

11 September 2018

(Translation, original: German)

Chaos at Russia's Border with Belarus

Open letter to President Vladimir Putin

Mister President

My wife and myself have undertaken a trip to Moscow a few days ago. We are culturally interested people. We wanted to visit museums, see churches, pay our respect to the famous Russian writers that are buried in Moscow. We also needed a vacation.

Until now, we can't forget the treatment we endured in your country.

We have entered Russia by train from Belarus with a valid Russian visa on the morning of 31 August 2018. At the first stop of the train in Russia, at Smolensk, we left the train and went to the hotel that we had booked for the following night. But we spent the night in the offices of the police and Federal Security Service FSB, the former KGB. We were photographed, and our fingerprints were taken. We were fined with a 2000 Rubel fine, prevented from continuing our journey towards Moscow and forced to take a train back to Belarus at 5 o'clock in the morning on 1 September. This letter describes what happened.

Why we wanted to travel by train

There are different ways to travel to Russia. Most tourists fly and contribute to global warming. We like to travel differently. The path is the goal. You may call it *slow travel*, in analogy to *slow food*. We found out that the Russian Railways connect France, Germany and Poland with Moscow, while other European rail operators have given up their long-distance and overnight connections.

As president of a small association in Bern dedicated to the culture of Russia and the post-Soviet countries, and as organizer of cultural excursions and journeys, I have been promoting the understanding for Russia in my own country. After organizing thematic events about General Suvorov in Switzerland, I wanted to travel along the road taken by foreign invaders in 1812 and 1941, to reach a better understanding of Russia's past and of her way to remember. I consider the heroic fortress of Brest and the Uspenski Cathedral in Smolensk as places where travellers should stop on their way. They are also well located along the main road and railroad connection between Moscow and the rest of Europe.

Our preparations for the trip

From the very beginning, our trip was prepared carefully because we plan to invite a group of interested friends for this journey next year. In mid-July 2018, we purchased railway tickets online through the official website of the Russian Railways RZD and booked hotels in Berlin, Warsaw, Smolensk and Moscow.

Vega Hotel and Convention Center in Moscow, where we booked a room for our stay in the Russian capital, is offering visa support on its website. By e-mail, in English and Russian, we informed about our intention to enter Russia at Smolensk by train and the fact that we had booked a hotel there. We

got the visa support letter, one of the documents needed to obtain a Russian visa, from an agency in St. Petersburg, obviously a partner organisation of our hotel.

In our visa application, filled in after downloading the form from the internet, we clearly indicated that we planned to stay in Smolensk for our first night.

After submitting all the requested documents and paying the necessary fees, we got our visas for Russia, without anybody mentioning to us that our planned trip was impossible or illegal.

Finally, we requested and got the transit visas for Belarus. We mentioned in the application that we intended to enter Belarus from Poland and leave Belarus for Russia. No warning about restrictions on the border between Belarus and Russia came from that side.

During our preparations, we considered the advice of different guidebooks for travellers. They write that travelling by train takes a long time but forget to mention that additional time is spent in detention.

Transit through Belarus

On August 30, shortly after midday, we sit in the intercity train coming from Warsaw and cross the border to Belarus, the former border between Poland and the Soviet Union. Belorussian border guards enter the train. We fill in a small paper called Migration Card, which mentions in its header the names of the two countries Belarus and Russian Federation. One half of the form is kept by the border guards, the other is stamped with an entry stamp and returned with the request: "Keep it together with the passport until you leave the country". The Belorussian transit visa in the passport is also stamped.

We then visit the city of Brest and the fortress where the Soviets were heroically resisting the German invasion in 1941.

Shortly before midnight, after a good dinner in the old but nicely refurbished station restaurant, we board the train from Brest towards Moscow. We cross the Belorussian capital Minsk in the middle of the night and arrive in the morning at Orsha, the last stop in Belarus.

