

Table of Contents

- ***[BAYS Yoga School, nullity of elevation to trial confirmed by the Cassation Court](#)***
 - ***[Buenos Aires Yoga School wins again in Court, "The New York Times" ignores it](#)***
 - ***[A court chastises PROTEX for fabricating victims of a church](#)***
 - ***[Update on the Buenos Aires Yoga School. 4. Where do we go from here?](#)***
-

BAYS Yoga School, nullity of elevation to trial confirmed by the Cassation Court

By Willy Fautré,

[The European Times](#) (09.07.2024) – ***Controversial accusations of criminal activities and prosecutions rejected for the second time.***

A setback for the prosecutors

On 5 June last, the [National Chamber of Cassation for Criminal and Correctional Matters](#) confirmed the nullity of the elevation to trial of the defendants in the case known as the "Buenos Aires Yoga School" (BAYS), accused of "criminal activities." The decision of the Cassation Court is not the end of the case as it is returned to the judge of first instance but it is clearly a setback for the prosecutors who were twice clearly disavowed.

In August 2022, about [50 spectacular police raids](#), "mysteriously" leaked to the media, were simultaneously conducted against members of the yoga school on the sole basis of unfounded accusations by one single person, Pablo Salum, that the Office of the Prosecutor for Human Trafficking and Exploitation (PROTEX) instrumentalized to support its controversial concepts of victims of trafficking and abuse of vulnerability. After that, [hundreds of media outlets](#) in Argentina and abroad had presented the yoga group headed by Juan Percowicz, now 86, as a "[horror cult.](#)"

[Salum](#) is a bizarre and megalomaniac anti-cult individual, who sees cults everywhere, even regarding the Catholic Carmelite Order. He publicly said on social media and YouTube that he had lodged a complaint against BAYS. He also inspired PROTEX massive raids against [38 centers of the Evangelical humanitarian organization REMAR](#), a respected NGO specialized in the rehabilitation of drug addicts and (paradoxically) women victims of real trafficking.

The key facts

In September 2022, judge Ariel Lijo tried to prosecute nineteen BAYS members, including Juan Percowicz, for [crimes of illegal association, human trafficking for sexual exploitation and money laundering](#), following a request made by federal prosecutor Carlos Stornelli and his colleagues from the PROTEX, Alejandra Mangano and Marcelo Colombo.

From the beginning of the case, all the alleged victims denied the accusations and denounced that they were being stigmatized as “brainwashed prostitutes” when they had never prostituted themselves, and have never been forced into anything by BAYS. To dispel any doubts, they asked to be examined by forensic experts to confirm their statements.

After that, on November 2022, the Federal Chamber of Appeal ruled the lack of merit of two defendants and, although confirming the prosecutions of the remaining, ruled that scientific psychological and psychiatric examinations be carried out on all the alleged victims in order to investigate whether there are any signs that their wills were unduly influenced or coerced.

On 4 July 2023, without addressing the results of those examinations –which with no exception determined total lack of any characteristics of submission, emotional dependence, lability, manipulation, or the assumption of a merely passive role in the interpersonal relationships of the alleged victims– Judge Ariel Lijo and prosecutors Carlos Stornelli, Marcelo Colombo and Alejandra Mángano tried to elevate the case to trial. However, on 7 December of the same year, the National Court of Appeals for Criminal and Correctional Matters, composed of judges Martin Irurzun, Roberto Boico and Eduardo Farah, annulled that order and commanded Judge Lijo to review that forensic results and to let the defense intervene in the evaluation. This is the decision confirmed by the National Chamber of Cassation.

The fabrication of “victims” of trafficking and the “rescue industry”

Until 2012, trafficking in persons for sexual exploitation was punishable by Law 26.364 on Prevention and Punishment of Human Trafficking and Assistance to Victims but on 19 December 2012, this law was amended in such a way that it opened the door to controversial interpretation and implementation. It is now identified as [Law 26.842](#).

In this context, cases of alleged human trafficking linked to spiritual minorities have emerged in Argentina along with the use of anti-cult language in the narratives of anti-trafficking agents in the media, legal and judicial settings. In this regard, decried and obsolete concepts such as “cults”, “brainwashing”, “coercive organization” and “coercive persuasion” are coming back to the front stage and are getting a new life. So, when presumed victims of trafficking deny they are victims, anti-trafficking operators now disqualify their statements because in their eyes, they do not perceive themselves as such as their adherence to an “ideological or spiritual system” prevents them from recognizing their exploitative situation.

This creates a “victimization paradigm” and leads to a vicious circle according to which they are vulnerable per se and, therefore, victims, who are denied the capacity and the right to intervene in the narrative of events. Their only status is “to be rescued”.

