

RUSSIA: Case of Danish Jehovah's Witness continues

Summary of hearings in case of Danish believer in Orel

Russia Religion News (09.11.2018) – <https://bit.ly/2K1i0m0> – In October 2018, in the Zheleznodorozhny district court of the city of Orel, 11 court sessions were held in the case of the Danish subject Dennis Christensen, who faces up to 10 years incarceration (on the basis of part 1 of article 282.2 of the CC of the RF) merely for the fact that he professes the religion of Jehovah's Witnesses. The case is being heard by Judge Aleksei Rudnev.

On 8, 10, 15-17, and 22-24 October 2018, the court examined religious books in digital format that were discovered on a computer seized from Dennis Christensen. In the courtroom, separate fragments from these books and brochures were read, specifically encouraging the maintenance of peaceful relations with people and the strengthening of family ties, especially if a life partner has a different religion.

The prosecution called attention to fragments explaining who are the elders of a Christian congregation of Jehovah's Witnesses and what their pastoral concern consists of and what personal requirements they must meet. In particular, the instructions enumerated in the New Testament that each of them "must be above reproach, the husband of one wife, moderate in habits, sensible, self-disciplined, hospitable, and capable of teaching, and they should not cause drunken scandals or beat others but be reasonable, not belligerent, not love money, and

manage their households well. . . .” It was left for the lawyers merely to note that the image of the person described is entirely unlike that of a criminal. The prosecutor also called attention to a quotation from the New Testament Acts of the Apostles: “It is necessary to obey God rather than men.” When Dennis Christensen was asked: “Do you know instances when Jehovah’s Witnesses refused to obey laws of the state, making a choice in favor of the laws of God?” he answered that he knows of one such case, when German Jehovah’s Witnesses during World War II went to concentration camps instead of the eastern front, refusing to kill Russian soldiers.

The lawyers also called attention to the fact that not one of the books or brochures found by the prosecution had been ruled to be “extremist.”

On 24 October 2018, the court again extended Christensen’s term of detention in custody by three months, until 1 February 2019. The next day an appeal was filed against this order.

On 29 October 2018, the court studied electronic files from tablets seized from other believers. The prosecution interprets the very fact that the citizens used books in electronic form as measures of conspiracy. Lawyers consider such an interpretation far-fetched.

In describing the seized files, the investigator considered without basis that they belonged to the local religious organization of Jehovah’s Witnesses in Orel. When lawyers called attention to this, the judge asked the prosecutor whether the files contain any information about the local

religious organization. The prosecutor had to respond that they do not. Christensen also explained that he has nothing to do with these files.

In reviewing other evidence of Christensen's guilt included in the case by investigators, the lawyers called the court's attention to photographs where Christensen and his wife were shown in a supermarket alongside a person in a costume of a fairytale character. The lawyers asked what these and many other pieces of "evidence" prove. They do not prove anything and they have been introduced into the case merely for volume, which shows the essence of this criminal case as based on nothing, the lawyers concluded.

On 30 October 2018 the court continued to examine materials of the case. The prosecutor read various bank statements from 2016. In depicting them, the prosecutor several time repeated the phrase "it has no significance for this criminal case," so that the judge asked: "If the materials have no significance for this case, then why are we wasting time here?" The prosecutor refused to read the next protocol consisting of 48 points.

In trying to prove Christensen's guilt, the prosecution added to the materials of the case a certificate from a military commission regarding nine conscripts who refused service in the army, citing their religious convictions. The lawyers called attention to the fact that the prosecution's use of the wording "refused service in the army" is incorrect inasmuch as the state provides alternative service for citizens. In selecting alternative service, a citizen is following the law strictly. Then the lawyer read out where each of these nine youths had been sent for conducting alternative service. Some

served in the Russian postal service and others in a gerontology center caring for elderly people. The lawyer suggested thinking about the feelings of the elderly for whom these people were caring and how grateful they were to them. Without any doubt, the young believers were fulfilling their civic duty to the state.

On 31 October 2018, the initiative in surveying the materials of the case was passed to the defense. Lawyers called the judge's attention to the fact that after the case was opened against Christensen, the investigation did not arrest him for some time. That means that the investigator himself did not think that Christensen could flee. Consequently, his detention in custody is without grounds.

In addition, lawyers identified defects in the expert analyses existing in the case.

Subsequent sessions in this case are scheduled for 6, 7, 12, and 14 November 2018 in the Zheleznodorozhny district court of Orel (45-a Maxim Gorky St.). (tr. by PDS, posted 11 November 2018)

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SYRIA: ‘Next time we will not survive’ – Middle East Christian refugee

World Watch Monitor (12.11.2018) – <https://bit.ly/20Jj9F0> – As many as 80% of Syria’s Christians have left their country since the start of the civil war in 2011, while 50% of Iraq’s Christians have been uprooted since 2006, according to a report produced by Christian charities Open Doors International, Served and Middle East Concern in June last year. The arrival of IS was only the “tipping point” of a trend already gathering pace as Christians experienced an “overall loss of hope for a safe and secure future”, the report said.

