

Date of judgment

March 16, 2021

Name of defendant(s)

Congrégation chrétienne des Témoins de Jéhovah - Christian congregation of Jehovah's Witnesses

Prosecution system number

15RG29748

Roll Number

1SG029723 REF I

20G002802 REF II

21G001216 REF III

Note number prosecution

GE/G/52/98/771/2015

Court of First Instance East-Flanders,
Ghent section
Room G30DI

Judgment

In the case of the public prosecutor with roll number 15G029723 (reference I) of the civil parties:

1. HAECK Patrick, born in Ghent on February 7, 1964, living in 9041 Oostakker, Groenespechtstraat 14, NRN 64020706120

2. VAN DOORSELAER Belinda, born in Ghent on June 27, 1966, residing at 9041 Oostakker, Groenespechtstraat 14, NRN 66062721218

3. HAECK Oriana, born in Ghent on August 8, 1995, living in 9041 Oostakker, Groenespechtstraat 14, NRN 95080818079

4. HAECK Delina, born in Ghent on March 17, 1999, living in 2300 Turnhout, Meirgorenstraat 18D, b3, NRN 99031741412

5. WAUTERS Matthias, born in Boom on August 1, 1990, living in 9041 Oostakker, Groenespechtstraat 14, NRN 90080107102

6. DE PAUW Levi, born in Hamme on March 8, 1981, living in 1600 Sint-Pieters-Leeuw, Jerome Ameysstraat 20, NRN 81030801116

7. SCHIPPERS Jenny, born in Mechelen on November 28, 1957, living at 2800 Mechelen, Kreitenborgstraat 8, NRN 57112804402

8. KRIEKEMANS Linda, born in Mechelen on December 6, 1957, living at 8770 Ingelmunster, Mandelstraat 22, NRN 57120605477

9. BAETEN Erik, born in Ghent on September 4, 1942, living in 9000 Ghent, Sint-Lievenslaan 68, NRN 42090404108

10. Interfederal Center for Equal Opportunities and the Fight against Discrimination and Racism (UNIA), with registered office at 1000 Brussels, rue Royale 138

against the defendant:

Non-profit association Congrégation chrétienne des Témoins de Jehovah –Christelijke gemeente van Jehovah's Getuigen, registered under company number 0411002361, with registered office in 1950 Kraainem, Potaardestraat 60

accused of:

as a perpetrator or co-perpetrator within the meaning of Article 66 of the Criminal Code

A.

In violation of Article 22, 1° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble or to visit, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by way of pictures or figurines, posted, distributed or sold, offered for sale or publicly exhibited or finally by writings which are not published but which are sent or communicated to various persons, **to have incited discrimination or segregation against a person** because of his or her age, sexual orientation, marital status, birth, property, religious or philosophical belief, political opinion trade union membership, language, present or future state of health, disability, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in article 5 of the law, namely by having publicly announced their exclusion from the religious community of Jehovah's Witnesses, to the detriment of

A1. Patrick HAECK, (GE52.987U/2015)

In Ghent or elsewhere in the Kingdom, on date not to be specified in the period from January 1, 2011 to June 1, 2011

A2. Priskilla VERMEERSCH, (GE52.981123/2015)

In Ghent or elsewhere in the Kingdom, on date not to be specified in the period from January 1, 2010 to December 31, 2010

A3. Bjorn SOETAERT, (GE52.981124/2015)

In Ghent or elsewhere in the Kingdom, on date not to be specified in the period from January 1, 2010 to December 31, 2010

B.

In violation of Article 22, 2° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances specified in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but which is accessible to a number of persons who have the right to meet there or to visit there, or in any place, in the presence of the offended person and in front of witnesses by writings, whether printed or not, by pictures or illustrations posted, distributed or sold, offered for sale or publicly exhibited, or finally by writings which are not published but which are sent or communicated to various persons, **to have incited hatred or violence towards a person** because of his or her age, sexual orientation, marital status, birth, property, religion or belief, political opinion, trade union membership, language, present or future state of health, disability, physical or genetic characteristic, social origin, and this, even outside the domains referred to in Article 5 of the Law, namely by having publicly disclosed their exclusion from the religious community of Jehovah's Witnesses, to the detriment of

B1. Patrick HAECK, (GE52.98711/2015)

In Ghent or elsewhere in the Kingdom, on date not to be specified in the period from January 1, 2011 to June 1, 2011

B2. Priskilla VERMEERSCH, (GE52.981123/2015)

In Ghent or elsewhere in the Kingdom, on date not to be specified in the period from January 1, 2010 to December 31, 2010

B3. Bjorn SOETAERT, (GE52.981124/2015)

In Ghent or elsewhere in the Kingdom, on date not to be specified in the period from January 1, 2010 to December 31, 2010

C.

In violation of Article 22, 3° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble there or to visit them, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by prints or illustrations, posted, distributed or sold, offered for sale or publicly exhibited, or finally by means of writings which are not made public but sent or communicated to several persons, **to have incited discrimination or segregation against a group**, a community or its members by reason of their age, sexual orientation, marital status, birth, property, religion or belief, political opinion, trade union membership, language, current or future health status, a disability, a physical or genetic characteristic, social origin, and this, even outside the areas referred to in Article 5 of the Law,

namely by promoting and teaching the exclusion policy within the local religious communities, and thereby having generally encouraged discrimination or segregation against the group of ex-members, i.e. the members who were excluded and those who withdrew from the faith community of Jehovah's Witnesses, to the detriment of, among others, Oriana HAECK (GE52.981125/2015), Patrick HAECK (GE52.98711/2015), Bjorn SOETAERT (GE52.981124/2015), Priskilla VERMEERSCH (GE52.981123/2015) and Matthias WAUTERS (GE52. 981126/2015)

In Ghent and/or elsewhere in the Kingdom, on multiple occasions in the period from January 1, 2010 to May 25, 2018 (date of last subsequent official report)

D.

In violation of Article 22, 4° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble there or to visit them, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by prints or illustrations, posted, distributed or sold, offered for sale or publicly exhibited, or finally by means of writings which are not made public but sent or communicated to several persons, **to have incited hatred or violence against a group**, a community or its members because of their age, sexual orientation, marital status, birth, property, religious or philosophical beliefs, political opinions, trade union membership, language, current or future health status, a disability, a physical or genetic characteristic, social origin, and this, even outside the areas referred to in Article 5 of the Law, namely by promoting and teaching the exclusion policy within the local religious communities, and thereby having generally encouraged discrimination or segregation against the group of ex-members, i.e. the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses, to the detriment of, among others, Oriana HAECK (GE52. 981125/2015), Patrick HAECK (GE52.98711/2015), Bjorn SOETAERT (GE52.981124/2015), Priskilla VERMEERSCH (GE52.981123/2015) and Matthias WAUTERS (GE52.981126/2015)

In Ghent and/or elsewhere in the Kingdom, on multiple occasions in the period from 1 January, 2010 to 25 May, 2018 (date of last subsequent official report)

and in the case on **direct summons** with roll number 20G002802 (**reference II**) of the directly suing parties:

1. TEMMERMAN Cecile Leonie, born in Moerbeke (Waas) on September 9, 1944, Living in 9190 Stekene, Kerkstraat 49 /0013, NRN 44090911619

2. BONTE Benny Peter Bert, born in Knokke on February 7, 1964, living in 8370 Blankenberge, Columbus 6, NRN 64020739574

3. GRYMONTREZ Ruth Rebbeka, born in Ostend on March 13, 1967, living in 8370 Blankenberge, Columbus 6, NRN 67031338076

against the direct defendant:

CHRISTELIJKE GEMEENTE VAN JEHOVAH'S GETUIGEN VZW (Christian Congregation of Jehovah's Witnesses non-profit association), with registered office in 1950 Kraainem, Potaardestraat 60. registered with the KBO (Crossroads Bank for Enterprises) under number 0411.002.361

Summoned in order to

Declare the applicants' claim admissible and well founded.

After application of the criminal law, order the defendant to pay:

To first applicant an amount of 250 € as an unnamed provision (for damages of all kinds materially and morally mixed) and to appoint a medical expert with the usual assignment.

To second applicant an amount of 250 € as an unnamed provision (for damages of all kinds materially and morally mixed).

To third applicant an amount of 250 € as an unnamed provision (for damages of all kinds materially and morally mixed) and to appoint a medical expert with the usual assignment.

Order the defendant to pay the costs of the proceedings, estimated on the side of the applicants at the costs of the present summons, more the litigation costs, provisionally estimated by the applicants at the basic amount of the compensation as established by art. 1022 of the Judicial Code in implementation of the Law of 21 April 2007 on the recoverability of the fees and expenses of a lawyer.

To rule that the defendant must guarantee the payment of the roll dues to the Federal Public Service Finance.

For the charges

A.

In violation of Article 22, 1° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble or to visit, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by way of pictures or figurines, posted, distributed or sold, offered for sale or publicly exhibited or finally by writings, not made public, but sent or communicated to several persons, **having incited discrimination or segregation against a person** because of his or her age, sexual orientation, civil status, birth, property, religious or philosophical belief, political opinion, trade union membership, language, current or future state of health, disability, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in article 5 of the law, by having publicly announced their exclusion from the religious community of Jehovah's Witnesses.

In Sint-Niklaas in the year 2017 for the first applicant

In Blankenberge in the year 2015 for the second and third applicant

B.

In violation of Article 22, 2° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble or to visit, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by way of pictures or figurines, posted, distributed or sold, offered for sale or publicly exhibited or lastly by means of writings which are not made public but which are sent or communicated to various persons, **having incited hatred or violence against a person** because of his or her age, sexual orientation, civil status, birth, property, religion or philosophy of life, political opinion, trade union membership, language, current or future state of health, a handicap, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in article 5 of the law, by having publicly announced their exclusion from the religious community of Jehovah's

Witnesses.

In Sint-Niklaas in the year 2017 for the first applicant

In Blankenberge in the year 2015 for the second and third applicant

C.

In violation of Article 22, 3° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble there or to visit them, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by prints or illustrations, posted, distributed or sold, offered for sale or publicly exhibited, or finally by means of writings which are not made public but sent or communicated to several persons, **have incited discrimination or segregation against a group**, a community or its members by reason of their age, sexual orientation, marital status, birth, property, religion or belief, political opinion, trade union membership, language, current or future health status, a disability, a physical or genetic characteristic, social origin, and this, even outside the areas referred to in Article 5 of the Law, namely by promoting and teaching the exclusion policy within the local religious communities, and thereby having generally encouraged discrimination or segregation against the group of ex-members, i.e. the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses.

In Sint-Niklaas, on several occasions during the period from 1 January 2010 to the present for the first applicant

In Blankenberge, several times in the period from 1 January 2010 to the present for the second and third applicant

D.

In violation of Article 22, 4° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble there or to visit them, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by prints or illustrations, posted, distributed or sold, offered for sale or publicly exhibited, or finally by means of writings which are not made public but sent or communicated to several persons, **to have incited hatred or**

violence against a group, a community or its members because of their age, sexual orientation, marital status, birth, property, religious or philosophical beliefs, political opinions, trade union membership, language, current or future health status, a disability, a physical or genetic characteristic, social origin, and this, even outside the areas referred to in Article 5 of the Law, namely by promoting and teaching the exclusion policy within the local religious communities, and thereby having generally encouraged discrimination or segregation against the group of ex-members, i.e. the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses.

In Sint-Niklaas, on several occasions during the period from 1 January 2010 to the present for the first applicant

In Blankenberge, several times in the period from 1 January 2010 to the present for the second and third applicant

and in the case on **direct summons** with roll number 21G001216 (**reference III**) of the directly suing party:

DE SMEDT Daniel, born in Mechelen on 25 March 1962, living in 2800 Mechelen, Jubellaan 137, NRN 62032504345

against the direct defendant:

CHRISTELIJKE GEMEENTE VAN JEHOVAH'S GETUIGEN VZW (Christian Congregation of Jehovah's Witnesses non-profit association), with registered office in 1950 Kraainem, Potaardestraat 60, registered with the KBO (Crossroads Bank for Enterprises) under number 0411.002.361

Summoned

1. CONCERNING THE CHARGES

To declare the criminal offenses charged against the defendant proven.

2. CONCERNING THE CLAIM FOR PROVISIONAL COMPENSATION

- 1) Declare the applicant's claim admissible and well founded.
 - 2) After application of the criminal law, order the defendant to pay provisional mixed material and moral damages to the applicant in the amount of 1.00 EUR.
- To continue to hold the civil interests.

3. CONCERNING THE APPOINTMENT OF A COURT EXPERT

- 1) To appoint an expert with the task of describing the moral and material damage suffered by the applicant, to ascertain, describe and evaluate the perpetual consequences of the facts, to give his opinion on the appropriate expert guidance and if it should prove useful, in passing the investigation, to consult the appropriate specialists and attach their opinion to his report, as well as to meet all the useful questions of the parties, for all this to prepare a reasoned report, to be decided by the parties after filing this report and to be judged by the court as according to law.
- 2) To say for law that this expert should be provisioned by the defendant.
- 3) To formulate more of a reservation for possible future damages in causation of the crimes committed on the applicant by the defendant;

4. CONCERNING THE COSTS OF THE PROCEEDINGS

Order the defendant to pay the costs of the proceedings, more the judicial interest from the date of the judgment until its full payment, RPV - *rechtplegingsvergoeding* (costs of the proceedings) included (pm).

For the charges

A.

In violation of Article 22, 1° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble or to visit, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by way of pictures or figurines, posted, distributed or sold, offered for sale or publicly exhibited or finally by writings, not made public, but sent or communicated to several persons, **having incited discrimination or segregation against a person** because of his or her age, sexual orientation, civil status, birth, property, religious or philosophical belief, political opinion, trade union membership, language, current or future state of health, disability, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in article 5 of the

law, by having publicly announced their exclusion from the religious community of Jehovah's Witnesses.

In Mechelen in July 2020

B.

In violation of Article 22, 2° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but accessible to a number of persons having the right to assemble or to visit, either in any place, in the presence of the offended person and in front of witnesses, or by means of writings, whether printed or not, by way of pictures or figurines, posted, distributed or sold, offered for sale or publicly exhibited or lastly by means of writings which are not made public but which are sent or communicated to various persons, **having incited hatred or violence against a person** because of his or her age, sexual orientation, civil status, birth, property, religion or philosophy of life, political opinion, trade union membership, language, current or future state of health, a handicap, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in article 5 of the law, by having publicly announced their exclusion from the religious community of Jehovah's Witnesses.

In Mechelen in July 2020

C.

In violation of Article 22, 3° of the Law of 10 May 2007 combating certain forms of discrimination, in the circumstances specified in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but which is accessible to a number of persons who have the right to meet there or to visit there, or in any place, in the presence of the offended person and in front of witnesses by writings, whether printed or not, by pictures or images posted, distributed or sold, offered for sale or publicly exhibited, or finally by writings which are not published but which are sent or communicated to various persons, **to have incited discrimination or segregation against a group**, a community or its members because of their age, sexual orientation, marital status, birth, property, religion or philosophy of life, political opinions, trade union membership, language, current or future state of health, a disability, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in Article 5 of the Law, namely by promoting and teaching the exclusion policy within the local religious communities, and thereby generally inciting discrimination or segregation against the group of ex-members, specifically those who were excluded and those who withdrew from the Jehovah's Witnesses religious community.

In Mechelen, several times during the period from January 1, 2010 to the present

D.

