

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AGUDAS CHASIDEI CHABAD)
OF UNITED STATES,)
))
Plaintiff,)
))
v.)
))
RUSSIAN FEDERATION; RUSSIAN)
MINISTRY OF CULTURE AND MASS)
COMMUNICATION; RUSSIAN STATE)
LIBRARY; and RUSSIAN STATE)
MILITARY ARCHIVE,)
))
Defendants.)
))

Case No. 1:05-cv-01548-RCL

**PLAINTIFF’S NOTICE OF SUPPLEMENTAL INFORMATION
IN SUPPORT OF ITS MOTION FOR INCREASED SANCTIONS [ECF 168]**

Plaintiff Agudas Chasidei Chabad of United States (“Chabad”) respectfully submits this supplemental information for the Court’s consideration in connection with the pending Plaintiff’s Motion for Increased Sanctions and for Entry of a Protective Order Regarding Post-Judgment Discovery (“Increased Sanctions Motion”) [ECF 168]. The purpose of this supplemental submission is to present the Court with further evidence of Russia’s contempt for this Court’s judgments, and of Russia’s efforts to steer the outcome of these proceedings from afar.

On Wednesday, November 27, 2019, Russian news outlets announced the Russian Government’s “in absentia arrest” of Rabbi Shalom Dovber Levine, the director of Chabad’s library at its headquarters in Brooklyn, New York. A copy of the Tass article announcing the

arrest is attached as Exhibit A. A news report from Russian news service Interfax regarding the “in absentia arrest” is attached as Exhibit B.

Russia accuses Rabbi Levine of having failed to return to Russia seven books previously retrieved from the Schneerson Collection – the sacred books, manuscripts, and papers currently held in Russia in violation of this Court’s judgment ordering their return. The books were brought back to the United States by President Clinton in 1994.

Russia’s selection of Rabbi Levine as a target is no accident. Rabbi Levine has been a declarant in this case, most recently in connection with this Court’s issuance of a Request for International Judicial Assistance from Israeli authorities regarding a book from the Schneerson Collection that appeared for auction in Jerusalem. [ECF 160]. Rabbi Levine’s testimony also supported this Court’s decisions regarding the identification of the Chabad property that Russia seized in violation of international law, and the imposition of sanctions on Russia for failure to comply with this Court’s orders. *See* Order Granting Plaintiff’s Motion for Entry of Default Judgment Against All Defendants, filed July 30, 2010 (ECF 80), attached as Exhibit C.

Notably, in its July 30, 2010 Order, this Court confirmed that the “Library” at issue in this case “also includes the seven books provided to President William J. Clinton and Vice President Al Gore.” *Id.*, note 1. These are the same books for which Rabbi Levine is now subject to arrest.

Russia’s announcement is a cynical attempt to intimidate Chabad on the eve of this Court’s hearing on matters relating to discovery into Russian assets held in the United States. ***But neither Chabad nor Rabbi Levine will be intimidated.*** Chabad, therefore, respectfully requests that the Court send that message by granting the Increased Sanctions Motion, and by

allowing Chabad to continue its efforts to enforce this Court's judgments by taking discovery into assets held by Russia and Russian-controlled entities in the United States.

Respectfully submitted,

Dated: December 2, 2019

By: */s/ Robert P. Parker*

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Counsel for Agudas Chasidei Chabad of United States

CERTIFICATE OF SERVICE

hereby certify that on this 2nd day of December, 2019, a true and correct copy of the foregoing **PLAINTIFF'S NOTICE OF SUPPLEMENTAL INFORMATION IN SUPPORT OF ITS MOTION FOR INCREASED SANCTIONS [ECF 168]** was served by electronic mail on the following counsel of record with respect to matters currently pending before the Court:

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I further certify that on this 2nd day of December, 2019, a true and correct copy of the foregoing **PLAINTIFF'S NOTICE OF SUPPLEMENTAL INFORMATION IN SUPPORT OF ITS MOTION FOR INCREASED SANCTIONS [ECF 168]** was served by First-Class International Mail, through the U.S. Postal Service, on the following parties:

Ministry of Justice of the Russian Federation
Attn: Hon. Alexander Kononov, Minister
14 Zhitnaya
GSP-1 Moscow, Russia 119991

Ministry of Culture of the Russian Federation
Attn: Hon. Vladimir Medinsky, Minister
7/6 Bldg. 1/2, Maly Gnezdnikovsky Perelok
Moscow, Russia 125993

Russian State Military Archive
Attn: Vladimir N. Kyzelenkov, General Director
29 Admiral Makarov Street
Moscow, Russia 12512

Russian State Library
Attn: Victor V. Federov, General Director
3/5, Vozdivhenka Street
Moscow, Russia 119019

A copy of the foregoing document was also hand delivered to the Court's chambers.

/s/ Erik van Leeuwen
Erik van Leeuwen
Rothwell, Figg, Ernst & Manbeck, P.C.

