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RUSSIA: Customs block literature "with no reason, no legal right and no court ruling"

By Victoria Arnold, Forum 18 (<https://www.forum18.org/>)

Prosecutors are seeking through the courts to have at least some of the items of Jehovah's Witness literature impounded by Russian customs at the Finnish border declared "extremist", Forum 18 News Service has learned. Leningrad-Finland Transport Prosecutor's Office refused to respond to Forum 18's questions as to why more than ten million Jehovah's Witness books and brochures - including 4,000 Bibles in Russian and Ossetian - remain impounded simply because they might or might not contain "extremist" content. None of the impounded literature has been declared "extremist" in Russia. All attempted Jehovah's Witness literature imports have been blocked since March "with no reason, no legal right and no court ruling", Jehovah's Witness spokesperson Ivan Belenko complained to Forum 18. Forum 18 is not aware of religious literature of other faiths that has been blocked from import into Russia, apart from works which have been banned as "extremist" seized from individual travellers.

More than 10 million items of Jehovah's Witness literature, including 4,000 Bibles in Russian and Ossetian, remain impounded by Russian customs on the border with Finland, Forum 18 News Service has learned. They were seized earlier in 2015 after Russian customs officials began preventing imports and confiscating materials on suspicion of "extremism". Prosecutors are attempting through the courts to have at least some of the impounded literature declared "extremist".

Since March 2015, all attempted shipments of Jehovah's Witness literature have been blocked, spokesperson Ivan Belenko told Forum 18 on 16 November, "with no reason, no legal right and no court ruling". Attempts by Russian and Finnish Jehovah's Witnesses to challenge these actions through the arbitration courts have so far proved unsuccessful.

In a press release of 21 August, the North-Western Transport Prosecutor's Office outlined the seizures of literature in the context of enhanced measures introduced in the first half of 2015 to ensure compliance with "anti-extremism" legislation, and confirmed that the material remains impounded.

Officials of the Leningrad-Finland Transport Prosecutor's Office (a branch of the North-Western Transport Prosecutor's Office) have refused to answer Forum 18's questions about why this literature was blocked simply because it might or might not contain "extremist" content.

Forum 18 is not aware of religious literature of other faiths that has been blocked from import into Russia, apart from works which have been banned as "extremist" seized from individual travellers.

Asked by Forum 18 about barriers to the formal importation of literature from abroad, religious communities and organisations - including the Society for Krishna Consciousness (which produces its own Russian-language material inside the country) and the Russian Bible Society (an organisation supported by a range of Christian Churches) - reported no problems.

At least four shipments blocked

Jehovah's Witnesses have printed their New World Bibles, books and other materials in Germany and imported them into Russia via Finland for more than 20 years for the use of Russia's 175,000-strong Jehovah's Witness community.

In the nine months since March, however, at least four shipments (one in March, two in May, and one in July) have been stopped from crossing the border on the grounds that they are "supposedly goods supposedly prohibited from being imported into the territory of the Russian Federation". Jehovah's Witnesses point out, however, that none of the texts impounded has been ruled "extremist" in Russia.

This is not the first time Jehovah's Witness materials have been stopped at Russian customs. A shipment was held up at Vyborg for a month in 2009 following a court ruling which declared 34 publications "extremist". It was only allowed through after Rostov Regional Court confirmed the decision had not yet come into force (see F18News 8 December 2009 http://www.forum18.org/archive.php?article_id=1385).

Also in 2009, a consignment of materials in transit from Ukraine to Kyrgyzstan was detained for two weeks in Bryansk Region before being permitted to continue (see F18News 23 October 2009 http://www.forum18.org/archive.php?article_id=1366).

Religious literature is often seized at Russian customs, but usually in small quantities carried by individuals, and because it is already on the Justice Ministry's Federal List of Extremist Materials. In September 2013, however, the confiscation of a popular Russian version of the Koran by customs officials in Novorossiysk led to it being banned as "extremist", although the ruling was later overturned (see F18News 27 January 2014 http://www.forum18.org/archive.php?article_id=1920).

As well as the banning and blocking of their literature, Jehovah's Witnesses in Russia have also been subject to fines for distributing it under the Code of Administrative Offences Articles 20.29 ("Production or mass distribution of extremist materials") (see eg. F18News 14 October 2015 http://www.forum18.org/archive.php?article_id=2111) and 20.2 ("Violation of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") (see eg. F18News 4 November 2015 http://www.forum18.org/archive.php?article_id=2117).

The Russian authorities have long targeted Jehovah's Witnesses and in three towns so far - Taganrog, Samara and Abinsk - Jehovah's Witness communities have been forcibly dissolved by the state for alleged "extremism". In Taganrog, people who continued to meet for prayer and Bible study after the liquidation of their congregation were convicted of "extremist" activity in November 2015 (see F18News 3 December 2015 http://www.forum18.org/archive.php?article_id=2128).

