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Resolution No.:

Procedure: **Ordinary trial**Speaker: **RAQUEL CHACON CAMPOLLO**Resolution Type: **Judgment****JUDGMENT**

In Torrejón de Ardoz, on December 5, two thousand twenty-three.

Seen by the Ilma. Ms. Raquel Chacón Campollo, magistrate-judge of the Court of First Instance no. 6 of Torrejón de Ardoz and its judicial district, the present proceedings of the ordinary trial No. 729/2021 followed, at the request of the religious confession Jehovah's Christian Witnesses of Spain and Ms. Inocencia, Mr. Justiniano, Ms. Laura, Mr. Lucas, Mr. Marcos, Mrs. Mariana, all of them represented by the attorney of the Courts Mr. Juan de la Ossa Monte and under the legal direction of Mr. Mario Bonacho Caballero and Mr. Antonio González-Zapatero Domínguez, against the Spanish Association of Victims of Jehovah's Witnesses, represented by the attorney of the Courts Ms. María José Rodríguez Jiménez and under the legal direction of Mr. Carlos Bardavío Antón, for violation of the fundamental right to honor, issues this sentence in the name of HM the King and by the power granted by the Constitution based on the following

FACTUAL BACKGROUND

FIRST.-The procedural representation of the plaintiff filed a complaint, which was referred to this Court, in which, after the factual and legal allegations that it considered appropriate, it requested an upholding ruling in accordance with its claims.

He specifically alleged in his statement of claim that, on February 12, 2020, the Spanish Association of Victims of Jehovah's Witnesses, hereinafter AEVTJ, was formally registered in the National Registry of Associations and that in its Statutes (from the end of 2019) in that same Registry registered, in Group 1, Section 1, National Number 618471, publicly accessible, they include a series of manifestations that attack the honor of the entire religious confession and its members; Regarding the origin, purpose and causes of extinction of the Association itself, it is ensured that the religious confession generates harm and victims, systematically violates the legal system, discriminates against different groups and causes serious damage to health and life, in summary; and that the defendant, to fulfill its purposes, has created various profiles on social networks so far, which is why the lawsuit states that all these actions, expressions and demonstrations have caused, both the religious confession and its members, a great discredit.

Finally, of interest was the issuance of a Judgment in which

1) -The illegitimate interference, by the defendant, in the RIGHT TO HONOR, of the religious confession CHRISTIAN WITNESSES OF JEHOVAH and its commanding members, is declared, under the protection of ORGANIC LAW 1/1982, of May 5, And in accordance with art. 18.1 of the Spanish Constitution, arts. 8, 9 and 17 of the ECHR; 2) -The name of the "Spanish Association of Victims of Jehovah's Witnesses" registered in the National Registry of Associations, on February 12, 2020, as well as the insulting content included in the statutes, and its EXTINCTION, are proceeded with; 3) -The name of the website called DIRECCION009/, as well as the social media accounts of DIRECCION000 and DIRECCION001 called "DIRECCION010" ("DIRECCION010") is proceeded to THE ELIMINATION and, consequently, its EXTINCTION.4) -Proceed to



CESSATION in the dissemination of comments or similar information through any means; 5) - COMPENSATION OF DAMAGES is declared appropriate for said violation, to be quantified at the appropriate procedural time; 6) -The defendant is ordered to PUBLICATION OF THE HEADING AND THE RULING OF THE JUDGMENT with the same public dissemination with which the data that is considered illegitimate interference in the right to honor was released, that is, on the various digital platforms that will be mentioned throughout the lawsuit during the period of 15 days prior to its extinction. ; 7)-The defendant is ordered to pay the costs.

SECOND.-Once the claim was admitted by decree, the defendant and the Public Prosecutor's Office were summoned to present their respective written responses, and they did so in a timely manner.

The defendant Association frontally opposed the claims of the plaintiff through the factual and legal allegations that it considered appropriate, and sought a completely dismissal ruling; Specifically, he alleged that the Association, its statutes, its motivations and its purposes, are protected by the rights of freedom of information and freedom of expression, which must prevail over the right to honor alleged by the plaintiff, which in No case has been violated; that the Association gives voice to the people who have been part of the religious confession, to their experiences, and does so in a truthful and proportionate manner; that disseminate and give transparency to what is behind each standard; that provide protection to those who in some way feel like victims; that the violation of the Spanish legal system is proven by the condemnation of the confession to register as workers those who were called volunteers, for not complying with the data protection law; which also provide evidence of the social ostracism to which those who are expelled, renounce or abandon their confession in any way are subjected; that sexual diversity is not respected either since homosexuality is understood to be a serious sin; that the confession has had a passive attitude towards sexual abuse of minors, and this was declared in Australia in the so-called "Royal Commission", in which it was understood that there had been more than a thousand cases and the confession lost its status of "notorious roots" due to the lack of collaboration of their representatives; that in the United States he was sentenced with the highest compensation to date for having hidden abuse of a minor, Candance Conty case; that there are videos and newspaper articles that mention cases of concealment; that an internal norm requires that in order to prove the commission of sexual abuse, two witnesses or the recognition of the facts are required; that going to the police authorities is not encouraged, but rather one must first go to the elders and the legal advice of one's own confession; who understand it as destructive due to the breaking of family ties when a person is expelled or leaves the confession; that there is an anti-suicide protocol due to the pressure they exert on parishioners when a judicial committee is initiated against them.

He also alleged a lack of active legitimation of the confession due to the lack of agreement by the governing body to authorize the claim or legal powers; and with respect to the plaintiff natural persons for lacking legitimate interest; Likewise, it alleged lack of objective jurisdiction of this Court of First Instance to declare the Association extinct considering that it is the jurisdiction of the contentious-administrative jurisdiction, and absence of procedural budget to admit the claim for processing since the plaintiff did not present a claim for rectification.

THIRD.-By due diligence, the parties were summoned to the pre-trial hearing, which was finally held on June 7, 2022, as stated in the procedure.

In the pre-trial hearing, the plaintiff and the Prosecutor's Office opposed all the procedural issues raised by the defendant; The evidence that was considered pertinent was admitted and the oral trial sessions were indicated, which were held in number of five, with the records being seen for sentencing after the last session on January 30, 2023.

For the plaintiff, the following testified: Fermín, Francisco, Gervasio, Gregorio, Gustavo, Hugo, Ismael, Jenaro, Tania, Trinidad, Maximino and Zaira.

For the defendant: María Angeles, Onesimo, Leoncio, María Inés, Adolfinia, Caridad (assisted by the Russian interpreter Erica), Jose Ignacio and Casilda.

Both in the previous hearing and in the oral trial sessions in November, the plaintiff alleged new facts, such as that the Association had removed the expressions "fall into its clutches" or "destructive sect" from its website and had included a notice in that they showed full respect towards the people and properties of Jehovah's Witnesses, disassociating themselves from any violent act against them; that in the interviews granted by the lawyer of the Association Mr. Bardavío in different media, as well as in other representatives of the Association Messrs. **Carmona** and **Florez**, The same expressions as those included in the complaint were insisted on, of the same insulting nature; The plaintiff also stated that there had been some acts of vandalism against Kingdom Halls of Jehovah's Witnesses, consisting of graffiti with the word "pedophiles" or "covering up pedophiles" and the placement of billboards on some urban streetlights also accusing pedophiles of pedophiles. Jehovah's Witnesses. These last events are not



They were understood to be cumulative to this procedure since the relationship with the defendant Association was not proven, which was the subject of the appeal being dismissed.

After the practice of all the evidence that was admitted, the plaintiff formulated its conclusions and, likewise, the defendant reiterated both their procedural positions by considering their respective arguments proven; The plaintiff also quantified the compensation for the damages suffered at 25,000 euros; Both conclusions are considered reproduced.

The representative of the Public Prosecutor's Office reported, first highlighting the relevance of STS 408/2016 on public persons and the right to honor to whom it is denied and agreed that the plaintiff confession is a legal entity of private nature. Regarding the ruling of the ECtHR, of December 13, 2022, mentioned by the plaintiff, the Prosecutor's Office assured that the right examined and considered violated in said ruling is religious freedom and at no point does it mention or examine the right to honor, and the ECtHR declares that the Bulgarian government violated the right to religious freedom by distributing a pamphlet on the occasion of the Easter holidays in which religions other than the official one of Bulgaria were criticized; that said ruling, when it affects religious freedom, makes special reference to the fact that these associations may have been affected in attracting followers or adhering to their religious confession, but not in the violation of the right to honor; that religious freedom is not what has been debated in this procedure and therefore the arguments or conclusions of said Judgment of December 13, 2022 are not applicable.

In relation to the weighing of the Fundamental Rights at stake, the representative of the Public Prosecutor's Office reported, illustrating with numerous jurisprudence, in the following sense: the Supreme Court indicates as requirements of the right to freedom of information truthfulness, proportionality and general or public interest and, on the other hand, with respect to freedom of expression it does not require the requirement of truthfulness, since it is understood that these are opinion judgments.

Relating these rights to the case that is the subject of this present *lititis*, the DIRECCION011 website, continues the Public Prosecutor's Office, includes within its missions to provide "visibility and inform", and, at the same time, it talks about personal experiences, so each of the people who consider themselves victims are exercising their freedom of expression, although there are serious difficulties in differentiating both rights, SSTC 65/2015, of April 13, and 172/2020, of November 19, and that, when both rights are mixed, there must be someone who be more preponderant; that in this case both rights are included; that, upon evaluating, it is understood that the veracity of the facts has been proven and the victims interpret the events that have happened to them; and although there are people who do not experience these experiences as traumatic, there are a large number who do, so the right to honor is not violated by claiming psychological damage, since these people have experienced them that way, which is proven by the statements and by the documentary. Although the members of Jehovah's Witnesses do not have public notoriety nor are they well-known figures, it is evident that the matter arouses interest for a certain public, since there have been reporters in the courtroom in almost all sessions of the trial, newspaper articles have been contributed and the Association had increased its members since the beginning of this trial, with special attention to the issue of blood transfusions, which leads us to affirm that there is newsworthy interest. Regarding proportionality in the right to information, since it is a legal entity, the right to honor is not understood to have been violated; On the other hand, the TS has already determined that the owners of a website cannot be held responsible for the opinions expressed by its users.

Furthermore, art. 20 of the Statutes of the defendant Association states as a cause for dismissal that the member engages in "inappropriate contrary behavior: being judged for moral or patrimonial humiliation" towards a Jehovah's Witness; The ECtHR has also established that freedom of expression means tolerating statements that cause discomfort, as an exception to art. 10 always in a restrictive sense, ideas that shock, offend or worry. Thus, the representative of the Public Prosecutor's Office continued, affirming that there are victims of a religion, but publicly expressing that one feels like a victim should not be restricted and, if so, it must be convincingly proven, but this is not the case, STC de January 27, 2022; *contrary sensu*, one would be making a judgment about the veracity of a feeling, an objective assessment of a feeling that cannot really be subjected to an exact testing process.

Regarding the right to honor of the natural persons who have sued, it recognizes their active standing, but they are not in the same situation as the sentence referred to by the plaintiff, since the young Jewish woman who sued was a descendant of the people exterminated in the Holocaust denied; However, she did not consider it proven in what way the honor of the plaintiffs could have been offended.

Regarding the complaints submitted, the Prosecutor's Office reported that there was no connection between the graffiti and the Association on trial and that the witnesses Fermín and Gervasio, specifically, had denied that there had been an increase in physical or verbal violence against them. from what he understood



that it had not been proven that the creation of the Spanish Association of Victims of Jehovah's Witnesses incited hatred or dishonor of the religious confession of Jehovah's Witnesses, and it was important that the claim be dismissed in its entirety.

ROOM.-In this procedure, all legal procedures have been complied with, except for the deadline for issuing a ruling, which is stated below, in the last paragraph.

The brief of allegations presented by the plaintiff in which he states that arts. 10 and 14 of the ECHR and that the equality of parties has not been respected, is totally impertinent and untimely, since it was sent on February 14, 2023, days after the records had been seen for sentencing after the celebration of the fifth and last session of the oral trial on January 31, 2023; On the other hand, it does not allege new facts, but rather it states that there has been surprising evidence provided in the answer to the complaint, which does not correspond to reality, since all the evidence of the answer was attached with this and it was duly communicated to the plaintiff. The prior hearing was held in accordance with the law, and, in fact, the plaintiff was allowed to make complementary allegations under art. 426 of the LEC. Beyond the fact that documentation in foreign languages has been attached, which will not be valued to resolve this dispute as it has not been translated, the plaintiff was also aware of them before the prior hearing and did not appeal the global admission of the documentary provided by the counterparty.

As far as equality of arms is concerned, the plaintiff is untruthful in alleging that this judge has violated her, since, in fact, a documentary provided in a non-co-official language was admitted in the territory of the Superior Court of Justice of Madrid, as were the complaints written in Catalan, and were admitted conditional on providing their translation within a period of three days instead of having them as not admitted, as could also have been resolved on a legal basis, but this magistrate understood that it was a rectifiable requirement and, given the subject matter of the dispute, the interpretation should always be broad in favor of the admission of evidence, a criterion that is legitimate to maintain also with respect to the other party to effectively protect equality of arms.

The aforementioned brief of allegations includes evaluation of evidence and even sets forth reasons for challenging questions posed by the defendant's lawyer, which were not challenged during the oral trial sessions; If he had done so, he would have to wait for the ruling to be handed down to, if appropriate, file, where appropriate, an appeal and include the challenge of said questions as its object.

The assessment of the evidence was made extensively by the plaintiff's lawyer in his presentation of conclusions, and even the extensive writing that he provided for illustrative purposes has been admitted.

In this procedure, all legal requirements have been followed and, in any case, the flexibility shown in the admission of evidence has been fully respecting the equality of arms of both litigating parties, who have been similarly favored by it.

Finally, the considerable difficulty in issuing this sentence within a reasonable period of time is evident, due to the overload of powers that this Court of First Instance bears, which is also the Court of Family and Disabilities and Internment of adults and minors, with the aggravating circumstance of having suffered a concomitant temporary incapacity for this judge.

FOUNDATIONS OF LAW

FIRST.- PROCEDURAL ISSUES.

A) Competence of this Court. Organic Law 1/2022, of March 22, regulating the right of association, attributes to both the Civil Jurisdiction and the Contentious-Administrative Jurisdiction, jurisdiction to hear matters generated in light of said legislation. The art. 7 includes the requirements and content of the statutes, including their name, which is regulated in art. 8 specifically, whose second section establishes that *Names that include expressions contrary to the law or that may violate the fundamental rights of people will not be admissible..* It must be understood as both natural and legal persons, since where the law does not distinguish, interpretation should not do so. Regarding registration, this will only have advertising effects, not constitutive, and, therefore, accessing the Registry is not an essential requirement for an association to exist, as the Supreme Court has said.

In this procedure the registration is not challenged, but rather goes further and requests the extinction of the Association due to violation of the right to honor of the requesting religious confession, which entails an assessment of a possible violation of the right to honor of a religious confession of a private nature committed by an association of a private nature.

The art. 37 provides that *The right of association regulated in this Organic Law will be protected by the special procedures for the protection of the fundamental rights of the person, corresponding*



in each jurisdictional order, and, where appropriate, by the constitutional protection procedure before the Constitutional Court in the terms established in its Organic Law. The art continues. 38 establishing that, in addition to criminal causes, an association may be dissolved. *b) For the reasons provided for in special laws or in this law, or when it is declared null or dissolved by application of civil legislation.*, while art. 39 mentions the controversies arising in administrative procedures, as attributed to the contentious-administrative jurisdiction.

In the case at hand, the lawsuit considers the name, the statutes of DIRECCION011, as well as its internal structures and activities, that is, its configuration and operation as a private legal entity, to be humiliating, and therefore it is understood that this Court of First Instance has objective jurisdiction to hear all claims raised, to which civil regulations and jurisprudence are applicable.

B) Right to rectification as a prerequisite. LO 2/1984, of March 26, regulating the right to rectification, does not configure it as a procedural budget to be able to claim judicial protection for violation of the right to honor, nor does Organic Law 1/1982 recognize it as a procedural requirement. , of May 5, on civil protection of the right to honor, personal and family privacy and one's own image. This is a faculty, a right, not an obligation: they are alternatives offered by our civil legal system, as the ECHR has stated in its Judgment of October 18, 2022 when reiterating that these are protection options in the civil sphere.

C) Active legitimation of the religious confession. In the response to the complaint, it is alleged that there is no agreement from the representative body of the religious confession that reflects the authorization to litigate with DIRECCION011. This allegation must also be rejected, since document 1.7 is provided as a notarial deed signed by the notary Ms. María Rosario Algorra Wesolowski on January 20, 2014 in which Ramón, among others, is authorized to exercise all class of actions before the courts and is granted power to litigate (letter I and letter II); On the other hand, it appears in the electronic "apud acta" procedure of Mr. Ramón in favor of the attorney Mr. De la Ossa Montes. Furthermore, there is a certificate issued by the requesting religious confession that certifies the legitimacy of the person acting in this procedure as its legal representative.