EXHIBIT A



29 ноя 2019, 04:13

В Москве заочно арестован раввин из США по делу о невозврате книг из библиотеки Шнеерсона

Версия для печати, полная: <https://tass.ru/proisshestiya/7226603>

US rabbi arrested in absentia in Moscow on case of non-return of books from Schneerson library

The duration of the arrest is set for two months

MOSCOW, November 29. / TASS /. The Tver court of Moscow in absentia arrested the director of the Agudas Hasidey Chabad library, Rabbi Sholom Dov-Ber Levin, who is accused of not returning books from the Schneerson library to Russia. About this TASS on Friday reported in court.

"The court in absentia chose a preventive measure in the form of taking into custody Sholoma Dov-Ber Levin. The term of arrest is two months from the moment of arrest or extradition of the accused in the Russian Federation," the court said, adding that he was charged under article 190 of the Criminal Code of the Russian Federation ("Non-Return to the Territory of the Russian Federation of Cultural Property"). He faces up to eight years in prison. The rabbi is put on the international wanted list.

According to the newspaper Kommersant , the investigation accuses Levin of not returning seven rare books from the Schneerson library. Investigators believe they are in the Agudas Hasidei Chabad library, led by Levin.

The Schneerson Library is a collection of Hebrew books and manuscripts compiled by the Lubavitcher rabbi Joseph Yitzchak Schneerson. Part of the collection was nationalized by the Soviet government in 1918 and ended up in the collections of the Lenin Library (now the RSL).

Schneerson took the other part to the USA, having moved there from the USSR in the 1930s.

In 2013, at the suggestion of President Vladimir Putin, the process of moving the Schneerson collection to the Jewish Museum and Tolerance Center in Moscow, where they opened a branch of the Russian State Library, began. And in 2014, a decision of the Russian court came into force, which ordered the library of the US Congress to return seven books from the Schneerson collection to Russia. Earlier, the Russian side transferred them to the United States as part of an interlibrary loan, and the US Congress transferred them to the Agudas Hasidey Chabad library, where they are currently stored.

TAGS

USA Russia

EXHIBIT B



2019-11-29 13:56:00

Moscow court arrests U.S. rabbi in absentia in Schneerson library case

Moscow, November 29, Interfax - The Tverskoy District Court of Moscow has sanctioned the arrest in absentia of Rabbi Shalom Dov-Ber Levine, the director of the Agudas Chasidei Chabad Library based in the United States, who is charged with failure to return books from the Schneerson collection to Russia.

"The investigator's motion on Shalom Dov-Ber Levine's arrest in absentia has been granted. The measure of restraint in the form of two-month [arrest] is to begin from the moment of his detention or extradition to Russia," a court representative told *Interfax*.

The Russian investigators charged the rabbi in absentia with the failure to return culturally valuable items to Russia. He was initially added to federal wanted lists and subsequently declared wanted internationally.

The court did not clarify the charges. However, according to media, the charges were brought against 71-year-old Levine in May 2019. According to the investigators, he is an "active participant in the crime," and his involvement in the failure to return items of cultural value is proven by the testimony of witnesses among other evidence.

The witnesses in the case are Russia's Chief Rabbi Berel Lazar and Bolshaya Bronnaya Synagogue Rabbi Yitzhak Kogan.

The Schneerson Library comprises 12,000 books and 25,000 documents. This is a collection of old Jewish books and manuscripts compiled by Rabbi Yosef Yitzhak Schneerson in the Russian Empire late in the 19th century. Part of the collection was nationalized by the Bolsheviks in 1918 and eventually joined the collection of the Lenin Library (now the Russian State Library). Schneerson managed to take the other part of the collection out of the Soviet Union while emigrating in the 1930s.

The New York-based Chabad-Lubavitch religious community has been seeking the Schneerson collection's handover since late 1980s. In August 2010, a federal judge in Washington, Royce Lamberth, ruled that the Hasidim proved the legitimacy of their claims to the ancient Jewish books and manuscripts, which, in his definition, are kept at the Russian State Library and the Russian Military Archive illegally. The Russian Foreign Ministry challenged the judgment.

It was reported on January 17, 2013, that a U.S. district court in Washington had ruled to oblige Russia to pay \$50,000 a day as a fine until the Schneerson collection is returned to Chabad-Lubavitch.

The Schneerson book collection's transfer to the Jewish Museum and Tolerance Center in Moscow, within which the Russian State Library opened its branch, started at Russian President Vladimir Putin's proposal in 2013. The library provided all the necessary conditions for accommodating the collection, and all those wishing received access to it.

A Russian court ruling that took effect in July 2014 obliges the Library of Congress to return to Russia seven books from the Schneerson collection, which Moscow lent to the Library of Congress on an interlibrary loan in 1994 at the U.S.' request.

Having received the books, the Congress passed them to the Agudas Chasidei Chabad Library. When the return deadline expired, the U.S. asked Russia for extending the loan term. The Russian State Library granted such extensions at the Culture Ministry's permission in 1995-1996. The Hasidim community proposed in 2000 that the books be exchanged for others and offered a list of such books to choose from, but Russia did not agree.

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 30 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

AGUDAS CHASIDEI CHABAD OF
UNITED STATES,
Plaintiff,

v.