In violation of Article 22, 4° of the Law of 10 May 2007 on combating certain forms of discrimination, in the circumstances referred to in Article 444 of the Penal Code, namely either in public meetings or places, or in the presence of several persons, in a place which is not public but which is accessible to a number of persons who have the right to meet there or to visit it, or in any place, in the presence of the offended and in front of witnesses, whether by writings, printed or not, by prints or allusions, displayed, distributed or sold, offered for sale or publicly exhibited, or finally by means of writings which are not made public but which are sent or communicated to several persons, **to have incited hatred or violence against a group**, a community or its members because of their age, sexual orientation, marital status, birth, wealth, religious or philosophical convictions, political opinions trade union membership, language, current or future state of health, disability, a physical or genetic characteristic, social origin, and this, even outside the domains referred to in Article 5 of the Law, namely by promoting and teaching the exclusion policy within the local faith communities, and thereby having generally incited discrimination or segregation against the group of the ex-members, i.e. the members who were excluded and those who have withdrawn from the faith community of Jehovah's Witnesses.

In Mechelen, several times during the period from January 1, 2010 to the present

PROCEDURE

1. The court took inspection of the records of the court proceedings.

Summons (subpoenas) were regularly served.

The Dutch language was used in the handling of the case and in the procedural documents.

The court has jurisdiction over all the facts in view of their interrelationship.

The defendant in the case with reference I was summoned to appear at the public hearing on June 16, 2020.

The case was postponed for hearing to the September 15, 2020 hearing.

The defendant in the case with reference II was directly summoned to appear at the public hearing on September 15, 2020.

The merged cases with reference I and II were deferred for hearing to the February 16, 2021 hearing.

The defendant in the case with reference III was directly summoned to appear at the public hearing on February 16, 2021.

2. The court heard at the hearing on February 16, 2021:

- the pleas in law and the conclusions of the civil parties in the case with reference I, **HAECK Patrick, VAN DOORSELAER Belinda, HAECK Oriana, HAECK Delina and WAUTERS Matthias**, in their claim against the defendant, assisted by Ms. Nathalie De Jonghe, lawyer in 9000 Gent, Martelaarslaan 202;

- The pleas in law and the conclusions of the civil party in the case with reference I, **DE PAUW Levi**, in his claim against the defendant, assisted by Ms. Eveline Van Hoecke, lawyer in 9990 Maldegem, Schouwburgplaats 1;

- The pleas and conclusions of the civil party in the case with reference I, **SCHIPPERS Jenny**, in her claim against the defendant, recited by herself;

- The pleas and conclusions of the civil party, **KRIEKEMANS Linda**, in her Claim against the defendant in the case with reference I, recited by herself;

- The pleas in law and the form of order sought by the civil party in the case with reference I, **BAETEN Erik**, in his claim against the direct defendant, assisted by Mr. Pieter-Bram Lagae and Ms. Christine Mussche, both lawyers in 9030 Mariakerke, Durmstraat 29;

- The pleas and submissions of the civil party in the case with reference I, **Interfederal Center for Equal Opportunities and the Fight against Discrimination and Racism (UNIA)**, in its claim against the defendant, represented by Mr. Jan Van Heule, lawyer in 1040 Etterbeek, Sint-Michielslaan 47;

- the pleas in law and the form of order sought by the parties directly appearing in the case with reference II, **TEMMERMAN Cecile, BONTE Benny and GRYMOPREZ Ruth**, in their claim against the direct defendant, presented by themselves and assisted by Ms. Christine Mussche and Mr. Pieter-Bram Lagae,

both lawyers in 9030 Mariakerke, Durmstraat 29;

- the pleas in law and the form of order sought by the directly respondent in the case with reference III, DE SMEDT Daniel, in his claim against the direct defendant, represented by Ms. Nathalie De Jonghe, lawyer in 9000 Gent, Coupure 241 and Ms. Emilie De Neve, lawyer in 9000 Gent, Martelaarslaan 202;

- the claim of the prosecution, pronounced by B. Van Vossel, first deputy attorney general;

- the defendant, Congregation chrétienne des Témoins de Jehovah – Christelijke gemeente van Jehovah's Getuigen vzw (Christian Congregation of Jehovah's Witnesses non-profit association), represented in its defence by Mr. Dimitri de Beco, lawyer in Brussels, rue Ernest Allard 415, and Mr. Ramon Scherer, lawyer in 3542 AD Utrecht, Reactorweg 47 (The Netherlands).

CRIMINAL

I. PREVIOUS

I.1. Merging

In the interest of the proper administration of justice, the subpoena issued by the Public Prosecutor's Office with reference number 15G029723, hereinafter referred to as reference I, the direct subpoena with reference number 20G002802, hereinafter referred to as reference II, and the direct subpoena with reference number 21G001216, hereinafter referred to as reference III, were joined together for resolution in a judgment.

I.2. Addition of charges C and D in the summons at the request of the prosecution

Charges C and D in the case under reference I should be supplemented by the victims Belinda Van Doorselaer, Delina Haeck, Benny Bonte, Ruth Grymonprez, Erik Baeten, Cecile Temmerman, Levi De Pauw, Jenny Schippers and Linda Kriekemans.

The defendant has been able to defend itself in conclusions regarding the addition of these victims to the charges. The defense of the accused also stated at the hearing on February 16, 2021, that it had no objection to the additional civil partition of Linda Kriekemans and was therefore able to defend itself on that issue as well.

1.3. Redescription and renumbering of direct subpoenas in the case with referral II and referral III

1.3.1. Direct summons (subpoena) reference II

Indictment A

The court notes that the facts under Indictment A should be renumbered and rewritten as follows:

A.1. To the detriment of Cecile Temmerman of Sint-Niklaas, on a date not to be specified in the period from January 1, 2017 to December 31, 2017 (instead of "the year 2017").

A.2. To the detriment of Benny Bonte and Ruth Grymonprez of Blankenberge, on date not to be specified in the period from January 1, 2015 to December 31, 2015 (instead of "the year 2015").

Indictment B

The court notes that the facts under Indictment B should be renumbered and rewritten as follows:

B.1. To the detriment of Cecile Temmerman of Sint-Niklaas, on a date not to be specified in the period from January 1, 2017 to December 31, 2017 (instead of "the year 2017").

B.2. To the detriment of Benny Bonte and Ruth Grymonprez of Blankenberge, on an undetermined date during the period from January 1, 2015 to December 31, 2015 (instead of "the year 2015").

Indictment C

The court notes that the facts under Indictment C should be rewritten as follows:

C.1. To the detriment of Cecile Temmerman in Sint-Niklaas and/or elsewhere in the Kingdom, on a date not to be specified in the period from January 1, 2010 through September 4, 2020 (instead of "today").

C.2. To the detriment of Benny Bonte and Ruth Grymonprez in Blankenberge, on date not to be specified in the period from January 1, 2015 through September 4, 2020 (instead of "today").

Indictment D

The court notes that the facts under Indictment D should be rewritten as follows:

D.1. To the detriment of Cecile Temmerman in Sint-Niklaas and/or elsewhere in the Kingdom, on a date not to be specified in the period from January 1, 2010 through September 4, 2020 (instead of "today").

D.2. To the detriment of Benny Bonte and Ruth Grymonprez in Blankenberge, on a date not to be specified in the period from January 1, 2015 through September 4, 2020 (instead of "today").

1.3.2. Direct subpoena reference III

Indictment A

The court notes that the facts under Indictment A should be rewritten as follows:

To the detriment of Daniel De Smedt of Mechelen, on a date not to be specified in the period from July 1, 2020 through July 21, 2020 (in lieu of "July 2020").

Indictment B

The court notes that the facts under Indictment B should be rewritten as follows:

To the detriment of Daniel De Smedt in Mechelen, on a date not to be specified in the period from 1 July 2020 to 31 July 2020 (instead of 'July 2020').

Indictment C

The court notes that the facts under Indictment C should be rewritten as follows:

To the detriment of Daniel De Smedt in Mechelen and/or elsewhere in the Kingdom, on an unspecified date during the period from January 1, 2010 through February 5, 2021 (instead of "today").

Indictment D

The court notes that the facts under Indictment D should be rewritten as follows:

To the detriment of Daniel De Smedt in Mechelen and/or elsewhere in the Kingdom, on an unspecified date during the period from January 1, 2010 through February 5, 2021 (instead of "today").

1.4. Conclusion deadlines

At the hearing on February 16, 2021, the court noted with respect to each party to the proceedings that there were mutual deviations from the conclusion deadlines as stipulated on the September 15, 2020 hearing sheet. Each party, including the Prosecution, stated that they had no objection to these late-filed conclusions. Therefore, the court does not proceed to exclude from the debates the belatedly filed conclusions ex officio.

II. JURISDICTION OF THIS COURT

II.1. Material competence

The defendant argues that this court has no jurisdiction to rule on the facts presented to it since the criminal conduct would have to be recharacterized as a press offense, which falls within the jurisdiction of the Court of Assizes. Under Article 150 of the Constitution, press crimes must be brought before a jury, except for press crimes motivated by racism or xenophobia. However, in order for there to be a press offense, the following conditions must be cumulatively met (1) the expression of an opinion or view that (2) is criminalized by law and (3) was made public through (4) the print media. These conditions must be cumulatively met and strictly judged. Press offenses are not crimes sui generis, but differ from other crimes only in their manner of execution. In order for there to be a press offence, a document is required that is distributed in multiple copies.

The saisine of this court shall be determined by the facts as described in the subpoena issued by the public prosecutor's office to which the directly suing parties have joined. The court must confine itself to these facts and cannot, of its own motion, expand or constrain them.

The facts prosecuted by the present acts of *lis pendens* concern:

- *"namely, by their exclusion from the religious community of Jehovah's Witnesses made public"* (charges A and B).

The details of the criminal file show that these announcements are not published but are communicated/called out orally during the meetings/meetings in the Kingdom halls. Therefore, these facts cannot be qualified as a press offense.

- *"by propagating and teaching exclusionary policies within local faith communities, and thereby having generally encouraged discrimination or segregation against the group of ex-members."*

The propaganda aimed at by this prosecution concerns only the oral propaganda and the spoken instruction in the various local Kingdom halls and assemblies (as substantiated by, among other things, Document 10 of the civil party Patrick Haeck and Document 5 A and B of the civil parties Grymonprez-Bonte).

Neither in the summons issued by the public prosecutor nor in the direct summons at the request of the various directly appearing parties do quotations from the Watchtower or from any other literature or religious writings constitute the object of the prosecution. Since the court was not called upon to rule on any writings that served as a means to commit a crime, there is no question of a press offence here either. The mere fact that biblical texts and/or magazines are used to explain and reinforce these instructions when propagating and teaching the exclusion policy is not relevant, since these texts belong to the essence of the religious community (and about which this court obviously has no comment to make).

Thus, the correctional court has substantive jurisdiction to adjudicate the charges brought under indictments A, B, C and D in the various acts of *lis pendens*.

II.2. Territorial jurisdiction

The District Court finds that it also has territorial jurisdiction to take cognizance of the facts subject to the charges A.1, A.2, A.3 in the case under reference II and the charge A in the case under reference III, the charges B.1, B.2, B.3 in the case under reference II and the indictment B in the case under reference III and the indictments C and D in the case under reference II and reference III in view of the interrelatedness of the facts subject of the indictments A.1, A.2, A.3, B.1, B.2, B.3, C and D in the case with reference I.

This territorial jurisdiction, in the other hand, was not disputed by the defendant.

III. THE ADMISSIBILITY OF THE CRIMINAL ACTION

III.I. The reasonable period

The defense argues that Article 6 (1) of the European Convention on Human Rights has been violated due to a violation of the reasonable period of time by which the defendant's rights of defense have been violated.

Pursuant to Article 6.1 E.C.H.R.. and Article 14 I.V.B.P.R., in determining the merits of a criminal prosecution brought against him, everyone is entitled to have his case heard within a reasonable time. Indeed, the hearing of a criminal case should not take an unreasonably long time. The accused should not be kept in the dark about the verdict and his fate for an unreasonably long time.

The reasonable period begins on the day when the person is charged with committing an offence or when he lives under the threat of criminal prosecution due to any act of investigation or preliminary inquiry, and this has a serious impact on his personal condition, in particular because he has been obliged to take certain measures to defend himself against the charges brought against him. It is necessary to verify in concrete terms whether the reasonable period of time has been exceeded. In doing so, in addition to the complexity of the case, the attitude of the defendant and the behavior of the judicial authorities can be taken into account.

The criminal investigation in this case commenced on March 15, 2015. The defendant first became concerned on April 10, 2018 when its board members Lodewijk De Wit, Toffoli Luca and David Vandendriessche received an invitation for questioning as suspect Salduz 3. After an appointment was made for questioning in late April 2018, David Vandendriessche spontaneously contacted the FGP (Federal Judicial Police) East Flanders requesting more time so that they could prepare as their counsel would have informed them that the case was more serious than they thought. David Vandendriessche stated that he would contact the FGP himself once the preparations were complete.

On May 15, 2018, David Vandendriessche sent a letter to the FGP East Flanders referring to the invitation for questioning received by the three directors. There is implementation of the exclusion policy that they are pursuing whereby certain (civil) case law is cited and in which decisively the Prosecutor is asked to stop the investigation, or if the Prosecutor would consider that there are sufficient grounds anyway to interrogate them, one would appreciate knowing who "made" the charge and what the exact grounds for it are.

The case appears to have subsequently lain dormant until April 29, 2019, being the date on which the prosecution decided to summon the defendant without taking further investigative action (see cover reference I).

Subsequently, on May 29, 2019, the criminal record of the defendant was requested and on September 9, 2019, the statutes of the defendant were requested. Then on May 11, 2020, the summons was prepared and transmitted to the judicial officer for service on the defendant.

The right to trial within a reasonable time is contained in Article 6.1. of the European Convention for the Protection of Human Rights and Fundamental Freedoms. In assessing the reasonable time, not only the rights of the accused but also those of the society in which he lives and bears responsibilities must be taken into account.

The criteria for assessing the reasonable period of time concern the complexity of the case, the conduct of the judicial authorities, and the conduct of the defendant himself.

- As for the complexity of the case, it should be stated that it is by no means a relatively simple case in view of the principled interests on the part of the defendant and the profoundly human issues at stake. The size of the criminal file evidently says nothing about its substantive complexity.

- As for the conduct of the judicial authorities, the court finds that the criminal investigation has dragged on unreasonably long. The last act of investigation was only made on September 9, 2019 after which the file lay on the services of the public prosecutor until May 11, 2020 for fixation before the Correctional Court of East Flanders, Ghent Division. This delay is solely attributable to the organization of the judicial system which should be taken into account in assessing the reasonable period of time.

- As for the conduct of the defendant in this criminal case, nothing can be noted be as the accused herself refrained from an interrogation and requested the Public Prosecutor's Office not to undertake any further investigative acts. Therefore, as a result of her own attitude, the accused did not cause any unnecessary delay in the proceedings.

Based on these considerations, the court finds that the reasonable period of time for the defendant has been exceeded, but not of such a nature that irreparable harm would have occurred to the defendant's rights of defense as a result.

The defendant herself chose not to accept an invitation for an interview and limited herself to writing a letter to the investigators in which she rejected any responsibility. She explained in detail her exclusion policy and knew very well what she was being charged with as she cited certain (civil) case law on discrimination. That the defendant also knew very well what to defend herself from after the conclusion of the investigation and after receiving the summons is shown by the extensive conclusions that were taken for her and the 34 documents that were filed with additional evidence.

Accordingly, the court finds that no irreparable harm has occurred on the part of the accused as regards the exercise of rights of defense as a result of the violation of the reasonable period of time. Therefore, there are no grounds available for declaring the criminal proceedings forfeited.

The court will, however, take into account the exceeding of the reasonable period of time in determining the sentence.

III.2 The right to a fair and impartial investigation

The defense of the accused raises that the investigation was not conducted in a fair and impartial manner, which would also be in violation of Article 6 (1) ECHR and would therefore affect the admissibility of the criminal proceedings.

The court does not follow this view for several reasons.

The accused, after interviewing some of the victims in which their complaints were confirmed, was invited by the investigators for an interview in May 2018. The accused deliberately chose not to respond to this invitation and limited herself to sending a letter in which she rejected any responsibility. The record shows that the accused had already committed counsel at that time.