After a further ride of about one a half hour, we leave the train at about 09.45 at Smolensk, in Russia. No border control has taken place in the train, no border guard can be seen at the platform, and no signpost requests arriving passengers to show up at a border guards or customs office. We take a taxi to Hotel Usadba on Bakunin Street, the place we have booked for the coming night. "Your room is not ready yet", tells us the receptionist, to whom we hand over our passports. She promises to let us know when it is the case. In the meantime, we have breakfast in the hotel restaurant and relax after the fast but bumpy ride through the night in an old Belorussian wagon.

"You have entered Russia illegally", tells the lady at the reception with an unpleasant voice when we inquire about the room.

"What do you mean?" I ask and wonder. "Are we guilty if nobody controlled us?"

The lady specifies that we have not passed through an official border checkpoint. I answer that we sat in the train, we did not sneak into Russia through the woods to avoid a checkpoint, and that we have Russian visas valid from the same day.

I start worrying and feel uneasy. If the names of both countries Belarus and Russian Federation are shown on the Migration Card, it seems logical to me that the paper is valid for both countries. I wonder how border control works on the long-distance trains crossing Smolensk on their way from Moscow

to Warsaw, Berlin and Paris. I question myself: maybe we should have taken one of these trains, not the night train from Brest?

We take a shower in our hotel room. When we leave the hotel to discover the city, the receptionist tells us that she has been authorized to register us. Nobody would prevent us to continue our journey. But she adds that we risk a fine on our way back.

A calm day in Smolensk

In the cathedral, an enthusiastic seminary student explains us the paintings of the old iconostasis and the significance of the icon of the Holy Virgin Hodegetria of Smolensk mentioned by Lev Tolstoi in his work "War and Peace". We also notice the old, quadratic floor tiles made not of marble, but of dark cast iron. We start feeling that we have arrived in Russia.

We walk long distances. When we return, a new receptionist announces: "We had to report about you to the police. The police will come, talk to you and have a look at your documents".

Friendly policemen visit us at our hotel

We are tired when we leave our room at around eight to go downstairs for dinner in the restaurant of the hotel. I take our passports and the documents with our hotel bookings and train tickets with me. Two policemen stand in the corridor, in front of our room, ready to enter our room. My wife prevents them from doing so and tells them: "Let's talk downstairs".

We sit at a table in the ground floor, explain the situation and hope to clear up all misunderstandings. "I see that you are normal people. We go to the office, you explain the same thing to our bosses, and I'll bring you back immediately", tells one of the policemen after looking through our papers. He adds that police is not in charge of border control but can organize a meeting with the service in charge. We take a seat in an old Soviet jeep and ride away. "Where do we go?" I ask. "To Gogol Street 15", is the answer.

A ten minutes wait at the police station

We are asked to sit down on two chairs in a corridor. "Wait a moment, the border police will be here in ten minutes", we are told. The two disappear in the neighbouring room. Policemen are passing, we hear snatches of conversation, swearwords. They are calling: "What to do with them?", someone screams. Not far from us, behind bars, a man is waiting to be released. He denies having stolen three bottles of alcohol in a shop and complains about his heart disease.

Time passes. Another policeman shows up in the corridor. "*Vy ponimayete shto vy narushali?* Do you understand that you broke the law?" He sounds threatening.

Another question that we hear several times during the night: "From which train did they take you out?"

We explain: there was no control in the train, nobody controlled us there. We tell our story again from the very beginning. And we answer questions: Family name, first name, date of birth, place of birth, marital status, address, professional activity, criminal records, purpose of our visit of the Russian Federation, what we are doing in Smolensk, where we go, why we understand and speak Russian.

The policeman explains that there is no border between Belarus and Russia. "*U nas nyet granitsy* - we have no border." With "border", he means "border control". He refers to a bilateral agreement of the two countries.

We understand by now that our interlocutor believes that we are in an irregular situation due to the absence of border control and because we are in Russia without a Russian entry stamp on our Migration Card. The entry stamp of Belarus, the Migration Card filled out in Brest, our train tickets, all this is of no interest except as proof that we are here illegally. Our argument that the Migration Card filled out in Brest gives the impression that it is valid in both Belarus and the Russian Federation is not considered.

