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Anti-Jehovah's-Witnesses group loses court case—but claims it won

The secretary of the Spanish Association of the Victims of the Jehovah's Witnesses was found guilty of violating the religious organization's right to honor and ordered to pay Euro 5,000 in damages.

by Massimo Introvigne

[Bitter Winter](#) (03.11.2023) - There is a new game among anti-cultists. They keep losing court cases, particularly against the Jehovah's Witnesses, but they claim they won.

This strange game started when FECRIS, the French-based umbrella organization of European anti-cult movements, [lost a landmark case](#) in 2020 at the District Court of Hamburg, in Germany, where it was found guilty of 18 counts of untrue factual allegations against the Jehovah's Witnesses. On May 24, 2021, *Bitter Winter* [published a commentary](#) of the decision. On May 30, 2021, i.e., six days after *Bitter Winter's* article, FECRIS published [a press release about the case](#).

In the press release, FECRIS falsely claimed that it had won a case that it had in fact lost. Since the Jehovah's Witnesses had claimed that 32 FECRIS statements were defamatory, and the court found 17 of them defamatory, one partially defamatory, and 14 non-defamatory, FECRIS claimed that it had successfully defended its case in Hamburg. Obviously, it had not, as evidenced by the fact that FECRIS was sentenced to pay money to the Jehovah's Witnesses rather than vice versa. Later, documents obtained by "Bitter Winter" proved that in an internal meeting FECRIS [had admitted it had lost the case](#).

Lawyers know that defamation cases are difficult. Not all false statements constitute defamation. Some statements may be inaccurate, yet the courts may regard them as a mere statement of opinion (referred to in the case law as "value judgments") rather than statements of fact, thus falling outside the scope of statutes protecting the right to honor. Organizations and tabloids that resort to systematic defamation know that they will be often sued about several statements, and that they will be sentenced for some and found not guilty for others. Their strategy is normally to downplay the negative decisions and claim victory when only some of the statements for which they were sued, but not all, are found defamatory—which is a common occurrence even in the most successful defamation cases. They would also falsely claim that, when some of their statements have been found as non-defamatory, the courts have "certified" that they are "true"—while in fact a statement may be both inaccurate and outside the scope of defamation or breach of the right to honor.

The strategy has now been repeated in Spain by the Spanish Association of the Victims of the Jehovah's Witnesses (AEVTJ), whose secretary, Enrique Carmona, was found guilty of having violated the Jehovah's Witnesses right to honor by a decision rendered on October 25, 2023, by the Court of First Instance Number 1 of Torrejón de Ardoz. The decision is subject to appeal.

The court found that certain "expressions of the video entitled 'Presentation of the Spanish Association of the Victims of Jehovah's Witnesses' uploaded to its YouTube channel, constitute an unlawful interference with the fundamental right to honor of the plaintiff [i.e., the Spanish Jehovah's Witnesses]. The defendant is ordered to pay 5,000 euros for the damages suffered by the plaintiff as a result of the aforementioned intromission" (decision, p. 13).

The decision found that in the video "the defendant defines the plaintiff religious association as a 'cult' ['secta' in Spanish, but the word is normally translated by scholars with the English 'cult,' not with 'sect,' as 'sect' in English does not have a negative meaning], as 'the worst of the cults,' and then as a 'dangerous cult.'" This is, the court says, "inaccurate, since the Christian Jehovah's Witnesses are a religious denomination registered in the General Section (Minority Religions), registration number 000068, of the Registry of Religious Entities that is kept at the Ministry of Justice, so we are dealing with a confession legitimately recognized in our country, like many others. Therefore, to classify the plaintiff entity as a cult is erroneous since, in the context of the analyzed video, it implies attributing to it pernicious or harmful traits as opposed to the rest of the religious confessions legally established in Spain" (p. 11).

