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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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KAZAKHSTAN: "This has nothing to do with religion" religious affairs official screams

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Kazakhstan routinely denies that its attacks on and demolition of a Hare Krishna commune are religious freedom issues. Yet this is contradicted by the presence of a state religious affairs official, Ryskul Zhunisbayeva, at the latest court hearing, Forum 18 News Service notes. Questioned what her role was, Zhunisbayeva immediately screamed that this has "nothing to do with religion." Lawyers working with the community have withdrawn from the case. "You don't understand us – you have no family," one lawyer told a devotee, who commented that "Probably they're scared." Also, two Baptists' appeal against large fines for religious activity without state registration has been rejected. As the Organisation for Security and Co-operation in Europe's (OSCE) Advisory Panel on religious freedom states that it is it is "deeply concerned" by Kazakhstan's actions, the country's bid – to be decided next week - to chair the OSCE in 2009 is attracting increasing opposition. This should only happen "if Kazakhstan takes immediate verifiable steps to implement its OSCE human rights pledges, including on freedom of religion or belief," the US Commission on International Religious Freedom has stated.

As well as demolishing part of a Hare Krishna commune before the conclusions of a state Commission supposedly appointed to resolve the state's dispute with Hare Krishna devotees were announced, Kazakhstan has reopened five legal cases it had previously withdrawn against devotees, Forum 18 News Service has learnt.

The Commission increasingly appears to have been a device to deflect criticism of Kazakhstan's state religious intolerance (see F18News 17 November 2006 http://www.forum18.org/Archive.php?article_id=872). Despite earlier official assurances, demolition of the commune started before the Commission issued any report (see F18News 24 November 2006 http://www.forum18.org/Archive.php?article_id=876).

On the afternoon of Sunday 26 November, devotees were told that the legal cases had been reopened by the Hakimat (District Administration), Maksim Varfolomeyev, the Hare Krishna spokesperson, told Forum 18 from Almaty. Devotees were also told that the cases would be heard in court at 3 pm the following day, Monday 27 November. However, when they arrived for the hearing, devotees were told the cases had been postponed until 30 November.

"The five cases are identical to the previous ones," Varfolomeyev told Forum 18 on 1 December. "The five home-owners are accused of not having proper documents of ownership of the land, and that they are using the land contrary to its designated purpose." He said the suits call for the devotees to be evicted and for their homes to be demolished.

Varfolomeyev expressed concern that the devotees will not be able to defend themselves properly in court. "We have no lawyer," he explained. "The lawyers who had been defending us for the past two years suddenly told us at about the time of the demolition that they could no longer do so. 'You don't understand us – you have no family,' they told us. Probably they're scared."

When the Hare Krishna devotees came to the Karasai District Court on 30 November, Judge Turdakyn Tutkushbayev postponed the hearing once again, Varfolomeyev told Forum 18. The latest reason for the postponement of the case was that the community currently has no lawyers willing to represent it.

Curiously, the state parties in the case have now changed. Previously, the plaintiffs were the District Administration and the Provincial Land Committee. Without explanation being given, there is now only the District Administration as plaintiff.

Two people represented the District Administration: the staff lawyer and Ryskul Zhunisbayeva, who is head of the section dealing with religious organisations in the Internal Affairs Department of the District Administration. One of the five Hare Krishna defendants, Galina Golous, put two questions to the District Administration's representatives: "Is this case against the Hare Krishna community, or against Kazakh citizens? If the case is not against the Hare Krishna community, what is the role of the head of the section dealing with religious organisations in this case?"

Immediately, Zhunisbayeva of the section dealing with religious organisations started screaming, Forum 18 was told, that "this has

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nothing to do with Krishnaites and nothing to do with religion. I'm just representing the District Administration."