The Supreme Court's ruling of March 11, 2011 is not applicable to the civil sphere but rather to the contentious-administrative sphere, and it refers, in fact, to specific legislation that requires the agreement of the governing body, so it does not is applicable to the subject of our litigation, since they are two private legal entities.

D) Active legitimacy of the plaintiff natural persons. The well-known Sentence of the Constitutional Court 214/1991, in which it recognizes active legitimacy of a Jewish woman in the face of denials about the Holocaust, is based precisely on the fact that such recognition is an exception based on the fact that entities without legal personality could not take action, which does not occur with the current Civil Procedure Law of 2000. The recognition of its procedural capacity was due to the limitation that the Jewish people had as a collective to litigate, since in the procedural law in force at that time entities without personality legal capacity did not have procedural capacity, which was modified with the entry into force of the current LEC, in whose art. 6 the aforementioned recognition was introduced. Not only is the current legal procedural scenario not similar, but, in addition, in the same procedure the group itself and its members act individually, without there being any mention of a specific person in the expressions that are the subject of this present *lititis*; There is no reference to a specific person, nothing that can identify them and, therefore, they have no legitimate interest in this procedure, STS 1140/2008, of November 27, since neither their interest can be individualized nor does it transcend each of them. its members cannot be understood to act on behalf of the group; This is an unjustified and disproportionate legal redundancy to obtain the claimed protection, since, in addition, in this case it is an organized confession, which has recognized in our country "notorious roots", for which it is required to have an organizational structure concrete (not necessary to consider a group as a religious confession) that could represent the faithful, since once this recognition has been obtained, among other powers, one acquires the power to enter into agreements with the State. The Spanish Jewish community, when the lawsuit was presented, did not enjoy such a structure, which was established later; Consequently, active legitimation is not recognized for natural persons in this procedure and, in light of the circumstances set forth and our current LEC, the action for confession is sufficiently exercised, since, as has already been mentioned, no claim is made. no individual claim by natural persons, but rather they base their claim on the mere fact of being faithful to the confession, which they already demand on behalf of the entire group.

SECOND.- CLAIM EXERCISED AND LEGAL FRAMEWORK



The religious confession Jehovah's Christian Witnesses, hereinafter Jehovah's Witnesses, acts in defense of its right to honor, as stated in its Plea in its first request from which the others are derived: *The illegitimate interference, by the defendant, in the RIGHT TO HONOR, of the religious confession JEHOVAH'S CHRISTIAN WITNESSES, is declared, under the protection of ORGANIC LAW 1/1982, of May 5 and in accordance with art. 18.1 of the Spanish Constitution as well as arts. 8, 9 and 17 of the ECHR.*

The aforementioned articles of the European Convention on Human Rights, hereinafter ECHR, protect the following rights, in accordance with:

Art. 8. Right to respect for private and family life. 1. Every person has the right to respect for their private and family life, their home and their correspondence. 2. There may be no interference by public authority in the exercise of this right except to the extent that this interference is provided for by law and constitutes a measure that, in a democratic society, is necessary for national security, public safety, the economic well-being of the country, the defense of order and the prevention of criminal offences, the protection of health or morals, or the protection of the rights and freedoms of others;

Art. 9. Freedom of thought, conscience and religion. 1. Everyone has the right to freedom of thought, conscience and religion; This right implies the freedom to change one's religion or belief, as well as the freedom to manifest one's religion or belief, individually or collectively, in public or private, through worship, teaching, practices and the observance of rites. . 2. The freedom to manifest one's religion or beliefs cannot be subject to more restrictions than those that, provided by law, constitute necessary measures, in a democratic society, for public safety, the protection of order, health or of public morals, or the protection of the rights or freedoms of others.

Art. 17. Prohibition of abuse of rights. None of the provisions of this Convention may be interpreted in the sense of implying for a State, group or individual, any right to engage in an activity or to carry out an act tending to the destruction of the rights or freedoms recognized in this Convention or to broader limitations of these rights or freedoms than those provided for therein.

The Spanish Constitution proclaims the right to honor in its article 18.1 as stated in the Petition of the lawsuit: The right to honor, to personal and family privacy and to one's own image is guaranteed. (...).

Our Organic Law 1/82, of May 5, on civil protection of the right to honor, personal and family privacy and one's own image, regulates the guarantee of this fundamental right, as well as illegitimate interferences; has in its art. 7, section 7, that:

They will be considered illegitimate interferences in the scope of protection delimited by article 2 of this law: The imputation of facts or the manifestation of value judgments through actions or expressions that in any way harm the dignity of another person, undermining their fame or attacking his own self-esteem. And section 5 of article 9 establishes a period of four years to be able to exercise actions protecting the right to honor, privacy and self-image.

It is important to clarify that no mention is made of art. 16 of the Spanish Constitution, which proclaims the right to religious freedom, nor the Organic Law of Religious Freedom 7/1980, of July 5, nor does it include in the heading or in the I beg any request that religious freedom has been violated or of a legal entity or any natural person. The lawsuit was filed because it was considered that the right to honor of the confession and its faithful was violated, and this is also evident from the statements of the witnesses provided by the plaintiff, so it is not admissible that, in the conclusion phase, alter the *petition* of the demand, since it violates art. 400 of the Civil Procedure Law by having precluded the procedural moment to allege the legal bases of the plaintiff's requests.

The object of this litigation is not a factual issue, since the defendant has not denied the facts attributed to it, it has not denied the content of the DIRECCION011 Statutes, its wording or purpose, nor the expressions that have been attributed to it. nor the qualifications for the confession, but has argued at all times that the rights to freedom of expression and information must prevail over the right to honor which, the plaintiff claims, has been compromised because of the libelous content. The defendant has rejected any incitement to hatred or violence on her part and participation in any aggressive act, or any relation to the facts included in the litigation after the lawsuit.

The art. 10 of the ECHR establishes that:

1 Everyone has the right to freedom of expression. This right includes freedom of opinion and the freedom to receive or communicate information or ideas without interference from public authorities and without regard to borders. This article does not prevent States from subjecting broadcasting, film or television companies to a prior authorization regime. 2. Exercise



of these freedoms, which entail duties and responsibilities, may be subject to certain formalities, conditions, restrictions or sanctions, provided for by law, that constitute necessary measures, in a democratic society, for national security, territorial integrity or public safety. , the defense of order and the prevention of crime, the protection of health or morals, the protection of the reputation or rights of others, to prevent the disclosure of confidential information or to guarantee the authority and impartiality of the judiciary. (The underlining is not original).

On the other hand, our Constitution expresses such fundamental rights in its article 20, in which: *The rights are recognized and protected:*

a) To freely express and disseminate thoughts, ideas and opinions through words, writing or any other means of reproduction) To literary, artistic, scientific and technical production and creation) To academic freedom) To freely communicate or receive truthful information by any means of dissemination. The law will regulate the right to the conscience clause and professional secrecy in the exercise of these freedoms.

The exercise of these rights cannot be restricted by any type of prior censorship. (...) These freedoms have their limit in respect for the rights recognized in this Title, in the precepts of the laws that develop it and, especially, in the right to honor, privacy, one's own image and protection of youth and childhood. The seizure of publications, recordings and other means of information may only be agreed upon by virtue of a court resolution.(The underlining is not original).

From the legislative texts reproduced, it is clear without any doubt that the right to honor constitutes a limit to the right to freedom of expression and communication. The jurisprudence of the European Court of Human Rights (ECHR), the Constitutional Court (TC) and the Supreme Court (TS), determines the requirements for this border to be considered effectively crossed and the interference in the rights to freedom to be justified. of expression, opinion and communication, since they are configured as essential in a democratic State governed by the rule of law, their intrusions being limited and strict.

THIRD.- FUNDAMENTAL RIGHTS IN CONFLICT. A) RIGHT TO THE HONOR OF RELIGIOUS CONFESSION

Firstly, regarding the right to honor of legal persons, it is consolidated jurisprudence that this right is considered less than that of natural persons. This is indicated in the Supreme Court Ruling 1044/2023, of June 27, among the most recent:

Legal entities, like the plaintiff, are also holders of the fundamental right to honor of art. 18 CE (rulings 233/2013, of March 25 (RJ 2013, 3683), 344/2015, of June 16 (RJ 2015, 2758), 594/2015, of November 11 (RJ 2015, 5143), 534 /2016, of September 14 (RJ 2016, 4826), 35/2017, of January 19 (RJ 2017, 29), 51/2020, of January 22 (RJ 2020, 77) and 438/2020, of 17 of July (RJ 2020, 2695)), when the expressions uttered by another subject of law defame her or make her demean her in the consideration of others, without it being necessary to prove the existence of patrimonial damage to her interests (STC 139/1995, of September 26 (RTC 1995, 139) and judgments of this chamber 1st 811/2013, of December 12 (RJ 2013, 8348), 594/2015, of November 11 (RJ 2015, 5143) and 606/ 2019, of November 13 (RJ 2019, 4700), among others). However, the same jurisprudence has been insisting on the lower intensity of the protection of the right to honor when its owner is a legal entity (Sentences 594/2015, of November 11 (RJ 2015, 5143); 35/2017, January 19 (RJ 2017, 29) and 606/2019, November 13 (RJ 2019, 4700).

From an abstract axiological point of view, freedom of information must enjoy reinforced protection given the constitutional function that corresponds to it in the formation of public opinion; However, this circumstance does not imply that we are faced with an absolute right to all-round protection, since all the freedoms recognized in art. 20 CE have their limits "in respect for the rights recognized in this Title, in the precepts of the laws that develop it and, especially, in the right to honor, privacy, self-image and the protection of youth." and childhood" (SSTC 12/2012, of January 30 (RTC 2012, 12), FJ 6; 6/2020, of February 27 SIC (RTC 2020, 6), FJ 3; 93/2021, of 10 of May (RTC 2021, 93), FJ 4; as well as the rulings of this Chamber 139/2021, of March 11 (RJ 2021, 1197); 852/2021, of December 9 (RJ 2022, 286); 48 /2022, of January 31 (RJ 2022, 1261), 318/2022, of April 20 (RJ 2022, 2026); 991/2022, of December 21 (RJ 2023, 724) and 250/2023, of 14 February (RJ 2023, 531), among the most recent).

Freedom of information may be considered prevalent over the other fundamental rights of personality guaranteed by Article 18.1 CE, provided that: (i) the information communicated refers to a matter of general interest or public relevance, whether due to the subject matter , because of the people, or because of both; (ii) proportionality; that is, that unequivocally insulting or humiliating expressions are not used; and (iii) last, but not least, that of truthfulness, which is a legitimizing requirement of freedom.



of information (sentences 252/2019, of May 7 (RJ 2019, 2489); 26/2021, of January 25 (RJ 2021, 138); 852/2021, of December 9 (RJ 2022, 286), and 48/2022, of January 31 (RJ 2022, 1261), among others).

With respect to entities of a legal-public nature, it is already clear that they are not holders of the right to honor, Sentence of the Plenary Session of the Civil Chamber of the Supreme Court 408/2016, of June 27. Based on such doctrine, the right to honor of the Catholic Church is denied, since relations with it have been configured through seven bilateral agreements of international public law, which is why it has the nature of international treaties by recognizing itself as a party. contracting party to the Vatican State, and this was considered by the TC in its Judgment of November 12, 1982.

However, the rest of the religious confessions do not have a public nature due to the fact that they can be registered in the Registry of Religious Confessions or by acquiring the status of "notorious roots", but rather they have civil legal personality; Thus, in STC 46/2001, of February 15:

... the recognition of its legal personality as such a religious group, that is, the identification and admission into the legal system of a group of people who intend to exercise, with immunity from coercion, their fundamental right to the collective exercise of religious freedom(...)At the same time, the recognition of this specific or singular legal personification confers on the entity a certain status, which above all is manifested in the full autonomy attributed to it by art. 6, 1» (Legal Basis 7). «... is the formal expression of a legal recognition granted to religious groups or communities, aimed at facilitating the collective exercise of their right to religious freedom.

In short, the plaintiff is a religious denomination that acquired the recognition of "notorious roots" in 2006 and whose legal nature is private and, consequently, is the holder of the right to honor as a legal entity, although to a lesser extent than individuals. physical.

In turn, the scope of protection of the honor of a private legal entity whose purposes or activity are merely private is greater than when it is an entity that participates in public or collective purposes or whose activity has a public dimension, which is contained , among others, in the interesting ECtHR ruling of December 22, 2005, Paturel v. France case, in which the conviction of a writer who had published a book highly critical of the French organizations that study or fight against sectarian movements and, specifically, against the well-known UNADFI, Union Nationale des Associations de Défense des Familles et de l'Individu. In section 46 it establishes that:*The Court recalls in this regard that associations are exposed to meticulous control when they descend into the arena of political debate and that, from the moment they are active in the public sphere, they must demonstrate a greater degree of tolerance with respect to criticisms made by his opponents about his objectives and the means used in the debate.*

Our country is configured in the 1978 Constitution as a non-denominational State, not secular, so the public power has the obligation to consider the religious convictions of the Spanish, art. 18 of the Magna Carta; and all religious confessions participate in this obligation. Thus, even though they are private, except for the Catholic Church, there is no doubt that religious confessions (Christians of all faiths: Orthodox, Evangelicals in general, Jehovah's Witnesses, Judaism, Islam, Buddhism, etc.), play an essential role in the exercise of a fundamental right with a clear public dimension in our legal system, since it is not only the right to profess faith privately, but also in the collective sphere the right to gather, to practice their liturgies; Even the public powers, fulfilling this mandate of respect for the convictions of the Spanish people, can, and do, give up land for the construction of temples or religious buildings, agree on certain tax concessions, grant spaces on public television, etc. Therefore, there is no doubt that the right to honor of religious denominations is less than that of a merely private entity that does not participate in public purposes, and they must be especially tolerant of criticism of them. (*Mamère c. France*, no. 12697/03, § 27, ECHR (RCL 1999, 1190, 1572) 2006-XIII).

The present lawsuit is based, therefore, on the right to honor, not on the right to religious freedom, which finds greater protection in our legal system, both by the jurisprudence of the ECtHR and the legal system of national origin.*strict sensu*, of which crimes against religious feelings are an example, which are protected by religious freedom and not the honor of confessions. This difference is essential in this case, since, even though the right to religious freedom is mentioned in a complementary manner, the claim is built on the violation of the right to honor, and this is stated in the Supplication, but at no time is it requested that the right to religious freedom of the members of the Jehovah's Witnesses confession is declared violated; Therefore, the legal reasoning or conclusions of the aforementioned ECtHR ruling, case of Tonchev and others against Bulgaria, of December 13, 2022, are not applicable.

B) RIGHTS IN CONFLICT AND THEIR WEIGHTING.



Once it has been established that the protection of the right to honor that the plaintiff has is very limited, it must be examined whether the rights of freedom of expression and information take precedence or if, on the contrary, it is a justified interference with the right to honor in those.

As reported by the representative of the Public Prosecutor's Office, in fact, not only the exercise of freedom of expression is taken into consideration, but also that of information, since the defendant Association states in its Statutes as one of its purposes *give visibility to the problems of the victims of Jehovah's Witnesses (...)* In this way, every individual in our society will be well informed if they wish to become part of the Jehovah's Witnesses organization (...)[which] will be carried out in any means of communication that is within our reach, and created a website and profiles on social networks such as DIRECCION000 and the former DIRECCION001, today DIRECCION002.

The importance of this right justifies that it is not reserved for professional media, ECHR Judgment (Section 3), of January 17, 2023, Ashirov case and International Memorial against Russia: *When a non-governmental organization draws attention to matters of public interest, it is exercising the role of a "public watchdog" similar to that of the press and can be characterized as a social "watchdog" deserving similar protection under the Convention (RCL). 1999, 1190, 1572) as that granted to the press (see Med?lis Islamske Zajednice Brcko and Others v. Bosnia and Herzegovina [GC], no. 17224/11, § 86, 27 June 2017 (JUR 2017, 179551).*

In this same sense. STS 250/2023, of February 14:

As we have said repeatedly, the freedom of information contemplated in art. 20.1 d) of the EC contains an active dimension constituted by the right to inform freely, and a passive dimension or right to be informed. It falls on the communication of facts that can be contrasted with objective data, its holders are the members of the community and journalism professionals, and it consists of communicating or receiving truthful information through any means of dissemination (rulings of the Constitutional Court 104/1986, of July 17 (RTC 1986, 104); 139/2007, of June 4 (RTC 2007, 139); 29/2009, of January 26 (RTC 2009, 29) and rulings of this Chamber 370/2019, of June 27; 491/2019, of September 24; 172/2020, of November 19; 26/2021, of January 25 (RJ 2021, 138); 852/2021, of December 9 (RJ 2022, 286); 48/2022, of January 31 (RJ 2022, 1261), and 593/2022, of July 28 (RJ 2022, 3311), among many others).(The underlining is not original).