Because the accused chose not to accept her invitation to be questioned as a suspect and thus also chose not to be confronted with the evidence already brought forward by the investigation, which could have been refuted by her in this questioning, she cannot now complain about the fact that the investigation was subsequently closed by the public prosecutor without carrying out subsequent acts of investigation. The accused, on the other hand, requested by herself that the investigation be terminated.

The investigation is conducted under the direction and authority of the public prosecutor who, pursuant to Article 28bis §1, paragraph 3 of the Code of Criminal Procedure, is responsible for it and therefore decides autonomously which investigative measures he deems useful before taking a final decision. It is exclusively up to the Public Prosecutor to assess the criminal prosecution.

In this regard, the prosecution is expected to act loyally until the counter-evidence is provided (see also Cass. 30 October 2001, P as. 2001, 1750). This counter evidence is not provided by the defendant.

The mere fact that the Prosecution has ceased further investigative acts (such as the questioning of persons who have been excluded and rehabilitated or the questioning of people who have shunned the victims) does not mean that a fair trial can no longer take place all the more so since, during the investigation, the accused himself was able to bring such additional evidence in the form of written witness statements.

The Accused further argues that UNIA has a showing of bias against the Accused as it "interfered" with the criminal case on November 9, 2015 without attempting to have a conversation with a representative of the Accused in order to obtain objective and accurate information about the relevant beliefs and practices. UNIA would thereby have disregarded its own policy statement on the basis of which it appears that it will only proceed to legal proceedings if dialogue is impossible. By failing to do so, UNIA would demonstrate a closed and biased attitude towards the Accused as a religious minority.

The court does not follow this view.

OK 8 shows that by simple complaint dated November 9, 2015, the Interfederal Center for Equal Opportunities and the Fight against Discrimination and Racism (UNIA) requested the Public Prosecutor's Office to conduct an investigative investigation as it had received several reports from victims based on which it had determined their severity and impact on the person of the victims and society by extension. In doing so, on page 25 under IV, the Centre suggested five acts of investigation. There is therefore no bias or prejudice on the part of UNIA.

The court therefore concludes based on the above considerations and findings that the investigation in all its facets was indeed conducted in a fair and impartial manner.

There is no violation of Article 6 (1) ECHR which would lead to the inadmissibility of the criminal proceedings against the accused.

III. 3 Statute of limitations

The court must examine ex officio whether or not the criminal action for the facts presented to it has lapsed due to prescription.

At the hearing of 15 September 2020, Jenny Schippers took the stand as a civil party on behalf of the defendant. This civil action is based on charges C and D in the criminal proceedings initiated by the public prosecutor in the case under reference I (as completed above). The defendant has been able to defend himself in pleadings. At the hearing on February 16, 2021, Jenny Schippers filed a document showing that on September 15, 2020, the defendant sent her a letter stating that she was excluded on July 3, 1979. The court notes that no investigative acts were made within the first useful period and more than five years have elapsed for the first crimes charged to the defendant dated January 1, 2010. The criminal action for the facts under indictment C and D to the extent committed to the detriment of Jenny Schippers should therefore be dismissed as inadmissible due to statute of limitations.

At the hearing on February 16, 2021, Linda Kriekemans took the stand as a civil party on behalf of the defendant. This civil action can be grafted onto indictments C and D in the criminal proceedings initiated by the public prosecutor in the case under reference I (as supplemented above). The defense of the accused did not oppose this addition to the indictments C and D in the case under reference I and was therefore able to defend itself regarding this additional victim. At the hearing on February 16, 2021, this civil party stated that she was already excluded

in 1998. The court states that no acts of investigation were carried out within the first useful period of time and that more than five years have passed since the first crimes of which the defendant was charged on 1 January 2010. The criminal action for the facts under indictments C and D to the extent committed to the detriment of Linda Kriekemans should therefore be dismissed as inadmissible due to statute of limitations.

Erik Baeten has made a civil case against the defendant during the proceedings on the basis of the prosecuted offences under indictments C and D in the criminal proceedings initiated by the public prosecutor under reference I (as supplemented). The defendant has been able to defend himself in conclusions in this regard. Erik Baeten's statement shows that in 1973 he decided to stay away from the meetings and that he was subsequently excluded. The court notes that no acts of investigation were made within the first useful period of time and more than five years have passed for the first crimes charged to the defendant on January 1, 2010. The criminal charge for the offences under indictment C and D in so far as committed to the detriment of Erik Baeten in the case under reference I should therefore be rejected as inadmissible due to statute of limitations.

The court finds that the other crimes with which the accused has been charged to the detriment of the victims mentioned therein (under the various charges in the case under reference I, II and III) are not time-barred. These crimes with which the accused is charged concern a collective crime in view of the unity of intention, purpose and realization and whereby the criminal proceedings only start on the date of the last fact being February 5, 2021. The court further finds that between the various offenses charged to the defendant with respect to the victims mentioned therein (except Jenny Schippers, Linda Kriekemans and Erik Baeten) no period equal to the statute of limitations has elapsed.

Finally, the District Court finds that breach acts of investigation were committed within the first useful term so that the criminal action is not time-barred at present with respect to the victims mentioned under indictments A, B, C and D in the case under reference I (except with regard to Jenny Schippers, Linda Kriekemans and Erik Baeten), reference II and III.

IV. ASSESSMENT ON THE MERITS IN THE CRIMINAL FIELD

A. THE FACTS

A.1. REFERENCE I

- Complaint by Patrick Haeck to the East Flanders Public Prosecutor's Office, Ghent division

On 19 March 2015, Patrick Haeck filed a complaint with the Procurator's Office of East Flanders, Ghent division, against the non-profit organization Christian Congregation of Jehovah's Witnesses with registered office in 1950 Kraainem, Potaardestraat 60, and the directors of this organization, on the basis of articles 443 and 444 of the penal code, article 448 of the penal code, article 453bis penal code and article 22 of the Law on Combating Discrimination and all possible violations of the law to which the facts for which the complaint is filed may give rise. The period for which the complaint is filed concerns the period from January 1, 2011 to the date of the complaint (March 19, 2015). The place of the facts is described as being in Ghent, the urban area and elsewhere in the Kingdom.

The complaint summarizes that Patrick Haeck was a member of the Christian congregation of Jehovah's Witnesses from age 7 to 42. In 2006, his faith was shaken by a number of dogmas and directives with which he struggled. In 2010 he, his family and his mother were considered 'inactive', which concretely meant that they no longer attended the meetings of the Jehovah's Witnesses in the Kingdom Hall in Oostakker and could still freely associate with the other still active members. At the beginning of 2011 it was made known to the local community that he was "excluded" from the Jehovah's Witnesses and this by the public announcement "Patrick Haeck is no longer one of Jehovah's Witnesses". This exclusion concerns the consequence of an imposed decision of the church court of Jehovah's Witnesses. According to him, the exclusion policy of Jehovah's Witnesses means that witnesses are not allowed to have contact with an excluded person, a "sinner" who has denied the teachings of Jehovah's Witnesses and/or has withdrawn himself. This rule would also apply to family members, one's own children and grandchildren, parents and grandparents who do not live under the same roof. The excluded person is declared socially dead; the intent is to pressure the excluded person to return to the faith community. The policy of exclusion is elaborated in several articles in, among others, The Watchtower, a magazine in which a program of weekly instruction is published on a monthly basis. In his complaint, some quotes from this magazine are cited. Every excluded member would suffer the same fate, they are placed in social isolation and left behind like garbage. There is a fear of testifying about this due to the years of indoctrination of the doctrine of faith. He claims to be considered non-existent due to his exclusion and he is no longer allowed to have social contacts with his in-laws and the active members of Jehovah's Witnesses. His wife and two daughters who are not excluded but are inactive also share in the same blows; friendship with former fellow Witnesses is said to be conditional and tied to membership. The excluded person would be socially isolated on higher instruction from the organization and considered an apostate, a sinner, a child of Satan,....

He and his family were not invited to a party of his parents-in-law, when asked for the reason the answer was "Patrick is excluded and we have to be loyal"; also the contacts with his own brother Peter were completely broken. Because of this he and his family have ended up in social isolation and lack any form of human respect (solely on account of his religious conviction and philosophy of life) and dignity of Jehovah's Witnesses and their own family members. He has psychological problems as a result and adds a medical certificate from Doctor Vermaut to his complaint in support.

Patrick Haeck explicitly states in his complaint that it is not the exclusion as such that is the object of his complaint but the exclusion policy of Jehovah's Witnesses, namely the slandering, insulting and discriminating of the excluded person which affects the dignity of the person who is excluded and which creates a threatening, hostile, insulting, humiliating or hurtful environment for the excluded person. Every witness would be encouraged to avoid the excluded person in such a way that it could incite to hatred. He states that after his exclusion he made several attempts to engage in debate with the most senior elders of the Jehovah's Witnesses around the aforementioned discriminatory exclusion policy but was allegedly ignored.

In his complaint Patrick Haeck suggests some investigative acts. Several persuasive documents are attached to his complaint, including editions of the Watchtower, including a December 1, 1981, issue "Disfellowshipping – How to view it" [September 15, 1981 in English, paragraph 18] which reads, among other things, "A meal is a time of relaxation and socializing. Hence, the Bible here rules out social fellowship, too, such as joining an expelled person in a picnic or party, ball game, trip to the beach or theater, or sitting down to a meal with him."

Patrick Haeck argues that every excluded member suffers the same fate as him, citing a letter from the VZW Study and Advisory Group on Cults dated August 2012 addressed to the Center for Equal Opportunity and Opposition to Racism.

Patrick Haeck adds to his collection of documents a copy of a registered letter he sent to the defendant on 12 November 2012. It appears from this letter that he declared the VZW (non-profit association) at fault for discriminating against many hundreds of former Witnesses by completely avoiding them and inciting the members to discriminate against ex-Witnesses: *"This is what you do, in a preparatory phase, by means of unmistakable instructions in the many publications of the Watchtower Society from which public instruction is given at your meetings. By publicly announcing to the local community the name of the new ex-Guardian who was excluded or who withdrew, you signal the start of systematically discriminating against this person"*.

He further states that with his notice of default he only wants to demand that the discriminatory behavior and the incitement to it by Jehovah's Witnesses towards former members be stopped, so that normal and necessary family and friendly relations between members and former members can be restored.

On November 3, 2014, Patrick Haeck again issued a notice of default to the same VZW. In it, he states that he feels that his human dignity as a person has been violated because his notice of default has not been responded to by the defendant. He considers the lack of reaction as a *"demonstration of the malice you show towards people like me who no longer believe what Jehovah's Witnesses believe, as a result of which I and many fellow-sufferers are deliberately kept in hurtful and humiliating circumstances"*. The letter further denounced the exclusion policy and finally asked to have a conversation with them in a neutral place.

- Complaint Interfederal Center for Equal Opportunities and the Fight against Discrimination and Racism

On November 12, 2015, the Interfederal Center for Equal Opportunities and the Fight against Discrimination and Racism makes a complaint to the Prosecutor's Office. In it, under margin number 17, it states, *"the above pattern of conduct of discrimination and intimidation towards excluded members and members who have voluntarily or involuntarily withdrawn from the faith community, is based on a well-defined interpretation of religious texts distributed within the faith community and on which a code of conduct is based that is mandatorily imposed on the members of the faith community (...)"*

The complaint then reproduces some quotes from the Watchtower that should show a double intent, specifically maintaining mind control over the members and pressuring the excluded to rejoin the faith community and repent. The public disclosure within the faith community of the decision, according to the center, constitutes the formal starting point for the social isolation of a particular individual. The weekly meetings of Jehovah's Witnesses at which the exclusion policy is taught based on well-defined interpretations dispensed by elders within the faith community, of religious texts regarding the exclusion policy, would encourage the audience to apply a code of conduct leading to the social isolation of the excluded members and those who have withdrawn. The announcement of an exclusion in a Kingdom Hall, which is open to the public, where it is being made known that "a judicial committee" has decided to exclude a particular member would also incite discrimination. The complaint states that one will register as an aggrieved person.

-Undercover 3

Undercover 3 contains a 17-page text entitled "Jehovah's Witnesses and Justice - What to Watch Out For." A reference to the source of this text is not mentioned. The court assumes that this piece was appended by the Public Prosecutor's Office now that this has been annexed in a yellow cover with sticker 'criminal record' (cover 3).

- Complaints Priskilla Vermeersch and Bjorn Soetaert

Cover 4 concerns a statement by Priskilla Vermeersch in which she declares herself aggrieved on May 4, 2015. In her complaint, she explains that she grew up in a family that included two generations of Jehovah's Witnesses. She grew up with traumatic events, including sexual abuse by young men of Jehovah's Witnesses, which was allegedly handled within the home church court. She was "considered excluded" in part because she lived for a time unmarried with her current husband Bjorn Soetaert. She was then ignored by her parents and other family members who were still Jehovah's Witnesses. Thus, they no longer travelled together for vacation, her children do not have normal contact with the grandparents, her grandparents do not come to the grandparents' day at school. For the rest, her complaint is similar to Patrick Haeck's regarding the exclusion policy. Regarding her personal harm, she states that she is considered non-existent; the friendship of former co-witnesses is experienced as conditional. She states that the excluded are excluded on higher instruction from the organization. She and her family lack any kind of human respect and dignity because of the Jehovah's Witnesses and her own family.

Bjorn Soetaert also filed a complaint on May 4, 2015. In his complaint, he explains that his wife suffers greatly from the way she is treated by her parents and family. Thus, she was not invited to her brother's wedding party, the condition being that she must first be restored as a repentant Witness of Jehovah. Because of the exclusion policy, their children were also deprived of normal contact with their grandparents. His complaint about the exclusion policy in general and his proposed investigative actions are largely similar to Patrick Haeck's complaint.

- Investigative acts at the request of the Public Prosecutor's Office

On January 5, 2016 the Public Prosecutor transmitted the above mentioned complaints and attached documents to the Federal Judicial Police in Ghent with a request for further investigation: "it concerns a file regarding the Jehovah's Witnesses and more specifically their exclusion policy. The possible qualifications can be found in OK8, page 16 (including incitement to discrimination, hatred and violence based on religious beliefs).

- Interrogation Patrick Haeck

Following this judicial order, Patrick Haeck was interviewed as a victim on May 12, 2016. In this interrogation, he confirms his complaint and repeats the request to carry out the investigative acts suggested by him. He wishes to add additionally that his daughter Oriana and her partner Matthias married on August 7, 2015. No family members who are members of Jehovah's Witnesses were present; Matthias' grandparents allegedly tucked the letter into another envelope unopened and returned it.

When asked by the investigators how such an exclusion comes about, he explains, "through a ruling of a church court within Jehovah's Witnesses. That ecclesiastical court consists of at least three elders. One is elected as an elder by other elders and that decision is then confirmed by someone one echelon higher, a circuit overseer. Once the decision to exclude has been taken, the person excluded is informed of this verbally. He then has seven days to appeal. If the appeal is confirmed, one of the elders, normally the chairman, announces in the Kingdom Hall: "X is not longer one of Jehovah's Witnesses". This meeting is public and open to everyone, member of the Jehovah's Witnesses or not. In principle, all meetings of Jehovah's Witnesses are public (...). The excluded person is made known by name during such a public meeting. The reason why is not disclosed'.

He further states that the protected criterion used for exclusion is religious belief because: *"one must blindly follow the lead in their religious belief otherwise one risks being excluded. One is excluded for one thing, not for another. There is a system of sanctions. The special intent to incite discrimination is present. One incites, knowingly and deliberately, to discrimination, segregation, hatred, harm (psychological harm), based on one of the criteria protected in article 4 of the Anti-Discrimination Law (in this case faith, philosophy of life). One still teaches the guidelines on how to deal with an excluded person. There is the threat of reprisals against witnesses who do not do so. I would also like to point out that the organized ignoring of someone is very serious. I refer to the study of social psychologist Kip Williams who says that by ignoring someone damage occurs after only a few seconds"*.