Lebanon received the most refugees and in December 2016 the advocacy group ADF International heard some of their stories, which they have now shared with World Watch Monitor. In the snippets below, the interviewees are referred to by their initials alone, to preserve their safety.

“We lived in Mosul [northern Iraq] until 2005 [when] bullets

were shot into our home. Between June and July, 2005, terrorists tried to kidnap our son three times, but he was able to escape,” said S. H., a Christian father of five, adding that after this he moved with his family, including three disabled children, to Qaraqosh, 30km southeast of Mosul.

Three months after Islamic State arrived there, on 6 August 2014, the family fled again. “They gave us three options: conversion, death or jizya [a special tax for non-Muslims],” said S. H., adding that this time they fled to Lebanon – because “it is Christian and Arab-speaking”.

Another man, a 43-year-old father of two girls, identified by his first initial, N., fled to Lebanon in February 2015 after IS gave him 24 hours written notice to leave Baghdad, his job and his home, or he and his family would be killed.

“My relatives – my cousin and his grandparents – were killed by bombings at their home, because they didn’t want to quit their job or convert. Colleagues of mine were kidnapped. Some were freed for US\$16,000, others were killed. They were told they must deny Jesus or they would be killed,” he said.

It is difficult to assess how many people have been killed by IS but mass graves were found last week, some of which contained thousands of bodies.

‘Christians must not be alive’

For 70 years another Christian family, identified as S. and

H.K., had resided in the city of Hasakah, northeast Syria, where they lived at peace with their Muslim neighbours, S. told ADF. All that changed with the arrival of Islamic State.

“Our neighbours joined IS [and the group] used [them] to communicate with us [that we had] three options: convert, leave, or die. They burned our farm at night to kill us, but we were not there. We escaped, going from village to village. We have two brothers, but now we don’t know anything about them. We have had no contact since we fled,” S. said.

A 71-year-old Catholic Christian, identified as H. S. H., recalls how he and his brother fled Aleppo, Syria on 27 December 2013, to find refuge at his farm in Raqqa, only to find further danger. “Our taxi driver was shot in the neck. My brother and I were assaulted and then locked up in the chicken stag pen, a dark room. We were locked up for three days. This was the last time I saw my brother. Our captors wanted to know if we were the owners of the farm. They stole my money. My neighbours later told me that this was IS,” he said.

“We were fed dog food, and they told me that Christians must not be alive. We were told: convert to Islam, or be killed. They told me if I converted, they would give the farm back to me. The jizya was also an option. But some of my neighbours, who were Armenian, were killed after paying jizya.”

He said he was able to escape when the Syrian army attacked IS, with the help of his Muslim neighbours, and that he fled to Lebanon as he had heard the UN could help him. “I have waited three years. The UN has not helped me directly. I had

an interview at the French embassy; they told me it would take 20 days to get back to me. It has been two months," he said.

At the time of the interview he lived with friends in Beirut and had survived three heart attacks. "I do not want to go back to Raqqa or Aleppo," he said. "I have had too much trauma and could never go back. I don't want to remember what happened. It is too difficult."

Psychological trauma

The same is true for a Chaldean Christian family from Batnaya, northern Iraq. They had not been able to flee because of illness in the family, when IS entered the town in August 2014. Militants came to their house repeatedly, threatening to rape and kill them if they would not convert or if they called on anyone for help.

"After 22 days, IS took our whole family into El Sharkat prison in Mosul and stole everything we had," the 63-year-old father, identified as G. H. G., said.

"[They] separated my 14-year-old son and me from my wife, daughter and our handicapped child. I thought they would kill my son and me, and I did not know what would happen to my family. After four days they took my son and me to another prison, in Kirkuk, where we were for five days until they released us. In the meantime, [my wife] had been released from prison because of our handicapped child. She took our daughter and our handicapped child to a church in Kirkuk. This is where

we were reunited.”

Fearing for their lives, they fled to Beirut, but he said his daughter has psychological trauma and that they will never go back: “We escaped death by a miracle ... Next time we will not survive.”

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GERMANY: German Jews call for anti-Semitism classes for Muslim immigrants

Germany's federation of Jews says Muslim immigrants need special classes to counter anti-Semitic beliefs. They also

condemned the AfD for normalizing anti-Semitism in Germany.

By Alistair Walsh

DW (05.11.2018) – <https://bit.ly/2DAiHXc> – Germany's Central Council of Jews on Sunday called for combating anti-Semitism among new Muslim immigrants through education.

Vice President Abraham Lehrer told the Protestant Press Service that he expects anti-Semitism among immigrants to become more of a problem as they become more settled in Germany.

“The problem of immigrant Arab-Islamic anti-Semitism still lies ahead of us. Many of these people were influenced by regimes in which anti-Semitism is part of the rationale of the state and the Jewish state is denied the right to existence,” Lehrer said.

“When these people no longer think only of jobs and housing, this influence will have a greater bearing and people will express their opinions openly. In order to prevent this scenario, we need to tailor integration courses more closely to these people, preferably by country of origin.

“What is needed are additional hours (in integration classes) in which fundamental values such as democracy and the treatment of women in our society are taught intensively.”

Lehrer was speaking ahead of the 80th anniversary of Kristallnacht, the seminal pogrom in which Jewish houses, synagogues and businesses were torched across the country with the implicit blessing of authorities.

AfD provides platform for anti-Semitism

Speaking more broadly about anti-Semitism in Germany, particularly in regard to the rise of the far right, Lehrer said the current climate in Germany reminded him of attitudes at the end of the Weimar Republic.

Anti-Semitism had surged in Germany with the onset of the Great Depression in 1929 and the rise of Adolf Hitler and his Nazi party.

“We are concerned about the spread of anti-Semitism. I still encounter old sentiments of resentment in line with the principle ‘the Jews dominate television and the banking and financial world,’” he said.

He said authorities had failed to adequately condemn and prosecute anti-Semitism on display at neo-Nazi marches, such as those in Chemnitz.

Lehrer said the AfD, while not explicitly anti-Semitic, had helped foster anti-Semitic attitudes.

“At the very least (the AfD) creates a platform on which anti-Semitism can grow and manifest itself openly. In its draft party manifesto, for example, the party opposes circumcision and shechita (Jewish method of animal slaughter),” he said.

“Radical representatives such as Björn Höcke relativize the Holocaust and are apparently supported by a broad majority. The AfD is a kind of catalyst for various groups with anti-Semitic roots. It deliberately transgresses boundaries and thus contributes to anti-Semitic attitudes being regarded as normal.”

He called on states to introduce an anti-Semitism commissioner to signal that the government was concerned about the issue and devoted special attention to it.

HRWF Comment: Highly recommended reading: [“The Roots of Antisemitism in the Middle East: New Debates”](#)

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FRANCE: Anti-Semitic acts up 69 percent in France in 2018, prime minister says

Anti-Semitic acts in France rose by 69 percent in the first nine months of 2018, Prime Minister Édouard Philippe said Friday, on the 80th anniversary of the infamous “Kristallnacht” attacks on Jews in Nazi Germany.

France 24 (09.11.2018) – <https://bit.ly/2Dj2WmS> – Kristallnacht (also known as the Night of Broken Glass) refers to the smashed windows of Jewish shops and homes that happened in Nazi Germany during a heightened wave of violent anti-Jewish pogroms that took place on November 9-10, 1938. At least 91 Jewish people were killed and up to 30,000 men were rounded up and taken to concentration camps.

“Every aggression perpetrated against one of our citizens because they are Jewish echoes like the breaking of new crystal,” Prime Minister Édouard Philippe wrote in the statement on Facebook, referring to Kristallnacht.

“Why recall, in 2018, such a painful memory? Because we are very far from being finished with anti-Semitism,” he said, calling the number of acts “relentless”.

After a record high in 2015, anti-Semitic acts fell by 58 percent in 2016 and went down a further 7 percent last year.

France has the largest Jewish population in Europe and the third-largest Jewish population in the world. However, despite Jewish people making up less than 1 percent of the French population, they were the targets of nearly 40 percent of the violent acts in France classified as racially or religiously motivated in 2017.

And according to Phillippe, there has been a 69 percent rise in anti-Semitic acts in the first nine months of this year.

Günther Jikeli, a German historian at Indiana University who conducted a significant study of Muslim anti-Semitism in Europe, said the causes of this dramatic spike are difficult to identify. “The only two countries with reliable data on anti-Semitism are the UK and France,” he said. “Rises in anti-Semitism often happen in correlated waves in the two countries, and last year there was a major wave in the UK.”

‘Unite and speak out’

“Anti-Semitism is often in the minds of many people, but we need to discover what triggers this into action,” said Jikeli.

“Sometimes people feel emboldened in the wake of another anti-Semitic act, like the Pittsburgh attack” on a Jewish synagogue that killed 11 people in October.

The murder of an 85-year-old Jewish woman in her home last spring left many in France aghast.

“The murder of Mireille Knoll in March shocked and outraged so many people, but maybe it also activated others. We know that anti-Semites feel encouraged to take action for many reasons. But, crucially, they can also be discouraged – and international leaders must unite and speak out.”

Philippe quoted Holocaust survivor and Nobel laureate Elie Wiesel as saying that “the real danger, my son, is indifference”, pledging that the French government would not be indifferent.

The government plans to toughen rules on hate speech online next year, pressuring social media giants to do more to remove racist and anti-Semitic content.

Philippe said it would also “experiment with a network of investigators and magistrates who are specially trained in the fight against acts of hate”, which could be extended nationwide.

He added that from mid-November a national team would be mobilised to intervene in schools to support teachers dealing

with anti-Semitism in their classrooms.

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The EU tolerates the exploitation of North Korean workers in Poland

EUReporter TV & Human Rights Without Frontiers Video Project

The EU tolerates the exploitation of North Korean workers in Poland despite the UN

and its own sanctions

Monthly salary: 120 to 150 EUR/ Month

Working hours per day: 12 to 16

See more and hear more on the video below

See the video on YouTube <https://youtu.be/qojxp4wHCU0> or click on the image below



Since the thaw of the relations between North Korea and the US as well as South Korea, the media have focused their attention on the denuclearization process of the Korean Peninsula and have largely failed to report about the persisting egregious violations of human rights.

In October, at the European Parliament, HRWF and MEP Laszlo Tökes presented the film “Dollar Heroes” denouncing the exploitation of North Korean Workers by Pyongyang in Poland with the complicity of the Polish authorities.

Watch the video report of the screening of the film, interviews and the panel discussion, moderated by Dr Zsuzsa Anna Ferenczy, with MEP Laszlo Tökes, Tristan Chytroschek (the producer of the movie), Prof. Remco Breuker (University of Leiden), Eun Kyoung Kwon (Open North Korea/ ICNK) and Willy Fautré (HRWF).

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GREECE: Church agreement to take 10,000 priests off payroll

BBC (07.11.2018) – <https://bbc.in/2PlW2EE> – A landmark agreement has been reached in Athens that will end the status of priests and bishops as civil servants and bring Greece a step closer to separation of Church and state.

Some 10,000 Church employees will come off the payroll, although their wages will still be paid as a state subsidy.

The Orthodox Church plays a significant role in public life in Greece.

Some priests and politicians criticised the deal between Prime Minister Alexis Tsipras and Archbishop Ieronimos.

What have they agreed?

The two leaders say the state will continue to pay the clergy's salaries but no longer as civil servants. Greece has been trying to scale back its public sector after years of international bailouts. In 2015, 18% of the workforce was employed by the government.

Payment will be made through an annual subsidy of around €200m (£175m; \$230m), and that fund will not be affected if the Church increases or reduces the number of priests.

In return, the Church will not oppose moves to make the state "religion neutral" and would drop any claim to property once taken over by the state.

This property dispute dates back to 1952, and in their agreement the two sides said they would set up a joint fund to manage and develop sites claimed by both Church and state. Revenues and bills would be split 50-50.

Will anything change in Greece?

By Kostas Kallergis, BBC News

The deal between the prime minister and archbishop is definitely an important step towards Greece becoming a genuinely secular country, but the Greek Orthodox Church will remain omnipresent in numerous aspects of the Greek state.

Pupils at Greek schools still start their day with a prayer and continue to be taught religion throughout their 12-year mandatory education.

Greek courts have a religious icon hanging above the judge's seat and some public services still have forms which require to know the citizens' religion, despite this being theoretically illegal.

Even at the top political level, every new Greek government, including the last two headed by left-wing Syriza leader Alexis Tsipras, have invited the country's top clergy to sanctify them during the cabinet's swearing-in ceremony.

And despite the archbishop's concessions on constitutional reform, the preamble to the Greek constitution will continue to read "In the name of the Holy and Con-substantial and Indivisible Trinity" – a reference to the fact Greece is not simply Christian, but Christian Orthodox.

This deal is a first step, but there is clearly a very long way ahead before Church and state in Greece are completely separate.

What is the reaction to the agreement?

It will have to be approved by Church leaders as well as the government and MPs.

Not everyone is happy. A former education minister in the prime minister's party complained that the salaries of 10,000 priests were being guaranteed when the number of hospital doctors during the bailout years was even smaller.

The association of Greek clerics complained that losing the status of civil servants could deny them existing rights and said priests felt betrayed that they had not been consulted about the deal.

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PAKISTAN: Asia Bibi's release

day has finally come! Now what?



BPCA (08.11.2018) – <https://bit.ly/20vhq4N> – Asia Bibi has been set free from her long-term home under captivity at Multan Jail and we confirmed this with media after news from her family. BPCA will not give any more details to media groups until given the express permission of the family.

Wilson Chowdhry has spoken with the family of Asia Bibi, at 6am UK time on 8th November and they expressed that it is of utmost importance that there be no further speculation on her whereabouts reported by either concerned groups or international media. Asia Bibi, her family and guardians all still face a real and present danger of being killed.

This article is to celebrate the release of Asia Bibi and though general steps brought forth by human rights activists any reports or comments therein about her possible location

are not endorsed by BPCA.

Asia Bibi has now seen the light of day after ten years of incarceration, eight of which were on death row after she was falsely accused of blasphemy. The allegation arose after she drank water from a well used by Muslims and offered some to her coworkers who believed she had ritually defiled the well as they considered Christians unclean. Those convicted under Pakistan's blasphemy laws are subject to harsh penalties such as life imprisonment and the death penalty.

Read the full article at <https://bit.ly/20vhq4N>

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EUROPEAN COURT/GERMANY: Freedom of expression and abortion

Freedom of expression does not give the right to label abortions performed by designated doctors "aggravated murder"

Registrar of the European Court (20.09.2018) – <https://bit.ly/2zCSIdu> – In today's Chamber judgments¹ in the cases of *Annen v. Germany* (nos. 2 to 5) (application nos. 3682/10, 3687/10, 9765/10 and 70693/11) the European Court of Human Rights held, unanimously, that there had been:

no violation of Article 10 of the European Convention on Human Rights.