The Supreme Court in its Ruling 605/2014, of November 3, recalls that:

In relation to the right to freedom of information and the right to honor, from the point of view of the abstract weight of these rights, this Court has established that the weighting must respect the prevalent position held by the rights to freedom of expression and information on the right to honor as essential as a guarantee for the formation of a free public opinion, essential for the political pluralism required by the democratic principle.(STS, March 11, 2009).

The starting point is the primacy of the rights of freedom of expression and information as they are essential in democratic States governed by the rule of law, and the exceptions mentioned in Article 10 of the Convention itself:

. . . must, however, be strictly interpreted and the need for any restriction must be convincingly proven (see, in particular, Handyside v. United Kingdom, 7 December 1976, Series A No. 24, p. 23, par. 49, Lingens, previously cited, page 26, section 41; Jersild v. Denmark, 23 September 1994, series A no. 298, page 23, section 31; Piermont v. France, 27 April 1995, series A no. 314, page 26, section 76, and Paturel ruling against France already mentioned.

The rights to freedom of expression and information will prevail as long as it is a matter of general or public interest, the information is truthful and the expressions are proportionate to the legitimate purpose pursued. On the other hand, declaring interference with such rights must pursue a legitimate purpose, be necessary in a democratic society and must be proportionate to that purpose, ECtHR (Section 2), Giniewski v. France case, Judgment of January 31, 2006.

FOURTH.- LITIGIOUS OBJECT

The plaintiff formulates a claim in which he considers that his right to honor has been violated in the face of the qualifiers and expressions included, both in the Preamble of the Statutes of the defendant Association and in its name, website and social networks.

The cessation of use of the term is requested *victim*s part of the name of the Association and linked to the religious confession of Jehovah's Witnesses in various fragments, or on its website or in comments published on social networks; also the modification of the content of its Statutes consisting of the following expressions and descriptions:



In the aforementioned Preamble it is said that:

*The movement of people who have been harmed by the organization of Jehovah's Witnesses around the world was born from its very foundation., which means that since the religious confession was established, in the opinion of the defendant, there are a series of people harmed by belonging to it. (...) Especially during the 1950s, this religious organization developed a system of control of its followers that includes internal rules that affect any of its members. **disobedience** to those rules, which function as control, leads to an internal trial parallel to the judicial one of any state and **It results in expulsion or internal marginalization.** (...) **The rules created in that religion include discrimination against women, discrimination in sexual diversity, disrespectful attacks on other religious options and, ultimately, a clear violation of people's fundamental rights.**..The result of the application of these rules creates many victims, because it has led many people who have left that religion for one reason or another to loneliness, depression and even suicide.(...) **The application of these norms also turns into victims many members of Jehovah's Witnesses, relatives of those expelled or disassociated.**..Continuing under the pressure of obeying these rules or losing their family ends up affecting them psychologically, leading to mental illnesses such as feelings of frustration, anxiety, depression and fibromyalgia, some also ending their lives.*

The plaintiff stated that all these expressions are denigrating to the confession and its members and lack any evidentiary basis; that the very name of the Association indicates that religious confession generates victims; that the duration of the Association is conditioned on the prevention of these situations; that a serious statement with an insulting intention is included in the Statutes when it is stated *the systematic violation of Spanish law and human rights law by the Jehovah's Witnesses organization and its members.*

And the Statutes continue as follows:

*Purpose[of the Association] is: **Give visibility to the problems of the victims** of Jehovah's Witnesses to society, with the aim **to prevent it, especially to those people who are considering approaching the Jehovah's Witnesses organization.***

*We will do this by disseminating and making available with complete transparency the reality that lies behind the norms, behaviors, **impositions of said organization, and that result in harm to its members and people related to them.***

1. The Termination of DIRECTION011 may occur when the organization and the members of the TJ or any of its brands comply with the following behaviors:

Respect and dignified and common treatment with family members and with people who left the religious organization of Jehovah's Witnesses by any means (forgetfulness, inactivity, resignation, disassociation or expulsion), we demand such respect in their publications, in their labels, in their meetings.

Respect and dignified treatment of those who have another socially recognized sexual option inside and outside the Jehovah's Witnesses organization.

Collaboration with the authorities in the case of reporting existing members of the congregations that abuse minors.

Respect for a person's freedom of decision regarding medical treatments, which may include blood transfusions and any other type of medication derived from blood components without having to repent in order not to be expelled.

Respect for the freedom of organ transplantation by members within the congregation.

Finally, the Statutes of the Association mention the following "Work Commissions" that the plaintiff also understands threaten his honor:

Helps to exit with dignity and data protection law; Deprogramming or dedoctrination, doctrinal detoxification; Family and social discrimination, experiences and creation of statistics; Homophobic discrimination as a cause for expulsion; Child abuse on any date and statistics, study of its concealment(...)

Gender violence, help; Situation of the woman within the confession, helps to recover her dignity; Helps conscientious decisions regarding medical treatments; About our Association itself; Relationship with all media; Search and public listing of collaborating professionals in different parts of Spain (lawyers, psychologists and other professionals); Meeting point on social networks, forums and events; Study of alliances with associations of the same type; Study of groups with similar international level; Location of specialized psychological help; Location of specialized legal help.



The lawsuit goes on to point out that on the website created by DIRECCION011, in the "Welcome" section, it was openly stated: *we can warn society of the real danger that can become **fall into the clutches of a destructive religion that could ruin your family, your health and even your life***; In addition, homonymous accounts have also been created with the Association on the social networks DIRECCION001 and DIRECCION000.

(The highlighting in bold is original to the lawsuit)

The content of the Statutes, together with other expressions and qualifications formulated, both on the website and on its social networks, can be conceptually grouped into the following six sections to facilitate the assessment of the concurrence of the legally required requirements in order to resolve the controversies that arise. .

a) Consequences of expulsion, sectarianism, psychological control or mental illness. Religious confession - it is said - has led to loneliness, depression and even suicide for many people; It is stated that there is pressure to obey what affects them psychologically, leading to mental illnesses, such as feelings of frustration, anxiety, depression and fibromyalgia, conditions that in some led to ending their lives; It is also an organization of sectarian behavior and is a dangerous and destructive religion or sect, which could ruin your family, your health and even your life; They also practice mental control, although within it there are good people, who govern it with an iron fist who do not allow, among other limitations, its members to pursue higher or university studies and who exercise remarkable control over their lives.

b) Sexual Abuse. There have been "thousands of cases", but money has been used to hide them, and the pedophiles.

c) **Tblood transfusions.** His refusal of blood transfusion causes "countless human losses." *"Is it good that they let their children die? That's not a good thing."*

d) Discrimination against women, concealment of gender violence; and other types of discrimination. They profess the inequality of women and the hiding of the abuser "so as not to stain the name of Jehovah"; discrimination for homosexuality or for not belonging to Jehovah's Witnesses or for professing other confessions or beliefs, which they consider "false religions."

e) Economic purposes. They use the money for advertising, since it is not a religion but a business and also a fraud, since "they recruit older people to send money to the Watch Tower or the organization in Spain", and they keep their accounts opaque.

f) General non-compliance with the law. They have been accused of a "clear violation of fundamental rights of people" and that they commit direct attacks against human rights, since "the main problem of the religious organization is the systematic violation of Spanish regulations and human rights", which "has criminal results"; What's more, the judicial committees carry out trials parallel to the Spanish Justice.

FIFTH.- RIGHTS OF FREEDOM OF EXPRESSION AND INFORMATION. REQUIREMENTS FOR ITS PRIMACY

Such necessary conditions or requirements are the general public interest, truthfulness and proportionality. For all, the aforementioned Supreme Court Sentence 250/2023, of February 14, which refers to Sentences 252/2019, of May 7; 26/2021, January 25; 852/2021, of December 9, and 48/2022, among others), and as SSTC: 58/2018 FJ 7 and 25/2019, of February 25, FJ 7.

A) MATTER OF PUBLIC OR GENERAL INTEREST

One of the criteria required for the rights of freedom of expression and information to prevail is that it is a debate of **public interest**, (*vine.*, among many, STEDH Fedchenko vs. Russia (no. 3), no. ° 7972/09, § 47, October 2) and even though there is little room for restrictions on art 10, the ECtHR recalls, in the Banaszczyk v. Poland judgment, judgment of December 21, 2021, that said article:

*... does not guarantee unrestricted freedom of expression, including with regard to media coverage of matters of serious public interest (Bergens Tidende and (RCL 2015, 1654) others v. Norway, no. 26132/95, § 53, ECHR (RCL 1999, 1190, 1572) 2000-IV). (...)*71. The Court remembers that (...) it cannot be required to comply with stricter requirements than those of "due diligence". In such circumstances, requiring an applicant to prove the veracity of his statements may deprive him of the protection of Article 10 (Braun v. Poland, no. 30162/10, § 50, November 4, 2014, Kurski v. Poland, No. 26115/10, § 56, July 5, 2016, and (RCL 2015, 1654) Makraduli c. the former Republic of Macedonia, Nos. 64659/11 and 24133/13, § 75, July 19, 2018).

Regarding the concept of **general interest**, In the Supreme Court Ruling 572/2022 it says:



. . . That the content of the information was of general interest is admitted and recognized by the plaintiff itself. In fact, it was the subject of news coverage in several media outlets. And the Archbishopric of Zaragoza issued an official statement on November 27, 2014 in which it reported that "given the dissemination of information regarding an alleged harassing relationship between the parish priest of Épila (...) In the same sense, the first sentence instance, confirmed by the appeal, which endorses the reasoning of the former, points out that: "In this case, the public significance of the events that gave rise to the two publications now on trial is undoubted. Firstly, said disclosure and public interest emerge from the monitoring of the information presented in the two disputed articles in the media at that time. The defendant has provided a total of 9 documents with numbers 3 to 11 of the lawsuit in which news is provided on the same matter to which the disputed articles refer, said news was published and disseminated by media such as the newspapers El País, the Periódico, El Mundo, ABC and the Heraldo de Aragón and the television stations TVE, La Sexta, Antena 3 and Canal Sur. (...) Affecting people with public projection due to their status as priests, a profession with public relevance and significance. And since the news refers to an event with equally public significance, such as alleged harassment between a priest and a deacon in a specific parish"; (...) the weighting carried out by the ruling on whether the information has public relevance or general interest (...) is correct and in accordance with reiterated jurisprudence (for all: STC 68/2008; SSTs October 25, 2000, March 14, 2003, July 19, 2004, RC no. 5106/2000, July 6 of 2009, RC no. 906/2006).

Applying these criteria to the case at hand, it is evident that the requirement of public or general interest is met, since it concerns the internal functioning of a religious confession declared to have "notorious roots" in our country, which has been the subject of numerous articles of press prior to the constitution of the Association, which shows that it is a topic of general interest that, from time to time, appears in the written press or in audiovisual reports, and this is accredited in the response to the demand with the numerous documents that show news prior to the constitution of the defendant, which will be reproduced in detail in the following section. It is also clear that the obvious interest aroused by this procedure coincides, since not only have several media outlets attended the trial sessions, but, after the filing of the lawsuit, several television stations have echoed it and have made interviews with the representatives of the Association, as reported by the plaintiff itself in the pre-trial hearing. Currently, dissemination media must also be understood as those through which audiovisual content is created, whether on the "Youtube" website, the "Instagram" social network or other Internet channels.

On the other hand, in a Rule of Law, the possibility of covering up or tolerating crimes or limiting fundamental rights due to indoctrination and the consequences derived from dissent or rupture is in any case transcendent. There is no doubt that this first requirement is met in this case.

B) TRUTHFULNESS

The requirement of **veracity**, that it should not be confused with truth as the plaintiff's lawyer alleges in his conclusions, it must be evaluated by questioning whether there is a total absence of factual elements or not; whether they are value judgments or statements of fact. The former, unlike the latter, are not susceptible to proof (ECtHR Section 3, case of Novaya Gazeta and Others against Russia, Judgment of January 10, 2023 and case of Tolmachev against Russia, no. 42182/11, § 50, June 2, 2020), while in statements of fact it is necessary that a factual basis be present (Redaktsiya Gazety Zemlyaki vs. Russia, No. 16224/05, § 42, November 21, 2017), although a greater degree of tolerance is always required when criticizing public figures, and less factual basis when it comes to a matter of general interest or even, if it had been based on "open source" information, that is, already available to the public (case Novaya Gazeta and Others v. Russia, already cited). It is what in our constitutional law has been called "neutral reporting", echoing news or facts previously published by other media or people.

In this same sense, the ECtHR (Section 2) in the RTBF case (no. 2) vs. Belgium, Judgment of December 13, 2022, section. 69:

*The Court recalls in this regard the **distinction between statements of fact and value judgments**. The materiality of factual statements can be proven; On the other hand, value judgments do not lend themselves to the demonstration of their accuracy, so the obligation of proof is impossible to comply with and violates freedom of opinion itself, a fundamental element of the right guaranteed by Article 10. However, In the case of a value judgment, the proportionality of the interference depends on the existence of a sufficient "factual basis" on which the disputed observations are based: failing this, this value judgment could be excessive (Morice c. France (JUR 2015 No. 29369/10, §126, ECHR 2015, with subsequent references). (Jerusalem v. Austria Judgment, no. 26958/1995, sect. 42)*



The Supreme Court in its Ruling 250/2023, already mentioned, specifies the following regarding the requirement of truthful information:

The appreciation of this requirement is not without difficulties, insofar as the pluralism existing in democratic society is accompanied by divergent visions of social reality. On the other hand, if we raise the bar of information to the level of certainty, the majority of news events could not be disseminated, and, consequently, the right to information would suffer, as it would not fulfill its transcendent function in terms of education. of public opinion. Now, as we highlight in ruling 48/2022, of January 31 (RJ 2022, 1261):«[...]Nor can we trivialize the requirement of truthfulness, which protects against rumor - a voice that spreads among the public - and intuition - mere hunches - which may unfairly undermine the honor of people, which constitutes a right elevated to constitutional status.

*From the above perspective, it has been identified **truthful information with the result of reasonable diligence on the part of the informant when verifying the news in accordance with professional guidelines, adjusting to the circumstances of the case, although the information, with the passage of time, may be denied or not be confirmed. On the contrary, that diligence is lacking** when they are transmitted, as true facts, **simple rumors lacking verification, or mere inventions** (sentences 456/2018, of July 18 (RJ 2018, 2962), 102/2019, of February 18 (RJ 2019, 619); 170/2020, of March 11 (RJ 2020, 760); 29/2021, of January 25 (RJ 2021, 121) and 48/2022, of January 31 (RJ 2022, 1261)).*

*STC 172/2020, of November 19 (RTC 2020, 172) (FJ 7), **nor does it identify the exact veracity of the news, and** This is how he reasons: "[...] it should not be confused that the information obtained and publicly communicated has been verified in accordance with professional guidelines and appropriate to the circumstances concurrent with the institution of the **"neutral report", which consists of the object of the news being constituted by statements from others that allege facts harmful to honor, which are news in themselves.** As such statements, they must be put into the mouths of certain people, responsible for them. The news media must be a mere transmitter of such statements, limiting itself to narrating them without altering the importance they have in the news as a whole because if the news is reworked there is no neutral report. If these assumptions are met, the required veracity is limited to the objective truth of the existence of the statement.*

Furthermore, this court has had the opportunity to point out that the doctrine of neutral reporting or neutral information requires the absence of rational indications of obvious falsehood of what was disseminated (...) (for all, sentences 748/2022, of November 3 (RJ 2022, 4901); 617/2016, of October 10 (RJ 2016, 4957); 378/2015, of July 7 (RJ 2015, 2663) and 472/2014, of January 12).

*FIFTH(...) **The existence of any error, merely circumstantial, does not affect the requirement of veracity of the information.** There are no indications of bad faith. The spread are not mere rumors, since the facts have a proven real basis.*

The Supreme Court in its Sentence 605/2014, of November 3, clearly states that **Errors in the information do not prevent it from being truthful nor do they threaten people's honor.:**

*The requirement (...) is not aimed at demanding rigorous and total accuracy in the content of the information, but at denying constitutional protection to those who transmit as true facts, whether simple rumors, lacking any verification, or either mere inventions or insinuations without verifying their reality through the appropriate investigations of a diligent professional, this is understood without prejudice to the fact that their total accuracy may be disputed or circumstantial errors may be incurred that do not affect the essence of what was reported (SSTC 6 /1996, 28/1996, 3/1997, 144/1998, 134/1999, 192/1999, 53/2006.) **erroneous statements** They are inevitable in a free debate, in such a way that if the "truth" is imposed as a condition for the recognition of the right, the only guarantee of legal security would be silence (STC 6/1998 F.5). Therefore, the veracity of information can in no way be identified with its "incontrovertible reality" since this would constrain the communication channel only to the facts that have been fully demonstrated (SSTC 28/1966F3; 2/2001 F.6) the object of its evidence are not the narrated facts but those facts, data or sources of information used, from which the verisimilitude of the narrated facts can be inferred.*

*Veracity must be understood as the result of the diligent activity displayed by the communicator in verifying that the information he intends to disseminate corresponds to reality, even if, finally, it is demonstrated that said information is not exact. **and may even turn out, after the judicial or investigative process, to be false.**" (STS February 4, 2009). (Bold highlighting is not original)*

The defendant is an Association that brings together people who belonged to the religious confession of Jehovah's Witnesses and whose purpose is to inform, as stated in its Statutes, of practices that the Association considers to be contrary to the Spanish legal system or harmful to people. Freedom of information, given its objective of making facts known, when it involves the transmission of



news that results in discredit of the person, in order for it to prevail over the right to honor requires that the information meets the requirement of truthfulness, unlike what happens with freedom of expression, which protects the expression of opinions, although they are not exempt from a minimum factual basis. All the people who are part of the Association have been Jehovah's Witnesses, so they assure that their own experience is proof of the factual statements they make, and they are not mere rumors or suspicions.

This judge understands that in order to contextualize all the testimonies given during the trial, they must be reproduced in detail, without giving up a certain length, despite the effort put into its summary; and it is clarified that the burden of proof, regarding the requirements examined in this Fifth Foundation, falls on the party that affirms its primacy, in accordance with the criteria established in art. 217 of the LEC.

The first witness provided by the defendant was **Mary Angels**, who declared that he belonged to the Jehovah's Witnesses confession since he was born and, in fact, still was. He said that, when he was a minor, he suffered from anorexia and the elders told him that he did not value the life that Jehovah had given him and that this was very painful for him; that she suffered sexual abuse at the age of 18 and had just turned 18 and about eight or ten years ago she commented on the fact that she had kept a secret and of which she was not sure, but she believed that she had been raped and that, when she told it for the first time, had not yet reported it because the elders always told them that ordinary Justice was worthless because the only justice that works for them is that of Jehovah. During all those years she suffered a lot, but she remained silent until she told her husband Gervasio, also a Jehovah's Witness, who recommended that she tell the elders and she confided it to Luis Andrés, Luis Enrique and Juan Manuel, who asked her numerous questions of an intimate nature, such as: if there were preliminaries, what had happened to her, who had taken off her clothes because if they had taken them off, it was no longer rape, if there was oral sex or penetration and where. One of them, Juan Manuel, left the room embarrassed because he found the interrogation obscene and unpleasant. The other two, however, told him that they had to know everything to determine if he had been a victim or not. She revealed that in this meeting with the elders she felt like she was raped again and that she heard how they argued again about her act because they said that if she had taken off her clothes she was an accomplice and she would have to undergo a judicial committee; In the end they told her that they were going to think about it and in a week she would be informed because they would talk about it with Betel Spain. The witness continued to relate that during that week she suffered a lot, it was horrible for her, she hit the wall because she was also sick with anorexia, and, since they told her to leave it in the hands of Jehovah, she did not go to the legal authorities. After a week, they told her that they considered her innocent, but when she told them that she planned to denounce him, they insisted that she leave him in the hands of Jehovah; Then she asked them if she would be more worthy of Jehovah, and they answered that she was. During the years that it took her to report, the elders, whom she considered her family, met with her several times, three or four, and they repeated to her that she was being very brave to leave herself in the hands of Jehovah and recommended that she continue preaching, but she felt persecuted, and they asked her if she was going to end up reporting; Her parents also asked her because the elders told them that, if they supported her in reporting her to the civil authorities, they would take away her privileges. It took her about three or four years to report it and, finally, she reported it in 2017. She continued saying that her husband understood that she had not arrived at marriage as a virgin, instead of understanding that her virginity had been stolen. ,

She continued by saying that, when she decided to legally separate, the elders visited her again to make her desist, that she had to continue with her husband to do Jehovah's will; that, upon separating from her, the elders understood that she had a relationship with a widowed friend, named Belarmino, which was not true; that two Jehovah's Witnesses (Amalia and Amadeo) followed her in her car; that if any of her siblings saw her having coffee with this friend, who was also her witness, they would tell her that she was dating people of the opposite sex. She then appeared at the Bethel headquarters with Belarmino and Belarmino's parents for this persecution, and the elder Luis Enrique told her that they had the obligation to make sure if she was committing a serious sin, to which she responded that she did not do so. nothing bad, because at that time Belarmino and she were just friends, and she reproached them for their attitude, because they knew how much she had suffered. Three men in the confessional told her to write a letter telling her story more calmly and she wrote fourteen pages; Then she answered that they were sorry for what she had experienced, but that she did not have biblical authorization to date a man because she was psychologically weak and her heart *it's treacherous*.

The deponent continued by stating that the only thing she had suffered in the Jehovah's Witnesses was the violation of her rights, that they made her feel humiliated for not being authorized to deal with men and that some Jehovah's Witness brothers who sent her messages saying that they had seen her; She even had to start recording conversations with her own father who told her that some Jehovah's Witnesses, like Celestino and his wife, told her that they had seen her with Belarmino, since they followed them to the DIRECCION012 Farm, and reproached her for not valuing the sanctity of marriage and that "either she confessed or they spoke."



In relation to his attacker, he commented that in Caramena they did have a judicial committee, but they concluded that it had been consensual, and his attacker was not accused of rape but of adultery, since he admitted to the sexual relations but consensual and not the rape; that she had no witnesses, since the events occurred when her co-worker was absent and her abuser closed the door; He then only suffered censure because he said that everything had been consensual and he could continue going to the congregations. About fifteen or twenty people were informed of all this although she never knew how they found out; On the other hand, the elderly Eugenio, Luis Enrique and Luis Andrés pressured their father to try to fix things with the aggressor, telling him that this would please Jehovah and he even told his father one day "that his daughter was very old." to know what he did, and he liked what he did. When her father told him that she had had coffee with him, she reproached him and her father, resigned to her, said "what am I going to do, daughter?"

This witness also said that she was the subject of a judicial committee just for dealing with Belarmino, in which they asked her what she was doing with him, if they had had sexual relations, if she had feelings for him, but she denied everything because they were just friends. ; Even so, she was censured, which meant that her other brothers could have a "certain relationship" with her, they could talk to her about her, and she could continue in the congregation, but she could not access privileges. Her parents, with whom she had returned to live after their separation and who were terrible and treated her fairly, were harassed to know if they supported their daughter, since the other members of her family had stopped having a relationship with her. because there were suspicions that she was related to Bellarmino, who had been expelled in a judicial committee for his friendship and for supporting her when she decided to denounce the civil authority, since the elders pressured him not to support her, as they also coerced her parents. , to those who said they were all going to be expelled. The witness believed that she did not recover from her illness because her parents did not help her, and her sister and her niece had suspended their relationship with her when she divorced, and after the divorce she and her ex-husband agreed that she would stay at home. She suffered and suffers a lot psychologically. *because everything is very hard, because they monitor your life, they put you in a room and tell you that you are not doing things right, because they speculated that I had a romantic relationship with Belarmino, and I haven't heard from my family for years..* Her father showed up at her business, a herbalist, two months ago and told her not to call again because they were going to form a judicial committee against her; She said that she was sure that that same afternoon after the trial they would call her parents to tell them that she "had thrown Jehovah's name into the ground." And she admitted she was very afraid of completely losing her family because she was going to be kicked out of it. Regarding her current situation, she stated that she changed congregation to one in Toledo, but since they published on the platform of the new congregation that had been censored, no one treats her and she is as if inactive, "she lives her life."

In reference to the consequences of an expulsion, he assured that they stop having contact and talking to the expelled people, that if they want to be readmitted, the elders let them know that in the meetings they must sit in the last benches and, in addition, there are You have to arrive just when the meeting is going to start to avoid the moment of greetings and you have to leave when the last word is said, *Amen*, and they cannot pray publicly. They didn't talk to her either, as if she were censored, and she felt like someone who was plagued by the plague; They also behaved like this with Bellarmino and her daughter, since an expelled person cannot have a relationship with anyone. Her brother-in-law, Ignacio, was expelled for smoking about seven years ago; He first denied it, then told the truth, they expelled him and, when people came to his house, his brother-in-law went to the kitchen because he could not have dealings with them since he was expelled. The deponent says she knows about seven or ten people who have been expelled and that, when they returned to the Kingdom Hall for readmission, the procedure was identical.

Regarding the readmission processes, she said that Belarmino tried to be readmitted and for two years he went to the Kingdom Hall every week and took his parents to preach, but she saw that they were against Belarmino. *wolves against a sheep.*

He assured that Jehovah's Witnesses are under the orders and guidelines of the Governing Body of New York, that the spirit of the Governing Body gives the instructions to Bethel, and Bethel to the rest of Spain, but that the Governing Body writes them and those instructions are read in every Kingdom Hall.

As for the Association, he stated that it had been helpful in telling it; that when he reported the abuse of him, there was secrecy of the summary, that after three years they went to the Criminal Court in Toledo; that his case is known in the Association and has received a lot of affection in it; that both before and now, in the Association she has met many people who have gone through the same thing as her; other victims of abuse were also told not to report so as not to tarnish Jehovah's name; that they also told them not to read the news, that that was apostate; that when someone does something that an elder has said is not right, that person is considered an apostate; that they had to keep the apostates away from their lives, otherwise, it was like being close to the devil and, although he did not feel hatred towards those expelled or apostates, when he saw them he did feel resentment towards them because he thought they were going against Jehovah; and if they have dealings with any apostate, they warn that they are going to make a warning speech in which they exhort the entire congregation not to have dealings with them.



some people; If you don't pay attention, they remove privileges if you have them and, in the end, expel them. He further added that, if the commission of a crime is known, it must be told to the elders because they are more righteous than earthly judges who are not Jehovah's Witnesses; Failure to reveal an evil or sin is cause for expulsion.

He also assured that treatment with expelled cohabitants is different than with non-cohabitants: *with those who are at home, the treatment is fair: hello and goodbye; no telling something personal like if I have worked, if I have gone out, if I have come, etc.: no, no going out to lunch or dinner or sports activities with an expelled child because if other Jehovah's Witnesses see you they will give you a warning; When it comes to your family, what happens at home stays at home, but your husband has to understand, if he is expelled, that he has done wrong so that he feels pressured and wants to return to confession.. The absence of treatment is done so that that person realizes his mistake.* He continued by expressing that there is no relationship with non-cohabitants and that this ostracism generates mental disorder, because he knows that there are many people who suffer: Belarmino, for example, was on sick leave; and he added that he had seen a news story in the newspaper about a young woman in Valencia who wanted to commit suicide due to this breakdown in family and social relations, and Nicolas' sister also suffered from it, that is, there are people who have told him that they have wanted to commit suicide. commit suicide, but suicide is a serious sin, as is anorexia. When she told them that she self-harmed, they replied that that cannot be done because life is sacred, it belongs to Jehovah, but she had never heard of any "Anti-suicide Protocol"; Self-harm, cutting yourself, jumping out of the window (ideas that she claimed to have had) are considered to deprive you of going to paradise.

In relation to homosexuality, he stated that it is also a cause for expulsion, and transsexuality, a situation that his cousin Remigio has experienced, who was born a woman, they did not allow him to be baptized and he ended up harming himself: he cut his breasts. Since homosexual relations are totally prohibited, anyone who knows of any case has to report it to the elders. To her; Since she suffered from anorexia nervosa, they delayed her baptism. He also said that women cannot pray in public or give public speeches of religious content, an activity exclusively for men, nor can they be ministerial servants, which is a position prior to elder, and even less elders, but they can be "precursors." that is, preachers, and do assignments and simulations through which they learn to preach. If when studying the Bible at home with the husband there is a need to pray, the woman has to cover her head with a veil as a form of submission, even if the husband is not present in the same room and even if he is not a Jehovah's Witness; If he is not in the house, she does not need to cover herself;

The man is the head of the family and, if married, he is the husband; maiden or once separated, the father is, that is why when she got divorced, they required her to be accompanied by her father at a meeting, she could not go alone, and, on the other hand, when a cousin of hers had a problem with her, He dealt with it with his father instead of with her, who was already divorced. Women are inferior to men on many occasions; When they forced her to talk about her rape, she had to do it in front of her husband, since her authority lies with her husband who cannot be criticized publicly, if only privately; You can give your opinion but the one who ultimately decides is the husband and that is how it has been done: "in private I tell him that A, if he decides B, in public what my husband decides."

Regarding the complaint of abuse against her ex-husband, the witness said that the elders told her that they believed that the marital separation was not due to abuse or because her husband had "became equal to the rapist", but because of the relationship with Belarmino, and that she had than to continue with their marriage and leave everything in the hands of Jehovah; that she had to understand that her husband also suffered from it, so she came to ask her then husband Gervasio for forgiveness for having been raped. She was also told by the elders that if she reported their mistreatment, she would be staining Jehovah's name.

Although she asked him to go to therapy together, her ex-husband did not want to and told her to leave it in the hands of Jehovah, that going to the psychologist was a worldly idea, this is what the elderly Luis Andrés had told her, because although it is not prohibited, It is not openly recommended either and if she goes, it has to be to a Jehovah's Witness psychologist, she went to one called Elvira.

The witness also stated that higher studies are discouraged because they prevent her from dedicating all her time to Jehovah and that she knew a young woman, Gregoria, who was studying, but was repeatedly told to go preach; She got a similar response when she bought her herbal business, because they told her that it would take away her time to go preach or attend meetings, which they are obligated to do and for which their monthly hours are controlled, which they write down in a record for , if you preach little, encourage you to be more active and, if you don't preach, you are considered "sick", lost in the spiritual sense and "inactive." ; who is not treated equally; In fact, she herself did not interact as she used to with her sister and her brother-in-law when they stopped preaching. She confirmed that she felt totally victimized by the Jehovah's Witnesses and that it is a destructive sect that violates the fundamental rights of its members.

When asked by the plaintiff's lawyer, she clarified that she met Nicolas a few years ago, that she does not know how he got her phone number and that he called her after reading an interview of hers, but that they did not speak on that call.



precisely about the Association, of which she did not know the date of constitution. The conversation with Nicolas was about their respective stories, and he told her that he had learned of her problems and anguish and encouraged her to both fight to overcome them; She also talked about other people and he told her that she could contact him for whatever she needed, an attitude by which she felt protected and stimulated.

She confessed that until recently she had had almost no contact with the Association, but that, even if one remains silent for a long time out of fear, in the end it is necessary to speak and tell what she experienced, and that, when the Association's lawyer called her, he succinctly told her his story. She also thought she remembered that Nicolas could have provided her with the form so that she could participate as a victim and that he also provided psychological reports.

Asked if in DIRECCION003 she had reported an elderly man, Efrain, she nodded and explained that she felt coerced because that person lived in her area and followed her with a car, and, nevertheless, she was acquitted, but that she did not lie and that she did not appeal due to exhaustion.

She also admitted that, in the letter sent to Bethel and presented in the case, she acknowledged that her husband Ismael was told "that he had to react to do things right," but she said at the trial that they later added that those words were badly said. She does not blame anyone for her anorexia nervosa, which she has suffered from since childhood, although the elders accused her of not caring for the holiness of Jehovah when she was sick, but she, despite everything, relied on Jehovah in whom she continues to believe, and does not in the elderly.

When asked by the Public Prosecutor's Office, she explained that, when they indicate that the announcements of censorship, accusation, disassociation or expulsion are made on the "platform", they mean that they are made in a room similar to the court hearing room, a room with capacity for approximately one hundred people, with a microphone and in the presence of the congregation. He went on to relate that, when the congregation changes, the personal records are transferred to the new one and the elders of this one are aware of the career of that person, the hours he preaches, etc., and they do not usually ask for consent to reveal all that information. When she changed congregations, the new elders were already fully aware of her past without her having given her consent, and even so, they told her directly, and they let her know their guidelines, which are recommendations, such as "try to do this, because Jehovah will be happier or don't talk to those people because they are not well regarded"; Prohibitions, on the other hand, usually have consequences if they are not followed; not speaking with those expelled is a prohibition.

He pointed out that one should not have friends outside of Jehovah's Witnesses because there is doubt about what worldly people can contribute, since they do not believe in Jehovah and that is not the best for them. He barely had a relationship with her coworker because she was "worldly," and now she is like her sister. "They give you a lot of noise with recommendations that you not have contact with worldly people at first, until they tell you that this cannot be," and the harassment begins with meetings in rooms "because they tell you that they are going to incite you to take drugs and drink." "

Regarding her situation in the Jehovah's Witnesses, she stated that about five years ago she stopped attending meetings, but she has not been expelled, although she reiterated that that same afternoon they would call her parents announcing that she was going to have that sanction; that she has not left the confession voluntarily because she continues to serve Jehovah in whom she continues to believe, but that since, emotionally, she was going to die, she could not continue in that organization, that she is "in limbo"; that, although she is not officially expelled, she knows that they tell others not to associate with her, that she lives in ADDRESS003, but she is going to have to move because Jehovah's Witnesses turn away when they see her and treat her rudely and this behavior affects their parents. She sees her mother when she visits her at her herbal shop and nothing more than her, and when she calls her, if her older sister is in front of her, her mother does not see her. can attend; Since she has not yet been expelled, her mother maintains "this thread of speaking to me punctually", but she cannot interact with her, such as going shopping or going to the park or anything similar, since she tells her "it can't be, daughter", in reality, they already treat her like someone expelled.

The second of the witnesses, **Leoncio**, He reported that he was expelled in 2021 for allegedly having had sexual relations with another Jehovah's Witness residing in the Philippines, which he repeatedly denied.

On this topic there were many meetings on February 3, 4, 6, 18 and 28, March 11 and April 10 in 2021, in addition to telephone conversations and messages by email, Messenger, ADDRESS004, as well as demands for a series of proofs, that is, proof of flights to the Philippines, hotel reservations in separate rooms and receipts for these to confirm whether the use had been single or double, all of which he provided the corresponding supporting documents.

In those meetings led by different elders, which lasted from one to four hours and that the witness recorded and are recorded in the procedure, both those held by video calls and those in person, the questions were repeated over and over again and, although he denied the facts From the beginning, they repeatedly insisted



to cause him to confess that he had had sexual relations with that sister, since she said that they had existed. He stated that he felt so pressured by them that one night he had to go to the emergency room due to an anxiety attack and, despite that, the next day, Saturday and knowing what happened, the scheduled meeting was kept; Later, he visited the psychiatrist Dr. Oscar de Zaragoza.

The witness assured that the elders knew of his psychological situation because he was undergoing medical treatment for having had self-harming ideas, about which he had sent them the appropriate reports; In fact, the video shows that they asked him about his state of health and spirit, despite which, they insisted on him in the meetings and pressured him to confess. His anxiety was due to fear of being expelled, which entailed a "family and social death." He was especially concerned about the family, since he would lose his family and most intimate friends. And, indeed, after his expulsion he lost all that emotional relationship; He already knew this consequence of the expulsion, since in 2018 he was also expelled and until he was readmitted he lost all relationships with lifelong friends and with his Jehovah's Witness family members. He explained that the 2018 expulsion was due to the fact that, without being biblically divorced from his ex-wife - although he was civilly divorced - he had a relationship with another woman. Already during the first expulsion he had suffered a psychological disorder and needed to take antidepressants because he went twice a week for seven months to the Kingdom Hall to be admitted again. During that time the last one entered and the first left and no one spoke to him, not even a hello! even. It is also not possible for an expelled person to participate in anything in the congregation, only to make an appearance. The prohibition of associating with an expelled person is something known among Jehovah's Witnesses and there is no need to report it. In fact, in the online library of the religious magazine *The Watchtower* of 1971 it was already explained that saying a simple hello! It was considered the first step to establish a relationship and friendship and that is why the relationship with all those expelled is strictly prohibited and cut off, although it is different when there is coexistence with minors, since the parents have to continue supporting them, but they exclude them from *spiritual life*; If the child is of legal age and does not live together, the relationship is broken and could only be had when there is a need, it is reduced to what is essential and they cannot create excuses to meet. The deponent says that he knows people who during the readmission process have been psychologically treated, but he has not met any of them with suicide attempts nor does he know of an anti-suicide protocol and suicide is not acceptable before God and, consequently, it is not done. religious service for suicides. He did claim to know of cases of judicial committees for alcoholism, smoking and other drugs, marijuana, for example, or for homosexual practices, for which they are also expelled. Furthermore, he stated that he continues to be treated with antidepressants and anxiolytics and that he goes to therapy specialized in sects, where they assure him that his state of mind is the cause of this whole situation.

Regarding the convocation of judicial committees, he stated that they usually give three or four days' notice and there is no time to prepare it, nor do they report the evidence presented and he assured that he sent a burofax from his lawyer requesting to accompany him, but he did not receive it. allowed.

Regarding the defendant Association, he stated that he met it through DIRECCION000, that he follows it and reads what it publishes and that it has helped him to know that there are many people who are victims of the actions that Jehovah's Witnesses carry out against people who they understand do not belong to them. the confession; and that, through the Association, members tell their experiences and are interested in how each person experiences their situation.

In relation to sexual abuse, he said that he realized, about twenty years ago, that a friend of his did not relate to another brother in the congregation, and one day he told him the reason: that brother had abused his little sister; and that case, which only the elders knew about, had not been reported to the authorities so as not to tarnish the name of Jehovah, because if the problem can be fixed within the Christian congregation, it would be better than revealing it outside. The abuser was not expelled from the community and the community did not report him because he understood that he was not the one to do so if the family had not wanted him.

As for reading the press, he admitted that only if it is done secretly can one read news contrary to Jehovah's Witnesses, that he did read about the Royal Commission of Australia and the case of the young Candance Conti, but he could not say it; He also could not talk about the program that La Sexta broadcast, because "they can accuse you of being an apostate and expel you," since it is like going against confession, and that is what is said in publications, meetings and assemblies; even a member of the Governing Body had said that the news is always manipulated and, therefore, a Jehovah's Witness did not have to read it because this information comes from Satan and the person who finds out that someone is watching that type of news has to Let the elders know that, as a warning, they can remove privileges or make a public accusation or even expel the transgressor. Elders should also be informed first if any cases of sexual abuse are known; and if a member of the confession knows of the commission of a sin by another member and, after speaking with him, does not come to confess it, he becomes an accomplice to the sin; and this is learned in meetings, assemblies, publications, etc., since hiding a sin is another sin.



Regarding the role of women, he assures that the organization is highly patriarchal and sexist because it is said in one part of the Bible that "the man is the head of the woman"; that they do not allow women to teach men or exercise authority over them nor can they hold any position of responsibility nor be ministerial servants nor responsible for any department nor can they pray in public; and in meetings they can only wear skirts. He added that he knows a woman in Valencia who, when she told the elders about the abuse suffered by her partner, they told her that she had to remain a loyal and submissive woman to her husband.

In consideration of university studies, he confirmed what was explained by the previous witness, stating that pursuing higher education is something that would have a negative effect on the person, since, if one does not preach for six months, that person is considered *inactive* and we must reduce contact with her, we must avoid it and not invite her to lunches, dinners or social events, "because preaching a lot gives status."

She also stated that she felt like a victim of the Jehovah's Witnesses, since they had caused her a lot of harm because she had not seen her nephews, aged 17 and 13, for 587 days, without being able to talk to them or hug them or celebrate anything with them or her sister. ; and she considers confession to be a destructive sect, which carries out control and indoctrination.

When asked by the plaintiff's lawyer, he stated that he did not go to his judicial committee because, as his lawyer claimed in the burofax, his rights to privacy and freedom were being violated, since he was under threat of expulsion, also against their religious freedom, their moral and psychological integrity and against data protection. Nobody forces you to go to a committee since expulsion occurs anyway.

Asked about his emotional state, he clarified that, although his medical report does not say that the cause is his expulsion from the Jehovah's Witnesses, it does coincide in time; that in his family not everyone was a Jehovah's Witness and he has always said that, during his childhood, not celebrating birthdays or Christmas or other "worldly" holidays did affect him and also his father, who was not a Jehovah's Witness. Regarding his baptism at the age of 17, he explained that almost a hundred questions are usually asked about the beliefs and principles of Jehovah's Witnesses. We know what sin is but not its intensity because we do not have access to the book *Shepherd the flock*, which is confidential and can only be read by the elderly. It is reaffirmed that they are indoctrinated so that they do not pursue higher education, but that a minimal part do dare to do so; However, they very often say that the university is an instrument of the old world, referring to a *Watchtower* of the year 1956, and specified that in *The Watchtower* On January 11, 1992, it was said that "the decision must be made after carefully weighing it in prayer and others must not criticize it", which is also done today. Although this is a supposedly personal choice, in the book *Shepherd the flock* It is said that if a family member undertakes university studies, the elders have to examine his way of life, whether he puts his studies first, whether his words and behavior reveal whether he is spiritual, whether he regularly attends meetings, or university studies are interfering with participation in services, so the witness understood that all these questions coerce a person when deciding whether a brother, wife or children want to study at university.

Discussing the expulsion again, he reiterated that it is not true that it is about limiting the relationship with others depending on the circumstances nor is it a decision of conscience, but rather it is an order that must be followed, that personal relationships must cease, and This has happened on the two occasions in which he has been expelled: all relations with him were cut off.

When asked by the representative of the Public Prosecutor's Office about the public accusation, he explained that it occurs when the elders have decided that the evil has been committed and, with repentance, they do not expel the person, but a private punishment is imposed or assigned to another person with a good reputation for support and pastoral follow-up; If they decide, however, that he is not repentant, there will be expulsion. The person assigned to the repentant will be an elder or ministerial servant if he is a man, an elder's wife or a regular pioneer if she is a woman; In both cases, their privileges and responsibility are restricted and, if they consider that this sin deserves a public accusation, the platform will say that "such a person" has been identified by the body of elders, and it is advised not to have much relationship with them. that person, who cannot pray or do certain things, but who can be spoken to; However, she will not be invited to a party or outing to the countryside to have fun, and this will be the case until the body of elders decides: then it will be announced that the pointing has ceased.

The third testimony was that of Onesimo, who explained his voluntary abandonment of the Jehovah's Witnesses religious denomination, since he disassociated himself after writing a "resignation letter", for which the treatment he received was the same as that of an expelled person. He related that the main reason for his decision was to discover how the elders understood and managed the abuse that his mother suffered from his father, who was not a Jehovah's Witness. They read passages from the Bible to his mother and told her that she had to endure it so that one day his father would become a Jehovah's Witness. He had witnessed how his mother told the old Candide and the



ministerial servant Fructuoso already deceased, that his father beat him and that his mother never beat him because it couldn't be done, everything was forbidden, they were always told to leave it in the hands of Jehovah. He did not denounce it because he believed it too, that's how he had learned it, but now, with the perspective of time, he sees it differently.

Regarding sexual abuse within the congregation, he stated that, when he was 20 years old and a ministerial servant and regular pioneer, a sister, who was 21 years old, told him that an elder had caressed her inappropriately; Then he asked her if she had asked for them and the sister answered that she neither asked for them nor wanted them, so they both concluded that revealing it would not have much effect on the congregation, so they went to Bethel directly, where they asked for their names. and congregation. A well-known old man came out, named Herminio, who, pointing his finger at the young woman, told him to "stay away from that old man", to him not to tell anyone and to both of them to leave him in the hands of Jehovah, which they interpreted as an order; On the way back they said little, except that they told each other that the trip to Bethel had been of no use. The witness explains that he did not report the matter because he believed what they were told, since they constantly instruct them that they should not report it, that everything must be discussed within the organization so as not to tarnish the name of Jehovah; That's why they were afraid of being singled out, of losing privileges if they reported him, and of tarnishing his name. However, despite not reporting it, months later he was dismissed as a ministerial servant, perhaps for bypassing the elders and going directly to Bethel. In this case they made it like a judicial committee, since there was a meeting with the "circuit mayor" in which the main argument was that there were not two witnesses, a rule that is maintained despite having told them that an abuser always does it. I would do it secretly. The two-witness rule is an interpretation of the Hebrew Bible from three thousand years ago, and he considered that it has evolved and that victims must be protected, since it will always be done in secret. He never had anything to do with that sister again and he does not know the reason or what happened to her.

Regarding the consequences of his resignation, he assured that since his relationship with his family was already complicated, when he resigned he went to live in a shared apartment and that he played paddle tennis with his son Francisco; But one day when she had reserved a court for the game, his son told her that she could no longer play with him because he no longer lived with them; So he told his son to ask the elders why he could receive money from him but not love from him. And he hasn't seen his son for more than ten years, the witness said, and that he didn't invite him to his wedding, but he did invite his grandmother's abuser, and that he didn't have a relationship with his daughter either. relationship.

And continues. When the elders announce a resignation or a disassociation, those present already know that they cannot have dealings with that person and since then their family and friends break off the relationship with them, who is left alone from one day to the next, since they are conditional friendships. . The witness says that due to her estrangement from her family, she continues in therapy, which she started eight years ago, and although there are many factors that make it necessary, this has greatly influenced her. She was born in a family where she was abused: "at 3 in the morning my drunk father came and my mother, I was 18 years old, put me in the middle so I wouldn't hit her." He then explained that what she experienced in the American corporation of Jehovah's Witnesses, the social death of her son and the management of that sexual abuse entail some imbalances that must be healed; She always feels guilt, fear of being destroyed, "you have to deprogram yourself and then another person appears inside you who accepts yourself and that's how you move forward."

In relation to autolytic ideas, he admitted that he did not know anyone who had had them and that neither did he, because "he doesn't throw in the towel", and that he wants to hug his children again, although he knows that if they or other friends talked to him , they would be pointed out or seriously warned.

He stated that he had visited the Association's website and agreed with what it said, but with other nuances due to his experience, and that he feels like a victim of Jehovah's Witnesses.

He also assured that the confession is under the guidelines of the American Governing Body, which is what they say, which is pyramidal: everything comes from there and is communicated to congregations around the world.

As for not being able to read negative news about confession, he described it as a prohibition and not a recommendation because there are negative effects of non-compliance: you can be pointed out and, if you persist, expelled after a judicial committee, with the social death that this entails. And in case of reporting a criminal act, he stated that "everything remains within the congregation" and, in this regard, he recalled an elder explaining that, if a car broke down, it was fixed between brothers, but if the author was a "worldly", then it could be reported. He is also advised that, if a Jehovah's Witness commits a sin, he should report it to the elders. Once the deponent came across a brother who was smoking, and, according to the method to be followed, he had to first tell him that he had seen him smoking and "you know what you have to do now, you know that, if not, I have it." what to say"; If it wasn't done, the person who smoked would have as much blame as the person who saw it and kept quiet. This person continued smoking and abandoned the confession.

He described that when faced with expulsions from his congregation he did not feel sorry or anything, since guidelines are obeyed. He once regretted that a person was expelled because afterward he went to the meetings for a long time,



He arrived three minutes after starting so he didn't have to greet anyone and so that no one would make the mistake or be tempted to greet him. He felt sorry for this behavior, but he obeyed imposed guidelines: "they are completely ignored," as if they were not there; If he sat next to another Jehovah's Witness, he would not get up or speak to him; That is why it was recommended that they sit at the end.

Regarding the suicide, he admitted that he had no news of any anti-suicide protocol and that he had heard about the case of Nicolas' sister; He did know that a member of the Governing Body, Millán "I don't know what" committed suicide because they left him out because of his homosexuality, since it is a reason for denying baptism or, if you are already baptized, for expulsion.

As for women, he assured that their role was secondary, since they do not hold positions of responsibility, since "the man is the head of the woman" and whoever has the authority of the family, because "the head of the woman is the man, of the man is Christ, and of Christ, Jehovah God."

He reiterated the effects of not preaching and the rest of the statements already indicated by the previous witnesses.

He stated that he considered himself a victim of the Jehovah's Witnesses and that it is a dangerous and destructive sect for the family and health.

Asked by the plaintiff's lawyer, he admitted that he also has no dealings with the family that is not a Jehovah's Witness; that since childhood he grew up in a Christian home and when he was baptized they asked him about beliefs, principles and morality, very indoctrinating questions and he clarified that now he sees everything differently and perceives that in confession one has more loyalty to the corporation than to God; He reads the Bible with another perspective, it does not condemn homosexuals or sexual relations: the Bible supports everything. There are many very different Christian religions and different ways of living the Bible. When studying to be baptized, they teach that a person can be expelled, the theory is known, but not so much emphasis is given to it, then the practice is very harsh: for changing one's mind one receives a very severe punishment.

About the magazine *Wake up*, of March 8, 1993, which says that the victim must be comforted, ask for practical help and call the police as soon as possible, indicated that the content of the magazine was that, but the reality within the confession was not, that on a day-to-day basis that is not done; For example, when there is vandalism it is rare that it is not reported, but in the case of sexual abuse it is expected that the branch will report it.

He admitted that the family relationship was very difficult: his wife was sick, suffering from fibromyalgia and the children were teenagers when he left home; The family unit was falling apart due to the bad relationship, which was for several reasons, including a lot of tension. When he left home he was "inactive" and, although that was not grounds for expulsion, he later resigned.

Regarding the investigation into sexual abuse in Australia, he stated that he learned the news on the Internet, not through the Association, and that not only Jehovah's Witnesses were investigated, but also other religions; and that his son does not have access to that type of information.

Regarding the judicial committees, he stated that until recently the "Ecclesiastical" committee was not included, as legal professionals do not participate.

When asked by the Public Prosecutor's Office, he stated that before knowing about the existence of the Association he already felt like a victim and that he only has a relationship with one person in the Association. As a result of the pandemic, he discovered on social networks, he saw it on DIRECCION013, what Jehovah's Witnesses consisted of, he understood where he had been for so long; and through the testimony of many people, he relived everything, but not on the Association's channel, but in other videos. From the Association he only heard a video with a short talk about the foundation and later, when the lawsuit began. In that talk, mention was made of social exclusion, the insensitivity with which sexual abuse is treated, what he experienced with his mother, and how he endured the mistreatment of his father.