While 13 of the 66 Hare Krishna-owned homes have already been demolished and five more are threatened with demolition, Varfolomeyev fears the rest could be seized. "These will be next," he warns. He says the community is also afraid their 47 hectare (116 acre) farm next to the homes will also be seized. "Our temple is located in the farm house. This is where the religious community is registered, so if this is seized and demolished we will lose our legal address and therefore our legal status as a religious community."

On Monday 27 November, the head of the Hare Krishna community, Viktor Golous, arrived for a previously arranged meeting with Bolat-bi Kutpanov, the Hakim (Head) of the Karasai District Administration, where the commune is based, to be told that Kutpanov had supposedly "just left for vacation." Golous then arranged a meeting for the following day with the Deputy Hakim, Nasredin Tusupov.

Also that day, the Organisation for Security and Co-operation in Europe's (OSCE) Advisory Council on Freedom of Religion or Belief stated that it is "deeply concerned" by Kazakhstan's actions (see http://www.osce.org/odihr/item_1_22228.html). The Advisory Council called Kazakhstan to "halt any further demolitions and to extend immediate humanitarian assistance to those whose homes have been destroyed," pending a resolution of the dispute.

The OSCE Advisory Council statement observed 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 by members of the Hare Krishna community in Kazakhstan."

The Advisory Council's statement expressed 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."

When Golous of the community arrived on 28 November for the meeting with Deputy Hakim Nasredin Tusupov, he was told that the meeting could only happen with the Deputy Hakim responsible for Ideology, Kairat Baibaktinov, who would only be available on the following day. Golous then handed the OSCE statement to Baibaktinov's secretary. As soon as he saw the statement, Baibaktinov immediately appeared and took Golous to Tusupov's office. Deputy Hakim Tusupov, Ideology Deputy Hakim Baibaktinov and the head of the Internal Policy Department, Gulnara Sultanova, were in the office.

Golous gave Tusupov the OSCE Statement, described the situation, and asked – in similar terms to the statement – that further demolitions and violence be stopped and compensation be paid to those whose property had been destroyed. He also asked that the Hakimat court claims be withdrawn – ass they were at the point at which the state Commission was appointed.

Deputy Hakim Tusupov "began screaming," devotees reported, that they "have no rights to request anything". He then repeatedly screamed: "Who are you, you people are nobody!" Tusupov then abruptly ended the meeting by screaming "Have you informed these people about the new court cases? Do they know?" before adding: "Then we will see you in the court."

In comments echoed by other Kazakh officials inside and outside the country, Talgat Unaibayev, first secretary at the Kazakh mission to the OSCE in Vienna, told Forum 18 on 1 December that the moves against the Hare Krishna devotees "are not a violation of religious freedom. The action is not against the Krishna community because they are Krishnaites." He said that at Forum 18's request, he had asked the Foreign Ministry in Astana what response it had given to the OSCE Advisory Council's offer to help resolve the dispute, "but we have had no response from our capital". Like other officials, Unaibayev was unable to explain why only Hare Krishna-owned properties have been attacked.

The US Commission on International Religious Freedom (USCIRF) has condemned the attack on the Hare Krishna community and "Kazakhstan's deteriorating record of respect for human rights and religious freedom." It has called for the country's bid to become the OSCE Chair in 2009 to be opposed. "Such a bid should only be considered at next week's OSCE Ministerial in Brussels if Kazakhstan takes immediate verifiable steps to implement its OSCE human rights pledges, including on freedom of religion or belief," USCIRF states (see http://www.uscirf.gov/mediaroom/press/2006/november/20061130Kazakhstan.html).

Kazakhstan's attacks on the Hare Krishna devotees have also been raised in both the Parliament of India and the British House of Commons.

A decision on whether Kazakhstan's current bid to chair the OSCE in 2009 will be accepted – despite its open failure to honour OSCE commitments on religious freedom and other human rights – is due to be made by OSCE governments in Brussels on 4 and 5 December.

President Nazarbayev's government often boasts of its claimed religious tolerance, but religious minorities who experience the state's policies are sceptical of these boasts (see F18News 8 September 2006 http://www.forum18.org/Archive.php?article_id=839).