The cases concerned a series of complaints by an anti-abortion activist, Klaus Günter Annen, over civil court injunctions on various actions he had taken as part of an anti-abortion campaign. The plaintiffs in the domestic proceedings were four doctors who performed abortions.

The Court held in particular that the injunctions had interfered with Mr Annen's freedom of expression, but had been necessary in a democratic society. When examining whether there had been a need for such interferences in the interests of the "protection of the reputation or rights of others", namely of the doctors, the Court's role was only to ascertain whether the domestic courts had struck a fair balance when

protecting the freedom of expression guaranteed by Article 10 and the right to respect for private life protected by Article 8 of the Convention.

In sum, the Court considered that the injunctions had not been disproportionate to the legitimate aim pursued and that the reasons given by the domestic courts had been relevant and sufficient. It pointed out that the domestic authorities had carried out a detailed analysis of the leaflets and webpage set up by Mr Annen and that the accusations by Mr Annen against the various abortion doctors had not only been very serious but might also have incited hatred and aggression. In this regard, the Court found the domestic courts' conclusion acceptable that Mr Annen's statements, in particular by using the term "aggravated murder", could be understood as personalised accusations against the doctors of having perpetrated the criminal offence of aggravated murder.

Principal facts

The applicant, Klaus Günter Annen, is a German national who was born in 1951 and lives in Weinheim (Germany). The domestic courts issued four civil injunctions against Mr Annen, prohibiting particular aspects of his anti-abortion campaign.

In the first case (application no. 3682/10) Mr Annen was ordered to refrain from referring on his webpage to abortions performed by a doctor, Dr Q., as "aggravated murder" and

comparing them with the Holocaust.

While the first-instance court in May 2006 rejected Dr Q's application on the grounds that it was a fact that Dr Q. performed abortions and that the remainder of the website's content was covered by Mr Annen's freedom of expression, the Karlsruhe Court of Appeal granted an injunction in February 2007 after Dr Q. appealed. It pointed out that Mr Annen had insinuated, by using the term "aggravated murder" on the website, that Dr Q. had committed criminal offences and had compared abortions with the Holocaust. Furthermore, he had not referred to section 218a of the Criminal Code which exempted abortions as performed by Dr Q. from criminal liability. In sum, it was possible to interpret his statements as a personal accusation against Dr Q. of perpetrating aggravated murder.

At the origin of the second case (application no. 3687/10) was a public statement on a leaflet by Mr Annen that another doctor, Dr. S., had performed unlawful abortions in his practice, outside of which Mr Annen had also distributed various leaflets in November/December 2004 and in September 2005. They contained statements such as "Near you: unlawful abortions ... and you are silent about the aggravated murder of our children?"

Subsequently, Dr. S. made a request for a civil injunction which was granted by the Karlsruhe Regional Court on 4 November 2005. It held that the statements had a "pillory effect" and amounted to a serious interference with Dr S.'s personality rights, which was not justified by Mr Annen's freedom of expression. The court underlined that Mr Annen had singled out Dr S. by mentioning him by name and distributing the leaflets in the vicinity of his practice, that he had

implied that Dr S. had committed the criminal offence of aggravated murder and that he had associated Dr S. with the Holocaust.

Both parties appealed. In February 2007 the Karlsruhe Court of Appeal confirmed the reasoning of the Regional Court and held that the wording of Mr Annen's statements showed that he had described the abortions performed by Dr S. as aggravated murder, which could not be tolerated. It reiterated that by singling out Dr S., Mr Annen had created an unacceptable "pillory effect". In that regard, the court noted that Dr S. had not been involved in the public debate about abortions in any way. Since Mr Annen had not clarified that he had only been criticising abortions, which according to the case-law of the Federal Constitutional Court were unlawful but not subject to criminal liability, he had exceeded the limits of justifiable criticism.

In the third case (application no. 9765/10) the application for an injunction was lodged by Dr St. because Mr Annen had approached passers-by and possible patients in the vicinity of Dr St.'s medical practice in April 2005, while distributing leaflets. The leaflets had stated that the abortions performed by Dr St. were unlawful and compared them with the Holocaust.

The injunction was granted in October 2005 by the Mannheim Regional Court whose decision was upheld by the Karlsruhe Court of Appeal in February 2007. Both courts referred to a previous decision of the Federal Court of Justice in which it had confirmed a civil injunction against similar conduct by Mr Annen. Mr Annen had attacked Dr St.'s legal professional activities by implying that he had committed criminal acts and had interfered with the relationship of trust between doctor

and patient. The injunction order was justified in view of the massive “pillory effect” he had created by singling out Dr St. and criticising him in a harsh way in the immediate vicinity of his practice.