I argue. If we are indeed in an irregular situation, it's not our fault. We didn't just come spontaneously ourselves. A company knew our plans, invited us, received a payment for the invitation letter. This company should have advised us. Then there is the railway company. If it was illegal for foreigners to cross the border between Belarus and Russia by train, why is there no warning on the RZD-Website that foreigners can't cross this border legally and should therefore not be allowed to buy international tickets? Finally, the visa was issued by an embassy that was informed in our visa application that we wanted to visit Smolensk and Moscow. Why didn't they tell us?

I ask several policemen what we should do. "Go back to Minsk and take a plane to Moscow", is the answer. Strange. We are a four hours train ride from Moscow, and now we should travel back to the capital of Belarus and fly from there? This looks like pure madness. There must be a way to reach Moscow by land.

All those people talking to us show some understanding, a certain interest for our arguments, maybe even sympathy. But in their eyes, we are here illegally, and they are unable or unwilling to regularize our stay.

Our file is completed with a photograph and fingerprints later in the night. My wife is horrified. She feels treated like a criminal. She tries to resist.

"You are only detained, not arrested" she is told. "If we had arrested you, we would have confiscated your belongings and you would be sitting over there, behind the bars", the policeman in charge is calming her. And he tells his story: there was this American, he spoke no Russian, we invited a translator, she was a student of foreign languages, he was sitting here, and we saw that they developed some sympathy for each other. Is he trying to present illegal entry as the new way to get acquainted with charming Russian females that speak foreign languages?

After a few hours, my wife is given permission to use the best toilet of the house. I can do with the squat toilet. A policeman waits outside and brings me back to my chair in the corridor.

During the night, we are asked to confirm in writing that we have been treated correctly and that we have no complaints.

My wife, familiar with literature as well as with the film industry, feels like playing in a new Franz Kafka movie, but with the film crew missing. Later, she tells me what she knows of the soft forms of torture of the early 1930s, some years before the Great Terror, when detainees were made to confess through sleep deprivation. She has not slept enough in the train and is tired from walking. She feels bad and exhausted. She just wants to sleep.

We are not beaten; our things remain untouched. Papers hanging in the corridor show several articles of the Russian Constitution. There is even a phone number for complaints. We ask to call the embassy. The policemen tell us that they tried to call.

During the long hours at the police, I think again and again: For heaven's sake, what went wrong? How did we end up in this situation?

Should we have threatened the policemen with a scandal from the very beginning? Should we have scared with invented relations to their superiors? This could have helped, but I remember no names. Should we have treated the policemen as stupid idiots, should we have insulted them instead of speaking nicely to them? I hate treating people badly, it would have been inappropriate, maybe also counterproductive. Should we have closed ourselves inside the room while trying to call the embassy? This would have looked like an overreaction. When we checked into the hotel and were accused of being illegal, should we have taken our luggage back to the station and tried to take the next train to Moscow? But would we then have gone through the same experience in Moscow? Was there a place in town, an office that could have allowed us to spend the night in the hotel instead of the police station? Was there someone in charge of tourism that could have offered his or her help while we were still walking around as free human beings in the streets of Smolensk? While I wait, I find no answer to all these questions.

One policeman tells us that we will be brought before a judge the next morning. Another says that the border guards will decide if we can take the 07.42 train to Moscow for which we have tickets.

Transfer to the Federal Security Service FSB

At 1 o'clock in the night, the police take us to the Border Guards department of the Federal Security Service FSB. A man expects us outside. I greet him with a handshake and hope for a human treatment.

We descend the stairs outside the building and enter from the basement. "We shall start with the fingerprints", says the FSB staff. "Is there no cooperation between your services?" I ask edgily and tell him that they already took our fingerprints. The man with the rank of a praporshik is taken aback and looks at the papers that he has got from the police. He looks at the bad copies of the fingerprints, hesitates, and we go up to his office.