The fourth witness, **Maria Ines**, She declared that she had stopped being a Jehovah's Witness twenty-seven years ago, that she was expelled as an "unrepentant fornicator and unsubmitive rebel," which was not true; that, although a few months ago he had tried to commit suicide, for which he had had his stomach pumped at DIRECCION005, he was psychologically unwell because he had been suffering from depression for some time, and he regretted what he had done wrong, nothing serious, since they were only signs of affection and there were no sexual relations. Despite wanting to continue being a Jehovah's Witness, she was expelled for that; and although she told Luis Miguel, Remigio, Pedro Francisco and Pablo Jesús, she was still expelled, because they told her that the suicide attempt did not justify the sin of fornication, since any physical contact was a sin, and that the suicide attempt was in fact another sin for which she could be expelled.

On the other hand, she had doubts because she saw that there were things that did not fit with the figure of Jesus Christ, who was love, who was with the marginalized; that one thing was what they taught and another thing was what they practiced,



and that she asked for spiritual help, because she wanted to be a good witness, but she felt that she was not because she had critical thinking and for them it is rebellion, it is insubmission, which caused her a lot of pressure.

She explained that after her expulsion she felt very bad, she did not love herself, because she had failed her family, her community, because she was not capable of being a good Jehovah's Witness; that she didn't want to see herself out of confession and alone because she didn't know anyone and she was almost 25 years old when she was expelled from it. They never recommended that she go to a psychologist because that showed that she was spiritually unwell. She appealed the expulsion with a letter in which she begged not to be expelled, that she was sorry and psychologically bad and wanted to do things right, but in the appeal committee the old man told her "I don't know you at all, I trust what the elders who know you have decided, and, according to what they have expressed and according to what they say, you have a tendency to repeat that sin, and what I see is that you are *yeast*", which meant that he provoked the brothers to sin.

He explained that, since he wanted to re-enter, he attended the meetings for more than a year, without missing any and being very humble, and related the same thing already described by the other witnesses in the readmission processes regarding the meetings: arrival, departure and also without dealings with anyone during the time she was expelled. Since she had no friends outside the congregation, for more than a year she was asking her assigned elder, Luis Miguel, how long it would take until she would be readmitted and he told her longer, so she went to London and started in a Spanish-speaking congregation, but they could not readmit her either, since they had to request her history from her congregation of origin and contact the Spanish congregation, although she could attend the meetings. Since it seemed humiliating to her that they keep her history in a sealed envelope, that they have access to her life, she stopped trying.

He reported that, today, he has a recognized disability and psychological disorders; that not having family contact has affected her greatly, since her sister lives next to her and they have no relationship, she does not know her daughter, who was born when she was no longer a Jehovah's Witness, that her doctor has told her that fibromyalgia is related to all this that she has experienced, that due to ostracism she has been alone, without emotional support, she has not had anything to eat or know what to do, she had no skills, she saw everything badly, her self-esteem was at rock bottom and she was afraid of Armageddon, at the end of time, because it was going to be destroyed. She went on to say that she was only able to attract one man, who mistreated her; which was not good until seven years ago when he dared to open a social network, which was very frowned upon, and he opened DIRECCION000 and listened to a member of the Governing Body who resigned, how they met, that the regulations were for the control of people and not by the Bible, and she thought that if he, who had been at the top, believed that this was not biblical or Christian, she was not so bad outside of the Jehovah's Witnesses. Later she met the Association, which has been useful for her as emotional support. Several people have told him about childhood sexual abuse on social media, and through the Association he is learning about more cases in which they were told that "it must be left in the hands of Jehovah", that the first thing to do is discuss matters with the elderly, who are responsible, because everything is a sin, and, if it is not done, it is pointed out, there may be censorship and privileges are lost, and they leave you aside.

She also said that a neighbor was expelled, but that she continued to talk to her when she saw her alone, not in public, because they could take her to a judicial committee; and that she considered that, if you had a weakness or a mistake, not speaking to those people was inhuman and that she did not feel hatred towards those expelled, but she did feel fear in case she did things wrong, that one is indoctrinated and does not want to fail God, because they were enemies of God.

In relation to the apostates, he agreed with the rest of the testimonies and added that in a video, contributed to the cause, a member of the Governing Body says that the enemies of God are going to be destroyed at Armageddon and that God is going to extinguish them "like I to the match", and lights and extinguishes a match, that they do not want them to die, but that it is good that they no longer exist.

Regarding suicide, the witness commented that in her time it was a sin and that it was not recommended to go to a psychologist because that is a sign of being spiritually wrong, *so I hope they changed it* because there is a lot of fibromyalgia and a lot of anxiety, since a former witness who was elderly has been his psychotherapist and has told him that the majority of his patients have been Jehovah's Witnesses and many suffer from this disease because it is very psychosomatic.

He also agreed with the other witnesses in the way of treating the confession to the woman, which is none other than the belief and practice of the woman's submission to the man in terms similar to those already heard. And in relation to the mistreatment of the woman, he mentioned his sister, who wanted to report harassment, but the elders told him to put up with it - Cirilo, from the DIRECCION006 congregation, told him -, and he stopped going to the meetings, so which came to be considered *inactive*. Since she wanted to divorce her, they harassed her non-stop by calling her and, when they discovered that she was with someone else, they expelled her from her, and she has not been able to go to the wedding of her own son; That's why her sister cried a lot and she suffered a lot.

He stated that he considers that it is a destructive sect, that carries out control and indoctrination and that belonging to it can cause mental disorders, suicidal ideas to appear, destroy families, as he thought.



for many years, before the Association was established, because she has been going to therapy for a long time.

Asked by the plaintiff about the causes of her disability, she stated that the work overload for six years as a nursing assistant worsened her situation, as well as the harassment from her former bosses, because if she took sick leave she suffered retaliation and did not adapt to the position. , but the emotional overload came from before.

She responded for her return from London, explained that her father had said in the congregation that the sanction seemed excessive and she was readmitted, and she accepted in order not to make her father look bad, but she was expelled again very soon because she no longer had firm religious convictions. . She explained that, indeed, she was baptized when she was 15 years old and that she had studied the doctrines and knew what a sin was, and she had not committed that sin; she was expelled from her for being "yeast", for being different, because she was rebellious, she spoke to an expellee, she wanted to have her own mind, she did not want to be "her woman"; that, when she was kicked out again, she no longer wanted to continue, but she did want to support her family and her friends, and that she believed most things. Now her parents have told her sister that she is an apostate because she criticizes publicly and they no longer speak to her, and that her brother, although he has been expelled, does not speak ill of the confession so that her parents Don't stop talking to her.

Answering other questions, she admitted that, when her daughter was born, her parents went out of their way to help her because it was an emergency situation, because when an expelled person is in need or illness they can help them; that her daughter's father had been sentenced to three years with a restraining order for abuse and that is why he emigrated to Ecuador, leaving her with a baby, and that is why her parents helped her but, on the other hand, they threatened to take action legal, with taking the girl away because they said that the declarant was not right in the head, that they took care of the girl while she worked, but it was all blackmail to secretly indoctrinate the girl and take her to meetings; She also admitted that both her mother and her sister accompanied her to the trials and that her sister helped her with the request to adapt her job position, but they were specific moments, and always with the intention that she return to school. the confession. However, once she was firm in her refusal, she has not received any further support or help nor have they had any relationship.

In relation to domestic abuse, she said that one of her aunts is a special precursor, that is, one of those sent to special places, and her husband is elderly, and although her aunt suffered abuse, she had not reported it because the elders told her that You have to endure and keep quiet as they told their sister. The elderly are asked what to do because it is known that they have hidden, secret books.

Asked about her health, she explained that she has been diagnosed with cognitive dissonance, which means that she conflicts with her beliefs: "I wouldn't do this, but I do it." She now sees that she can be understood in the Association, because it is very difficult to have friends outside of it. When she left at the age of 25, people already had their careers and she was not prepared, "because if the mind is not well maintained, there is no development equal to that of others", one is not free to embark on a path outside of congregation. She told herself "I am sinning, God is going to destroy me at Armageddon if he displeases him", and she has that consequence, but now she was beginning to have judgment because she had information.

The representative of the Public Prosecutor's Office asked about the aforementioned video and the witness assured that it had been published by the Jehovah's Witnesses, who have a video every month. *broadcasting* on television or on the Internet, and that is public.

The witness Caridad, Russian by birth, testified fifth and did so with the help of Erica who acted as a Russian interpreter. Erica, despite being Ukrainian, explained that in her childhood and youth Russian was the official language in Ukraine and was studied at school and she speaks it regularly as well as Spanish, since she had been living in Spain for twenty years and worked regularly with Spanish families.

Caridad declared that she was a Jehovah's Witness, but she was expelled although she did not really know the reason, which she believed was for stopping attending meetings, for communicating information that reached her. Since she saw another truth and was against those beliefs, she told other people, and she believes that she began to be a danger to the organization, and they expelled her from it for being critical; that she, before her expulsion, noticed that she had a guard; that she went to one of the meetings to which they summoned her and they began to go against her. Before the expulsion, when she began to notice that something was brewing, she already began psychological treatment because she felt very pressured and stated that she knew more people who, because they left the Jehovah's Witnesses, have psychological disorders and that she herself had attempted suicide. before and after expulsion.

Regarding those expelled, he stated that he felt afraid, since these people were close to Satan and regarding the breakdown of family and social relationships, he agreed in his testimony with the other witnesses.



In relation to sexual abuse, he stated that in Russia they were covered up and kept in archives, which is where they must be investigated.

In the same sense as the previous witnesses, she expressed herself regarding homosexuality, the differences between men and women, abuse in marriage, complaints against other siblings, making them preferably before the elders rather than before the police, university studies, of which he went so far as to say that in his congregation only those who completed them before joining the Jehovah's Witnesses had these studies.

She said that after her baptism she felt pressured and could not talk to anyone who was not a Jehovah's Witness, that everything was religion; She felt watched because they always watched how they dressed, how they spoke, how they lived.

He agreed in describing the Jehovah's Witnesses as a destructive sect that destroys families and provokes suicidal ideas; She is sure it is a cult.

When asked by the plaintiff, she responded that she did not watch television; that when religious confession was prohibited, if it was said to be a dangerous sect, she believed it was not true; that she couldn't read bad things because it was like doing them; that she did not know if the ECHR has condemned Russia for the negative propaganda of Jehovah's Witnesses; that when she moved to Spain, her husband already lived here and that is why she came, and he denied that the Jehovah's Witnesses would help him obtain asylum for her. She stated that she never spoke out on social media against the organization, that her criticisms were made person to person, and a supposed friend of hers told the elders that she criticized, and that's when the pressure on her began. The elders of Russia called her by videoconference, but did not invite her to her judicial committee; Those calls were due to the fact that after that meeting three people left the confession and believed that she was responsible and that is why she no longer answered those calls, since she had not been the instigator. The same day she was expelled from the judicial committee, her husband was notified and the corresponding announcement was made. And she declared that everything that appears on the Association's website is true, and she agrees with what appears on it and that the confession is a criminal sect.

To the Public Prosecutor's Office, which was interested in her suicide attempt, she explained that she suffered from depression for several reasons, including family problems, but that, when she was expelled, her health worsened. And she stated that she considered herself a victim because she had to leave Russia because of the Jehovah's Witnesses and she abandoned all of her previous life, and she does not know how to live here. In Russia, in 2017, Jehovah's Witnesses were declared an extremist religion and began to be persecuted; She had noticed police following her, not the congregation, and a police friend of hers recommended that she stay away from them; and half a year after leaving the police searched her house.

Sixthly he declared **Adolfina**, who stated that she was a Jehovah's Witness and that she was expelled, and is currently a partner in the defendant entity. She related that her expulsion was due to the fact that, while married, she fell in love with another person and that her then husband, now ex-husband, was the one who told it in religious confession, for which she was the subject of a judicial committee formed by the elders Pascual and Mr. Santos; She admitted to them that she had fallen in love with another person and explained to them the reasons why her marriage had been broken for six years and, despite that, she was summoned to two more sessions. Due to her expulsion, she suffered major depression, daily treatment with anxiolytics and antidepressants, and fibromyalgia, since she was emotionally "very affected", and after her expulsion she was a victim of rejection, social death and ostracism, which remained in the time of declaration; and she added that she knows another person with a process similar to hers with chronic psychological treatment.

In relation to the issue of sexual abuse, he stated that when he was about 18-19 years old there were very serious problems at home, so he went to talk to an elder, Victorio, from the DIRECCION007 congregation, because he was feeling unwell and with He had the confidence to tell her, and there was a moment when he hugged her to comfort her and then he pulled her away, lifted her chin, she had her head down, he approached her to kiss her and she got "very scared" and grabbed him. afraid of that person. She confided the mishap to another elderly man, who told her that nothing was wrong, that she had not done anything wrong; At another meeting two days later, Victorio approached her when he saw that she was avoiding him and apologized for what had happened. Although he was biblically married, he was not disfellowshipped or singled out or censured or lost privileges as an elder, "absolutely nothing happened to him."

He also explained that in DIRECCION008 there was a businessman brother who employed about forty people, all Jehovah's Witnesses, who committed fraud against his employees, but they did not censure him and, although some workers went to speak with the body of elders of the congregation, Nothing happened against him either.

He assured that, if it is known that a brother has committed a criminal act, the elders must be told immediately, who will form a judicial committee; If it is not counted, it can be understood that he is an accomplice and also be censored, pointed out or lose privileges, although he did not know if it could lead to expulsion.



Regarding the apostates, he denied feeling hatred towards them; He assured, however, that they could not hear them if they approached them on the street so as not to hear anything against the organization.

Asked if she knew of cases of suicide attempts, she answered that she met Ariadna in Barcelona and with her she went to DIRECCION008, and at one point they made a judicial committee for her and she attempted suicide, but she did not succeed; that she did not remember her reason although Ariadna told it directly to her, and she suffered a lot from her because after her expulsion her family had turned their backs on her; Even when Ariadna was in the hospital, her own mother, who knew about the situation, did not go to visit her, and that hurt her a lot.

On the other hand, in his story he agreed with the previous witnesses on the secondary role of women in the congregation and added that they are not even "passed the microphone" in the meetings; that even their clothing is controlled and, even if it is very cold, you have to wear a skirt to meetings and you cannot preach in pants; that with her ex-husband she sometimes reached consensus, but if there were discrepancies, the criterion that she took precedence was always his "and that's it." They consider that women are inferior to men and "mark her place", a criterion that she accepted because they say that deep respect must be shown to her husband. They don't preach that women are less intelligent, but rather that "the man has the upper hand."

Regarding understanding the confession as a destructive sect, he stated that this is indeed the case, that it produces negative results in people in the emotional and family sphere and breaks up families because, when one is expelled, contact with its members is lost. .

When asked by the plaintiff, he clarified that he did not report what happened to Mr. Victorio, who apologized two days later, because in a biblical text they are taught that a brother cannot take another brother to worldly courts nor has he denounced during the last fifteen years after his expulsion and in which he was no longer a Jehovah's Witness.

Responding to the representative of the Prosecutor's Office, he explained that censorship and pointing out are similar and are applied when some type of evil or sin is committed; If the person repents and stops doing it and the elders understand that the repentance is true, the elders themselves decide to censure that person for the time they consider necessary, which means taking away privileges, such as not being able to intervene in meetings, not go out to preach, cannot volunteer at district assemblies, do not participate in activities. The marking is made public from the platform and, thus, the entire congregation knows that that person is marked, and privileges are also withdrawn. The reasons should not be known, but many times they end up being known, sometimes by the wives of the elderly, because an elderly woman no longer greeted her when she knew the reason for her judicial committee, even though the book *Shepherd the flock* requires absolute confidentiality; His case even reached a congregation in Seville.

The seventh to declare was **Jose Ignacio**, who explained that, after twenty years in the confession, he disassociated himself after studying the Bible and learning certain things; which had very negative consequences because the norm is not to have dealings with those who renounce being a member of the confession, not to speak with them and, consequently, he lost the relationship with what had been his environment, his friends, for twenty years, his older sister, with whom he has no relationship, and his mother, with whom he has very, very occasional contact.

He assured that the organization has a pyramidal structure and at the top is Jesus Christ, then the Governing Body, which sets the guidelines and everything is subject to its direction; then elders and ministerial body. The confession considers the Governing Body to be the only conduit used by the Lord for the system of things, and so is taught in the magazine *The Watchtower* and other publications: everything must have your approval.

Regarding sexual abuse, he denied having been a victim, but stated that he had been aware of reports, cases published by the media, and that in his congregation a person abused several minors, but he did not report it to the civil authorities and that person was expelled after a judicial committee; that he knows that in the past, perhaps between 2016-2017, it was said in "*petit committee*" that it should not be reported so as not to tarnish Jehovah's name, whereas today it is reported to be permissible, although it is not encouraged.

He assures that it is prohibited to read anything against the confession, and you cannot invite home or greet someone who is not a Jehovah's Witness; that in the magazine *The Watchtower*, July 15, 2011, it is said that apostates are like mentally ill people and their illness is contagious. He agrees with the other witnesses that failing to comply with this rule can lead to disapproval with the effects already mentioned in other testimonies, as well as not reporting to the elders in the first place if a brother has committed an evil or sin; which is reiterated in meetings, assemblies and publications (*The Watchtower*, October 1992) that false religion and apostasy should be hated; that this doctrine generated fear and hatred towards the worldly and expelled, because the teaching is that whoever is not part of the Jehovah's Witnesses belongs to Satan, which is why they are called worldly, their company is discouraged and animosity is generated towards them. and the outside world.



Mr. Jose Ignacio stated that the guideline regarding the relationship with non-Jehovah's Witnesses with whom one does not live is clear, direct and blunt: the relationship with that person is drastically cut, nor does one speak to him on the phone or on the Internet; If there is coexistence, you cannot talk about spiritual issues with that person; and that dealing with her is grounds for expulsion if she is not a relative, chap. 12 of the book *Shepherd...: Unnecessarily and repeatedly dealing with a person who is not a Jehovah's Witness is grounds for taking legal action against him or her.*; Therefore, the witness concludes, it is a prohibition, it is not a voluntary, optional or conscientious matter, since it entails judicial actions.

Regarding his mental health, he admitted to having had psychological problems because it is hard to grow up as a child in a Jehovah's Witness family due to the number of prohibitions, due to bullying from classmates, especially in high school, due to continuous arguments with his mother who was dedicated to the confession. As his departure was voluntary when he faced ostracism, the depressive symptoms he already had worsened, later he was diagnosed with fibromyalgia and had self-lytic ideas because his illness worsened and, although he did not try it, he has thought about it on several occasions; and he knows more people who have suffered mental problems due to the expulsion; For him, his colleagues in the Association are support and help.

On the other hand, he agreed with what had already been stated regarding the role of women in the religious congregation, their submission to men even if their husband is not a Jehovah's Witness and their limitation when it comes to teaching; also regarding the fact that the organization discourages higher university studies, it does not prohibit them, but it repeatedly discourages those interested in publications, and assured that on the Internet there is a video from the Governing Body where they strongly advise against going to university, and that, although the option is the young man's, it is added that "he will have to give an account before Jehovah."

He delved into the reasons for his resignation, stating that the continuous changes in doctrine were one of the reasons that made him doubt that they were in possession of the truth and assured that he considers the religious confession as a destructive sect because they have harmed many families and lives, and that his was one of them.

When asked by the plaintiff's lawyer, he clarified that, indeed, he had been diagnosed with paranoid personality disorder, which consists of a condition of suspicion, exaggerated and extreme distrust of everything and everyone, and that he suffered from it as a result of the disappointment. suffered in the organization, since before it did not have that general picture of frequent distrust; that, although he renounced confession in 1995, when asked if "persistent resentment" is part of his diagnosis, he has answered that he is hypersensitive to the rejections of others, as his psychiatrist has explained to him.

The last to testify was **Casilda**, who claimed to have been a Jehovah's Witness for thirty years and voluntarily resigned after writing a letter stating his reasons. When she separated from her husband, he locked the house so that neither her daughter nor she could enter, she emptied the bank accounts, "left them on the street," and the elders, despite knowing these facts, did nothing. They neither spoke to him nor told him that this was not in accordance with Jehovah's teachings, and he began to get to know other people and other realities; that when she was born, her mother was already a Jehovah's Witness, so she had been under the influence of this religion all her life and had no relationship with people from outside, because since she was very little she was told that people who were not Jehovah's witnesses, "the worldly ones", the only thing they could do was negatively influence her so that she would not serve Jehovah, since they did not serve him: they are all moved by Satan by not being Jehovah's witnesses; and that's what she had instilled in her since she was born. When you were a teenager, if you ever went out with people who were not Jehovah's Witnesses, at the next confession meeting you would be called out by elders or ministerial servants and told that these were not good company, that you should stop associating with them and avoid them, therefore. which had never had a relationship of trust with anyone who was not a Jehovah's Witness.

Regarding her marriage, she stated that she reported her ex-husband for abuse for having threatened to kill her, since he told her that he was going to burn the house with her inside; that during her cohabitation he followed her around the house, he was always behind her to know who she was interacting with and what he did with her; that her mother told the elders and they did not tell her to report it; that she knew that, in general terms, they advise against denouncing so as not to tarnish the name of Jehovah; that she cannot go against any brother because that is a "disgrace to the name of Jehovah."

Regarding the consequences of his disassociation, he stated that it had had many negative effects because he grew up as a Jehovah's Witness and, when writing that letter, all the people he had grown up with and many whom he treated as if they were his aunts, in fact That's what she called some women from the Jehovah's Witnesses who had known her since childhood. All of those people stopped talking to her and, when she passed them, they turned their faces away; that he had to start completely over, without any outside support network, even though his father did not belong to the Jehovah's Witnesses. He did have a certain relationship with his family until his father died; days later he visited her mother and found her crying with great disgust, which, after about ten or fifteen minutes of



crying, he told her that he had a very big problem and explained that he wanted to serve Jehovah well and for that he could not maintain a relationship with her because her problem was her, but that that could change if she repented and returned to the organization, since Jehovah would forgive her and they could have the same relationship as always. The witness tried to explain to her mother that things could be different, that she was not going to return because she had realized that everything was a hoax, and then her mother reiterated that, being very sorry, they couldn't have a better deal. Although she explained to her mother that this was not natural between a mother and a daughter, that she understood that it was a pressure that the elders exerted on her, she was not going to admit that emotional blackmail and she respected her mother's decision with everything. the pain of his heart. The witness continued by saying that she has tried to approach her mother several times, even during the pandemic, skipping curfew because she could not imagine that her mother would get sick, enter the hospital, and not be able to talk to her or see her again; She went to her house, she told him that she had two grandchildren, that the relationship could change for the better but that "it was like preaching in the desert, she was a monologue"; That day she spoke to him through the window because of Covid, other times she has also returned to her house, but her mother is very clear that she cannot have anything to do with her daughter.

Regarding the consequences, she stated that she has psychiatric and psychological disorders, fibromyalgia and chronic fatigue, and that she knows other people who have suffered the same as her, such as her childhood friend Valle, who has also left the Association and more people who suffer from it. psychological disorders due to this behavior.

In relation to the situation of women and gender violence, she stated that, in addition to her situation, she knew of other women, one called Marí Jose, another, María Consuelo, who also suffered physical abuse and, despite When the elders knew it, they did nothing, they told them to endure, that to denounce it would be a "disgrace to Jehovah." What is said is that you have to tolerate because the name of Jehovah cannot be in the courts, and even if you suffer abuse, this is not a reason to divorce; On the other hand, sexual immorality or adultery are; and he mentioned the name of some elders who knew about these cases, but were from other congregations different from his: Ricardo, Leoncio, Secundino, Teodoro. He clarified that, although reporting it is not a cause for expulsion, this advice is so instilled that it is understood that it is essential not to do so.

He reiterated what he had already stated about expulsions: that you can only have the strictly necessary relationship with those expelled, so that, if they have any problem or need, such as being in a hospital, they can be cared for; and in the event that there is cohabitation, if it is with a minor, life together is maintained, but if they are of legal age, the sanctioned person has to leave home. He agreed with the other witnesses on what the readmission process is like: arriving last at the events and standing in the last row because no one speaks to them, which he described as degrading.

He also agreed on how women are asked to be submissive, obedient to their husbands, that they can have their own opinion, but ultimately they must do what the husband wants; that women also do not have the capacity to teach publicly and that all assignments are done by men, and although there are certain things that are specific assignments, lasting five minutes, that women can do, they must always be done as if preaching with another woman. . Regarding the use of a veil to pray, he explained that, when he went out to preach, beforehand there was a five or ten minute meeting led by a baptized man and, in his absence, it could be held by a woman with her head covered in a veil. sign of submission; that her father, even though he was not a Jehovah's Witness, always allowed the table to be blessed and then her mother had to cover her head as a sign of respect for her husband; She always felt inferior to men, subordinate to them, because even the smallest thing, such as being an "usher," that is, the one who distributes the appropriate readings and manages the microphone at meetings, cannot be done by any woman.

She stated that for her confession is a destructive sect because they disintegrate the family as they have done with hers; that the teachings cannot be questioned because "an elder comes and tells you that those doubts are because you do not preach enough, you do not pray enough", and if you continue to doubt, then they question whether your company or friends are people "of the world", if literature foreign to them is read, that is, prohibited. After time, one discovers that one has never had freedom, that "they have totally annulled you, they destroy you as a person."

When asked by the plaintiff, she clarified that she finally denounced her ex-husband; And regarding her illnesses, he pointed out that they may be related to other issues, but that fibromyalgia does have an emotional origin and also a genetic component. She asked in relation to a mobile messaging conversation with her mother, in which she is, she writes to him *I will always love you, my daughter; Casilda, darling, you know I love you; and If you want to accompany me* (to the doctor), he explained that he does not consider those words to be insincere, but love is not just words; that this conversation dates back to when she found out that her mother had cancer and offered to accompany her to the doctor, but her mother told her in the end that she preferred her brother, who is a Jehovah's Witness, to accompany her. ; that he knows that her mother loves her, but he also knows the pressure he endures from her not to relate to her, because Jehovah comes first.



All of these people who testified from different places in Spain and had been part of different congregations were spontaneous and coherent in their testimonies. Regarding Onesimo's statement, his son - at the request of the plaintiff - had previously testified ensuring that his father's story, which was recorded in writing in the case, was not at all true and because he had mistreated to his mother.

All the testimonies given at the trial are constituted as contradictory versions, since all the plaintiff's witnesses testified with the aim of denying what the former faithful claimed in their confession. Now, the fact that they are opposite statements does not mean that they are not true, neither one nor the other, since in some aspects they are complementary. Each witness has declared and explained in this case his experience as a Jehovah's Witness, some are clearly very positive, others are very negative, but they are not exclusive. Each witness was part of a different congregation, at different times. As this judge reiterated during the long sessions of the oral trial, the veracity of the dogmas of faith is not being evaluated, but rather the application that these dogmas or principles have become to people.

For example, Ángel and Trinidad shared with the room the unpleasant experience of having to report sexual abuse of a son and a daughter, respectively, committed by people of the confession. Their experience was that of receiving initial support from the elders, and then also civil justice when they immediately went to report the case, and the culprits were sent to prison; After acknowledging the facts they were also expelled from the confession. In the same sense, Maximino declared that when he was elderly he learned that sexual abuse had been committed within the confession and they encouraged the abused family to report it, and the aggressor was also expelled. They all agree that the confession has videos and instructions to protect minors from sexual abuse, and that the fact of not having educational institutions and that the activities are usually carried out as a family avoids occasions of abuse that, once proven, are always constitutive. of grave sin. However, it does not exclude that the defendant's witnesses were not discouraged, even coerced, from reporting the abuses suffered to the police, by a strict interpretation of the oft-repeated axiom of "not tarnishing the name of Jehovah."

Nor does it exclude having been a victim of sexual abuse not telling close friends, since it is well known that this is a topic that has been taboo for years and that, due to the nature of the fact itself, it is very difficult to talk about it and The child's mind can even erase that memory because it is traumatic until it appears again in adulthood after some trigger.

Regarding family abuse, both Onesimo and his son Francisco report experiences that can be complementary, since there are criminology studies that indicate that the child who suffers abuse or who has seen it at home can reproduce it in adulthood, as it is the way in which he learned, unfortunately, to behave in personal relationships.

Zaira admitted that, when she was expelled, her friends no longer met to eat with her. Hugo, who lived with his wife and daughter when he was expelled, said that, upon being readmitted, everyone welcomed him as if he had returned from a long trip. Gregorio admitted that in his congregation they did not speak with the expelled, that during the time that his sister was expelled, he told her not to speak to him, and when he was asked what he would do if an expelled person wanted to have contact, he answered that " had not occurred."

The evasions of the plaintiff's witnesses in this matter demonstrate in general that it is not common to interact with expelled people with whom one does not live, which indicates that the majority understand that the deal must be broken. It was said that what is not recommended is the unnecessary relationship, such as going to eat, having a beer, saying hello!; The closest treatment, if not necessary, should be avoided, but not help in case of illness or economic or other need, and only as occasional contact.

Gervasio, elder of the congregation, explained that one greets or not, according to the conscience of each one, so there are indications of truth in that, if the greeting is a matter of conscience, having a family or friendship relationship is an object. of great controversy, as claimed by the defendant and denounced by the Association. Francisco said he had gone on trips with people who were not of his confession, other witnesses affirmed that his children went to the amusement park with people who were not Jehovah's Witnesses, to parties or that they had non-Witness schoolmates, but they did not affirm that they were his friends. On the other hand, none of the witnesses, already being Jehovah's Witnesses, had married a person who was not one; Nor had the plaintiff proposed testimonies from those who, without being Jehovah's Witnesses, could claim in the trial to have a close family or fraternal relationship with any of them.

As for university studies, Fermín, Gervasio and Tania had completed them, but all those who were asked about this topic stated that each one had to discern according to their conscience, which is why what was assured by the Association is granted veracity, since that, if going to university is a matter of conscience, there will be certain drawbacks to it and, therefore, it is not encouraged or encouraged to have those studies. As regards the equality of women with respect to men, all those asked about



They admitted that a woman cannot be an elder or a ministerial servant or pray on the platform. And in relation to homosexuality, they showed their respect and assured that the practice of homosexual relations is a serious sin, grounds for expulsion; that they did not know any practicing homosexual Jehovah's Witnesses; and that the recognized marriage is the one contracted between a man and a woman, and the one prior to the conversion of both spouses or one of them is maintained, but an already baptized Jehovah's Witness must marry another Jehovah's Witness.

In a country like Spain in which the legal system recognizes full equality of men and women and marriage between people of the same sex, it is true if it is believed that such norms of a religion or belief are discriminatory, which on the other hand protects them. religious freedom. Both rights are compatible: the confession may not ordain women as elders, reject homosexual marriage or the celebration of so-called "mixed" marriage, that is, of Jehovah's Witness and non-witness, even understand that there is a greater responsibility of the man but the Association, and therefore its members, may consider that all of this is discriminatory or exclusive with respect to women, homosexuals or people with other beliefs.

The veracity of the facts, statements and opinions that are the subject of this litigation is corroborated by the numerous documents provided by the defendant. Certainly, some of the news does not refer to the Spanish confession but rather to other countries, but the defendant Association is classified as Spanish as an association, not as the national origin of its victims, since then it would be called "Association of Spanish Victims of Jehovah's Witnesses." "and, therefore, that when dealing with sexual abuse they are based on events that occurred outside our borders, in addition to the testimonies already reproduced, does not detract from the veracity of their statements when, in addition, the Spanish religious confession depends on the organization at an international level in religious and management guidelines, as is also demonstrated in what is inscribed. These are generalized behaviors of confession.

Nor does it detract from the veracity of the claims about the cover-up of sexual abuse in Australia that the initial compensation was subsequently reduced, as was the case in Belgium when the confession was condemned, as Fermín explained, because as already indicated *supra*, if the information is not accurate, this does not mean that it is not true, even more so when these reductions in compensation or sentence did not obtain the same media coverage as the first, to which due diligence was applied. In the same sense, the veracity of statements about the prohibition of blood transfusions is valued, since there have been serious cases and deaths due to this refusal, so saying that "they let their children die" is not based on rumors or suspicions, but there have been cases, as shown below, in which a minor has died. It is certainly not his parents' wish that he die, as our Constitutional Court recognized, and their opposition to blood transfusions is part of their religious freedom, but the opinions expressed by other people about the effects that this sometimes produces, enjoy of truthfulness even if they bother, since, when alternative therapies do not work or cannot be applied, if the doctor does not exercise his autonomy in the event of life risk or, where appropriate, judicial authorization is not resorted to, it is possible that death, as stated in the documents assessed below.

In relation to the expulsion of confession and its effects on the people who have suffered it, a fragment of the magazine is provided, attached to the end of volume I, 2/2, obtained from the Watch Tower Society Online Library. *The Watchtower*, July 2011, p. 16, which says "we cut off all relations with family members who no longer serve Jehovah", and continues to assimilate those expelled or disassociated with mental illness because, "just as a doctor recommends staying away from people with infectious diseases to avoid contagion, anyone disloyal to Jehovah is like a mentally ill person from whom we must flee"; If you live with them, the spiritual is corrupted, except if they are minors, in which case the parents maintain the obligation to continue with their spiritual education. However, if you do not live with them, the treatment must be what is essential, without excuses for get together or look for them. He continues the magazine fragment by indicating that you should not say hello! because that greeting can "lead to a chat, a conversation and even a friendship." Regarding "fornicators, people dominated by greed, idolaters or revilers, drunkards, those who commit extortion" you cannot even eat with them; and in this treatment, both by "us and by those people", it is necessary to be strict.