RUSSIAN FEDERATION, *et al.*,
Defendants.

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Civil Action No. 05-1548 (RCL)

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT AGAINST ALL DEFENDANTS**

On October 27, 2009, this Court granted Plaintiffs request for an entry of default (Document 77) against Defendants Russian Federation, Russian Ministry of Culture and Mass Communication, Russian State Library, and Russian State Military Archive (collectively, "Defendants") following the withdrawal of Defendants' counsel of record (Document 76) and Defendants' announced intention to withdraw from the litigation and disregard any and all Orders entered by this Court (Document 71).

Defendants thereafter moved for a Default Judgment against all Defendants and filed in support thereof a Memorandum of Points and Authorities together with Declarations of Nathan Lewin, Rabbi Yehuda Krinsky and Rabbi Shalom Dovber Levine, and extensive record materials compiled during the course of this proceeding.

Having carefully reviewed the briefing and evidentiary materials supporting Plaintiffs Default Judgment Motion, considered the various arguments made by the Parties during the course of these proceedings, and taken into account the earlier decision of the U.S. Court of

Appeals for the District of Columbia Circuit affirming this Court's jurisdiction over the Defendants under the Foreign Sovereign Immunities Act, 28 U.S.C. § 1605(a)(3),

IT IS HEREBY ORDERED AND ADJUDGED, FOR THE REASONS SET FORTH IN AN ACCOMPANYING MEMORANDUM OPINION, AS FOLLOWS:

1. Plaintiff Agudas Chasidei Chabad of United States' Motion for Entry of a Default Judgment against all Defendants is hereby GRANTED.
2. Defendants are Ordered to surrender to the United States Embassy in Moscow or to the duly appointed representatives of Plaintiff Agudas Chasidei Chabad of United States the complete collection of religious books, manuscripts, documents and things that comprise the "Library" and the "Archive" presently being held by the Defendants at the Russian State Library and the Russian State Military Archive or elsewhere, and Defendants are further directed to assist and authorize the transfer of the "Library" and the "Archive" to the United States Embassy in Moscow or to Plaintiffs appointed representatives and to provide whatever security and authorization is needed to insure prompt and safe transportation of the "Library" and "Archive" to a destination of Plaintiff's choosing.¹

¹ The "Library" includes those books, manuscripts, and other publications constituting the 5,619 titles in Chabad's copy of the surviving pre-Revolutionary catalogue of the "Library" enumerated in Attachment I to this Order, which is Levine Supp. Decl. ¶ 6, Ex. N, DC Document 69. The "Library" also includes the 4354 books being held by the Russian Federation at the RSL main library or at its storage facility in Chimki, Russia, which were identified by Rabbi Levine in July 2000 and marked with a sticker stating "Lubavitch collection" enumerated in Attachment II to this Order, which is Levine Decl. ¶ 2, DC Document 67. The "Library" further includes the 87 books at the RSL's "rare books" department which Rabbi Levine was able to identify in 1988, enumerated in Attachment III of this Order, which is Levine Supp. Decl. ¶ 7, Ex. O, DC Document 69. The "Library" also includes the 281 volumes of bound manuscripts which are located in the RSL's manuscript department's *Polyakov* collection, as identified by the card files of the RSL and by the photocopies made by the National Library of Israel. (Levine Supp. Decl. ¶ 8, Ex. P, DC Document 69.) The "Library" also includes the seven books provided to President William J. Clinton and Vice President Al Gore.

The "Archive" includes the books, manuscripts, and other things that are referenced in the certificate prepared by the Director of the RSMA, Vladimir N. Kouzelenkov, which describes the contents of the "Archive" and states they can be located in Fond 706/k at the RSMA, as stated in Attachment IV to this Order, which is Gerber Decl. ¶ 6, Ex. E, DC Document 67. The "Archive" also

3. Plaintiff shall report back to this Court within thirty (30) calendar days of the date of this Order, and advise the Court on the progress of securing a return of the “Library” and the “Archive,” including the condition of the Collection and the extent to which either the “Library” or the “Archive” have been compromised, if at all.
4. The Parties shall each bear their own costs of litigation, but all fees and costs associated with return of the “Library” and the “Archive” shall be born by Defendants alone.

SO ORDERED this 30th day of July, 2010.


ROYCE C. LAMBERTH
U.S. DISTRICT COURT

includes the books, manuscripts, and things which may be located in RSMA Fonds 707, 709, 717, 1325, and 1326, as confirmed by a guide of Jewish holdings of the RSMA titled *Dokumenty po istorii i kul'ture Evreev v trofeinykh kollektiiakh Rossiiskogo gosudarstvennogo voennogo arkhiva Putevoditel'* (*Jewish Documentary Sources Among the Trophy Collections of the Russia Military Archives: A Guide*) / ed. V. N. Kuzelenkov, M.S. Kupovetskii, and David E. Fishman (Moscow, 2005, RSMA, Project Judaica), which states that the manuscripts and texts of the Sixth Rebbe can be found in RSMA Fonds 706k, 707k, and 1326k. (Levine Supp. Decl. ¶ 3, Ex. K, Document 69.)