"Shocked by such blasphemous actions"

The block on importing Bibles "causes the most bewilderment", Belenko commented to Forum 18. The Jehovah's Witness Administrative Centre in St Petersburg attributes the problem to "arbitrary interpretation" of the Extremism Law – "the apotheosis of a mindless, unprofessional and frenzied struggle with imaginary extremism", according to Centre chairman Yaroslav Sivulsky.

The Centre said on 16 July that Jehovah's Witnesses were "shocked by such blasphemous actions towards [the Bible]", and claimed that officials were attempting to conceal the fact that "the Bible is being subjected to censorship" by describing the seized material in paperwork simply as "brochures".

Prosecutors bring "extremism" suit

Leningrad-Finland Transport Prosecutor's Office is trying to have the confiscated consignments declared "extremist" by the courts, on the grounds that the books and brochures allegedly contain "calls for hostility towards people of other faiths and refusal to perform civic duties", according to a 21 August report on local news website madeinpiter.com.

In their 16 July statement, the Jehovah's Witness Administrative Centre claimed that law enforcement officials removed three of the Jehovah's Witness New World Bibles seized on 14 July in order to investigate the text for signs of "extremism".

A recent amendment to the 2002 Extremism Law, which came into force on 23 November, prevents the Bible and major sacred texts of Judaism, Islam and Buddhism from being subject to "extremism" rulings, Forum 18 notes (see F18News 30 November 2015 http://www.forum18.org/archive.php?article_id=2126).

The Leningrad-Finland Transport Prosecutor's Office submitted a request to have Jehovah's Witness literature declared "extremist" to Vyborg City Court on 19 March, after the first consignment from Finland was confiscated. The case was halted on 28 May for "expert" analysis to be carried out.

Prosecutors have since made two attempts to restart proceedings – one was rejected by the City Court on 18 June, the second on 13 November for technical reasons. The Leningrad-Finland Transport Prosecutor's appeal against the latter is due to be heard at Leningrad Regional Court on 16 December.

A spokeswoman for the Leningrad-Finland Transport Prosecutor's Office would not answer questions by telephone when Forum 18 called on 11 December to ask on what legal grounds the shipments were impounded and why the material was suspected of "extremist" content. Forum 18 submitted a written enquiry through the Prosecutor's Office website in the afternoon of the working day of 11 December. Forum 18 had received no response as of the end of the working day in Leningrad Region on 14 December.

Unsuccessful attempts to challenge confiscation

After two consignments of books and brochures were confiscated in May, prosecutors opened a case against the Finnish Jehovah's Witnesses branch under Administrative Code Article 16.3, Part 1 ("Non-observance of Customs Union rules on goods banned or limited 'on the basis of national interests and objectives'"). As the organisation in charge of shipping the materials to Russia, the books were technically confiscated from them, Belenko explained to Forum 18.

Article 16.3, Part 1, punishes organisations with fines of 100,000 to 300,000 Roubles (100,000 Roubles is equivalent to 12,300 Norwegian Kroner, 1,300 Euros or 1,500 US Dollars). On 23 July, Vyborg City Court found against the Finnish Jehovah's Witness organisation and handed down a fine, according to court records. This decision came into legal force on 2 October.

Prosecutors had already brought one case against the Jehovah's Witnesses under Article 16.3, Part 1, to Vyborg City Court on 31 March, in relation to the shipment blocked by customs officials in March. This was sent back to the prosecution by the court for technical reasons, and later dropped because it was not resubmitted within the required three days.

The Jehovah's Witness Russian and Finnish branches lodged suits at St Petersburg and Leningrad Region Arbitration Court to have the customs officials' actions declared illegal. These suits related to two separate shipments of literature which should have entered Russia through the Svetogorsk border crossing in Vyborg District. The Court rejected both suits on 1 September and 3 November respectively (see F18News 21 September 2015 http://www.forum18.org/archive.php?article_id=2103).

Arbitration judge Sergei Rybakov ruled that customs officials were justified in searching cargo they believed to pose a risk and denying entry to "goods, supposedly prohibited from importation into Russia". The loads and their drivers were held up at the border for periods of more than two weeks as repeated inspections were carried out (see F18News 21 September 2015 http://www.forum18.org/archive.php?article_id=2103).

The first appeal hearing in the first suit took place at the 13th Arbitration Court on 10 December. The next has been scheduled for 14 January 2016, according to the court website. Jehovah's Witnesses have also submitted an appeal against the rejection of their other suit, but no hearing date has yet been set. (END)

For more background, see Forum 18's surveys of the general state of freedom of religion or belief in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ucoz.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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