On July 4, 2017, the Federal Judicial Police received an e-mail from Patrick HAECK with the "Handbook for Elders" attached asking that it be attached to the file. This attachment was burned to CD by the investigators and filed with the Registry under OS 2017 007022.

- Legal personality of defendant

The minutes of February 29, 2016 show the structure of Jehovah's Witnesses. It shows that the "asbl Congrégation Chrétienne des Témoins de Jehovah – npo Christian Congregation of Jehovah's Witnesses" was founded on May 7, 1932 and registered under the known company number. The registered office is located in 1950 Kraainem, Potaardestraat 60.

In the official report, the investigators point out that in addition to this non-profit association (NPO), several other NPOs exist of the regional branches of Jehovah's Witnesses, without further clarification or indication of these regional branches. The French-language statutes of the defendant were added to the cover identity.

- Interrogation of the witnesses

To the original complaint of Patrick Haeck filed with the Public Prosecutor's Office, a bundle of testimonies was added from some ex-Jehovah members, being Erik Baeten, Jonathan Boonen, Daniel Heylen, Ann Dullaert, Linda Loris, Annelore Maes, Johannes Mieras, John Dierickx, Francine and Eduard Boonen-Hollevoet, Pamela Moore, Inge Roels, Sylvie Van Den Berghe, Pascal Van Meerhaeghe, Geert Vermeulen and Gaby Vernimmen. Taken together, these statements show that, after the exclusion (for whatever reason, including staying away from meetings, a new partner who is not a Witness, a new religion, alcohol addiction, etc.), people especially criticize being shunned by family members and friends and being excluded from (family) celebrations. Also discussed is the fact that Jehovah's Witnesses try to convince them under pressure to rejoin the Witnesses. Some appear to be afraid to leave the organization for fear of losing family and friends and/or spouse and/or being ignored by acquaintances.

- Interrogation Geert Vermeulen

On January 23, 2017, Geert Vermeulen was questioned as a witness. From his e-mail that he transmitted to Patrick Haeck and his statement, it appears that at the time he was married to a woman who was one of Jehovah's Witnesses. Because after this marriage he began a relationship with a Filipino woman, he was called to account by the elders and had to choose between exclusion or withdrawal. He states in the e-mail that even when voluntarily withdrawing, no contact should be maintained with family and friends. He is now a member of the Mormons. In his interrogation, he states that the Jehovahs also have positive attributes including the mandate to abide by the laws of the land where one lives and to provide assistance to the excluded/withdrawn who are in need. It is limited to providing emergency assistance, social intercourse remains forbidden.

He further states that a congregation among the Jehovah's Witnesses is similar to a parish. In Ghent there are about six congregations, he was at the time connected to the congregation of Ghent North. When someone wishes to withdraw, he has to communicate this by registered letter to the Body of Elders of the congregation to which he is attached. This is then communicated to those present at the meeting of the elders. The name of the person concerned is communicated but not the reason. This announcement takes place in a so-called Kingdom Hall during a Sunday service. Such a Kingdom Hall is freely accessible to everyone. From then on, everyone knows what to do. Thus he declares :

I must say that based on a Biblical passage it is taught not to greet the excluded/retired. The example often cited is that of a fruit basket with a rotten apple. One must remove it and avoid contact so as not to be infected oneself. It is not allowed to have social contact with an excluded or withdrawn person. If you do, you can lose your privileges in the congregation. By this I mean that one can lose his function as secretary, doorkeeper, and so on.

There is certainly a moral pressure within the organization to avoid all social contact with an excluded/withdrawn person. I want to clarify that someone can be excluded or he can withdraw without changing his beliefs. For example, I myself had not changed my beliefs when I withdrew. It is just by violating a directive or a commandment within the community that one is called to account to the elders, in case of a serious offense one comes before the judicial comity. Depending on the severity of the offense and whether or not you repent, that committee will make a decision. The decision can be either forgiveness or exclusion. Once the decision to exclude is made, social contact with that person is prohibited. Members of the congregation who would still have contact with that person will be addressed as that is considered a violation of one of the rules.

As I explained earlier, the decision of exclusion or the notice of withdrawal is made known to the community with, of course, the indication of who is involved, without giving reasons or further information. Anything discussed within the Judicial Committee is not communicated.

I would like to make it clear that one can be excluded for a mere violation of one of the rules of the community without renouncing or changing one's faith. The sanction of exclusion is imposed because one violates the rules of the community and not because one loses his faith. It is the failure to observe religious rules that leads to exclusion. Let me give an example: a young man has sex before marriage. This is not acceptable to the Jehovah's Witnesses and he will be excluded. It is not because that young man violates that one commandment that he no longer adheres to the religion. It may be because he doesn't want to disappoint his girlfriend at that time. Occasionally, those young people come back and are readmitted to the community. So, one can be excluded as a result of a violation of one of the religious rules and/or the loss of all or part of his religious beliefs, but I want to make it clear that the one does not imply the other.

How to deal with an excluded/retired person is taught both at Sunday meetings and in publications of the Jehovah's Witnesses. The Jehovah's Witnesses is a strictly hierarchically structured organization. The highest body is the main office of Jehovah's Witnesses: the governing body. This is a group of about a dozen people. This office is located in the USA, Pennsylvania. It is overseen that the same rules are respected worldwide. It is also the case that adjustments are made regularly and this is presented as new spiritual light. Certain doctrines are adjusted from time to time. It is true that everything is decided at the highest level and that what is decided applies to the whole world. There are no separate guidelines for each country. I am not aware of any handbook or guidelines as to what is and is not allowed and what punishment or sanction that carries."

- Interrogation Erik Baeten

Erik Baeten was questioned on February 7, 2017. He stated that he did not know if he was excluded. He never recused himself nor did he receive any official notice that he was excluded. He only told his wife that he was no longer going with her to the meetings. He supposes that he is excluded because other Jehovahs do not want to shake hands with him and shun him. He is also completely ignored by his wife. He further states:

"How my 'exclusion' was made known I do not know. One fact is that all the Jehovah's Witnesses that I know have been avoiding me ever since I started asking questions to which I did not get answers and then I stopped going to the meetings. So this must at least have been told around, how and by whom I do not know.

I can say the following about incitement: it is imposed and taught from above how one should deal with the excluded and withdrawn. It is explained that people must be isolated socially in this way. There are sanctions for not doing so: a believer who has contact with an excluded or withdrawn person is himself excluded. One can be excluded for any unauthorized deviation. For example, I know a family who actually rejected their son because he was gay. His brother and sister pulled for him and were also promptly disowned. So it is the case that there is pressure from the elders on the community of Jehovah's Witnesses to strictly follow the rules regarding exclusion and withdrawal. There is a strict control of social isolation. One is in danger of becoming socially isolated if one does not adhere to the rules of conduct towards an excluded or withdrawn person. There is clear discrimination on the basis of a different religious belief or/and not strictly following the rules anymore. As soon as one starts asking annoying questions or as soon as one shows a deviant behavior (sic) one can be excluded after which the machine of the exclusion policy immediately kicks in. Immediately all contact is broken off with the excluded or withdrawn person. He is totally socially isolated. The members of the Jehovah's Witnesses are intimidated to follow the social exclusion on pain of being excluded themselves. This is strictly overseen by the elders.

Social isolation is triggered by the fact that one no longer strictly adheres to one's religious beliefs. This can manifest itself by asking critical questions or by displaying inadmissible behavior (e.g., adultery, premarital sex, smoking, et cetera). Thus, as soon as one does not rigorously adhere to the religion anymore, by behavior and/or critical questions, and thus in fact has a differing belief, one may be excluded, with all the consequences that this entails.

In principle, it is made known against whom the measure applies. I have heard that the normal procedure is that this is made known during a meeting in the Kingdom Hall. These meetings are public in the sense that any interested person is welcome. The rules of social isolation must be strictly applied against any excluded or withdrawn person.

The Jehovah's Witnesses are encouraged to strictly apply social isolation from the excluded or disassociated one. I used to not know this, but in the meantime I have found a lot of information on the Internet that makes me understand things I didn't understand before. Before the year 2000, I did not know what exclusion meant. After that I found out on the internet how it works and I can give different events a place, I know this from the internet or from documentaries. I myself was not informed of this at the time."

- Written Complaint Nicole Vernimmen

On August 27, 2017, Patrick Haeck sent an email to the Federal Judicial Police that he received from Nicole Vernimmen in which she declared herself aggrieved. In it she writes that in 2013 she stopped all Witness activities and sought contact with former witnesses. She did not do anything wrong from a civil rights point of view but was tired of the Witness event. Her husband put emotional and psychological pressure on her and blamed her for being drunk. She noted that she had been excluded in the spring of 2017. She added a bill to her statement that she allegedly received in late May from her neighbor who is a Witness. It stated that this neighbor did not disrespect Nicole Vernimmen in a way but she does not want to damage her personal connection with Jehovah's [She actually means with Jehovah, translator's addition] in any way. She states that she will respect Nicole Vernimmen's decision and she hopes that she too can place her decision (piece 54). Further, Nicole Vernimmen states that all her children and their partners have broken up with her. She added another copy of the text messages she received from her husband, stating that she is tired of being bullied and taunted. These text messages include, "I constantly need to hear from you how outrageous it is that you are being shunned and how you are going to keep telling your story about that to others. But what you are NOT telling is that you once promised Jehovah, the Sovereign of the whole universe, eternal UNCONDITIONAL faithfulness at your dedication and baptism.

At every baptismal reading over the years, you were always reminded of that, so you can't say you didn't know the depth and seriousness of it."

- Interrogation Ann Dullaert

Ann Dullaert stated in her May 16, 2017 witness interview:

"The day I withdrew, the news spread like wildfire among the Jehovah's Witnesses. The fellow students who were also Jehovah's Witnesses had even been forbidden to speak with me. It is not a particular person who imposed it, but it is generally assumed because this is how it is taught and imposed within Jehovah's Witnesses. There is very great social control and social pressure on adhering to their rule that one should avoid withdrawn members and that one may not have contact with them. One becomes socially isolated, as it were. Those of the Jehovah's Witnesses who would not respect the rule of social isolation of a withdrawn person would be put on notice. It also serves as a deterrent to those who would consider withdrawing, such that they would not take this step.

If you grew up in that community you literally fall into a black hole.

This discrimination through social isolation is based solely on the fact that by withdrawing, you are in fact indicating that you no longer follow your religious beliefs in whole or in part. This policy of exclusion is thus based solely on a different belief and serves as intimidation to force you to return. The community members are also intimidated to comply or enforce social isolation. Everyone keeps an eye on everyone and everything is signaled to higher-ups, to the elders. The elders keep everyone on track. That social isolation is imposed with respect to the group of withdrawn or excluded people. As for the excluded, their names are called out in the kingdom hall. As for the withdrawn, the names are simply passed around within the community, something like that spreads like wildfire.

Social isolation as a means of pressure is taught in Bible studies. There it is explained exactly how one should treat an excluded or withdrawn person. If one does not follow these rules one is called to account. There is great pressure to follow these rules.

How to deal with an excluded/retired person is taught both at Sunday meetings and in publications of the Jehovah's Witnesses. The Jehovah's Witnesses is a strictly hierarchically structured organization. The highest body is the main office of Jehovah's Witnesses : the governing body. This is a group of about a dozen people. This office is located in the USA, Pennsylvania. It is overseen that the same rules are respected worldwide. It is also the case that adjustments are made regularly and this is presented as new spiritual light. Certain doctrines are adjusted from time to time. The law is that everything is decided at the highest level and that what is decided applies to the whole world. There are no separate guidelines for each country. I am not aware of any handbook or guidelines as to what is and is not allowed and what punishment or sanction that carries."

- Interrogation Kristine Castro

Kristine Castro stated on August 28, 2017:

"In a meeting in the Kingdom Hall, at the end of the meeting it is announced that you are no longer part of the Jehovah's Witnesses anymore. Everyone then knows what to do, this is taught enough, you become (sic) socially isolated from then on.

Within the organization there is great pressure on members to socially isolate an excluded person. You are not allowed to have any contact with an excluded person, family contact is only allowed in order to arrange a few things, but no social gatherings. If you do not follow these rules you can be sanctioned by the elders in the congregation. They supervise this and through the community the tam-tam goes very quickly. There are several articles that have appeared in the Watchtower that explain how to deal with an excluded person. This social isolation is a discrimination based only on a different religious belief whether or not accompanied by some violations of their regulations how one should behave and so on. The elders keep a close eye on everything and try to get everyone on track. For minor infractions sanctions are pronounced and for major infractions an exclusion may follow. If an exclusion is pronounced then social isolation follows and this only as a result of differing beliefs. This social isolation is used as a means of pressure to get you to return. Then you have to put aside your deviant beliefs. The entire community of Jehovah's Witnesses is urged to strictly observe social isolation, which is

a form of discrimination. The exclusion - once pronounced - sets in motion a mechanism of social exclusion. This exclusion is based solely on a different religious belief. As a believer, one is not allowed to have contact with an excluded person. You are considered spiritually "sick" and they must see not to be infected. You are in the hands of the devil, you are demonized.

The measure is pronounced against a specific person who is named in a public meeting. Thus, this imposed behavior - social isolation - applies to well-defined identified natural persons. In the communities, everyone knows everyone and the news spreads like wildfire.

Social isolation is really imposed on every excluded or withdrawn person and every believer is urged to follow it on pain of sanction. It is adequately taught so that every witness would know what to do. At the hands of the Jehovah's Witnesses, I also lost my business, I was self-employed in the nursing industry. A number of Jehovah's Witnesses were clients of mine. I lost virtually all of them because of my exclusion. Moreover, it was emotionally unfeasible for me to continue working. One of my sisters also had her business in the same building. For reasons of self-interest, my sister - in the conflict I had then with the Jehovah's Witnesses - chose my daughter and my son-in-law. They had ordered a closet there and they thought she would suffer financial loss should she put on for me. My daughter then came over there while socially isolating me. This was unbearable for me and I finally gave up my business in Genk. It is impossible for me to put an exact figure on it in terms of financial loss.

- Interrogation Annelore Maes

This witness stated that he had officially withdrawn. According to this witness, it is imposed by the community of Jehovah's Witnesses that one should not have contact with excluded or withdrawn people. The idea is that in this way one will come to an understanding. This social isolation is controlled by social control and those who do not abide by it are called to account to the hierarchy. An example is that you are no longer allowed to sit at the same table, even if these are your own children.

The community is also discouraged from having contacts with the outside world. The expelled and disassociated ones are made known in public. The congregation of the Jehovah's Witnesses imposes how one should behave towards these persons and social isolation is mandated. One is encouraged to do so by the elders or the headquarter who instructs this, how one should behave is taught at meetings and there is a strict control on that. "I wanted to make these statements because the outside world doesn't quite realize how much suffering the Jehovah's Witnesses inflict on someone who steps out of the community. You are alone, you fall into a black hole and your future is mortgaged. They direct your whole life and when you step out they drop you like a brick, more than that, they isolate you completely from the other members of the community."

- **Statement Oriana Haeck and Matthias Wauters (OK 6)**

Oriana Haeck stated that her life changed drastically after the expelling of her father Patrick Haeck. Thus, she was not invited to weddings of family members, her grandparents no longer showed up at recitals where she plays the violin. She would be constantly confronted with the expelling policy pursued by Jehovah's Witnesses. She herself is not expelled but would be pressured by the elders by letter to disassociate herself, also because she has been living unmarried with her fiancé Matthias Wauters since April 1, 2012. This letter does not appear to have been attached to the criminal file.

Matthias Wauters stated that under pressure from his parents and elders, he sent a text message to say that he was disassociated himself. Since then he would be treated as an expelled member. His parents no longer show any interest in him. He argues that it is only the expelling rule that causes him and his family to be separated from each other. He points out that his father is an Elder and is in danger of losing his responsibility if it were to become known that he is having dealings with his expelled son. This threat, he says, constitutes an additional mental latch behind which his parents would be held captive.

