and the new "owner". The Hare Krishna commune fears that this conflict has made their community even more vulnerable. "Now the court has transferred the land to a private individual, the authorities will have a strong basis to argue that this is a purely economic issue," Maksim Varfolomeyev of the Hare Krishnas told Forum 18 from Astana on 1 November. "They can claim that any expulsion is a private matter between the owner and us. They have someone to do their dirty work for them. It is a very dangerous situation."

Varfolomeyev insists that religious factors are behind the long-running campaign to crush the commune. "The conflict is based upon the apparent and proven intolerance of a minority religious group," he told Forum 18.

Amongst other religious minorities facing Kazakh authorities' hostility are Presbyterians targeted by the KNB secret police (see eg. F18News 28 September 2007 http://www.forum18.org/Archive.php?article_id=1026), Baptists facing home confiscations for "illegal" worship (see eg. F18News 23 July 2007 http://www.forum18.org/Archive.php?article_id=999) and Jehovah's Witnesses fined for worshipping without state registration (see eg. F18News 7 June 2007 http://www.forum18.org/Archive.php?article_id=972).

A new Religion Law is planned to even more severely restrict religious freedom (see F18News 21 February 2007 http://www.forum18.org/Archive.php?article_id=916). Presidential and Justice Ministry documents encourage intolerance of religious minorities including Ahmadi Muslims (see F18News 3 April 2007 http://www.forum18.org/Archive.php?article_id=939).

Ermeq Abdykalykov, who sold the rights to use the 47.7 hectare (118 acre) farm in 1999, lodged a suit to have the sale annulled, eight years on. The Hare Krishna community claims the deadline for him to challenge the original sale had run out 22 months earlier. Yet his suit was upheld at the 23 October hearing in the Supervisory Division of Almaty Regional Court, overturning a 2006 court ruling that the land should be taken from the Hare Krishna community and handed to the local authority. The Hare Krishna community expressed astonishment that the three judges accepted Abdykalykov's claim based only on his oral presentation and with no documentation.

Abdykalykov in 1999 sold the rights to use the farm land (before the law allowed privatisation) to three individuals, who later sold it on to one individual (not a Hare Krishna devotee) who was prepared to hold legal title on behalf of the community. The land was privatised in 2004. The following year the community bought it from the owner in the name of the community, but the authorities repeatedly refused to register the community's formal ownership of the land.

Varfolomeyev said the latest court ruling was unprecedented. "It is very strange that the government took back the land and then gave it to another individual. In Kazakhstan this is incredible." He says that Abdykalykov will "definitely" expel the commune from the farm.

Yet Yerali Tugzhanov, Kazakhstan's senior religious affairs official, angrily rejected the 23 October court ruling. "The land still belongs to the authorities. Why should any private individual have any claim to it?" he told Forum 18 from Astana on 1 November. "I don't know what right this individual has, but that's his problem." He insisted that the General Prosecutor's Office "and other agencies" are already looking into the legality of the court decision.

But Tugzhanov, who has been deeply involved in the long-running state attempts to close down the commune, had little comfort for the Hare Krishna devotees. "The land doesn't belong to the Hare Krishna community either – it's long been in the hands of a children's home," he insisted. He declined to answer any other questions, declaring that he does not "get involved in legal questions" and put down the phone.

No official has previously told Forum 18 that the land has been handed to a children's home. Forum 18 was unable to reach any officials at the Karasai District Akimat (administration) on 1 November to find out if this is true. The woman who answered the phone of Gulnara Sultanova, the head of the Akimat's Internal Policy Department, told Forum 18 that she was out. No other official was available to discuss the case.

Varfolomeyev of the Hare Krishna community regards the claims that the land has been given to a children's home as a "trick". "It's obvious that people will still be following what happens to the land," he told Forum 18. "The officials want to show they're not bad people, so they will say they confiscated the land from the Hare Krishna community to hand to a children's home."

On 28 October, Forum 18 visited 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. The commune's temple is located in the two-storey former farmhouse.

Some 40 devotees live crammed into buildings on the farm since 26 Hare Krishna-owned homes on separate plots near the farm were demolished by the authorities in November 2006 and June 2007. No compensation was ever offered for the seized farm or for the 26 bulldozed homes. Similar homes owned by non-Hare Krishna devotees on the same basis have not been touched. In September, Migration Police accompanied by the police and Akimat officials raided the commune (see F18News 28 September 2007 http://www.forum18.org/Archive.php?article_id=1026).

The commune has decided not to plant any new crops on the farm because of the uncertainty, but it retains its herd of some 30 cows, an animal considered sacred by Hindus. Hare Krishna devotees told Forum 18 that Abdykalykov, the new "owner", had telephoned commune members several times and harassed them. He told the devotees the most he could do is to pay for the buildings on the farm. Forum 18 tried repeatedly to reach Abdykalykov on 1 and 2 November, but his mobile phone was switched off.

Azamat Aitzhan, an Almaty-based lawyer who represented the member of the Hare Krishna community in whose name the farm was owned, told Forum 18 on 1 November that he was present at the 23 October hearing, but was not allowed to participate. "In accordance with the Civil Procedure Code I should have been allowed to participate, but the judge refused to allow this. I'm going to lodge a complaint about that."

Aitzhan admitted that the hearing was "strange". "It was fairly one-sided in court – I was the only one there on behalf of the Hare Krishna devotees." He said the representative of the Almaty Regional Prosecutor's Office had urged that the land continue to be held by the regional administration, but that the court had rejected this.

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/item/23396.html>).

Hare Krishna community lawyer Aitzkhan declined to speculate on who the farm should ultimately belong to. "The law covering land ownership is contradictory, and anyone who wants to can find a pretext for questioning any transaction," he told Forum 18. "No land-owner in Kazakhstan has a guarantee that tomorrow their land might not be taken away from them. But I can't say that either the 2006 court decision to take the land away from the Hare Krishna devotees and hand it to the local authority, or the latest decision to hand it to the original user is legal. We consider neither decision to be legal."

Aitzhan said that the decision to transfer the land to the original user came into force immediately it was announced, though the court has up to one month to issue the decision in writing. He said he would lodge an appeal on behalf of the member of the Hare Krishna community as soon as he has been able to study the written decision. He said he did not know if the prosecutor's office will also appeal against the decision.

The lawyer added that now the land has officially been transferred to the original user Abdykalykov, he could now remove the Hare Krishna devotees from what is now officially his land.

Varfolomeyev and fellow devotees were in Astana, the capital, on 1 November to meet officials. They believe the order in late

October by the Prime Minister Karim Masimov to remove from office a number of akims (administration chiefs), including Karasai District Akim Bolat-bi Kutpanov over alleged corruption, makes the time right for officials in the capital to review all decisions over the commune.

"Now the Prime Minister himself is confirming the fact of the corrupted actions of the ex-Akim," Varfolomeyev told Forum 18. "It would be nice if the government would not stop at verification of this fact, but would take concrete steps to eliminate the consequences of the ex-Karasai Akim's malpractice in regard to the Krishna community." (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

More reports of the religious freedom situation in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29&results=50>.

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>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY