

30 January 2009

KAZAKHSTAN: The court hearing which never was?

By Mushfig Bayram, Forum 18

Kazakhstan has barred the Hare Krishna community's leader in Central Asia from visiting the country, Forum 18 News Service has found. Kazakh officials have claimed that US citizen Seane Hobgood (religious name Govinda Swami) was found guilty of "illegal missionary activity" by Aktobe Regional court in 2008. The alleged "illegal missionary activity" was a private talk to devotees. However, Aktobe Regional Court, Aktobe City Administrative Court and City Civil Court all confirmed to Forum 18 that they did not hear any case relating to Govinda Swami (Seane Hobgood) in 2008. Also, Govinda Swami had previously visited Kazakhstan since the alleged conviction, without being banned. Human rights defender Yevgeni Zhovtis pointed out to Forum 18 that describing Govinda Swami's talk to a registered religious community as "illegal missionary activity" is "absolute rubbish". Aktobe City Prosecutor's Office confirmed to Forum 18 that police filmed the gathering. In 2006, an American university lecturer was fined and given a deportation order, after the authorities filmed him taking part in a Bible discussion at a Baptist church he attended.

The leader of the Hare Krishna community in Central Asia, Seane Hobgood (religious name Govinda Swami), was denied entry to Kazakhstan at Almaty airport on 27 January, his colleague Maksim Varfolomeev who had arrived on the same flight from Moscow told Forum 18 News Service. Officials told Govinda Swami, who holds a US passport and has a valid multi-entry Kazakh visa which runs out in April 2009, that he has been barred from the country in the wake of a conviction by Aktobe [Aqtobe] Regional Court in 2008. Ruslan Zhasanov, who covers religious cases at Aktobe City Prosecutor's Office, told Forum 18 on 28 January from Aktobe that Govinda Swami has been barred from the country because of his "illegal missionary activity" in Aktobe in May 2008. He said the Prosecutor's Office asked the Migration Police to impose the ban. However, Forum 18 has been unable to find that any legal case ever took place.

Yevgeni Zhovtis, head of the Almaty-based Kazakhstan International Bureau for Human Rights and Rule of Law, said it is "nonsense" to say that the Migration Police has the authority whether or not to allow a foreign citizen into Kazakhstan. "It can only be done on the basis of a court decision by the State Border Service, which is under the auspices of the National Security Committee (KNB) secret police," he told Forum 18 on 29 January.

He added that under Kazakhstan's current Religion Law it is "absolute rubbish" to talk about Govinda Swami's "illegal missionary activity". Zhovtis said, according to the Law, propagation of a religion by an individual is only considered missionary activity if that religion does not already exist or is not registered in Kazakhstan. "As I understand, Govinda Swami was preaching in a registered Hare Krishna community."

Kenzhebulat Beknazarov, the KNB secret police spokesperson, insisted that the KNB has nothing to do with the case but defended the ban. "The authorities acted lawfully while barring Seane Hobgood from entry," he told Forum 18 on 27 January from the capital Astana. He too claimed that Govinda Swami had engaged in illegal missionary activity in May 2008. "The decision to bar Hobgood's entry into Kazakhstan was made by the Migration Police on the claim brought by the Aktobe City Prosecutor's office."

An official of Aktobe City's Migration Police, who did not give his name, refused to talk to Forum 18 on 27 January about the case. Forum 18 was also unable to discuss the case with the Justice Ministry's Religious Affairs Committee on 27 and 28 January.

Aktobe Regional Court, Aktobe City Administrative Court and City Civil Court confirmed to Forum 18 on 27 January that they did not hear any case relating to Govinda Swami (Seane Hobgood) in 2008.

Varfolomeev complained to Forum 18 that the community has not seen any court verdict. "This is the first any of us knew about this case against him," Varfolomeev told Forum 18. He said the border guards at Almaty Airport had initially told Govinda Swami merely that he was on the entry blacklist and refused to explain the denial of entry, claiming it was a "state secret". They then suggested Govinda Swami should ask the KNB secret police. It was only when the Hare Krishna devotees called Kayrat Tulesov of the Religious Affairs Committee in Astana that they were told of the conviction. Tulesov told them that the General Prosecutor's Office had denied that they had ordered Govinda Swami barred, but did not say who had ordered the bar.

Govinda Swami then asked the community's lawyer to come to the holding area at Almaty Airport, but security staff refused to allow him access to the area where Govinda Swami was being held, Varfolomeev added. Govinda Swami told Forum 18 on 29 January

from Dubai that he was detained at the airport for twelve hours and forced to buy a return ticket to Moscow on the evening flight. He was accompanied on the flight by Kazakh border officials who returned his passport to him only at Sheremetyevo Airport in Moscow.

Govinda Swami said their lawyers are now in the process of trying to get a written official declaration giving the cause of deportation. "As I understand it, the deportation can be ordered only by a court decision," he told Forum 18.

Govinda Swami visited the registered Hare Krishna community in Aktobe on 28 May 2008. "As soon as we arrived in Aktobe's Airport, we took him directly to the Regional Akimat (administration) to get permission for his planned activity," Varfolomeev said. He reported that Yermek Tauanov, the Regional Akimat's Chief Expert on religious affairs, did not give permission for public meetings but said that Govinda Swami "could meet with his fellow-believers in Aktobe in private."

Zhasanov of Aktobe City Prosecutor's Office confirmed to Forum 18 that Hare Krishna devotees had asked the Akimat for permission but that this was refused. However, Tauanov denied ever speaking about permission for Govinda Swami. "I have worked in this office for almost 10 years but I have never seen or talked to Seane Hobgood," he told Forum 18 on 28 January.

In the wake of the refusal, Govinda Swami addressed devotees in a private house, Varfolomeev reported. However, two people not recognised by the community were also present. "They filmed the meeting on their mobile phones, to which we made no objection," Varfolomeev told Forum 18. "Soon they left and officers from Aktobe city Police arrived, telling Govinda Swami that he was engaged in illegal activity." He said officers forced Govinda Swami to sign a document which he did not understand and appear at the Prosecutor's Office the following morning.

Zhasanov of the Prosecutor's Office also confirmed that the police checked up on and filmed the gathering. "Based on the video materials, and the refusal of the Akimat, we evaluated his actions as illegal missionary," he told Forum 18. Asked why Govinda Swami's activity was illegal if he was talking to a private gathering, Zhasanov was vague. "Of course he could have avoided the problem if he just came to the prosecutor's office back in May and explained what happened." Zhasanov said in the worst case he might have been fined. But he said Govinda Swami did not come and instead left the city the next day for Almaty.

Varfolomeev said Govinda Swami was advised by his lawyer to go to Almaty and sort out the incident by a help of a professional interpreter and inform the US consulate about the issue, which he did. Govinda Swami spoke to the US Consul and gave his contacts in case the authorities in Aktobe had any questions. Varfolomeev said Govinda Swami stayed in Almaty until 5 June and then left Kazakhstan, but that the Aktobe authorities never tried to reach him.

Varfolomeev pointed out that Govinda Swami had been in Kazakhstan in mid-January without problem and had even had to show his passport and visa to three Migration Police officers who questioned him one night after he left his birthday party in Almaty. "Everything was in order then, so we don't understand why this has happened."

Later, Varfolomeev added, local Hare Krishna members heard rumours that Aktobe city Prosecutor's Office was seeking to ban Govinda Swami's entry into the country. "We did not want to believe this then," he said.

Varfolomeev said they understood the rumours of the sought-for ban could be true when they saw an article by Alina Pak in Megapolis, an Almaty-based national newspaper, on 7 July 2008. The article, entitled "Like an Englishman, Without Saying Goodbye", claims that an unnamed American Buddhist preacher, instead of appearing before the Prosecutor, "ran away" from Aktobe. The author reported that prosecutors were insisting on a ban of his entry into Kazakhstan.

Zhaslan Zhugunisov, head of a division of the State Agency of Oversight of Prosecution Bodies, told the newspaper that the foreigner was invited to the city Prosecutor's Office to testify about his activity in Aktobe, but instead "he packed up, and left the city." Zhugunisov claimed that had the visiting American asked for a registration from the local Akimat, without which he said it is illegal to engage in missionary activity, he would not have had any troubles.

Varfolomeev told Forum 18 that before this article they did not even worry about the incident in Aktobe, because they "received no phone calls, or inquiries from the authorities on Govinda Swami's visit to Aktobe."

Zhasanov of Aktobe City Prosecutor's Office defended the refusal to give Govinda Swami reasons for the deportation. "Imagine that I go to the United States," he said, "if I am stopped at the border and deported, the officials will not explain to me the reasons." He added that just like America, Kazakhstan is a sovereign state with its own rules and regulations. "Even though we are a secular state, the issue of religion is a very sensitive one in Kazakhstan where the majority of population is Muslim," he said.

A source from Kazakhstan, who preferred to remain unnamed, told Forum 18 on 28 January that in June 2008, Aktobe City Prosecutor's Office officials had contacted them to "broker a deal" between the Hare Krishna devotees and the authorities. If the Hare Krishna community was "prepared to pay five thousand US Dollars each to the Aktobe's City's Prosecutor, KNB secret police and Migration Police" then the case would be closed. Zhasanov vigorously denied to Forum 18 that Aktobe City Prosecutor's Office had demanded any bribe since he was appointed to the post in October 2008.

Asked how long the ban would remain in force, Zhasanov told Forum 18 that although the ban on his entry into Kazakhstan was permanent, Govinda Swami might get his ban lifted. "Let him write letters to the Migration Police, General Prosecutor's office, KNB, and the Border Service explaining why he did not appear before the Prosecutor back then," he said, "and promise in the letter that he would not in the future violate Kazakhstan's law, then it might be possible to lift his ban."

Varfolomeev said they remained pessimistic over the success of the community's efforts to bring a legal appeal against the denial of entry. "Govinda Swami is our spiritual master and the community wants to hear from him," he told Forum 18. "He is also our administrative leader. The community had invited him and paid for his ticket."

The Kazakh authorities have previously spied on and expelled foreigners involved in religious activity. In 2006 Dan Ballast, an American working as a university lecturer in Oskemen, was deported after officials secretly filmed him participating in a Bible discussion at a Baptist church he attended (see F18News 12 December 2006 http://www.forum18.org/Archive.php?article_id=886).

On 25 May 2008, two foreign Jehovah's Witnesses - 82-year-old American Theodore Jaracz and 69-year-old Canadian John Kikot - were detained by police and counter-terrorist police in Almaty after giving a 30 minute "pastoral discourse" at a Jehovah's Witness meeting earlier in the day, Jehovah's Witnesses told Forum 18. The two were accused of "illegal missionary activity" - without written evidence being presented before being ordered to be deported by an Almaty court. The charge itself contradicted the Kazakh legal provision that missionary activity is permitted, if it is by a registered group whose registered charter permits this. Contrary to the Vienna Convention on Consular Relations, the judge in the case denied the two detainees access to their own diplomatic representatives.

Still barred from entry into Kazakhstan is Aleksei Ledyayev, chief pastor of the New Generation Pentecostal church which has congregations in the country. Ledyayev - who was born in Kazakhstan, and is a permanent resident of Latvia - told Forum 18 from the Latvian capital Riga on 28 January that he remains barred from Kazakhstan, Russia, Belarus and Armenia, and often encounters problems when he applies to visit Ukraine. "There are no changes - I am persona non grata," he told Forum 18. He said he believes he was placed on the Kazakh blacklist after being blacklisted by Russia in 2002. "The Russians dictate to Belarus, Armenia and Kazakhstan."

Kazakhstan denied Ledyayev a visa in 2005, which led the New Generation Church to cancel a conference due to have been held in Almaty. The Kazakh consulate in Riga told him he was on a blacklist and that his presence in Kazakhstan was "not desirable" (see F18News 8 June 2005 http://www.forum18.org/Archive.php?article_id=578).

Varfolomeev of the Hare Krishna community also told Forum 18 that the authorities are now pressuring the Hare Krishna commune near Almaty to vacate their land by 1 May. The authorities have long been seeking to close down the commune and seize the land (see F18News 9 January 2009 http://www.forum18.org/Archive.php?article_id=1238).

"Officials from the Religious Affairs Committee in Astana told us by phone we have a deadline of 1 May to leave. They sounded very angry that we have not written to say that we are happy to accept the rubbish dump that has been offered to us." He speculates that officials are desperate to have in writing a letter from the community renouncing any claims against officials and accepting the loss of their land. He said officials' promises in late December that they would help the community try to exchange the rubbish dump for a more suitable alternative site have now been abandoned. "They are now telling us they cannot help us exchange the site. This completely contradicts their earlier statements." (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 on freedom of thought, conscience and belief in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

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