- Testimonials Linda Kriekemans, Ronald Van Tendeloo, Jenny Schippers, Pascal Mertens

Linda Kriekemans' written statement shows that she mainly denounces her husband's violence and her suspicion of abuse of the children by her husband. Her ex would have a privileged position as an elder, her daughter and husband would still be Witnesses. She claims to have no contact with her (grand)children anymore.

Ronald Van Tendeloo writes in his statement, among other things, that the elders (judges) have an inhuman power, anyone who does not listen is expelled. They create a culture of power, they violate many universal human rights. They destroy marriages and family ties through their prohibitions. Many, according to him, carry the burden of humiliations but do not dare to talk because they think that God will then destroy them.

- Written Statement Jenny Schippers

On March 13, 2018, Patrick Haeck turned over to the FGP a statement he received from Jenny Schippers by email. She stated that she became a Witness to Jehovah through her mother and was curtailed from further study as a result. At the age of 21 she was expelled because she left her first husband for another man. Since then she has not seen her sister, her husband and their children nor her mother. All these years she has felt like being the "offender" while she now realizes she is the victim of a manipulative organization that abuses principles to divide families and 'mentally' kill people who do not think like them.

- Statement Pascal Mertens

Pascal Mertens stated that he was part of the community in St.-Niklaas Noord. When he began to ask questions about the doctrines after studying them, the atmosphere flipped and the members of the community were warned to avoid him. He was never baptized. His mother, who no longer attends the meetings, was also totally ignored by her brothers and sisters.

- Interrogation of the defendant of non-profit organization of the Christian Community of Jehovah's Witnesses

By writ of certiorari dated September 20, 2017, the handling substitute requested the FGP to proceed with the interrogation of those responsible under criminal law, at least the President and the Secretaries of the non-profit organization of the Christian Congregation of Jehovah's Witnesses in their capacity as accused: *"more specifically with regard to the coercive manner in which the discriminatory code of conduct is imposed on its members within the religious community."* It then lists some investigative acts in particular (Exhibit 115).

The official report of May 25, 2018 shows that an invitation to interrogation as a suspect (Salduz 3) was sent to some board members of the VZW Jehovah's Witnesses, specifically: Lodewijk De Wit (President of the association), Toffoli Luca (Chairman of the Board) and David Vandendriessche (Secretary). An appointment for hearing was set for the end of April 2018.

A few days before the scheduled appointment, the FGP received a call from David Vandendriessche informing them that, after consulting with a counsel, they were requesting more time to prepare. They would contact the FGP when they had finished their preparation. Their counsel would have informed them that the case was more serious than they thought. On May 25, 2018, the FGP received a letter from David Vandendriessche on behalf of the accused. This letter stated, among other things:

"Please allow us to explain the religious beliefs and practices of Jehovah's Witnesses regarding "disfellowshipping" and "disassociation".'

Jehovah's Witnesses do not have rules but rather religious beliefs and practices. One of these beliefs is that we hold to Biblical guidelines and instructions concerning high moral standards of holiness. This prevents moral pollution from entering the Christian congregation. (1 Corinthians 5:6; 1 Peter 1:14-16) The religious custom of disfellowshipping is an internal ecclesiastical custom over which the courts have no jurisdiction. This custom also has the purpose of incite an unrepentant sinner to bring his life back into harmony with righteous Biblical standards (Hebrews 12:7-11). Thus, this is a purely religious and spiritual matter.

- Disassociation occurs when a baptized member of the congregation consciously chooses to deny his faith by requesting it or by his actions indicates that he no longer wishes to be known as a Witness of Jehovah.*
- It is the Bible that sets forth how Christians should deal with disfellowshipped ones (1 Corinthians 5:11-13; 2 John 10, 11), and these apostolic admonitions are an integral part of our religion. Disfellowshipped people are always welcome at our religious meetings in the Kingdom Hall where they can listen to Biblical discussions that may help them to repent. If they wish, they can also request to become a member of the Christian congregation again.*
- The relationship between an disfellowshipped person and his family is a personal matter beyond the control of the Belgian branch office of Jehovah's Witnesses and our legal association. Disfellowshipping severs the spiritual bond between a disfellowshipped person and the members of the Christian congregation, but the blood bond remains. If family members who are members of the Christian congregation choose to limit their association with an expelled person, they freely choose to apply biblical standards on whether or not to associate with someone.*
- An announcement of disfellowshipment is made discreetly and only once by local elders (not by the Belgian Branch or our legal association). Such communication informs the local congregation that the person is no longer one of Jehovah's Witnesses, but contains no information as to why a person is no longer a Witness of Jehovah, nor whether he has been disfellowshipped or disassociated himself. While an disfellowshipped person has the right to make his own personal choices and live as he wishes, it is an undeniable right that any group should expect its members to uphold the values and standards of the group.*

The religious beliefs of Jehovah's Witnesses are also outlined on our official website, www.jw.org.

As the Public Prosecutor undoubtedly knows, the Belgian Constitution guarantees in Article 19 "freedom of worship, its free exercise of it, as well as the freedom to express one's opinion in any field."

Article 21 says that "The State has no right to interfere" in the internal affairs of a religion. Also, Articles 9 and 11 of the European Convention on Human Rights guarantee freedom of religion and association in Belgium. This includes the right of religious communities to disfellowship members. '

Furthermore, the letter refers to various case law in Belgium that would confirm that the religious use of expelling of Jehovah's Witnesses falls within the application of Article 9 ECHR. The letter then ends with: "We would appreciate it if you would transmit this information to the Public Prosecutor, since we understand that he has the authority to terminate this investigation. In light of the facts and laws stated above, we politely request that the Prosecutor terminate this investigation. If the Prosecutor still feels that there is sufficient ground to question us regarding this 'crime', we would appreciate who made this charge and what the exact grounds for this charge include."

A.2. REFERENCE II

On September 4, 2019, Cecile Temmerman, Benny Bonte, and Ruth Grymonprez proceeded with direct subpoenas to the defendant. In this subpoena, Cecile Temmerman summarizes that 40 years ago, she joined Jehovah's Witnesses, as a result of which she became completely estranged from her family and she was swallowed up in the community. In 2013 her son Pascal Mertens critically investigated the functioning of the community including the sexual abuse within the community; the questions about this to the elders and circuit overseers were badly received. The Temmerman family would then have been called out on the platform of the Kingdom Hall as being "bad association". Since then she fell into social isolation and depression. Her general practitioner Dr. Moens confirms in a medical certificate: "When inquiring about the cause of these rather disturbing complaints she told me that the anxiety and tension started after she was expelled from Jehovah's sect. She was reviled by these people as being in the hands of Satan. Her former friends were no longer allowed to have contact with her. She also became socially isolated because of the Jehovah's sect. She has become tremendously afraid of the members of Jehovah and also no longer finds understanding and support anywhere from her former friends. This fear and isolation seizes this kind lady, causing all these symptoms. For me, as her physician, there is a clear connection between her problems with Jehovah and her severe physical and psychological symptoms."

Benny Bonte states that he was baptized a Jehovah's Witness on April 17, 1982 and married Ruth Grymonprez on May 3, 1984. On May 12, 2013, they chose to join an evangelical church. On November 5, 2015, their expelling was announced in the community at Blankenberge; the years since have been marked by stress, sleepless nights, disapproving looks and humiliation; he experienced great hostility and disgust.

Ruth Grymonprez states that since her expelling on November 5, 2015, she has not seen her parents (who allegedly live around the corner) or her sister; she does not know her sister's children. She submits a medical certificate showing that her family physician Dr. Van Hulle confirms, among other things, that: *"This long list of complaints all rank (sic) under the diagnosis of chronic hyperventilation. This psychosomatic condition usually arises in emotionally charged situations, e.g. after a death, dismissal, forced relocation, a farewell forced or otherwise!"*.

A.3. REFERENCE III

On February 16, 2021, Daniel De Smedt also proceeded to directly subpoena the defendant. In this subpoena, he claims to have grown up with the beliefs of the Jehovah's Witnesses with his believing grandmother. He was baptized a witness at the age of 21 and then became an official member. As time went on, he still had difficulty reconciling himself to the dogmas and guidelines and questioned them. He gradually stopped attending meetings and participating in preaching activities. In 1996 his grandmother passed away, when he wanted to attend the service for his grandmother, he was shown the door and they shouted *"a Satan does not belong here"*.

in 2011, he was approached at home by elders with the objective of persuading him to return to the faith community and also introduce his wife to the faith. In November 2011, his membership was restored and his wife also was baptized in 2013. Both he and his wife subsequently had a hard time with the practices and restrictions that were imposed, in particular the authority of some elders that had to be strictly obeyed bothered him; there was no mutual respect. As of 2019, he and his wife were out of touch and were completely abandoned in 2020. In May 2020, he informed the community that he and his wife wanted to withdraw from the community, a week later they were again approached by two elders with the intrusive message that they should revoke their writing and restore their membership; he then revoked his writing. Since then, he was regularly approached by Ivo Urbanski who followed him closely in the context of his reinstatement of his membership; he experienced this as very offensive and threatening. In July 2020, he learned from his aunt that he was announced in the Kingdom Hall as being expelled. He argues that an expelled person is forced into complete social isolation since Jehovah's Witnesses are no longer allowed to have contact with this person. It is considered a ban on contact that also applies to family members; an ex-member is regarded as an "apostate or bad association" who has denied the teachings of Jehovah; they are presented as an "unworthy person." As an expelled person, he continued to keep in touch with his needy parents who are Jehovah's Witnesses; he limited his contacts with his immediate family but did not engage in conversations about spiritual matters; he adhered to the teachings of Jehovah's Witnesses and did his best to act humanely toward his needy parents. He claims to have suffered personal harm as a result of the facts. For many years he had to endure an attack on his psychological integrity, causing him psychological problems and psycho-emotional stress, which also manifested itself in physical complaints such as migraine and stomach complaints resulting in hospitalizations. In support of this he submits a certificate from neurologist Tillemans which shows among other things that *"And there is important psycho-emotional*

stress as a result of a lingering conflict with the Jehovah's Witnesses organization".

He further states that it takes a lot of courage for an ex-Jehovah Witness to stand up to the accused.

The court does not take into account the e-mails that Mr Urbanski allegedly sent to Daniel De Smedt as they appear to be the subject of an ongoing criminal investigation and their content is not relevant to the assessment of the facts currently charged against the defendant.

A.4. THE CIVIL PARTIES

Levi De Pauw

From the note of the civil party Levi De Pauw, it appears that since his birth until the end of December 2017 he was a Jehovah's Witness; his sister Sylvia De Pauw also grew up within the group. In 2000, he married Jessy Delvael whose father was an elder; two children were born of this marriage. In 2017, the marriage ended and he has a new relationship with a woman who is a non-Witness; he then made the decision to leave. Since the divorce, he still has limited contact with his children, his sister was expelled in 2003 because she lived unmarried with a new partner after her marriage; only since his own expelling in 2017 does he have contact with his sister again. He refers to a statement he made to the I.A.C.S.S.O. which shows, among other things, that different sanctions are used for non-compliant behavior including no longer being able to actively participate at a meeting up to the most severe sanction being expelled. He argues that expelling is the same as committing social death; even in the faith there was no future for that person. Indeed, a return depends on the approval of a judicial committee and can be accompanied by a number of temporary restrictions: *"the judicial committee really worked as a court within the organization, the justification was that this was done as a protective measure for the other members of the community."*

He further states that an expelled person on higher instruction of the organization is socially isolated and considered an apostate, a weakling or a child of Satan. All current members shun him like the plague; he lacks any kind of human respect and dignity because of the Jehovah's Witnesses, even from his own family members. He refers to a medical certificate from psychologist and psychotherapist Dierickx showing that the expelling caused, among other things, a break with his daughter in June 2018 and the onset of depression; he consulted expert help because of suicidal thoughts; he has a fear of losing contact with his son.

The other civil parties

Regarding the other civil parties being Patrick Haeck, Belinda Van Doorselaer, Oriana Haeck, Delina Haeck and Matthias Wauters we can refer to their statements already quoted above.

B. DISCUSSION OF THE INDICTMENTS

B.1. PREVIOUSLY

B.1.1. The state's duty of neutrality and impartiality in religious matters

The defendant argues in its briefs that if the court were to find the charges proven, it would be a violation of the state's duty of neutrality and impartiality and of Articles 9, 10 and 11 of the European Convention on Human Rights.

Article 9 ECHR (the right to freedom of religion)

The court is aware that the criminal assessment of the way in which the expelling of persons is publicly announced, the way in which the expelling policy is propagated and taught, is an obvious task since these acts are located in the freedom of thought, conscience and religion protected by Article 9.1 ECHR. Moreover, the state's duty of neutrality and impartiality in religious matters prohibits the state from passing judgment on the legitimacy of religious beliefs or on the way they are expressed.

However, the duty on the part of the state to be neutral and impartial is not absolute.

Article 9.2 ECHR provides: "Freedom to manifest one's religion or beliefs shall be subject to such limitations as are prescribed by law and are necessary in a democratic society for public order, health or morality or the protection of the rights and freedoms of others".

A state may well interfere with the autonomy of religious communities when such interference responds to a compelling social need where there must be a reasonable relationship of proportionality between the legal objective pursued on the one hand and the restriction on those freedoms on the other. Serious and compelling reasons must exist to justify such state interference, including in the choices individuals (which include both natural and legal persons) make on the basis of their personal autonomy to behave according to religious precepts.

Therefore, in application of paragraph 2 of Article 9 ECHR, an interference can only be justified if these choices are incompatible with the underlying fundamental principles of the Convention or if these choices are imposed on the believers by force or coercion, against their will (see also ECHR (1* Div.) 10 June 2010, <http://echr.coe.int> (22 October 2010); JDE 2010, paras 171,230).

In this case, neither the Public Prosecutor's Office nor the direct litigants seek, by prosecuting the accused, to obtain a judgment in which the court pronounces on the legitimacy of religious beliefs or the manner in which they are expressed and to which the decision to expel belongs. This is very clear from the facts delineated by the prosecution as described under indictments A, B, C and D and to which the direct litigants and the civil parties have adhered without extending these facts further into description. Patrick Haeck has also clearly stated in his statement of aggrieved person of 19 March 2015 that: *'it is not, however, the disfellowshipping as such that is intended by the present complaint, but the policy of Jehovah's Witnesses that consists of defaming, insulting and discriminating against the expelled'* (page 3 of his complaint submission).

Therefore, this court does have the power to review the facts presented to it against the legal restrictions of the Anti-Discrimination Law.

Article 10 ECHR (the right to freedom of expression)

The defendant also argues in her decisions that the prosecution and charges against her violate Article 10 of the ECHR and that the court should take a neutral and impartial stance on these guaranteed rights as well.

The right to freedom of expression is a universal right whose observance must be closely monitored. However, this universal right can also be limited by the legislator in order to safeguard the rights and freedoms of others or to ensure the proper functioning of democratic society. Such a legitimate limitation is provided for in Article 10.2 ECHR and the Anti-Discrimination Law of 10 May 2007. More specifically, the expression of an opinion is punishable if it knowingly and intentionally publicly incites discrimination, hatred or violence towards one or more persons on account of one of the criteria listed in the law. Incitement to hatred, segregation, discrimination or violence on the basis of one of the criteria listed in the General Discrimination Act can be made punishable by law, without violating the freedom of expression. The requirement of a special intention to incite to discrimination, segregation, hatred or violence avoids that merely mocking statements, opinions and any expression which, in the absence of the required special intention, belongs to the freedom of expression (see also GwH 12 February 2009, no. 17/2009).

Article 10.2 ECHR provides that the exercise of freedom of expression may be subject to certain formalities, conditions, restrictions or sanctions, if they are provided for by law, and are necessary in a democratic society, including for the protection of the good name or rights of others.