We tell again our story from the very beginning. We meet again a man that understands us.

An open border between Belarus and Russia means that it is closed for foreigners

He confirms the information of the police: there is no border checkpoint at the border with Belarus. And, still according to him, there is nobody that can confirm the legal entry of foreign travellers on the trains coming from Paris, Berlin, Warsaw and Brest.

I can't believe it. Smolensk is located on the most important railway connecting Moscow with the rest of Europe. On our way, we have seen uncounted freight trains with Chinese containers. The new Silk Road exists, and here, on this most strategic spot, Russia has no border control. This can't be true.

We ask for a special permission to continue our journey towards Moscow in the morning. We have the tickets in our hands. Our praporshik tells us that this decision does not depend on him. He calls his superior. Then we hear: "*ponyal, ponyal, vsyo ponyatno* – I understand, I understand, it's all understood". The superior refuses.

Our man has the impression that there is a trend towards more severe control after the football World championship when the fans were travelling through the country without visa, just with a ticket around their necks.

I argue that for the control of passengers a border checkpoint would be useful!

Terrorists are invited, tourists detained

I know from the website of the Belorussian Ministry of Foreign Affairs that foreigners entering Belarus through Minsk airport can stay in the country for five days without a visa. Our man confirms that there

are only sporadic controls in the train. This means that foreigners that entered Belarus without visa can take the train to Moscow and stay there without being controlled as long as they do not spend the night in a hotel. I conclude that Russia's border management is an invitation for terrorists.

This is what I tell the man of the FSB.

While I talk and still can't believe what happens, the praporshik sits at his desk and writes the text that justifies a fine of 2000 Rubel for each of us. He is tired too. He confirms that we are not the only travellers in this situation. He even recalls the exact number of cases since the beginning of the year. When he mentions the statistics, he has an expression of pride in his face.

At the same time, I'm disappointed that he is not keen to receive the e-mail communication with the company that produced the visa support and invited us to come to Smolensk by train. We believe that is relevant, and it is therefore included as Annex 3.

Eight hours have passed, enough time to analyse the logic of Russia's border management. But while I try to understand, I feel humiliation and bitterness. Who ever dared to treat us like this?

During these hours, police and security have produced four documents made available to us. They are included as Annexes 4 to 7.

The praporshik explains: the fine must be paid during sixty days through the banking system. Cash payments are not accepted. If we don't pay, we will automatically be denied entry for five years. At this stage, however, we are still allowed to enter Russia, and our visa remains valid.

For the legal entry by land, the man of the FSB recommends the border point called "Tri Sestry", meaning "Three Sisters", from where we can reach Bryansk, a city where there are trains to Moscow.

The man also advises not to use the railway for the return trip from Moscow, because of the occasional controls. If we are caught a second time, we can't claim that we didn't know, and the sanctions will be more severe.

The instruction of the Federal Security Service and its implementation

The man of the FSB tells us that we get the minimal fine, he can't go lower. He can't include our objections in his text, he must respect a predefined form. He asks us not to delay the procedures, otherwise we miss the train back to Belarus before five o'clock. We comply and hope that we will have time for a shower. Finally, the text with the title *postanavljenje*, instruction, is written, printed, signed by him and by us, copied. We receive a copy.

After hours of waiting things suddenly must happen fast. A stout lady in uniform is ordered to bring us out of the country. She wakes up a driver that sleeps in a car. In the hotel room, we are asked to pack our belongings quickly. No shower. If we don't hurry up, we will have to wait until three in the afternoon in the offices of the FSB, she threatens.

I get angry about the hotel that has posted no warnings on its website and appears to me as part of the tourist trap installed at Smolensk. You book a hotel, they give you a night with interrogations at the police and the FSB. Great hospitality. But we can't avoid what happens next. The lady keeps our passports in her fingers.

At the railway station, we buy the train tickets back to Belarus with our own money. We catch the 04.39 train back to Orsha. The lady and the driver wait in front of the wagon till the train departs. The law-enforcement agencies will report that they prevented the illegal entry of two more foreigners.