The authorities have long wanted to take over the Hare Krishna commune (see F18News 19 April 2006

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http://www.forum18.org/Archive.php?article_id=764) and made an earlier attempt this year to bulldoze it (see F18News 26 April 2006 http://www.forum18.org/Archive.php?article_id=769). Kazakh authorities have also worked with local television stations to encourage intolerance against religious minorities, such as Baptists and Hare Krishna devotees (see F18News 2 June 2006 http://www.forum18.org/Archive.php?article_id=793). Sources, who preferred to be unnamed, have told Forum 18 of "persistent rumours" that President Nazarbayev's brother, Bulat Nazarbayev, wants to take over the Hare Krishna devotees' farm (see F18News 17 November 2006 http://www.forum18.org/Archive.php?article_id=872).

Meanwhile, two Baptists in Zyryanovsk in the East Kazakhstan Region, who were given large fines on 27 June for religious activity without registration, have failed in their appeals to have the fines overturned. Pastor Yegor Prokopenko was given the massive fine of 103,000 Tenge (5,425 Norwegian Kroner, 686 Euros or 870 US Dollars) by Zyryanovsk District Specialised Administrative Court, while congregation member Pyotr Shevel was fined half that amount (see F18News 14 July 2006 http://www.forum18.org/Archive.php?article_id=812).

Average monthly salaries have been estimated to be roughly equivalent to 31,500 Tenge (1,600 Norwegian Kroner, 200 Euros or 260 US Dollars). The fine on Prokopenko equalled the record fine for unregistered religious activity imposed in May on another Baptist pastor, Yaroslav Senyushkevich, who leads a congregation in the capital Astana (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797).

Prokopenko and Shevel appealed to the regional court on 11 July, but the court rejected their appeal, local Baptists told Forum 18 on 24 November. On 18 August the two appealed to the Prosecutor's Office of the East Kazakhstan region, but acting prosecutor Tursun Veliev replied: "In such circumstances, reasons do not exist for an administrative review of the existing court decisions." The two Baptists then lodged an appeal with Kazakhstan's General Prosecutor's office on 2 October. Nearly two months later, they have still received no response.

Despite this, on 31 October local court bailiff D. Ksebaeva warned Prokopenko that if he fails to pay his fine within ten days the money will be taken from his pension.

On 9 November another local court bailiff G. Kasenova visited Shevel's home and designated a fridge and a corner unit for confiscation. She estimated their value at 60,000 Tenge (2,900 Norwegian Kroner, 350 Euros or 470 US Dollars) to meet his unpaid fine.

Forum 18 was unable to reach either Veliev at the regional prosecutor's office or Zhanat Alenchikov at the Zyryanovsk Prosecutor's Office to find out why the Baptists were being punished for practising their right to freedom of worship.

The Baptists – who belong to the Council of Churches, whose congregations reject registration in all the former Soviet republics where they operate – call for the fines to be cancelled, the property not to be seized and for them to be allowed to practice their faith freely in accordance with Kazakhstan's Constitution.

Legal restrictions on religious freedom have been increased by the authorities, through "extremism" and "national security" legal amendments (see the F18News Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701).

Baptists and other Protestant Christians have so far been the main victims of the legal changes, being fined for unregistered religious activity (see eg. F18News 2 October 2006 http://www.forum18.org/Archive.php?article_id=848). Foreign missionaries belonging to both the Presbyterian church (see F18News 15 November 2006 http://www.forum18.org/Archive.php?article_id=871) and Tabligh Jama'at international Islamic missionary organisation have been fined and deported (see F18News 14 November 2006 http://www.forum18.org/Archive.php?article_id=868).

Some fear that changes being planned by the KNB secret police to the Religion Law will ban sharing beliefs and all missionary activity (see F18News 24 October 2006 http://www.forum18.org/Archive.php?article_id=859). (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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