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GEORGIA: Jehovah's Witnesses challenge literature seizures

By Felix Corley, Forum 18

First deputy finance minister Lasha Zhvania has pledged that two consignments of Jehovah's Witness literature seized by customs in the Black Sea port of Poti in March and April will be released as soon as customs procedures are complete. He strenuously denied that the shipments had been seized because they had been sent by the Jehovah's Witnesses. "It is certainly not my government's policy to obstruct people receiving religious literature of any kind," Zhvania told Forum 18 News Service. The Jehovah's Witnesses are challenging the seizures in court. "We have already presented all the documentation we need to. They should already have released the books," Jehovah's Witness lawyer Manuchar Tsimintia told Forum 18. The Jehovah's Witnesses claim that the then customs chief sent a letter to all local branches in February telling them not to allow Jehovah's Witness literature into Georgia.

Georgia's first deputy finance minister has pledged that two consignments of Jehovah's Witness literature seized by customs in the Black Sea port of Poti in March and April will be released as soon as customs procedures are complete. "I hope this will be soon," Lasha Zhvania told Forum 18 News Service from the capital Tbilisi on 7 May. He said the head of the customs service, Aleko Aslanikashvili, who had ordered the seizure of the books, had been dismissed the previous day, although "for other reasons". Zhvania strenuously denied that the shipments had been seized because they had been sent by the Jehovah's Witnesses. "Not at all," he declared. "It is certainly not my government's policy to obstruct people receiving religious literature of any kind." However, Manuchar Tsimintia, the Jehovah's Witness lawyer, remains sceptical. "We have already presented all the documentation we need to. They should already have released the books," he told Forum 18 on 7 May.

Genadi Gudadze, the Jehovah's Witness leader in Georgia, told Forum 18 from Tbilisi on 6 May that the two containers of literature with more than 20 tonnes of literature were seized on 8 March and 12 April on the basis of a written order from then customs service director Aslanikashvili.

"Although authorities are well aware that the illegal seizure of the religious literature is a gross violation of the Georgian Constitution, of Georgian Laws and of Georgian international commitments, they adamantly refuse to release it," the Jehovah's Witnesses declared in a 24 April statement.

Zhvania reported that he had that morning discussed the case with the finance minister, who was "concerned", and the minister had spoken with the deputy head of the customs service. Zhvania explained that shipments of humanitarian aid – which can be anything from food to literature – must have a document signed by the finance minister to clear customs free of duty. "The shipments did not have this document, so that's why they were stopped. But we will do our best to speed things up."

Tsimintia contests Zhvania's claims. "These are fabricated reasons," he declared. "We don't need to present a document signed by the finance minister each time." He said that after the Supreme Court annulled the registration of two Jehovah's Witness organisations two years ago (Georgia does not have a system of registering religious organisations) the court pointed out that this did not mean that the Jehovah's Witnesses could not function. A 2001 letter from the court executors spelled this out and the Jehovah's Witnesses clarified with the customs then that they could continue to export and import literature.

However, Tsimintia said problems arose earlier this year with a February letter from Aslanikashvili to all the country's customs divisions not to allow in Jehovah's Witness literature. That same month the court executors wrote to the customs service asking if the Jehovah's Witnesses were importing literature legally or not. "Maybe there was pressure on them," Tsimintia speculated. "All our problems started with these letters." The court executors again wrote to the customs service in March withdrawing some of their questions, declaring that the matter was the competence of the customs.

In the wake of the seizure of the shipments, the Jehovah's Witnesses filed a legal challenge in the Vake-Saburtalo district court in Tbilisi on 17 April. Tsimintia said the court has not yet set a date for the case to be heard.

An official of the customs service denied to Forum 18 that there is any kind of list of banned literature. "Books cannot be confiscated," David Gabilishvili, an inspector in the legal department, told Forum 18 from Tbilisi on 6 May. "The law doesn't allow it." He claimed not to be familiar with the case, but said if any books were seized it was because paperwork had not been filed properly or because the Jehovah's Witnesses were not registered with the tax authorities.

"The authorities claim the literature should be taxed," Levan Ramishvili, director of the Tbilisi-based Liberty Institute, told Forum 18 on 6 May, "but of course it shouldn't as it is not for sale." He said his institute has contacted the state minister's office, which promised to resolve the problem, but so far there has been no resolution.

Asked whether the Jehovah's Witnesses were allowed to import religious literature into Georgia, Gabilishvili declared: "It is not banned under the law, so they can. There should not be any problems if it is done properly." He insisted that they would only have problems if they tried to do so illegally.

This is not the first time that Jehovah's Witness book shipments have been held in customs. Two years ago, a similar seizure of religious literature resulted in two court cases. After finally releasing the shipments, a court ordered the state on 26 February 2001 to pay compensation for having "seriously violated" the "religious freedom" of Jehovah's Witnesses "guaranteed by article 19 of the Constitution of Georgia and article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms."

A few weeks after that decision, the authorities seized a further Jehovah's Witness literature shipment but released it after another lawsuit was filed and before the trial was held.

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