The fourth case (application no. 70693/11) dealt with a civil injunction and an order to pay damages against Mr Annen because of statements which he had made on an anti-abortion website. The website had implied that abortions amounted to aggravated murder, compared doctors performing abortions to concentration camp commanders and in general had equated abortions with the Holocaust. A link on the website directed readers to a list of doctors who performed abortions, mentioning, among others, Dr F., the plaintiff in this case.

The complaints by Mr Annen against the injunctions in all four cases were ultimately dismissed by the Federal Constitutional Court.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression) Mr Annen complained that the injunctions had interfered with his freedom of expression, without being justified by the protection of the doctors’ personality rights. His website and leaflets contributed to a public debate and he had not personally accused the doctors of perpetrating aggravated murder; rather he had criticised the legal framework in Germany regarding abortions.

The applications were lodged with the European Court of Human Rights on 15 January 2010, 8 February 2010 and 26 October 2011.

The judgments were given by a Chamber of seven judges, composed as follows:

Yonko **Grozev** (Bulgaria), President,

Angelika **Nußberger** (Germany),

André **Potocki** (France),

Síofra **O'Leary** (Ireland),

Mārtiņš **Mits** (Latvia),

Lətif **Hüseynov** (Azerbaijan),

Lado **Chanturia** (Georgia),

and also Claudia **Westerdiek**, Section Registrar.

Decision of the Court

Article 10

The Court underlined that its task under Article 10 was to look at the interference complained of in the light of the case as a whole and determine whether it had been “proportionate to the legitimate aim pursued” and whether the reasons adduced by the national authorities to justify it had been “relevant and sufficient”. Where a balancing exercise had been undertaken by the national authorities in conformity with the Court’s case-law, the Court would require strong reasons to substitute its view for that of the domestic courts.

Turning to the first case (application no. 3682/10), the Court accepted the domestic Court of Appeal’s conclusion that Mr Annen’s statements had been ambiguous and could be understood as an accusation that Dr Q. had perpetrated the criminal offence of aggravated murder. Distinguishing the present case from the case of its previous judgment *Annen v. Germany* (no. 3690/10, 26 November 2015), it noted that Mr Annen had not provided the additional information that the abortions performed by Dr Q. had not been subject to criminal liability. Furthermore, there had been no factual foundation for the very serious criminal allegations made by Mr Annen. Lastly, the Court observed that Mr Annen had not been ordered to pay damages or convicted but had only had to refrain from calling the abortions “aggravated murder”.

Having regard to the second case (application no. 3687/10), the Court agreed with the domestic courts observations that while – strictly speaking – calling abortions unlawful was correct, the statement by Mr Annen read in conjunction with the rest of the leaflet could be understood as an allegation that Dr S.’s professional activities constituted aggravated

murder. It had to be noted that in this case too Mr Annen's accusations against Dr S. were very serious and that he, nonetheless, was not per se prohibited from campaigning against abortions or criticising doctors that performed abortions. Since the domestic courts had thoroughly discussed various possibilities of interpreting the statements in light of the freedom of expression, the Court found no violation of Article 10.

In the third case (application no. 9765/10) the Court firstly agreed with the domestic court's finding that the applicant had vilified Dr St. by implying that he had committed criminal acts. It secondly observed that Mr Annen had singled out Dr St. from all the doctors that had performed abortions and had thereby created a "pillory effect". Even though Dr St. had been involved in various legal disputes in the past, the domestic courts had concluded that this did not have any substantial effects on Dr St.'s profile and could not redound to his disadvantage. Having regard to their direct contact with their societies, the Court found that it was primarily for the domestic courts to assess how well-known a person was. In conclusion, the Court saw no reason to call the domestic courts' reasoning into question. It thirdly held that Mr Annen's "pavement counselling" had severely disrupted the relationship of trust between Dr St. and his patients.

Lastly, since Mr Annen had not been convicted for slander or ordered to pay damages, the Court held that the level of interference with his freedom of expression had been relatively low and had been "proportionate to the legitimate aims pursued". Therefore, in the Court's view, the national courts had thoroughly assessed the conflicting interests by referring to the previous judgment of the Federal Court of Justice and considering the factual and legal differences of

the cases.

The Court also found no violation of Article 10 of the Convention in the fourth case (application no. 70693/11). It found that there was not a sufficient factual basis for calling abortions as performed by Dr F. “aggravated murder”. Furthermore, distinguishing the present case from the case of its previous judgment *Annen v. Germany* (no. 3690/10, 26 November 2015), the Court observed that Mr Annen had equated the medical activities of Dr F. with the unjustifiable atrocities inflicted on Jews under the Nazi regime and had even stated that “Equating the Babycast with the Holocaust would mean relativising today’s abortion murders”. These accusations were very serious and had severely undermined Dr F.’s reputation. Based on the national courts’ detailed reasoning, the Court considered therefore that both the injunction and the order to pay damages against Mr Annen had not fallen outside their margin of appreciation and had not been disproportionate. Accordingly, there had been no violation of Article 10 of the Convention in any of the four cases.