Scholars understand this phenomenon as a “rescue industry” that allows anti-trafficking agencies to generate a large number of cases in order to increase their public visibility and authority. This also makes possible to consider a wide range of legal activities –such as volunteering and donation– as “trafficking.”

Controversies inside and outside the courts

Judge Lijo and PROTEX resolutions raised numerous criticisms in the Chamber of Appeal. Judge Farah has reiterated in his last vote that the alleged victims must be heard, and that not doing so means an act of paternalism alien to the due behavior of a democratic justice sensitive to gender equality. In his opinion, after listening to the personal testimonies of these women, it is clear that none of them is a victim of human trafficking, which is confirmed by the results of the forensic examinations. In Farah's opinion, the defendants should be acquitted.

Judges Irurzun and Boico consider that these expert opinions are essential to evaluate a change in the procedural status of the defendants. Ultimately, it was the Chamber of Appeal itself that requested their performance and now urges Judge Lijo to evaluate them. Failure to do so is contrary to the right to legitimate defense.

But not only the court has spoken. Numerous researchers, after [interviewing BAYS members](#) and [studying the legal documents](#), have questioned the anti-cultist arguments of PROTEX and Judge Lijo. These research results were published in scientific journals and conferences –such as the one held in Bordeaux between June 12 and 16, 2024, by the Center for the Study of New Religions (CESNUR)– as well as at the [53rd session of the United Nations Human Rights Council](#).

The message is clear: denying the credibility of clinically healthy adult women through pseudoscientific arguments is a direct attack on individual liberties protected by the Universal Declaration of [Human Rights](#) and the Argentine Constitution.

Buenos Aires Yoga School wins again in Court, "The New York Times" ignores it

One day after BAYS scored another court victory, "The New York Times" republished the old falsehoods about the "sex cult." Why?

by Massimo Introvigne and [María Vardé](#)

[Bitter Winter](#) (10.06.2024) - One of us (Introvigne) is the editor of a small online daily magazine, although quoted by some U.S. Department of State reports [more often than "The New York Times"](#) when it comes to coverage of religious liberty issues in China. He knows that articles are written in advance of their publication. Incidents can occur. One hit, precisely, "The New York Times" on June 8.

With great fanfare, it ran [a sensationalist attack](#) against the Buenos Aires Yoga School (BAYS) entitled "It Called Itself a Yoga School. Prosecutors Say It Was a Sex Cult." Most unfortunately for the "Times," the article was published just a few hours after [Argentinian media](#) announced that the Court of Cassation had confirmed the [December 7, 2023, decision](#) of the National Court of Appeals for Criminal and Correctional Matters that annulled the elevation to trial of the defendants, confirming that relevant evidence in their favor was ignored, including opinions by forensic experts. As Argentinian media

noted, this is not the end of the case, since it returns to the judge of first instance, but is clearly a setback for the prosecutors. As one Argentinian journalist [wisely commented](#), "In fact, despite the spectacular media coverage of the investigation, today no one is detained and the investigation is virtually paralyzed."

We do not believe that "The New York Times" article was the devious way of the prosecutors to react to the last judicial defeats. That it was a mere incident is more believable.

However, "The New York Times" is not totally innocent either. It parrots the basic argument of the prosecutors, that "the organization exploited and drugged some of its female members, forcing them to sell their bodies." But it fails to inform its readers that all the female members the prosecutors believe are "victims" and "prostitutes"—who are not young and marginal women but middle-aged professionals with jobs in fields ranging from real estate to music and design—vigorously deny being victims and having ever worked as prostitutes in their lives. The prosecutors' argument is that they say so because they are under "brainwashing"—a discredited pseudo-scientific theory used by those hostile to "cults"—but the main reason the elevation to trial has been annulled is that it ignored the opinion by independent experts, including those of the Forensic Medical Corps of the Supreme Court, who examined the women and concluded that they are psychologically normal and believable. Faced with the fact that their denials were ignored by the prosecutors and the examining magistrate, the so-called "victims" organized themselves to intervene in the judicial file through a legal representative. This is new in Argentina, where the law provides that the alleged victim of human trafficking can only intervene as a plaintiff.

We are very curious of knowing what kind of fact-checking "The New York Times" performed on the sentence in the article, "During the investigation, some former members talked of being forced to work as 'slaves' and said the school promoted prostitution." This statement is false, as the documents of the case clearly demonstrate. The only "former member" who testified against BAYS and made these accusations is anti-cultist Pablo Salum, which attended the activities of BAYS for a short time as a teenager decades ago. In fact, his complaint is a copy of another one he made in 1996, five years after leaving the institution, which was evaluated and dismissed in a previous case. The copy is so obvious that it involved as current "perpetrators" people who had died many years ago. All the other witnesses who were or are members of BAYS declared that slavery and prostitution only exist as figments of Salum's wild imagination.