Mister President

Do the law-enforcement agencies also report to you about the arbitrariness that reigns here, about the chaos they create at the border?

Entering Russia legally after a four hours taxi ride

At six, we are back in Belarus, at Orsha station.

As cautions Swiss, we have some cash for unexpected occasions. A taxi ride of 400 km has not been part of our budget, but we decide to reach Tri Sestry, the place where Belarus, Russia and Ukraine meet, as fast as possible. We don't want to imagine how travellers without money feel after being sent back to Orsha.

We speed through the Eastern part of Belarus in the morning of 1 September, the traditional beginning of the school year, the anniversary of the Beslan tragedy.

At the Belorussian checkpoint of Veselovka, where we pay the driver and continue on foot, the border guards control the travellers with exasperating slowness. They have time. There is not much to do in this sparsely populated area. Lengthy discussions between drivers and the checkpoint staff take place about the validity of the vehicle insurances of the different countries.

We give the Belorussian border guards the Migration Card that we have filled in 48 hours earlier at Brest. I give a thought to the validity of the transit visa only when I hear the question "At what time did you enter Belarus?" Are we about to experience another detention at Veselovka? I answer that I don't remember. The border guard does not insist. He stamps the passport and lets us go.

In the midday heat of a late summer day we walk along an empty road with four lanes, dragging our luggage.

At the point where the three countries meet, there is a huge monument from which the colour peels off. It bears witness to the friendship of the three Republics during Soviet times. The dissolution of the Soviet Union, what a progress, I think, and wonder whether travellers have been forced to such detours during the worst times of Stalin.

From the monument, we could have taken the road to Ukraine where we need no entry visa, but we want to continue to Moscow, where we have already paid our hotel, with a non-refundable booking.

The first Russian border guard greets us with surprise when we give him our passports. "Swiss? By foot?" My annoyed answer is: "Yes, this is your system." He asks us to proceed to the passport control window and mutters "sorry" in English.

We fill in a new but identical Migration Card, that shows again the Russian Federation and Belarus printed on the form.

When we leave the checkpoint, a stamp on the Migration Card confirms our legal entry at the border checkpoint Novyye Yurkovichi. We are in the middle of nowhere. There is no traffic. The last border official of the checkpoint advises to wait. He tells us that he can stop a car for us. A man working at the checkpoint agrees to be our taxi on the Russian side. He brings us to Novozybkov, a small town about 70 km away, where there is a small bus terminal with another squat toilet.

From there, Moscow is still very, very far.

Mister President

I learned by now that there is a way to enter Russia legally by train from Ukraine, without taxi rides and walks through no man's land. But politicians in Ukraine demand the suspension of the train connections between the two countries. We therefore can't reasonably rely on such a variant if we want to organize the travel of a group.

Mister President

I am convinced that you can initiate a process to open a border checkpoint in Smolensk oblast if you have the political will.

As to me, I have spent several years of my life with the development and implementation of projects to improve migration management, including in countries that formerly belonged to the Soviet Union. I have therefore no difficulty to speak to border guards in Russian and I understand their way of working and usually their logic.

I would like to share a few thoughts.

My request for clear rules and legal certainty

Mister President

First, it should be clarified whether the Migration Card of Belarus and the Russian Federation is valid in both countries. If this is the case, your services were wrong, and they should cancel or pay back our fines and compensate the whole cost of our detour and of our spoilt holiday plus the considerable moral damage.

If the Migration Card is only accepted in one of the two countries, don't write the names of two countries on it. This will avoid misunderstandings and save ink.

The next question is whether Russia intends to refuse the entry of foreign travellers at the border with Belarus unless they go through the Three Sisters checkpoint.

If this is really the case, this interdiction should be handled consistently.

Russia should then prosecute the railway companies of Russia and Belarus in accordance with Protocol 2 of the International Convention against Transnational Organized Crime of 2000 (transportation of illegal immigrants). If the railways openly sell tickets to foreigners at their counters or on company websites without checking the nationality of their clients, they act like people smugglers in the Mediterranean. In aviation, carrier sanctions apply, and similar sanctions will be needed for railway companies.