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CHINA: Judgement day for China in Geneva



The Universal Periodic Review of the state of human rights in China at the United Nations saw several major countries publicly denounce the CCP and a major demonstration in front of the Palais des Nations, with Muslim Uyghurs, Tibetan Buddhists, members of The Church of Almighty God, and Bitter Winter, united in exposing the Chinese persecution of all religions.

By Marco Respinti

Bitter Winter (07.11.2018) – <https://bit.ly/2JNEr2a> – Every five years, the United Nations Human Rights Council holds a Universal Periodic Review of each member state's human rights record. On Tuesday, November 6, it was the turn of China – a world record holder when it comes to the violation of human rights and religious persecution.

As expected, China had a very rough day. Australia, UK, Canada, Belgium, the Czech Republic, Finland, Germany, France, Iceland, Ireland, Sweden, Switzerland, and the United States focused on “transformation through education” camps, where one and a half million inmates, two thirds of them Uyghur Muslim where one and a half million inmates – two thirds of which are Uyghur Muslims and the rest are Tibetan Buddhists and members of religions declared illegal or banned – are subject to inhumane treatment and psychological pressure to induce them to abandon their faith.

China had dispatched to Geneva Le Yucheng, the Vice-Minister of Foreign Affairs. He offered an arrogant but unconvincing defense of the “transformation through education” camps, claiming that they “free the minds of people affected by extremism.” Mr. Le's speech verged on the ridicule when he explained that the camps offer “free-of-charge vocational training with a diploma after exams to those who had been coerced or lured by extremist groups.” But the speech was also sinister and threatening, as Mr. Le stated that the alternative to the camps would be “suppressing and wiping out” entirely the “extremists,” which in Chinese jargon means

physically eliminating them.

To make Mr. Le and the Chinese Communist Party's (CCP) rough day worse, hundreds gathered in front of the Palais des Nations, the second iconic symbol of the United Nations after the New York headquarters, to express their disappointment and anger, and call on international organizations to stop the persecution and slaughter in China.



The event was organized by the World Uyghur Congress (WUC), the largest organization of the Uyghur diaspora. Representatives of other persecuted ethnic groups and religions were also invited to participate. So, starting at early birds' time from Palais Wilson, on the shore of Lake Lemman, enveloped in the mist and numb of a cold morning, a procession of national flags and photographs of CCP victims set out orderly and peacefully to reach the Palais des Nations. Uyghurs, Tibetans, Inner Mongolians, exiles in

Taiwan, human rights activists from Hong Kong, members of The Church of Almighty God, and Catholics shouted slogans against the CCP and President Xi Jinping.

Once at the Palais des Nations, many speakers took turns, representing the communities that crowded the square with their flags and signs, defying cold weather and, after a while, even rain. While banners and signposts wreathed in the wind, after the Uyghur and Tibetan national anthems were played, Mr. Omer Kanat, executive president of the WUC, took the floor.



Sister Sofia
Wu from The
Church of
Almighty God

Then Mr. Dolkun Isa, president of the WUC, followed, among others, by Mr. Jampa Tsering Samdho, a Tibetan parliamentarian in exile; Ms. Kristina Olney of the Victims of Communism Memorial Foundation in Washington; Sister Sofia Wu from The Church of Almighty God; Mr. René Longet, a former member of the Swiss Parliament and its group for Tibet; Mr. Dolgion Hatgin, president of the People's Party of Inner Mongolia; and Mr. Vincent Metten of the International Campaign for Tibet.

But, more or less out of the program, several Uyghur speakers, victims who escaped persecution in the “transformation through education” camps, also offered their testimonies. A sign, exhibited by a middle-aged Uyghur woman, composed and dignified in her grief, asked, “Where is my sister?” Adding ironically, “She is a medical doctor, she does not need vocational training.” The allusion is to the CCP’s claim that the camps where, in fact, people are tortured and die, offer “vocational training” to “victims” of religious extremism.

Sister Sofia Wu reminded the crowd that, just as it happens with Uyghurs and Tibetans, thousands of members of The Church of Almighty God are tortured in the Chinese jails and camps, and dozens have died in custody in highly suspicious circumstances.

Bitter Winter was also invited to attend the event. I traveled to Geneva to offer words of greeting, solidarity, and friendship to the rally. I believe that this Tuesday was a great and memorable day. Walking among Buddhists, Muslims, and Christians, all united and marching together for liberty and human rights is not an experience one has every day. To hear the Uyghurs shouting “Free Tibet!”, the Buddhists asking for freedom for the Muslims, and the Christians invoking peace for all faiths was a unique experience. This was not the language of some closet utopian, but a loving experience, forged in the blood shed by all the communities represented at the event.

Many of those marching in Geneva believed the CCP was guilty of terrorism and genocide. Will they be heard by the U.N.? Now, a troika composed of representatives from Hungary, Kenya, and Saudi Arabia—the three countries selected for the task by the Human Rights Council—will prepare a report with recommendations to China, to be completed on November 9.