The accusation said that BAYS produced "thousands of sex videos" to extort money from people of power. They turned out to be only philosophy classes and magic shows by world champion stage magician and BAYS student Carlos Barragán.

It said that the students' companies "laundered money" for EYBA's leaders, but not a single accounting audit has yet been carried out to prove this, despite the defendants' insistent requests for them. It was also said that the leader manipulated his students to give him all their property through the real estate company of a BAYS member. However, he only has two properties, both bought from people outside the school and before the real estate company existed: one in 1976 and the other in 1990. The women deny having been victims of any crime and their psychological examinations were excellent. So far, the only "proof" the prosecution has is the word of [an anti-cult activist](#) who considers religious groups such as the Buddhists or the Discalced Carmelite nuns to be "cults."

The most interesting question is who is behind "The New York Times" article. Certainly media have [a general bias](#) against groups stigmatized as "cults," from which "The New York Times" is not immune. However, in this case there may be something more, which cannot be reduced to a juicy, if false, story spread by Argentinian prosecutors.

In fact, there is an international lobby of so-called anti-human trafficking agencies, not less powerful in the United States than in Argentina, which tries to reintroduce from the window "brainwashing" theories academics and courts of law had expelled from the door in the past century. It is argued that, just as prostitutes who are human trafficking victims are not credible when they deny being victims because they are terrorized by organized crime, so "cult victims" who deny being victims should not be believed because they are "brainwashed" by the "cults." Forensic experts in Argentina have already disposed of this bizarre theory. But it is a serious threat to religious liberty, which calls to vigilance everywhere.

A court chastises PROTEX for fabricating victims of a church

The defendants were absolved and the judge recommended to investigate the "scandalous" abuses of the anti-trafficking agencies and psychologists.

by Massimo Introvigne

[Bitter Winter](#) (06.02.2024) - There are horror movies and then there are "horror cults." In the [incredible case of the Buenos Aires Yoga School](#) (BAYS) the expression "secta del horror" was liberally used by the media. But it seems that in Argentina it is now a general category: an Evangelical church called Iglesia Tabernáculo Internacional (ITI) was also called "secta del horror" by the media.

What the cases of the BAYS, the ITI, and Cómo vivir por fe (How to Live by Faith), the Argentinian affiliate of the Australian movement Jesus Christians, have in common is the key role of a special prosecutorial office called PROTEX (Procuraduría para el Combate de la Trata y Explotación de Personas, Office of the Procurator for Combating the Trafficking and Exploitation of Persons). PROTEX raids with great fanfare and the presence of the media groups it accuses of being "cults" practicing "coercive persuasion" or "brainwashing" and "trafficking" their members, arrests their leaders, and "liberates" the "victims"—who unanimously deny being victims.

While the BAYS case [is still pending](#), the Jesus Christians were found not guilty of trafficking or any other crimes on November 28, 2022, by the Federal Criminal and Correctional Court of Sáenz Peña, with [an order severely criticizing PROTEX](#).

Even more severe for PROTEX, the other prosecutors, and the anti-cult "expert" psychologists who see "cults" and "trafficking" everywhere is the decision rendered on February 1, 2024, by the Court of Paraná in the case of the Iglesia Tabernaculo Internacional (ITI).

On September 1 and 2, 2022, a farm operated by ITI in El Redomón, in the Department of Concordia, and several private homes were raided at the instigation of PROTEX. The pastors of ITI, Sergio Gabriel Ziegler and his wife Mónica Viviana Mancinelli, were arrested together with two co-workers and later committed to trial, together with other

six leaders of the movement who had not been arrested. It was announced that twelve “victims” who had been “imprisoned” in the El Redomón community, called ITI Jerusalem, by “false pastors” and compelled to work without salary, had been “liberated.” As [one newspaper reported](#), “The event had an enormous media repercussion and some Buenos Aires media called the ITI Jerusalem community ‘the cult of horror.’”

[READ MORE](#)

Update on the Buenos Aires Yoga School. 4. Where do we go from here?

With the decision of the Court of Appeals the case did not end. The defendants won an important battle. The “war” continues.

by Alessandro Amicarelli

Article 4 of 4. Read [article 1](#), [article 2](#) and [article 3](#).



The ball may be back in his court: Judge Ariel Lijo. Screenshot.

[Bitter Winter](#) (30.12.2023) - On December 22, 2023, the prosecutors filed an appeal in cassation against the decision of the Court of Appeals.