Worse, the decision notes, the representative of the Spanish Association of the Victims of the Jehovah's Witnesses "makes a parallelism between the Jehovah's Witnesses, cults, and 'diseases', and catalogs the plaintiff organization as a 'dangerous cult', which, beyond the subjective opinions that some ex-members may hold, has no objective basis, and undoubtedly goes against the public consideration that every religious confession legally recognized by the state is entitled to, as is the case here. And there is more: the defendant, by implicitly alluding to the fact that the Jehovah's Witnesses (or membership in their confession) are a disease, even makes a comparison in his lecture with 'the cases of jihadism and terrorism.' Although he recognizes that the Jehovah's Witnesses 'are not like that,' he does insist that they are a disease 'like diabetes, which people live with a certain normality but when they care to remember it they are broken inside'" (p. 11).

So, the court said, not only did Carmona call the Jehovah's Witnesses a "cult," but also a "disease," an "expression that can hardly have a positive meaning." It is a disease you may not always realize you suffer of, but "when you do, you are broken inside." Obviously, "such a statement cannot be covered by freedom of expression. These are words clearly disproportionate and manifestly injurious against this or any other legally recognized religious confession, attacking its honor and public consideration" (p. 11).

Indeed, this is just the latest international decision to repeat that Jehovah's Witnesses are not a "cult" in the usual derogatory meaning of the term. The European Court of Human Rights has ruled on several occasions that the Jehovah's Witnesses are a "well-known Christian denomination ... [which has] established an active presence in many countries throughout the world, including all European States which are now members of the Council of Europe" (see e.g. ECtHR *Jehovah's Witnesses of Moscow v. Russia*, no. 302/02, 10 June 2010 § 155; *Kokkinakis v. Greece*, no. 14307/88, 25 May 1993, Series A no. 260-A; *Manousakis and Others v. Greece*, no. 18748/91, 26 September 1996). It is, however, unlikely that Spanish anti-cultists, including the attorney of the defendant

and the Spanish Association of the Victims of the Jehovah's Witnesses, Carlos Bardavío, who—[strange as it may seem](#)—is sometimes presented as "[the greatest expert on cults in the world](#)," will finally admit that they are wrong.

In fact, unbelievably the Spanish Association of the Victims of the Jehovah's Witnesses and their lawyer, Carlos Bardavío, have claimed on social media that they have won the case (see image 3). In cases of defamation, there is a clear test to understand who won and who lost. The party that wins receives an indemnification. The party that loses pays for it. In this case, Carmona was sentenced to pay 5,000 euros to the Jehovah's Witnesses, which should have clarified the issue once and for all.

As mentioned earlier, in most similar cases the plaintiffs submit a list of statements they regard as violating their right to honor and reputation. When the plaintiffs succeed in their cases, the courts list some statements as injurious, but normally not all. Again, who had "won" the case can be easily seen by looking at who has to pay damages.

A common fallacy is to believe that when a court defines a statement as not injurious, it somewhat certifies it as true. This is not the case. For instance if somebody would argue that I am not Italian but American the statement, although perhaps formulated for malicious purposes, would probably be defined by a court of law as one not offending my honor. Yet, the statement would remain false.

Unfortunately, [even some Spanish media](#) seem to believe that since the court has not regarded certain statements by the Spanish Association of the Victims of the Jehovah's Witnesses as formulated in a way that violates the rights to honor of the religious organization, the judge has stated that they are true. This is an impression created on the social media by the same anti-Jehovah's Witnesses association, but it is false. They claim, for example, that "99% of the statements" in the video have been "endorsed" by the court. It is not so.

For instance, the Association implies that since it has not been sanctioned for the sentences where it suggested that the Jehovah's Witnesses hide perpetrators of child sexual abuse, its corresponding statements were certified as true by the court. But this is not what the judgment says. In reality, the Court states that "although perhaps Mr. Carmona's words in his speech are somewhat excessive, he does not impute to the plaintiff entity the execution of a manipulative scheme aimed at actively preventing the sexual abuse of minors from being brought to the attention of the authorities." In other words, had Mr. Carmona made such an accusation, then it would have been judged to be defamatory. Importantly, the judge clarifies that the evidence showed that at no time are the Jehovah's Witnesses prevented from going to the police or judicial authorities to report crimes such as sexual abuse. How internal ecclesiastical courts among the Jehovah's Witnesses handle cases of sexual abuse for the purpose of disfellowshipping the perpetrators and whether the Witnesses report the incidents to the secular authorities are two different questions that should not be confused, the court said.