Some U.N. diplomats are skeptical about the outcome of the process. But perhaps the final recommendations are not even the most important part of the Universal Periodic Review. The summary by the Office of the United Nations High Commissioner for Human Rights composed from the documents submitted by NGOs will remain. It denounced the “transformation through education” camps, the atrocities against the Uyghurs and the Tibetans, and the persecution of the religious groups the regime has banned as xie jiao (“heterodox teachings,”), noting in particular that “during 2014-2018, the Chinese Communist Party’s monitoring, arrest, and persecution had caused at least 500,000 Church of Almighty God (CAG) Christians to flee their home, and several hundred thousand families had been torn apart.”

China can manipulate the information and use its weight to make some documents “disappear” from the U.N. website, as it happened last week. But the Universal Periodic Review has switched on the light, and many crimes the CCP hoped to keep quietly committing in the darkness have now been publicly revealed. I am proud to have been part of this extraordinary day, where Bitter Winter promised to all persecuted minorities in China that it will continue to be a voice for the voiceless and to publish news, documents, and testimonies about the persecution affecting all religions in China.

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AFGHANISTAN: Taliban floggings hint at crackdown on smartphones

By Frud Bezhan

RFERL (20.10.2018) – <https://bit.ly/2AP4Dqo> – The scenes of a public flogging in a Taliban stronghold in northern Afghanistan showed two women in blue burqas kneeling nearly motionless as a man beat them over their heads and bodies with a cane.

The women, whose names have not been released, had been found guilty of breaking the Taliban's strict interpretation of Shari'a law after police said they visited a local health clinic without a male relative being present. They were also said to have been seen by Taliban fighters communicating on mobile phones.

While the fundamentalist Taliban has long forced women to be

accompanied by a male relative when venturing outside their homes, reports of the second charge appear to point to the recent enforcement of strictures on the use of mobile devices, particularly smartphones, in militant-controlled areas.

It was unclear if the women, both of whom were married, were punished simply for using the phones or specifically for communicating with men outside their immediate families – a charge that has led to public floggings in the past.

While men on mobile devices are a common sight, local conservative culture frequently frowns on women using mobile phones in public.

Fear of drone strikes, surveillance

Obaid Ali, an expert on the Afghan insurgency at the Afghanistan Analysts Network, an independent think tank in Kabul, says the Taliban's cultural commission banned all fighters from using smartphones in 2016 for security and religious reasons. Since then, Ali says, the militants have enforced the ban on civilians in some areas under their control. But he says primitive mobile phones without Internet access or the ability to record images or video are tolerated in many of those same locations, which frequently lack fixed-line telephone services.

“One of the main reasons the Taliban banned smartphones was because of the growing threat of U.S. drone strikes and surveillance,” says Ali. “The Taliban also fears smartphones

being used among civilians because people can access independent information, take photos and videos, and might give away the militants' activities and locations."

The Taliban has restricted mobile-phone use in most areas under its control. In parts of the southern Helmand Province, mobile phones and the Internet are banned. Taliban fighters communicate via walkie-talkies.

In the northern Kunduz Province, where Taliban fighters control several districts, the group has forced mobile service providers to switch off coverage every day between 6:00 p.m. and 6:00 a.m.

Brutal punishments

It was unclear if the women who were flogged in Jawzjan were using smartphones.

The incident occurred in the Beron Sena area of the Darzab district, a former stronghold of the Islamic State (IS) extremist group, which was ousted from the area by the rival Taliban and government forces in August.

Mohammad Ismail, Darzab's chief of police, this week confirmed that the floggings had taken place and said the incident occurred about 10 days ago. He said the women had since returned to their homes.

The news of the floggings only reached mainstream Afghan media on October 28. Videos purportedly showing the punishments have since been widely shared on social media.

'Moral crimes'

This is not the first time the Taliban, which ruled the country from 1996 to 2001, has meted out public punishments for so-called moral crimes.

In the northern province of Faryab, a young girl was publicly flogged in a market last month for not being accompanied by a male relative.

Moral offenses, including adultery or even running away from home, are not considered crimes under the Afghan Criminal Code. But hundreds of women and girls have nevertheless been imprisoned after "immorality" verdicts by courts dominated by religious conservatives.

In some rural areas, where Taliban militants exert considerable influence, residents view government bodies as corrupt or unreliable and turn to Taliban courts to settle disputes. The Taliban courts employ Shari'a law, which prescribes public flogging, stoning, or execution for men or women found guilty of having a relationship outside marriage or an extramarital affair and for women who had contact with men outside their immediate families.

Recent years have seen a spate of chilling public punishments of women accused of such offenses.

In February 2017, an armed mob killed an 18-year-old woman and the man she had eloped with in the eastern Nuristan Province.

In October 2015, 19-year-old Rokhsana was stoned to death by Taliban militants in the central Ghor Province after being accused of having premarital sex.

In November 2015, a 26-year-old Afghan woman died of her injuries after being publicly lashed, also in Ghor. She had been accused of running away from home.

In August 2016, also in Ghor Province, a young man and woman found guilty of having sex outside marriage were publicly lashed.

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