There should also be penalties for companies that sell invitation letters for forbidden routes. (As a start, the authority in charge of the oversight of the company that invited us should become active.)

As a third measure, you could advise consular staff abroad that if visas are issued for border areas with Belarus, the foreigner visitors should be warned that these regions are not supposed to be reached via Belarus.

Finally, the authorities should inform the public at home and abroad that the open or inexistent border of Russia with Belarus can be crossed legally only by citizens of Belarus and the Russian Federation.

Mister President

The Trans-Siberian Railway is the longest and best-known railway line of the world. Railway fans all around the world dream of it. A part of these potential tourists could be tempted to use the railway to reach Moscow. I would like to spare them the humiliation at the border that we have experienced. I would regret if similar experiences of others would lead to premature conclusions about your country and your government. I formulate this text as an open letter to warn potential victims and hope that the detailed description of our experience will contribute to clarifications and improvements of the situation.

To end the chaos, I see a need for close coordination of the authorities in charge of transportation, tourism and border control first at the national level, and then bilaterally with Belarus.

Mister President

I suggest opening an official border checkpoint at Smolensk station staffed with intelligent border guards that walk in the trains and carry with them the needed Migration Card forms, smart devices for the control of foreign travellers and an entry stamp "СМОЛЕНСК Ж/Д – Smolensk Railway".

I expect a written confirmation as soon as legal entry to Russia without the risk of detention, fines and detours is possible by train on the main railway line from Berlin to Moscow.

Best regards



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Annexes. The quality of the scanned copies (Annexes 4 to 7) reflects the quality of the photocopies handed over to us

1. Brest fortification 30 August 2018, Smolensk cathedral 31 August 2018
2. Ticket to irregular entry, sold without warning to ignorant foreigners in the internet by the Russian Railway RZD
3. After booking the hotel in Moscow: our request for visa support with the mention of the intended entry by train
4. Declaration of the detained as written down by the police, 31 August 2018
5. Protocol about administrative detention by the police, 31 August 2018
6. Protocol about administrative detention by the Federal Security Service, 1 September 2018
7. Instruction by the Federal Security Service, 1 September 2018
8. Walking across the border: Checkpoint Veselovka (Belarus), monument "Three Sisters"
9. Migration Card filled in at the Russian border, entry stamp Novyye Yurkovichi

Copies of this letter including nine Annexes are sent in electronic form to

- The embassy of the Russian Federation in Bern with my kind request to forward it to authorities in the Russian Federation that have no publicly known electronic address, in particular to the President of the Russian Federation, the Administration of the President, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of Culture and its Federal Agency for Tourism, the Ministry of Transport and its Federal Agency for Railway Transport, the Federal Security Service FSB and its Border Organs, the Ministry of Justice, the Committee for Security and Combating Corruption of the State Duma, and the Human Rights Ombudsmen
- The General Direction of the Russian Railways RZD
- The General Direction of the Belorussian Railways BCh
- The Governor of Smolensk Oblast
- The Mayor of Smolensk
- The embassies of the Russian Federation in Europe, to improve the information provided to travellers intending to travel overland to Russia
- Hotel Vega Izmailovo, Moscow
- Visa Centre LLC, St. Petersburg
- The President of the Republic of Belarus
- The embassies in Moscow of all countries whose citizens risk being detained at the border between Belarus and the Russian Federation
- The Council of Europe
- OSCE
- The Shanghai Cooperation Organisation
- The Executive Committee of the Commonwealth of Independent States CIS
- The representations of selected international organisations based in Moscow
- Selected media outlets of the Russian Federation, with the kind request to inform the public
- Selected media outlets worldwide, with the kind request to inform the citizens of their countries about the current risks of being detained at the border between Belarus and the Russian Federation
- The authors of several guidebooks about Moscow and the Russian Federation