Unless this appeal in cassation is accepted, the concrete consequence of the Court of Appeals’ rulings presented in article 3 of this series will be the return of the case file back to the judge of first instance, Ariel Lijo, so that he may properly evaluate the evidence collected so far, with special reference to the psychiatric and psychological examinations of the alleged victims performed by experts of the Forensic Medical Corps of the Supreme Court. In addition, Judge Lijo was urged to re-examine the defense’s plea of lack of action and the objections of a constitutional nature introduced by the defense.

These circumstances could lead to a re-evaluation of the indictments issued and of the procedural situation of the other defendants who provided statements and documentary evidence and who have not yet received a response from the prosecution or by the judge. In the event of an unfavorable ruling for the defendants, the defense may appeal again to obtain a review by the higher court before reaching the elevation to trial.

A chronology of recent events

September 8, 2022. Judge Lijo pronounces nineteen indictments.

November 4, 2022. The Court of Appeals partially confirms 17 indictments (revoking some of the charges in 10 of them), finds lack of merit in the other two, orders the release of all detainees, and urges Judge Lijo to hear the alleged victims and especially to conduct psychological and psychiatric tests.

July 4, 2023. The expert examination of the alleged victims is concluded, with results signed in agreement by all the intervening experts of the Supreme Court of Justice of the Nation and the experts on behalf of the parties (the experts on behalf of MPF add to their agreement the clause "We reserve the right to expand"). Judge Lijo schedules a hearing for the prosecutors to conclude the investigation.

July 7, 2023. The defense files an exception for lack of action (absence of crime). They also file a nullity action (asking for the annulment of the hearing of July 4).

August 7, 2023. The prosecutors present their request for partial elevation to trial.

August 15, 2023. The defense opposes the elevation to trial and offers new evidence.

The defense counsels present scientific and journalistic articles. They attach [a letter from twelve NGOs](#) expressing concern. They comment on the results of the forensic reports. They explain that the so-called "sleep cures" practiced by BAYS that prosecutors regarded as a sinister means of brainwashing are normal procedures and are even fashionable, with publications about it. They state that many other people who requested to be heard, as well as people who can provide key information such as clients of the companies under investigation, have not been called to testify. They present the written testimonies of more than fifty individuals; and they criticize in detail the arguments of the prosecution, questioning the veracity and coherence of the conclusions it presented.



Thierry Valle, President of the United Nations ECOSOC-accredited CAP-LC, one of the organizations that signed the letter of the twelve NGOs expressing concern. CAP-LC also took the BAYS case [to the United Nations](#).

August 17, 2023. The nine alleged victims file a brief opposing the elevation to trial. The prosecutors file a "supplementary report," prepared by their expert witnesses (DATIP), in which they argue that the nine women are under "coercive persuasion."

August 21 to 27, 2023. The nine alleged victims submit several briefs strongly criticizing DATIP's "supplementary report."

September 19, 2023. Judge Lijo signs the order of elevation to trial for the seventeen defendants. At the same time, he rejects the exception for lack of action and the nullity claim of the defense.

September 21 to 25, 2023. The defense counsels appeal the rejection of the exception for lack of action and the nullity claim. In addition, they appeal the elevation to trial order and ask for a declaration of unconstitutionality of article 352 criminal procedure code that establishes the prohibition to appeal an elevation to trial.

September 26, 2023. Judge Lijo passes the appeals for nullity claim and lack of action to Court of Appeals.

October 2, 2023. Judge Lijo rejects the appeal to elevation to trial and unconstitutionality of Article 352. The defense resubmits it in a complaint before Chamber 2 of the Court of Appeals.

December 7, 2023. The Court of Appeals rules the nullity of the decree closing the preliminary investigation and the consequent elevation to trial of defendants and sends the case back to Judge Lijo. In a dissenting opinion, Judge Farah states that he believes all the defendants should be acquitted and the case closed, while the other two judges argue that the issue of lack of crime cannot be dealt with until the validity or otherwise of the new elements submitted has been discussed.

December 22, 2023. The prosecutors file an appeal in cassation against the Court of Appeals decision of December 7.



Canadian scholar Susan Palmer. From Facebook.

Articles on the BAYS Case

By [Susan Palmer](#): "[From Cults to 'Cobayes': New Religions as 'Guinea Pigs' for Testing New Laws. The Case of the Buenos Aires Yoga School.](#)"

By [Massimo Introvigne](#): "[The Great Cult Scare in Argentina and the Buenos Aires Yoga School.](#)"

Human rights analysis of the PROTEX-Salum case by Willy Fautré, [part 1](#) and [part 2](#).
"[Misusing Anti-Trafficking Laws](#) Against Spiritual Minorities: The Case of PROTEX in Argentina."

"Argentina: Government [Promotes the Pseudo-Scientific Theory of Brainwashing.](#)"

"Human Rights Abuses Against Buenos Aires Yoga School [Denounced at the United Nations.](#)"