The decision also explains that "there are two spheres of action or intervention of the religious entity: the internal one, which is part of the freedom of self-regulation that all religions have to deal with such issues (including how to deal with or sanction an alleged sexual abuse among members), and the external one, where... at no time are the Jehovah's Witnesses prevented (nor is it clarified by the opposing how they could be prevented) from going to the police or judicial authorities to report the abuses. These are different and parallel spheres that can perfectly coexist. It is irrelevant for our case whether or not there is a kind of 'ecclesiastical' court that judges these matters

internally, because this does not prevent that one can and should, if necessary, go to the police or judicial authorities" (p. 9). It is not true, the court added, that Jehovah's Witnesses are "forced to lie to the judicial authorities," as demonstrated by the fact that "there are no convictions for crimes of obstruction of justice" against them (p. 10).

The judge made a similar conclusion concerning so-called "shunning" or ostracism, i.e., the teaching by the Jehovah's Witnesses that members should avoid social interaction with ex-members who have been disfellowshipped for having committed serious offenses and having not shown repentance, or who have publicly and formally left their organization. (Cohabiting relatives are not shunned, nor are those who simply become inactive and no longer participate in the organization's activities, without publicly disassociating from it).

The judge did not find that Carmona's statement against the practice had risen to the level of violating the right to honor of the Jehovah's Witnesses. Again, this did not mean that the court agreed with Carmona who alleged that the practice is illegal. On the contrary, the court repeated the commonsense conclusion that "if a person decides to stop talking or dealing with another person, this is part of the freedom that all subjects have to relate to whomever they wish" (p. 10). More specifically, the judge ruled that "if someone chooses to ignore or refuse contact with another person, it is a personal choice, and if the religious confession morally imposes that fact (which even the plaintiff's witnesses have confirmed to a certain extent), it would be part of the religious norms that the members accept, freely, when they decide to join or remain in the organization. Connecting a 'mental damage' to this state of social isolation may be appropriate if it refers to a logical personal suffering when you see that those who used to speak to you do not do it any longer. But this would not justify attributing the greater responsibility to the religious entity nor to its members, who do nothing more than following their dogmas and principles, which is part of their religious freedom" (p. 10).

Summing up, the decision found the representative of the Spanish Association of the Victims of the Jehovah's Witnesses guilty of having violated the Jehovah's Witnesses' right to honor by calling them a "cult," which the court said they are not, and sentenced him to pay Euro 5,000 as damages. Although it did not conclude that Carmona's statements about sexual abuse and "shunning" clearly amounted to a right to honor violation, the court very clearly concluded that the Jehovah's Witnesses do not protect abusers from justice, do not prevent their members to report sexual abuse to secular authorities, and have a right to teach and practice "shunning," which is part of their freedom of religion.

If this is a "victory" for the anti-Jehovah's-Witnesses camp, perhaps Napoleon won in Waterloo, too. I am sure the Jehovah's Witnesses would wish the anti-cultists many similar happy "victories" in the future.

Jehovah's Witnesses win important case against "El Mundo"

A Spanish court ordered the newspaper to publish the reply of the Jehovah's Witnesses to a defamatory 2022 article. The court found the newspaper has been fed false information by an association of disgruntled former Witnesses and has uncritically published it.

By Massimo Introvigne

[Bitter Winter](#) (16.10.2023) - The Spanish Jehovah's Witnesses won an important case against the Spanish newspaper "El Mundo," which on November 21, 2022, published a slanderous article based on information supplied by the anti-cult organization Association of Victims of the Jehovah's Witnesses. On October 2, the Court of First Instance no. 1 of Torrejón de Ardoz dismissed the newspaper argument that responsibility lied only with the Association of Victims of Jehovah's Witnesses. It ordered "El Mundo" to publish the Jehovah's Witnesses' reply and to pay the litigation costs.

In the decision, which is subject to appeal, the court did not limit itself to recognize the right of reply of the Jehovah's Witnesses. It also discussed the merit, finding the allegations of the Association of Victims of Jehovah's Witnesses both likely to cause damage to the religious organization and inaccurate.

The court found it self-evident that the article "generated verifiable damages" to the Jehovah's Witnesses. To start with, "the title of the article itself included the word 'cult' ['secta' in Spanish] that has unquestionable negative connotations with respect to any religion." The stories coming from the Association of Victims of Jehovah's Witnesses are, the judges said, "objectively harmful to the fame and credibility [of the Jehovah's Witnesses organization], such as referring that it is a religious association (which they call a 'cult') with 'cultic' practices, stating that it causes 'social death' to those who leave it, that it 'compels' its members not to report crimes, that it alienates its members, and that it 'encourages physical and moral suicide,'" and so on. Thus, "from any point of view, the article mentions allegations by third parties that cause undeniable damage to the religious association."

Then, the judges examined "whether the allegations in the article are inaccurate," and concluded that most are. The decision noted that "the first thing that is striking is the title of the article itself, where the plaintiff entity is catalogued as a 'cult,' then throughout the extensive text the terms 'cultic practices' are used." According to the decision, "the information in this case is based on a fact that is clearly inaccurate, since the Jehovah's Christian Witnesses are a religious denomination registered in the General Section (Minority Religions), inscription number 000068 of the Register of Religious Entities kept at the Ministry of Justice, so we are dealing with a legitimately recognized denomination in our country like many others. Therefore, to classify the plaintiff entity as a cult is legally erroneous since, in the context of the analyzed article, it implies attributing to the plaintiff some pernicious or harmful features as opposed to the rest of the religious

Second, the article refers to "testimonies of alleged victims of sexual abuse within the religious denomination ..., alluding to a certain situation in Australia where allegedly 'they

hid more than a thousand cases of sexual abuse.” The article also mentions a “former Jehovah’s Witness who reports that he was allegedly abused ‘among the Witnesses,’ concluding that ‘they kill you in life,’ and “another former witness who explains the context of some alleged rapes and that ‘they constantly threatened him that if he spoke, they would form a judicial committee...” The court concluded that, when carefully examined, “these facts are not accurate and further affect the public consideration of the plaintiff since, on the one hand, there is no certain record of any conviction of the religious entity as a whole for the aforementioned unspecific cases of sexual abuse in Australia, so it is an inaccurate fact that the alleged events were concealed in that oceanic country. On the other hand, with respect to the specific accounts of alleged sexual abuse, it is not so much that the fact is true or not (in fact, no evidence of any convictions arising from such allegations, if any, has been provided), but that at all times the plural and collective number is used when referring to the alleged sexual abuse, to attribute to the religious denomination as a whole the responsibility for ‘sexual abuses perpetrated within the group’ rather than to the persons who in each case had caused the alleged abuses or sexual aggressions.” Overall, the part of the article concerning sexual abuse should be “classified as inaccurate.”

Third, the practice by the Jehovah’s Witnesses of the so-called ostracism or shunning, i.e., counseling members not to associate with ex-members who have been disfellowshipped or have publicly left the organization, is qualified in the article as sentencing these former members to “social death” and “a silent hell.” The court found the description of the practices by the Association of Victims of Jehovah’s Witnesses as based on “facts that are not clearly proved, since it is one thing to assert the right or freedom to choose to relate with a certain person inside or outside a certain religious confession, and another that, as indicated in the article, ‘when they are inside the cult they are explicitly or implicitly forced to relate only with other faithful’”—which is “inaccurate.”

Worse, the court reports, “the article expressly states that ‘there are double standards, because many elders are either adulterers or pedophiles,’” and that the Jehovah’s Witnesses “encourage physical and moral suicide.” These allegations, the court found, “once again lack a demonstrable objective basis,” and are “inaccurate and extremely damaging to the prestige of the plaintiff entity.”

In summary, the Association of Victims of Jehovah’s Witnesses was caught red-handed spreading false information, and “El Mundo” was caught red-handed uncritically reporting it. “It is not a question here of refuting or censuring opinions—explains the court—, but to legally sanction the erroneous or directly false facts that support such opinions.” The court also confirms that a media “is responsible for the content of what is disseminated”, including allegations made by third parties. “To admit otherwise— the court argues— would be as much as to legitimize any type of publication based on unquestionably false or untrue facts, just because it is a third party who maintains this erroneous view of the facts.”