Therefore, this court does have the power to review the facts presented to it against the legal restrictions of the Anti-Discrimination Law.

Article 11 ECHR (the right to freedom of assembly and association)

The defendant further argues that a conviction of the defendant for applying her religious beliefs regarding expelling, withdrawal, and shunning would interfere with the freedom of assembly. After all, when associations are formed by people who, supported by certain values or ideals, pursue common goals, it would violate the effectiveness of the freedom that applies if they had no control over their membership. It is an individual expression of the right to freedom of association, which very clearly includes the freedom not to associate.

Again, the court can indeed test the actions described by the Public Prosecutor in the indictments A through D to which the directly suing parties and the civil parties have joined against the legal restrictions of the Anti-Discrimination Law. After all, Article 11.2 ECHR provides that the exercise of the freedom of assembly and association may be tested against legal restrictions and those that are necessary in a democratic society in the interest of, inter alia, the protection of public order and the prevention of criminal offences or the protection of the rights and freedoms of others.

It is also in light of these restrictions that this court can indeed interfere and has the power to rule on the crimes charged to the defendant.

B.1.2. The accountability to the defendant

The defense of the accused objects that the prosecuted crimes are not attributable to it as a legal person. In doing so, she argues, among other things, that she is only a logistical association and does not play a substantive role with regard to religious views (peripheral numbers 26 -30). The religious rules and procedures are based on the Bible and are explained in the various religious publications of Jehovah's Witnesses. It is the individual believers who follow their personal religious conscience and decide for themselves whether or not to deal with expelled people or witnesses who have voluntarily disassociated themselves. The defendant states that it is not the religion of Jehovah's Witnesses, it recognizes the principle of personal responsibility of its believers. The beliefs and practices of Jehovah's Witnesses regarding the expelling and "shunning" are based on their understanding of certain Biblical commandments.

The court finds that the crimes charged against the defendant are indeed attributable to her for the reasons stated below.

Punishment of crimes committed within the framework of a legal person is done through a mechanism called "imputation". Imputation means that a legal link is established between a particular criminal offence and the (natural or legal) person deemed responsible for it. In the first instance, this is a material or causal link, in addition, the crime must also be imputed on a subjective and moral level. Legal persons do have a will of their own, which can be a source of crime although they act de facto through individuals (see also Cass. 23 December 2008, P.08.0587.N). In doing so, the court must examine whether there is an own corporate guilt pattern that is more than the sum of the individual guilt parts of the natural persons (see also Waterinckx, P., *"The criminal responsibility of the legal person and its executives"*, Intersentia, 2011, margin number 103).

The court notes that it is established from the data presented to it that the defendant (following the instructions of headquarters in the USA) uniformly instructs the mode of instruction (which includes the expelling policy) to the local faith communities of Jehovah's Witnesses scattered throughout our country.

The court relies on document 5 of the civil party Temmerman. From the coordinated statutes of these various local non-profit associations it is clear that their statutory objectives must be in harmony with the objectives and policy of the defendant: *"The association's aim is to promote the activity of Christians known as "Jehovah's Witnesses", in harmony with the objectives of the non-profit association "Christian Congregation of Jehovah's Witnesses" with company number 0411.002.361 "*.

The statutes of the defendant show that it has company number 0411.002.361. It is therefore established that the defendant's policies are authoritative for the local NPOs that are subordinate to it. On this basis, the court concludes that the defendant's assertion that she is only one of the 170 non-profit organizations used by the Jehovah's Witnesses in Belgium to hold possession of religious property (the Kingdom Halls) and she therefore only has a logistical purpose does not make sense.

Further, it appears from Article 2 of the defendant's statutes (as submitted in the cover form documents of the criminal file) that the defendant states in the opening words of the description of its statutory purpose that one of its purposes is to proclaim the public truths concerning the Kingdom of Jehovah according to Jesus Christ through publications and writings "and by proclaiming the biblical truth and teaching it to he who wishes to know Holy Scriptures."

It goes without saying that the general propagation of the expelling policy and the teaching of this expelling policy within the local faith communities in the light of the teachings of Jehovah's Witnesses and the public announcement of expelling of ex-believers at public meetings in the local Kingdom halls, is equally part of the statutory purpose of the defendant now that this is part of the proclamation of the biblical truth and its teaching, as defined in Article 2 of the defendant's statutes.

Further, it is evident from the present concurring statements of the direct litigants and civil parties and the exhibits introduced by them, that the defendant does impose policies on how the expelling policy is to be applied by its individuals (members).

That this expelling policy is not open to individual interpretation by the faithful is shown in particular by Document 10 of Patrick Haeck and Document 5 of the civil parties Grymonprez-Bonte, being audiovisual recordings of a Jehovah's Convention, which was viewed by this court. From these recordings, it is indisputably established that these lines of conduct are taught to the faithful from on high and imposed on them in a commanding manner. In this regard, the court relies, among other things, on the oral instruction at the Convention that Jehovah's Witnesses "should have no false hope of returning after an expelling," "that they cannot table with non-believers," and that ex-believers "should be avoided like the plague because they are the plague".

Such teachings do undermine any individual freedom of conscience on the part of the believer as to how they want/can deal with an expelled person on pain of being expelled themselves. This observation is supported, among other things, by UNIA's Document 16 which shows that in the life of the Witness the CGJW (being the Accused) is central and that this CGJW exerts great pressure and social control on the individuals who are part of the religious community in Belgium.

Finally, the court also relies on the written statement made by David Vandendriessche in his letter to the public prosecutor in which he wishes to point out that their legal association is located in the legal district of Brussels, being the defendant's social address. By doing so, David Vandendriessche himself indicates that this legal entity is the responsible legal entity.

The fact that the instructions are instructed from the USA and the local entities have to apply these instructions strictly and therefore they do not invent anything is not relevant. After all, the accused is prosecuted under Article 66 Sw as a (co-)offender for the crimes she has been charged with.

The crimes charged to the accused, to the extent proven, are therefore both materially and morally attributable to the accused as a legal person.

B.2. DISCUSSION OF THE CHARGES IN THE CASE UNDER REFERENCE I, II and III

The public prosecutor summons the defendant for violations of Article 22, 1°, 2°, 3°, 4° of the Anti-Discrimination Law of May 10, 2007. The livery of seisin of the court is limited to the assessment of the following facts:

- inciting discrimination or segregation and inciting hatred or violence against a person because of the protected criteria defined by law and by making their expelling from the religious community publicly known”.
- inciting to discrimination or segregation and inciting hatred or violence against a group, namely by propagating and teaching the expelling policy within the local faith communities, and thereby having in a general way incited discrimination or segregation against the group of ex-members, specifically the members who were expelled and those who withdrew from the faith community of Jehovah's Witnesses."

The court discusses below the constitutive elements of the crimes charged to the defendant in the case under reference I, II and III and then with respect to which victim as enumerated under the various charges in the case under reference I, II and III the facts are proven or not proven.

The constitutive components of the crimes charged

Article 22 of the Anti-Discrimination Law criminalizes:

1° He who, in one of the circumstances referred to in article 444 of the Penal Code, incites discrimination against a person because of one of the protected criteria, and this, even outside the domains referred to in article 5;

2° he who, in one of the circumstances referred to in Article 444 of the Criminal Code, incites hatred or violence against a person because of one of the protected criteria, and this, even outside the domains referred to in Article 5;

3° he who, in one of the circumstances referred to in article 444 of the Criminal Code, incites discrimination or segregation against a group, a community or its members, because of one of the protected criteria, and this, even outside the domains referred to in article 5;

4° he who, in one of the circumstances referred to in Article 444 of the Criminal Code, incites hatred or violence against a group, a community or its members; because of one of the protected criteria, and this, even outside the domains referred to in Article 5.

Article 11 of the Constitution states: "The enjoyment of the rights and freedoms granted to Belgians must be ensured without discrimination. To this end, the laws and decrees guarantee in particular the rights and freedoms of ideological and philosophical minorities". *Article 19 of the Constitution* states: "Freedom of worship, free public exercise thereof, and freedom to express opinions in any field shall be guaranteed subject to the punishment of crimes committed in the exercise of these freedoms".

For the defendant to have exceeded the limits of freedom of religion, freedom of expression and freedom to assemble (on which she relies) and thus to have committed the offenses charged against her under the Law of May 10, 2007, the defendant must:

-in public as stipulated by Article 444 Sw;

- To have incited:

° discrimination or segregation against a person as further defined under Indictment A in the case with reference I, II and III (Article 22, 1°) and/or a group namely the members who were excluded and those who withdrew from the religious community as further defined under Indictment C in the case with reference I, II and III (Article 22.3*);

° hatred or violence towards a person as further defined under the indictment B in the case with reference I, II and III (article 22, 2°) and/or a group namely the members who were excluded and those who withdrew from the religious community as further defined under the indictment C in the case with reference I, II and III (article 22.4°);

for one or more of the protected criteria. The special intent on the part of the accused must be proven each time.

In assessing the various charges, the court disregards the legal provisions on the civil prohibition of discrimination as stipulated by Articles 5 and 14 of the Anti-Discrimination Law since this court is chartered as a criminal court for the offence of incitement as defined by Articles 21 and 22 of the Anti-Discrimination Law.

Also the question of the defendant whether the facts charged can possibly be catalogued under article 5 should not be answered by this court, since in the criminalization of the various charges article 5 is explicitly excluded (*'even outside the domains referred to in article 5 of the Act'*). Article 22, on the other hand, is intended to provide for general criminalization (see also Bill to combat certain forms of discrimination, *Parl. St. Chamber, 2006-2007, no. 2722/001, 63*).

1. Publicity

The public announcing of the names of the persons excluded from the weekly meetings in the Kingdom Halls meets the requirement of publicity since these meetings are open to everyone, both those who are members and those who are not members of Jehovah's Witnesses. The court relies on the corresponding statements of Patrick Haeck, Daniel De Smedt and Kristine Castro, among others. The fact that the reason for the exclusion is not made known is irrelevant since, by merely calling out the names of the excluded persons, the listeners know that from then on they have to avoid these persons and isolate them socially. The court relies on the parallel declarations of the various civil parties, which are supported by the many witness statements including those of Jonathan Boonen, Ann Dullaert, Kristine Castro, Annelore Maes, Dirk Keerman, Inge Roels, etc. The requirement of publicity for the indictments A and B in the case under reference I, II and III has therefore been met each time.

The requirement of publicity for charges C and D in the case under reference I, II and III has also been met at every turn. From the various documents submitted to the court, it appears that the local religious communities give oral instruction to the members on what exclusion means and how it should be applied by them. Here too the court relies on the various declarations of the civil parties including the declaration of Erik Baeten which is confirmed by the present witness statements of among others Geert Vermeulen and Annelore Maes. Also from document 10 of the civil party Patrick Haeck and document 5 of the civil parties Grymonprez-Bonte, being the audiovisual recordings of Conventions, it appears that this exclusion policy is taught orally, either by prominent speakers or by means of little plays. This form of oral instruction whereby the listeners are urged to apply the imperative code of conduct of exclusion does concern "propagating" and "teaching within the local religious community" as prosecuted by the Public Prosecutor's Office under indictments B and C to which the directly suing parties have joined.

2. to have incited discrimination or segregation against a person (article 22, r) and against a group (article 22, 3°) and to have incited hatred or violence against a person (article 22, 2°) and against a group (article 22, 4°)

According to Article 21 Anti-Discrimination Law, discrimination should be understood as *"any form of intentional direct discrimination, intentional indirect discrimination, order to discriminate and intimidation on the basis of the protected criteria as well as the refusal to make reasonable accommodation for a person with a disability."*

The concept of harassment as mentioned in Article 21 is interpreted in Article 4, 10° of the Anti-Discrimination Law, specifically: *"unwelcome behavior that is related to one of the protected criteria, and has the purpose of affecting the dignity of the person and creating a threatening, hostile, insulting, humiliating or offensive environment."*

As already discussed above under the imputability of the charged facts to the defendant as a legal entity, it is in the opinion of the court that it is certain that the defendant, by uniformly propagating the exclusion policy (either at Conventions or at meetings) and giving instructions on how the exclusion policy should be taught within the local religious communities, does incite discrimination against persons who are excluded and against the group of ex-members consisting of the excluded and those who have voluntarily withdrawn.

From the audio-visual recordings filed by the civil parties and from the many statements submitted to the court, it appears that these individuals or group of people are compared to "the plague" to be shunned or labeled as "apostates, sinners or children of Satan," etc. (...). It goes without saying that such classification of individuals and groups incites discrimination or segregation and impairs the psychological integrity and dignity of the persons *targeted* thereby, which is impermissible.

By teaching the faithful that they should ignore, shun and socially isolate this category of persons with the aim of bringing about repentance on the part of these ex-believers so that they rejoin the Jehovah's Witnesses, the freedoms of belief and to change belief guaranteed *by* Article 9 of the ECHR and Article 19 of the Belgian Constitution are inadmissibly restricted on the part of this category of persons.

Moreover, by publicly announcing the names of those excluded, the members know that they must apply these instructions immediately and effectively in respect of the excluded persons who have been made known, at the risk of being excluded themselves if they fail to do so. The court relies on the various documents in the file, including the corresponding statements of the victims and the witness statements. In particular, the court relies on the statements of Patrick Haeck, Priskilla Vemeersch, Bjorn Soetaert and Nicole Vernimmen. The statement of Ann Dullaert is also striking: *"the social isolation is only based on the fact that by withdrawing, one indicates in fact not to follow the religious conviction in whole or in part anymore. This policy of exclusion is thus based solely on a deviant belief and serves as intimidation to force you to return."* Such exclusionary policies imply an impermissible restriction on the constitutional freedom of religion and the right to freedom of religion guaranteed by Article 9 ECHR and the right to change religion on the part of individuals.

The defendant lacks credibility where she states that she cannot vouch for the individual behavior of the persons as such. It appears from numerous statements in the file that the elders put a moral pressure on the community of Jehovah's Witnesses to strictly observe the rules concerning exclusion, on penalty of being excluded and socially isolated themselves.

Daniel De Smedt's statement also shows how, under sustained years of pressure from the accused, he repeatedly reversed his decision to no longer be a Witness to Jehovah and rejoined. Also these acts imply a restriction of the freedom of religion or to change religion which is a violation of the fundamental rights in a democratic society.

With regard to the charges brought against her, the defendant cannot rely on the freedom of expression and assembly (Articles 10 and 11 of the ECHR) either, since these freedoms are not absolute and are limited by the constitutional freedoms and the freedoms guaranteed by the ECHR on behalf of citizens and by the criminal law, in this case the Anti-Discrimination Act.

In particular, by the way the defendant propagates the exclusion policy and teaches it to the local religious communities, an impermissible restriction is committed on the right to respect for private and family life of the (former) members of Jehovah's Witnesses, as guaranteed by Article 8 ECHR and Article 22 of the Constitution. Indeed, from the many corresponding statements in the file it appears that many families are permanently torn apart when a family member is excluded or decides to withdraw himself. The family ties are reduced to a mere blood tie with no possibility of dining together, celebrating together or saying goodbye to a deceased family member. Only the provision of assistance in case of an emergency is permitted. In this respect the court relies on the parallel declarations of Annelore Maes, Oriana Haeck (from which it appears that after the exclusion of her father Patrick Haeck she was already ignored in her childhood by her paternal grandparents and that she later experienced pressure from the defendant to withdraw spontaneously because she was living together with Matthias Wauters without being married). Also the statement of Matthias Wauters and the witness statements of Ronald Van Tendeloo and Jenny Schippers about the way in which the family ties have been cut by the exclusion policy of the defendant are telling and cannot be interpreted differently. That the exclusion policy of the defendant not only has its consequences among the family members who do not live under the same roof but also among the family members who do live under the same roof, is very clear from the poignant testimony of Erik Baeten who has been ignored for years by his wife once he was excluded and in which he characteristically declares to have the feeling that he is living in a swamp in which he is sinking deeper and deeper and describes himself as a hermit. Nicole Vernimmen's statement about the way she is treated by her husband and the text messages she receives from him are also poignant and are yet another example that the defendant's exclusion policy, in violation of Article 8 ECHR, penetrates very deeply into family life and leaves its traces there.

In view of these considerations and findings, the court finds that the facts as described in the indictment by the Public Prosecutor's Office under charges A and C and to which the directly suing parties have joined, do fall under the criminalization of Article 22, 1° and 3' Anti-Discrimination Law.

It is also established, in the opinion of the court, that the defendant, by the manner in which the exclusion policy is propagated and taught in the local religious communities and the public disclosure of the excluded, also incites the perpetration of hatred and violence against the persons who are excluded and the group of excluded and withdrawn persons, as punishable by Article 22, 2° and 4° Sw and prosecuted under indictments B and D in the case under reference I, II and III.

The court relies on the testimonies of Gaby Vernimmen, Geert Vermeulen, Annelore Maes, Ann Dullaert and Kristine Castro. From these statements it is clear in a uniform way that every believer is incited by the defendant to strictly follow the social isolation on pain of being sanctioned or even being called to account by the elders and/or eventually being excluded themselves. These acts incite the perpetration of moral violence towards the targeted individuals and the group of persons who are excluded or have withdrawn themselves. In this respect the court relies among others on the statements of Levi De Pauw as supported by the medical certificate of his psychologist and psychotherapist and from which it appears that after his withdrawal from the community this civil party was disowned by his daughter Kiara because after the divorce of her parents she continued to live with her mother who is still a Witness of Jehovah. It also appears from his statement that after his exclusion after 15 years he could contact his sister again after her exclusion in 2003. Also from several witness statements including the statements of Benny Bonte and Ruth Grymonprez that were submitted to this court, it appears that a lot of excluded people or ex-Believers are looked at with hatred and disgust and that this hostile attitude is only caused by the way the defendant propagates its exclusion policy and teaches it to the local communities and makes these excluded people known by name at the weekly meetings so that every Believer knows what to do.

In this way, the defendant impermissibly curtailed several rights guaranteed by the ECHR including the right to respect for private and family life (Article 8 ECHR), freedom of thought, conscience and religion (Article 9 ECHR), the right to freedom of expression (Article 10 ECHR) and finally the prohibition of discrimination (Article 14 ECHR).

Also these described facts under the indictments B and D in the case under reference I, II and III have been proven each and every time on behalf of the defendant.

3. The special moral intent

The special moral intention on the part of the accused consists repeatedly in (1) socially isolating the excluded members and the members who have withdrawn in order to prevent the spread of deviant ideas within the religious community and (2) bringing about the return of ex-Believers by socially isolating them to such an extent from their Believing family and/or friends that they eventually succumb to this moral pressure and return to the religious community.

In this way, the defendant employs a social control mechanism to enforce conformity within her group. Criticism is not tolerated and is sanctioned by exclusion from the faith community.

By covering this criminal special intention under the cloak of the guaranteed rights of freedom of religion and other rights cited by her, the defendant herself flagrantly violates the right to respect for private and family life guaranteed by the ECHR (Article 8 ECHR), freedom of religion and freedom to change religion (Article 9), freedom of association (Article 11 ECHR) on behalf of those who have been excluded and have withdrawn from the religious community and the prohibition of discrimination (Article 14 ECHR).

The discussion of whether or not the exclusionary policy is based on the interpretation of verses from the Bible or other scriptures is irrelevant. Also the quoting of certain verses from a book of faith, taking into account the context in which this occurs as described above, can also be part of inciting discrimination and inciting hatred or violence against a person or a group among the listeners and even reinforce this. From the contents of these messages and instructions, as evidenced by the various statements in the criminal file and the documents submitted by the parties directly involved and the civil parties, it appears that an aversion is created towards ex-believers which results in hatred and social isolation towards them. The witness statements as submitted by the defence with its conclusions and accompanying documents are not of a nature to refute the above-mentioned findings.

B.3. DISCUSSION OF THE INJURED PARTIES

Patrick Haeck, Belinda Van Doorseiaer, Oriana Haeck, Delina Haeck and Matthias Wauters

Belinda Van Doorselaer and Delina Haeck have made themselves civil parties against the defendant during the proceedings on the basis of the prosecuted offences under indictments C and D, in the criminal proceedings initiated by the public prosecutor under reference I (as supplemented). The defendant has been able to defend himself on this issue in briefs.

Considering the very detailed statement of Patrick Haeck both in his submission of complaint to the Public Prosecutor and in his interrogation of May 12, 2016 and the documents attached by him that confirm these statements and show that before filing the criminal complaint he was open to consultation with the defendant, but he never received any answer which was experienced by him as a confirmation of his social isolation and feeling of unworthiness; considering the corresponding statements of his family members Oriana Haeck and Matthias Wauters in their complaints and their interrogation before the police, the facts under the indictments A.I, B.I, C and D with the periods of incrimination provided for therein with regard to these victims have each time been proven in the name of the accused.

The facts are also proven with regard to Belinda Van Doorselaer and Delina Haeck since these resident family members were also victims of the charges described and proven by the defendant above.

Priskilla Vermeersch and Bjorn Soetaert

In view of the detailed written statements of these persons in their testimony as aggrieved persons before the prosecution in which the court, also in the light of the other information in the file submitted to the court, sees no reason to doubt, the facts under indictments A.2, A.3, B.2, B.3, C and D with the periods of incrimination provided for therein are proven in behalf of the accused.

The fact that these persons have ceased to be civil parties in these proceedings does not affect these findings. Priskilla Vermeersch sent an e-mail to Mr. Lagae on December 30, 2020 in which she states: *"we are not going to defend ourselves anymore in the whole case. We don't want to have anything to do with it anymore. We know it is all a big lie but due to many physical and psychological complaints in the last year we do not want to spend time and energy on it anymore. We know our truth and that is enough. The fact that in our circle of friends everyone knows the truth about the witnesses, we have won in this area."* (piece 9 civil party Cecile Temmerman).

Levi De Pauw

Levi De Pauw made himself a civil party against the defendant during the proceedings on the basis of the crimes prosecuted under indictments C and D, in the criminal proceedings initiated by the public prosecutor under reference I. The defendant was able to defend himself in conclusions in this regard.

From his own statement and the documents submitted by Levi De Pauw with his civil partition note, it is clear that Levi De Pauw withdrew from the faith community at the end of December 2017 and has experienced the negative impact of the exclusion since that time. This negative moral impact is substantiated by him through his pieces 1 through 7.

The facts under indictments C and D to the detriment of Levi De Pauw in the case under reference I are therefore proven on behalf of the defendant with the understanding that the defendant should be acquitted for the period from January 1, 2010 to December 31, 2017 for the facts with regard to Levi De Pauw in view of this victim's own statement that he only withdrew from the religious community at the end of 2017 and from then on suffered the negative consequences of the exclusion policy.

Cecile Temmerman

In view of the documents submitted to the court, including the very detailed statement of Cecile Temmerman from which it appears that she was excluded from the community because she and her son Pascal Mertens started to ask critical questions to the superiors after which she heard through other fellow believers that the Mertens family were spoken of on stage as *"of bad company, being in the hands of Satan"* and where she further credibly states that: *"from THAT moment on it is Social Suicide. Every witness knows and does so, that no greeting or visitation is possible with such an apostate person"*, the facts with regard to this victim are also proven.

The court sees no reason to doubt the credibility of this statement, also in light of the other details of the exhibits presented to the court and the medical certificate of Dr. Moens dated August 22, 2020 that relates her psychological problems to the fear and tension she experienced after being expelled from the Jehovah's sect.

The facts under indictments A.I, B.I, C.I and D.I in the case under reference II insofar as committed with regard to Cecile Temmerman and with the period of incrimination provided for therein are therefore proven in behalf of the accused.

Daniel De Smedt

In view of the documents submitted to the court, among which the very detailed statement of Daniel De Smedt which shows that he learned through his aunt that he was announced during the public meeting in July 2020 as an excluded person and that from then on he only maintained limited contacts with his parents and close relatives who are still Jehovah's Witnesses and whereby spiritual matters are not discussed because he wishes to adhere to the teachings of Jehovah's Witnesses, but whereby he appears to consider a restoration of membership so that he no longer has to undergo the exclusion policy; the court finds that the facts under indictments A, B, C and D in the case under reference III with the periods of incrimination provided for therein have been proven on behalf of the accused. The court sees no reason to doubt the credibility of this statement, also in the light of the other information in the documents submitted to the court, including the medical certificates of neurologist Tillemans as attached to exhibit 4 and 5.

Benny Bonte and Ruth Grymonprez

Having regard to the documents submitted to the court and in particular to the detailed statements of this couple showing that their exclusion was announced on November 5, 2015 in the community in Blankenberge after they chose to join an evangelical church; that since this exclusion they have had to endure years of stress, sleepless nights, disapproving looks and humiliation from a large group of former friends and acquaintances that they had built up within the community; as well as their statement that they feel a great enmity and disgust from these persons; and finally considering the medical determinations of Dr. Van Hulle who establishes the consequences of this psychological terror on the part of Mr. and Mrs. Bonte and Mr. Grymonprez and relates it in clear terms to their exclusion in the community, the facts under indictments A.2, B.2, C.2 and D.2 in the case under reference II, with the period of incrimination provided for therein, are proved in behalf of the accused.

C. SENTENCING

The charges proven above constitute, on the part of the accused, the successive and continued execution of the same criminal intent, so that for them together only one sentence should be imposed.

The facts committed by the defendant can be called socially disturbing. By the way she propagates and teaches her exclusion policy to the local faith communities of Jehovah's Witnesses in our society, the defendant puts many pillars of the fundamental rights of her members at risk. In a flagrant manner, the defendant has for several years disregarded and ignored the rights guaranteed by the ECHR including the right to freedom of religion and the freedom to change religion, the right to respect for private and family life and the right to freedom of expression available to its members.

In doing so, the defendant did not at any time dwell on the highly detrimental impact this had on the victims and by extension their families, acquaintances and circle of friends. The many witness statements in the file about how families were torn apart and children were disowned by their grandparents because their father or mother withdrew from the religious community can be called downright shocking. The defendant's exclusion policy also creates a hostile atmosphere in her own religious community as believers do not dare to question the exclusion policy in any way at the risk of being excluded themselves and becoming socially isolated.

The conduct of the accused is irresponsible and reprehensible. Incitement to discrimination and incitement to commit moral violence and hatred because of a different religious belief cannot be tolerated under any circumstances in our pluralistic society. The legislature has made such behavior punishable by law. It is therefore the task of the judiciary to put a stop to the acts committed by the accused. The accused must realize that as a member of our democratic society she must respect its core values, which are also protected by criminal law, at all times.

It is also the task of the judiciary to ensure that freedom of religion and expression are not abused to commit crimes and irreparably harm people morally. In our rule of law, the primacy of the law applies. Religious rules are not above the law in our society.

The court hopes that this criminal case will make the defendant aware of the seriousness of the acts she has committed for years and that this criminal case will prompt her to adjust her exclusion policy without delay so that she will refrain from committing new crimes in the future.

In view of the particular seriousness of the offences committed by the defendant, the very long period during which these offences were committed and the profoundly human and irreparable damage caused by them to a great many victims, as well as in view of the clean criminal record on the part of the defendant, the court finds that in application of Article 22 of the Act of 10 May 2007 and Article 41bis of the Penal Code an effective fine of EUR 20,000 constitutes an appropriate punishment on the part of the defendant.

This punishment, taking into account the above-mentioned exceeding of the reasonable period, which should be in favor of the defendant, is reduced to an effective fine of 12,000 euros.

The acts were committed before and after January 1, 2017 so that the fine to be imposed should be increased by seventy surcharges.

The defendant must pay a legally required contribution to finance the "Special Fund for the Assistance of Victims of Intentional Acts of Violence and to Occasional Rescuers" (Article 29, paragraph 2 of the Law of August 1, 1985 containing fiscal provisions). This contribution amounts to 200 euros (with surcharges). This contribution is of its own nature and is not a penalty.

The defendant must pay a legally required contribution to finance the "Budgetary Fund for Second Line Legal Assistance" (Article 4 § 3 and Article 5 §§ 1 and 1 of the Law of March 19, 2017 establishing a Budgetary Fund for Second Line Legal Assistance). This contribution amounts to 20 euros.

The defendant must also pay a fixed fee for administration costs in criminal cases (Article 91, paragraph 2 of the Royal Decree of December 28, 1950 on the general regulation of court costs in criminal cases). This fee amounts to 50 euros.

II. IN THE CIVIL FIELD

The claims of Jenny Schippers, Linda Kriekemans and Erik Baeten

The court has no jurisdiction to rule on the civil action of Jenny Schippers, Linda Kriekemans and Erik Baeten in view of the lapse of criminal proceedings due to the statute of limitations of these offences.

The claim of the Interfederal Center for Equal Opportunities and Opposition to Discrimination and Racism (UNIA)

The civil party has, by virtue of Article 6 §3 of the Cooperation Agreement of June 12, 2013 and Article 29 Anti-Discrimination Law, the power to take legal action in all legal disputes to which the application of the Anti-Discrimination Law gives rise. The charges proven above are causally related to the damage suffered by this civil party. The accused is liable for the damage suffered by the civil party and is therefore obliged to compensate this damage in full.

The civil party claims the amount of 500 euros on account of moral and material damage mixed.

The legal action for compensation for moral damage aims to alleviate the pain, suffering or any other moral distress and to that extent to repair the damage. However, moral damages are not subject to precise budgeting. It essentially involves the legal recognition of the suffering that was inflicted on the victim.

In doing so, the court must take into account, on the one hand, the amounts usually awarded to compensate for such suffering and, on the other hand, special circumstances that must be taken into account in estimating this damage.

The court finds that this estimate of damages can be called fair and reasonable. Therefore, this amount may be awarded to the civil party increased with the compensatory interest from the average date determined by court of July 1, 2015 more the court fee of 240.

The claim of Patrick Haeck, Belinda Van Doorselaer, Oriana Haeck, Delina Haeck and Matthias Wauters

The facts proven, subject of the charges A.I, B.I, C and D in the case under reference I, are in a causal relation with the damage suffered by the civil party Patrick Haeck. The defendant is liable for the damage alleged by the civil party and is therefore obliged to compensate this damage in full.

The facts proven, object of the charges C and D in the case under reference I, are in causal relation with the damage suffered by the civil parties Belinda Van Doorselaer, Oriana Haeck, Delina Haeck and Matthias Wauters. The defendant is liable for the damage suffered by the civil parties and is therefore obliged to compensate this damage in full.

Patrick HAECK claims the amount of 1 euro provisionally added with the appointment of a court expert. The other civil parties claim provisional damages of 1 euro each, pending the outcome and additional information from the requested expert's report from Patrick HAECK.

The provisional claim of 1 euro against this civil party can be granted as claimed. The court does not consider the appointment of an expert as requested by Patrick Haeck appropriate since the proven incrimination period already started from 1 January 2011 to 1 June 2011 (as regards indictments A.1 and B.I) and the period from 1 January 2010 to 25 May 2018 (as regards indictments C and D). Accordingly, the Court assumes that this civil party may be able to claim final compensation for the damages it has suffered and that the appointment of an expert is not imminent at this time.

In view of the provisional fee, no interest is being paid at this time and no court fee is being awarded yet.

The claim of Levi De Pauw

In view of the acquittal of the defendant for charges C and D for the period from January 1, 2010 to December 31, 2017, the court has no jurisdiction to hear the claim of this civil party to the extent that this claim is based on the facts under charges C and D for the period from January 1, 2010 to December 31, 2017.