It is not the first time that media fall into the trap of publishing slander fed to them by anti-cult organizations, “experts” on “cults” (in this case, the “expert” interviewed was Carlos Bardavío, i.e., the lawyer [representing the Association of Victims of Jehovah’s Witnesses](#) in another case), and “apostate” ex-members. It is also not the first time that a media outlet—even one that is a member of [The Trust Project](#)—refuses to publish a religious community’s reply to an insulting article. The decision should teach these media a lesson. However, it is unlikely this will happen. Some journalists are like the crow in Aesop’s fable, which kept being deceived by the fox and swearing that it had happened for the last time, only to be duped again at the next opportunity.

Spain grants historic tax exemption to Jehovah's Witnesses

HRWF salutes Spain's political will to treat this religious organization and their members in the same way as other faith communities in the realm of taxation

[JW](#) with HRWF (25.05.2023) - The Spanish government approved a significant adjustment to its country's tax law on April 26, 2023. This decision affects Jehovah's Witnesses in Spain in several positive ways.

The government's decision exempts their organization from paying property taxes on theocratic facilities throughout the country. It also allows individuals in Spain who contribute financially to the work of Jehovah's Witnesses to obtain a tax deduction on their contributions.

This adjustment confirms that Spain fully recognizes the status of Jehovah's Witnesses as a religion in line with the numerous decisions of the European Court of Human Rights in the last thirty years.

While Jehovah's Witnesses in Spain were granted legal recognition as a well-established religion in June 2006, they were not given the same tax exemptions as other religions in the country. Jehovah's Witnesses continued filing requests to have these exemptions granted.

Unexpectedly, on April 24, 2023, officials from the Ministry of the Presidency invited representatives of Jehovah's Witnesses in Spain to a meeting. At this meeting, they were informed that the tax law concerning nonprofit organizations would be adjusted, making it applicable to Jehovah's Witnesses. Two days later, on April 26, 2023, the Congress of Deputies approved this adjustment to the law. This change in the law is expected to be officially enacted in June 2023.

Evangelical church in Spain banned from worship services in its building

CNE (09.01.2023) - <https://bit.ly/3iyb6ie> - An Evangelical congregation in Spain is forbidden to hold worship services in its church building. According to the municipality, the building does not conform to set requirements for places of worship. Now, the congregation has to meet at a different location.

Members of the Evangelical Baptist Church of Faith, Love and Hope in San Sebastián have been meeting in their worship building for six years. Now, the church does not meet the strict requirements of the municipality anymore, [Protestante Digital](#). There is no

unified legislation in Spain on rules for church buildings. Therefore, requirements may vary between municipalities. One is stricter than the other.

Cheaper

In San Sebastián, the rules are quite tight. Places of worship have to adhere to the same rules as bars or nightlife venues, Protestante Digital reports. That means that church buildings must have a soundproof design, for example. These adjustments are often expensive and hard to afford for small Evangelical communities that often look for cheaper premises in cities.

The building where the Baptist Church had been meeting has now been closed for worship services. Javier Fernández, one of the church leaders, says that the members of the congregations had already done many renovations to adapt the former mechanical workshop into a church.

All had been well until the Covid pandemic, Protestante Digital writes. After four years of meeting, the police came to the building to examine the premise. At that moment, the church was found to comply with the Corona rules, such as keeping enough distance between members and the mask obligation.

However, after that, the City Council wrote that the venue did not meet the municipality's requirements, Fernández tells the newspaper. To make the necessary changes, the congregation would have to spend between 30,000 and 50,000 euros on a new entrance, adjustment of the height of the ceiling and a new ventilation system, among other things.

The three or four dozen attendees can never bring up this money. Pleas to the City Council for an alternative were declined. The requirements and the deadline to adjust to them remained the same.

Burden

In addition, the church had to buy the building because the owner wanted to sell it. As they had no good alternative in the city, the church leadership felt obliged to take it over, even though the financial burden is heavy. Combined with the renovations, the congregation must find 200,000 euros to pay for all the expenses. It launched a fundraiser to do so.