The proven facts, object of indictments C and D under reference I (as supplemented) as regards the proven period from January 1, 2018 to May 25, 2018, are in causal relation to the damage suffered by this civil party. The defendant is liable for the damage suffered by the civil party and is therefore obliged to compensate this damage in full.

The civil party claims the amount of 1 euro provision added with the appointment of a court expert. The provisional claim of 1 euro against this civil party can be granted as claimed. The court does not consider the appointment of an expert appropriate in view of the limited proven incrimination period on the basis of which it can be assumed that the civil party could now claim a final fee.

The claim of Cecile Temmerman

The proven facts, subject of the charges A.I, B.I, C.I and D.I in the case under reference II, are in a causal relation with the damage suffered by this civil party. The accused is liable for the damage suffered by the civil party and is therefore bound to compensate this damage in full.

The civil party claims the amount of 250 euros commission added to the appointment of a court expert.

The claim now provisionally estimated at 250 euros can be awarded as claimed. The court does not consider the appointment of an expert appropriate at this time. In view of the lapse of time since the last proven facts (31 December 2017 for charges A.I and B.I and 4 September 2020 for charges C and D), as well as the fact that the civil party was always succeeded by the same doctor during this period, the court deems that the civil party should already have been in a position to make a final assessment of her damages.

In view of the provisional fee, no court fee is awarded at this time.

The claim of Daniel De Smedt

The proven facts, subject of the indictments A, B, C and D in the case under reference III, are causally related to the damage suffered by this civil party.

The defendant is liable for the damage suffered by the civil party and is therefore obliged to compensate this damage in full.

The civil party claims a provisional fee of 1 euro added to the appointment of an expert.

The claim currently provisionally estimated at 1 euro can be awarded as claimed. The court does not consider the appointment of an expert appropriate at this time. Neurologist Tillemans mentioned refractory migraine and important psycho-emotional stress due to the ongoing conflict with the defendant, but there is no reason why the defendant cannot assess his damages definitively on the basis of these medical certificates or on the basis of which medical findings there are sufficient reasons to grant a reservation for possible future damages.

In view of the provisional allowance, no judgment is rendered on interest at this time, nor is any litigation allowance granted.

The claim of Benny Bonte and Ruth Grymonprez

The facts proven, object of the indictment A.2, B.2, C.2 and D.2 in the case under reference II, are in causal relation to the damage suffered by this civil party. The defendant is liable for the damage suffered by the civil parties and is therefore obliged to compensate this damage in full.

The civil parties each claim a provision of 250 euros for the appointment of an expert. The claim currently estimated provisionally at 250 euros on behalf of each of these civil parties can be granted as claimed.

The court does not consider the appointment of an expert appropriate at this time in view of the limited medical determinations of Dr. Vanhulle Piet, on the basis of which the court may consider that the appointment of an expert is not required to assess damages.

In view of the provisional fee, no court fee is awarded at this time.

The other civil interests

In view of the possible existence of damage caused by the proven crimes, the other civil interests are held ex officio.

For these reasons, and considering the following articles:

art. 11, 12, 14, 16, 31, 32, 34, 35, 41 Law of June 15, 1935;

art. 4 Law of April 17, 1878 - Law containing the preceding title of the Code of Criminal Procedure;

art. 162, 162bis, 182, 184, 185 §1, 189, 190, 191, 194, 195 Code of Criminal Procedure;

art. 1, 2, 3, 5, 7, 7bis, 38, 40, 41, 41bis, 65, 66, 100 Penal Code;

art. 1, 2, 3 Law of March 5, 1952;

art. 91, paragraph 2, of the Royal Decree of December 28, 1950 on the general regulation of court fees in criminal cases;

art. 28, 29 of the law of August 1, 1985;

art.1382 et seq. of the Civil Code;

art. 1022 Judicial Code;

as well as the other legal provisions cited in this judgment

the court, dispensing justice on the merits,

PREVIOUSLY

In the interest of the proper administration of justice, the subpoena of the Public Prosecutor's Office with reference number 15G029723, referred to above under reference I, the direct subpoena with reference number 20G002802, referred to above under reference II, and the direct subpoena with reference number 21G001216, referred to above under reference III, were joined together to be resolved in one judgment.

The court has jurisdiction over all the facts in view of their interrelationship.

Supplements the prosecution's subpoena in the case with reference I as regards charges C and D as follows:

"as a perpetrator or co-perpetrator within the meaning of Article 66 of the Criminal Code

A.
(...)

B.
(...)

C.

In violation of article 22, 3° of the Law of 10 May 2007 on combating certain forms of discrimination, in the circumstances mentioned in article 444 of the Penal Code, namely (...) to have incited discrimination or segregation against a group, a community or its members (...) namely by promoting and teaching the exclusion policy within the local religious communities, and thereby to have incited in a general way discrimination or segregation against the group of the ex-members, namely the members who were excluded and those who withdrew from the Jehovah's Witnesses faith community, to the detriment of, among others, Oriana HAECK (GE52.981125/2015), Patrick HAECK (GE52.98711/2015), Bjorn SOETAERT (GE52.981124/2015), Priskilla VERMEERSCH (GE52.981123/2015), Matthias WAUTERS (GE52.981126/2015), Belinda VAN DOORSELAER, Delian HAECK, Bzenny BONTE, Ruth GRYPONPREZ, Erik BAETEN, Cecile TEMMERMAN, Levi DE PAUW, Jenny Schippers and Linda KRIEKEMANS.

In Ghent and/or elsewhere in the Kingdom, on multiple occasions in the period from January 1, 2010 to May 25, 2018 (date of last subsequent official report)

D.

In violation of article 22, 4° of the Law of 10 May 2007 on combating certain *forms* of discrimination, in the circumstances mentioned in article 444 of the Criminal Code, namely (...) to have incited hatred or violence against a group, a community or its members (...) namely by propagating and teaching the exclusion policy within the local religious communities, and thereby to have incited in a general way discrimination or segregation against the group of the ex-members, m.n. the members who were excluded and those who withdrew from the Jehovah's Witnesses faith community, to the detriment of, among others, Oriana HAECK (GE52.981124/2015), Priskilla VERMEERSCH (GE52.981123/2015), Matthias WAUTERS 981126/2015), *Belinda VAN DOORSELAER, Delina HAECK, Benny BONTE, Ruth GRYMOPREZ, Erik BAETEN, Cecile TEMMERMAN, Levi DE PAUW, Jenny SCHIPPERS and Linda KRIEKEMANS.*

At Ghent and/or elsewhere in the Kingdom, on multiple occasions in the period from January 1, 2010 to May 25, 2018 (date of last subsequent pointer) ' '

Redescribes and rennumbers the direct summons in the case with reference II as to charges A, B, C and D to the following:

A.

In violation of Article 22, 1° of the Law of 10 May 2007 to combat certain forms of discrimination, in the circumstances mentioned in Article 444 of the Criminal Code, namely (...) to have incited discrimination or segregation against a person (...) namely by publicly announcing their exclusion from the religious community of Jehovah's Witnesses.

A.1. To the detriment of Cecile Temmerman of Sint-Niklaas, on a date not to be specified in the period from January 1, 2017 to December 31, 2017.

A.2. To the detriment of Benny Bonte and Ruth Grymonprez of Blankenberge, on date not to be specified in the period from January 1, 2015 to December 31, 2015.

B.

In violation of Article 22, 2' of the Law of 10 May 2007 to combat certain forms of discrimination, in the circumstances mentioned in Article 444 of the Criminal Code, namely (...) to have incited hatred or violence against a person (...) namely by publicly announcing their exclusion from the religious community of Jehovah's Witnesses.

B.1. To the detriment of Cecile Temmerman of Sint-Niklaas, on date not to be specified in the period from January 1, 2017 to December 31, 2017.

B.2. To the detriment of Benny Bonte and Ruth Grymonprez of Blankenberge, on dates not to be specified during the period from January 1, 2015 to December 31, 2015.

C.

In breach of Article 22, 3' of the Law of 10 May 2007 on combating certain forms of discrimination, in the circumstances set out in Article 444 of the Penal Code, namely (...) by inciting to discrimination or to segregation against a group, a community or its members (...) namely by propagating the exclusion policy and teaching it within the local religious communities, and thereby inciting in a general way discrimination or segregation against the group of ex-members, namely the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses.

C.1. To the detriment of Cecile Temmerman at Sint-Niklaas and/or elsewhere in the Kingdom, on dates not to be specified in the period from January 1, 2010 through September 4, 2020.

C.2. To the detriment of Benny Bonte and Ruth Grymonprez at Blankenberge, on date to be determined in the period from January 1, 2015 to September 4, 2020, inclusive.

D.

In violation of article 22, 4° of the Law of 10 May 2007 on combating certain forms of discrimination, in the circumstances referred to in article 444 of the Penal Code, namely (...) having incited hatred or violence against a group, a community or its members (...) namely by propagating the exclusion policy and teaching it within the local religious communities, and thereby inciting in a general way discrimination or segregation against the group of ex-members, namely the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses.

D.1. To the detriment of Cecile Temmerman at Sint-Niklaas and/or elsewhere in the Kingdom, on dates to be determined in the period from 1 January 2010 to 4 September 2020 inclusive.

D.2. To the detriment of Benny Bonte and Ruth Grymonprez at Blankenberge, on date not to be specified in the period from January 1, 2015 to September 4, 2020.

Redescribes the facts in the direct summons in the case with reference HI as to charges A, B, C and D as follows:

A.

In violation of Article 22, 1° of the Law of 10 May 2007 to combat certain forms of discrimination, in the circumstances mentioned in Article 444 of the Criminal Code, namely (...) to have incited discrimination or segregation against a person (...) namely by publicly announcing their exclusion from the religious community of Jehovah's Witnesses.

To the detriment of Daniel De Smedt at Mechelen, on a date to be determined in the period from 1 July 2020 to 21 July 2020 inclusive.

B.

In violation of Article 22, 2° of the Law of 10 May 2007 to combat certain forms of discrimination, in the circumstances mentioned in Article 444 of the Criminal Code, namely (...) to have incited hatred or violence against a person (...) namely by publicly announcing their exclusion from the religious community of Jehovah's Witnesses.

To the detriment of Daniel De Smedt at Mechelen, on a date not to be specified in the period from July 1, 2020 to July 31, 2020.

C.

In breach of article 22, 3° of the Law of 10 May 2007 on combating certain forms of discrimination, in the circumstances referred to in article 444 of the Penal Code, namely (...) having incited discrimination or segregation against a group, a community or its members (...) namely by propagating the exclusion policy and teaching it within the local religious communities, and thereby inciting in a general way discrimination or segregation against the group of ex-members, namely the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses.

To the detriment of Daniel De Smedt at Mechelen and/or elsewhere in the Kingdom, on an unspecified date during the period from January 1, 2010 to February 5, 2021.

D.

In violation of article 22, 4° of the Law of 10 May 2007 on combating certain forms of discrimination, in the circumstances referred to in article 444 of the Penal Code, namely (...) having incited hatred or violence against a group, a community or its members (...) namely by propagating the exclusion policy and teaching it within the local religious communities, and thereby inciting in a general way discrimination or segregation against the group of ex-members, namely the members who were excluded and those who withdrew from the religious community of Jehovah's Witnesses.

To the detriment of Daniel De Smedt at Mechelen and/or elsewhere in the Kingdom, on an unspecified date during the period January 1, 2010 through February 5, 2021.

CRIMINAL

Establishes that the criminal action for the facts, subject of indictments C (as supplemented) and D (as supplemented) in respect of Jenny Schippers, Linda Kriekemans and Erik Baeten in the case under reference I, has lapsed by prescription.

Exonerates the defendant for the facts, subject of indictments C (as supplemented) and D (as supplemented) against Levi De Pauw, for the period from January 1, 2010 to December 31, 2017.

Declares the facts, subject of the indictments A.1, A.2, A.3, B.1, B.2, B.3, C (as supplemented and in respect of Levi De Pauw only for the period from 1 January 2018 to 25 May 2018) and D (as supplemented and in respect of Levi De Pauw only for the period from 1 January 2018 to 25 May 2018) in the case under reference I; the indictments A.1, A.2, B.1, B.2, C and D (all as restated and renumbered) in the case under reference II; and the indictments A, B, C and D (all as restated) in the case under reference III, proved.

Sentences the defendant for the above described and proven facts together to a **fine of 96,000** euros, being 12,000 euros plus 70 surcharges.

Orders the defendant to pay the **contribution** to the Fund for Assistance to Victims of Intentional Acts of Violence and to Occasional Rescuers of 25 Euros, increased by 70 surcharges to 200 Euros.

Orders the defendant to pay the **contribution** to the Budget Fund for second-line legal assistance of 20 euros.

Orders the defendant to pay the **fixed fee** for management costs in criminal cases of 50 euros.
Order the defendant to pay the **court costs** for the prosecution, estimated at 29.10 euros.
Also establishes that these costs were indivisibly caused by the crimes now proven in its behalf.

Persuasion pieces

Orders the transfer to the public prosecutor's office to act as if in accordance with the law, of the conviction document filed with the registry of the correctional court of East Flanders, Ghent division under No. **2017007022**.

CIVIL

The claims of Jenny Schippers, Linda Kriekemans and Eric Baeten

Declares itself not competent to rule on the civil claims of Jenny Schippers, Linda Kriekemans and Eric Baeten pursuant to the statute of limitations of the criminal action.

The claim of the Interfederal Center for Equal Opportunities and Opposition to Discrimination and Racism (UNIA)

Declares the civil party's claim admissible and well founded.

Orders the defendant to pay to the civil party the amount of **500 euros**, to be increased by compensatory interest at the legal rate from July 1, 2015 to today and by judicial interest from today until the day of full payment.

Orders the defendant to pay to the civil party a court fee of **240 euros**.

The claims of Patrick Haeck, Belinda Van Doorselaer, Oriana Haeck, Delina Haeck and Matthias Wauters

Declares the claim of each civil party admissible and well-founded to the extent determined below.

Orders the defendant to pay to each civil party a **commission of 1 euro**.

Indefinitely postpones the case for further civil proceedings and maintains the decision on interest and costs, including the court fee.

Rejects the more-or-other claims as unfounded.

The claim of Levi De Pauw

Declares itself not competent to take cognizance of the claim of the civil party made against the defendant in so far as based on the charges C (as supplemented) and D (as supplemented) for the period from 1 January 2010 to 31 December 2017, in view of the acquittal of the defendant for this period.

Declares the civil party's claim to be otherwise admissible and well-founded to the extent determined below.

Orders the defendant to pay to the civil party a **commission of 1 euro**.

Indefinitely postpones the case for further civil proceedings and maintains the decision on interest and costs, including the court fee.

Rejects the more-or-other claims as unfounded.

The claim of Cecile Temmerman

Declares the civil party's claim admissible and well-founded to the extent determined below.

Orders the defendant to pay to the civil party a **commission of 250 euros**.

Indefinitely postpones the case for further civil proceedings and maintains the decision on interest and costs, including the court fee.

Imposes the costs of the direct summons, estimated at 202.97 euros, on the defendant.

Rejects the more-or-other claims as unfounded.

The claim of Daniel De Smedt

Declares the civil party's claim admissible and well-founded to the extent determined below.

Orders the defendant to pay to the civil party a **commission of 1 euro**.

Indefinitely postpones the case for further civil proceedings and stays the decision on interest and costs, including the court fee.

Places the costs of the direct summons, estimated at 168.20 euros, at the expense of the defendant.

Rejects the more-or-other claims as unfounded.

The Progress of Benny Bonte and Ruth Grymonprez

Declares the claim of each civil party admissible and well-founded to the extent determined below.

Orders the defendant to pay to each civil party a **commission of 250 euros**.

Indefinitely postpones the case for further civil proceedings and stays the decision on interest and costs, including the court fee.

Imposes the costs of the direct summons, estimated at 202.97 euros, on the defendant.

Rejects the more-or-other claims as unfounded.

Other civil interests

Holds the other civil interests as to the proven crimes ex officio.