The defendant has provided two videos made by the plaintiff confession, one of which encourages parents to remain firm in not having contact with their son, who is not a Jehovah's Witness, not to call him when they miss him or respond to his messages. or calls. The other video tells the story of a young woman who, for having a romantic relationship with someone who was not a Jehovah's Witness, her parents, honest believers, kicked her out of the house and had no relationship with her for many years; Years later, while separated from her, she resumed visits to meetings with her two daughters for several months, meetings in which she sat



far from her parents and with whom she did not speak a word, until she was readmitted and regained contact with her parents and other friends of the congregation. Videos of the four meetings and the judicial committee against Leoncio were also provided to find out whether or not he had had sexual relations with another Christian sister from the Philippines.

Testimonies and videos from members of the Governing Body are also included in the performances. In one, Jesus Miguel talks about compassion and kindness, highlighting that the current moral climate has reduced them, that one should not show pity if someone persists in continuing to do what is wrong, since in the *Deuteronomy* It is said that if a brother decides to turn to another God, you should not show him compassion, but rather you should kill him, and this will be an example for the community; that Jehovah's compassion is taken as an example in the *Exodus*, chap. 3, where it is stated that Jehovah is a compassionate God who cares for his people; He goes on to state in the video that "compassion will make us not treat badly those who make mistakes, be kind to each other, treat each other with tenderness, in Bethel, on a construction site, at home, in the community, we must show compassion and treat each other." good" (...) Of course, there is no need to show compassion to someone who continues doing what is wrong.

In the video provided, Adrian declares that

... The last days are going from bad to worse; I like to stay up to date and know what is happening with brothers around the world, like Hurricane Florence, but I could no longer listen to the news. I want to talk today about the end of the enemies of God; It is a very serious topic. Psalm 37, and you will see that this verse 30, "but the end of the wicked will come... (...), they will vanish like smoke". As Jehovah is our best friend, his enemies are ours and we are willing them to disappear like smoke.(...) Now there are millions of people on Jehovah's side, because he is the best ruler; the earthly part of Jehovah angers Satan, we are looking forward to the end of Jehovah's enemy and all the enemies that are under his control. (...) We are looking forward to it, the end of the enemies of Jehovah, for the friends of God it is very reassuring that finally these enemies of God who have slandered Him are going to be destroyed forever, they will never live, we are not happy that people may die, but the enemies of Jehovah are no longer there, especially the apostates who one day served Jehovah and then sided with Satan the devil, the greatest apostate of all time; As we eagerly wait for Jehovah to put an end to his enemies, let's think about James, chapter 4: In his inspired letter, James always wrote directly, you are never left wondering what he meant. Verse 4: Adulteresses, he does not know that friendship with the world is enmity with God, so anyone who makes friends with the world is an enemy of God, of Jehovah; We are not friends of the world but of Jehovah. We do not want to have friends, frequent social networks or friends in the world. We are friends of Jehovah and he is the best friend. Psalm 37, 20. But the end of the wicked will come, the enemies of Jehovah will disappear like the splendor of the pastures, they will vanish like smoke, and lights a match, while smiling sarcastically, and says "This is what will happen to the enemies of Jehovah, they will vanish like smoke" and blows out the match.

Another video attached to the extensive documentary provided by the defendant, reproduces a young Spanish woman from a social media channel exposing for 45 minutes different articles of the Declaration of Human Rights that she believes are violated by practices of religious confession.

On BBC television, on July 4, 2017, in the Victoria Derbyshire area, mentioned in a news item on July 31 of that year, a program titled "The traumatic experiences of those who leave Jehovah's Witnesses" was broadcast. and they are rejected by their family. It offered the testimony of a man who, after the death of a friend for refusing to receive a blood transfusion, as he was also a Jehovah's Witness, began to have doubts and, upon disassociation, was left without a wife and children. Another young woman said that she suffered abuse in her marriage, but the elders had discouraged her from reporting it to the authorities; When her co-workers saw bruises on her body, they accompanied her to report to the police; The consequences for having disobeyed were her expulsion from the confession and the abandonment of her family.

In the digital newspaper report *The Spanish* of February 14, 2019 "The dark world of Jehovah's Witnesses", it was reported that a woman, a former member of the confession, did not receive help when a restraining order was imposed on her husband for abuse and, not having the biblical divorce when she rebuilt her life with another man, most of her family stopped talking to her; that another man, when he was a Jehovah's Witness, was ordered not to speak to his father because he had abandoned the Jehovah's Witnesses; At first both he and his wife complied, but later he considered that it was emotional blackmail; However, his wife did comply with the order, which led to them finally separating, and, upon rebuilding his life, he received a letter from his daughter in 2007 telling them that he had died for her, but for him It was "social death", just like what had been done to his father; Now he had not heard from his daughter for 12 years and described the confession as a sect that puts pressure on his followers.



A BBC news story is provided in which a former Jehovah's Witness, Terri OSullivan, says that she was kicked out of home at the age of 17, without any support network, which favors cases of alcoholism, depression due to family breakdown of Jehovah's Witnesses, which even leads to suicide. Also attached is a report on *faithleak* of the year 2018, which indicates that smoking, uncleanness, and bisexuality are serious sins that lead to expulsion, and all of them lead to "social death." The Internet portal "EducaSectas" also, according to the document provided, accuses the confession of social ostracism.

Additionally, another newspaper article is provided *The Spanish* mentioned, dated June 17, 2019, in which it was reported that, before the Cult Assembly that was going to be held in Madrid, "Victims of Jehovah's Witnesses" had reported to the police that said international meeting of Witnesses of Jehovah could incite hatred, since at the Atlanta Convention in May of that year a member of the Watch Tower expressed himself in the following terms: *Unbelievers are like plagues, what would you do in the face of a plague? Delete it, right?*

In chap. 12 of the book of elders *Shepherd the flock*, It is considered "shameless conduct" that requires their attention to flirt with someone without being biblically free to remarry and unnecessary dealings with expelled and disassociated people, since if a brother has been required on continuous occasions to leave If you have dealings with expelled and disassociated people who are not family members who live together, action must be taken against that brother, privileges would be taken away and, if he behaves contrary to the spirit and intention of the mandate, his expulsion would proceed. This revision of requirements also applies to the fact that a member of his family has committed a serious sin or that that person had committed years ago as a cause of expulsion, or to viewing pornography. Due to immorality, privileges can also be lost, thus in point 69, of the same chapter 12, it is indicated that the specific circumstances will have to be studied, if there is no other solution, and the purpose: in the case in which an elderly couple allows their non-believing daughter or son living with them would not be subject to disapproval if it were for health or justified reasons, it is understood.

The consequences of the expulsion are set out in document 19, which reproduces a fragment of the confession book. *Organized*, which refers to expulsion as a necessary measure to maintain the purity of the congregation and its good name; His announcement on the platform is intended to warn the faithful members of the congregation so that they stop having dealings with that person. The book for the elderly already mentioned, in its chapter. 8 requires reviewing whether the requirements of a named brother are maintained when he allows someone expelled or disassociated from his family to move into his house, and that book includes different questions such as if there are reasons for the move or is it just to live more easily or to enjoy his company, if unnecessary contact with him was avoided, if he has failed to respect some rule, if that decision has disturbed the congregation of the named servant; Those questions also include whether the child is an expelled or disaffiliated adult child and is allowed to continue living at home. On the other hand, *The Watchtower* of April 15, 2012 says in relation to betrayal:

How can loyalty be tested in the family and congregation? And what example shows the benefits of obeying the divine command not to associate with expelled relatives? There are members of the congregation who commit serious sins (...) and the conduct of some requires that they be expelled. This discipline has allowed "those who have been trained by it" to recover spiritually (Heb. 12:11). But what if the expelled person is a relative of ours or a close friend? Then loyalty comes into play, not to the person, but to God. Jehovah watches us and knows if we are obeying his command not to have contact with "anyone" who has been disfellowshipped.

In *The Watchtower* On November 15, 2011, it was published *However, to eliminate corrupting behavior from the congregation (...) all members of the congregation must be determined to avoid the company of those who have been expelled from it..* Another article from the same magazine but from 2017 titled "The truth does not bring peace, but a sword" is provided, indicating that Jehovah's discipline must be respected even if it causes pain: *Jehovah commands us to stop dealing with those who sin and do not repent. Although it hurts us, we must avoid unnecessary contact with an expelled family member, whether by phone, text messages, letters, email or through social networks.*

Due to what has been stated in this litigation, even the value judgments have a factual basis in terms of the serious consequences that expulsion or disassociation causes in people, since - once family and social ties are broken - they are left without this support; While they were Jehovah's Witnesses they had no relationship with others who were not, and they have been condemned to isolation and loneliness that can plausibly cause serious mental problems such as those experienced by the members of the Association who make the story it presents true.

Regarding the statements that accuse the confession of covering up sexual abuse or pedophiles, the defendant provides document 10, consisting of a reference to Bárbara Anderson's book entitled



Eyewitness of deception, in which she narrated known facts about her having been a Jehovah's Witness, and an interview granted in 2002 in which she spoke about the omnipresence of sexual abuse in said confession. Also attached is a note indicating that a program on sexual abuse in Jehovah's Witnesses translated as "Let the little children suffer" had been broadcast on the BBC television channel.

In 2012, the newspaper *The country* echoed the case of Candance Conti: the report dedicated to it stated that sexual abuse was covered up in the 1980s. Likewise, the digital *The Spanish* published, on August 3, 2015, that the Australian Commission of Inquiry had concluded that the Jehovah's Witnesses' requirement that there be two people present at the events, two witnesses, had facilitated the failure to investigate 135 cases of pedophilia. , that the protocol was to give the victim a hearing in the presence of men in the case of rape, and that the policy was to first report to the religious denomination and not to the police. It also echoes the existence of physical and psychological abuse in the 70s and 80s, because Jehovah allowed it to the parents, according to *The Book of Judges* from the Bible.

In the newspaper *The country*, Nicolas was interviewed in 2016, who stated that there were about 20 complaints filed for sexual abuse in the Jehovah's Witnesses and that he himself had been a victim of it, but that the majority were statute-barred. Fermín was also interviewed in that report, as a spokesperson for the Jehovah's Witnesses, who denied everything and admitted that no case of sexual abuse had been reported to the police since the confession; and Carlos Miguel, a former Jehovah's Witness, who had formed the "Liberados" association, which helped, in his words, "deprogram" former believers of the confession; For example, one of her patients, Carina, whose family came to him when she was 22 years old, after approaching the Jehovah's Witnesses, showed her willingness to leave university to have more time to preach and pray. Carina, also interviewed, described them as a "sect tolerated by the State, which is guilty." Nicolas stated in the interview that Jehovah's Witnesses keep sexual abuse records "under lock and key" because they do not take a brother to civil justice so as not to tarnish Jehovah's name.

It is proven that the newspaper *The newspaper* published a report on January 5, 2017, "International siege on the concealment of child abuse in Jehovah's Witnesses", and the BBC report of July 4, 2017, which criticized the requirement, is also provided. of the two witnesses as evidence and the case of Karen was presented, who, when she was twelve years old, suffered abuse at the hands of a relative who was superintendent of her congregation and, as two witnesses of the events demanded to prove it, it was not could do anything; so she and her father left that congregation. Years later, more victims of this man were heard and, finally, she dared to report, because before she had not gone to the police; Finally, her abuser was sentenced to 14 years in prison. The report explained that reports are made and sent to the Wath Tower but not to the police, and mentioned the Australian Royal Commission into the cover-up of sexual abuse, among others, in the confession of Jehovah's Witnesses ; Specifically, it was said that an elder, Max Horley, stated that they did not take the cases they were aware of to justice, that they only treated them "biblically."

Following the news known as *FaithLeaks* In 2018, a report was provided in which it was revealed that three letters were sent to the Wath Tower, in New York, where the headquarters are located, denouncing sexual abuse in the case of a 5-year-old girl whom her father tied up. to bed and examined his genitals to find out if he had masturbated or not; There is also talk that in Spain, in Toledo, four elderly people were summoned before the Court in an investigation into sexual abuse and remained silent despite multiple complaints and that now the irregularities that had been occurring for some time were beginning to become known; that some former Jehovah's Witnesses had banded together to form an association, "because thousands of people remain silent, either out of fear or because they believe the sect outright," and the report also talked about the problem of suicide due to these situations.

A case is also reported in the press, that of Milagrosa in 1994, a victim of sexual abuse, who was interrogated five times, one of them before her abuser, who was also a Jehovah's Witness, and they wanted her to forgive him, but she, As he burst into tears, he said that it was impossible for him; I had already told her experience two years ago. *The newspaper*.

Among the documentary provided there is also a report by *The Spanish* of January 2018 entitled "Sexual abuse in Jehovah's Witnesses see the light", and talks about the conspiracy of silence, the indecision of some governments, such as the British one. In this country there was an order for documentation to be destroyed from the archives of the religious confession, and in the United States the confession, once required by Justice to provide documentation, preferred to pay million-dollar fines rather than exhibit those documents; It was stated that the Watch Tower in the 90s ordered the formation of files and records of sexual abuse, also in Spain. More documentary refers to the *faithleaks* of a document from 1999, which recorded the case of sexual abuse and rape of two daughters, which was believed to be true, but was not reported, and that, as adults,



one of them was pressured not to report it to Civil Justice. *The newspaper* and *The Spanish* published in 2019 "We enter the dark world of Jehovah's Witnesses, abuse, subjugated women and suicides."

The Spanish, in its Gran Crónica, on February 14, 2019, published a report in which, in addition to reporting the fine of the Spanish Data Protection Agency for the confession, it accused her of "ostracism" and of committing "sexual abuse"; highlighted in bold, the report mentioned the Australian investigation and also said that all kinds of complaints against Jehovah's Witnesses were surfacing.

From the book *Shepherd...* Several chapters are provided among the documentary: chapter 14, dedicated entirely to the topic of sexual abuse, contains that Jehovah's Witnesses hate it and that it is a serious sin; It is also said that it is a judicial crime, and that in "some places" anyone who has knowledge is obliged to report it. Elders should always call the Legal Department if they know of any case, even if it involves two minors, between two minors it is not considered a sin, if it happened years ago, if the two involved have died, if it is believed that it was reported ago. time, or even if he is a recluse; that, when describing sexual abuse, a minor is excluded who "voluntarily participates in the act with an adult, a few years older than him"; which indicates that the victim must be cared for, encouraged that Jehovah will heal him, and not ask for details; that the parents be present, unless one of them has been the abuser, and the two elders, but never in front of the abuser; that mental therapy will be a personal decision, and refers to what is advised in any publication about it; that the elderly will comply with what the Service Department says, without the abuser being able to have obligations with minors, which parents will be warned about; that, whether proven or not, the accusation will be kept in a file, in an envelope that says "do not destroy" on the outside and will be kept in the confidential registry, and also the notifications of expelled and disassociated people and of those who have committed sexual abuse even if they have been readmitted. There is certainly no mention of reporting to civil authorities, but if they report the existence of a sex offender residing near the congregation and reveal the address and nature of the crime, the address provided must be noted on the corresponding "territory card." and put "do not visit".

Therefore, regarding sexual abuse, it is proven that it has been an issue addressed both internationally and nationally long before the Association was established, and, as in other areas and religious confessions, for a long time there have been cases, unfortunately, that they were hiding or that they were not firm enough against this type of crime. It is likely that the confession has a different sensitivity today, but it is understood that the statements that affirm that there has been a cover-up for years by those who were supposed to prevent it, or that it was not sufficiently combated by facilitating its commission and impunity, are true. Certainly, requiring two witnesses to prosecute a crime that is committed in private is an obvious difficulty for its prosecution, as is having its own definition of sexual abuse that does not coincide with that of our Penal Code.

The accusations that it is a sect that exercises considerable control over the lives of the faithful are not attributable exclusively to the Association on trial, but rather it is a description that has been reproduced on several occasions in the press, and is provides an interview in *The Zamora Mail* in 2015 to a Catholic priest, who was claimed to be an expert on the subject, Jorge, who described the Jehovah's Witnesses as a "sect." Also an article from September 2016 by *The newspaper*, was titled "The shadow of the Jehovah's Witnesses", and stated that "Many experts describe it as a sect due to its forms of manipulation and psychological coercion."

A report published by the television channel La Sexta in March 2019 includes the statements of a former witness who claimed that "they are a coercive sect, with high mental control"; and the *Jerez Diary*, in July 2021, also describes it as a "sect" in another report.

In relation to the control and indoctrination that the Association refers to, the book *Shepherd...*, already alluded to, in its chapter. 8 states that it will be mandatory to review whether a brother still meets the necessary requirements if he supports the marriage of a baptized Jehovah's Witness with an unbaptized person, since they can only marry "in the Lord", since going to the celebration or reception would put at risk I question that brother; It will be necessary to know if he was involved or not, if he allowed his wife or other people in his family to do it, and he could be biblically disqualified if he sows doubt. That same chapter goes on to list the situations in which, without being mandatory, it could be necessary to review the permanence of the requirements for a brother to be appointed, and two are referred to: financial bankruptcy and entrepreneurship by a person or a member of his or her family. university studies, equating endangering the family economy with going to university. To assess this last situation, it is recommended to analyze whether the interests of the Kingdom are put at risk, if they come first, if what has been published by the *faithful slave* about the dangers of higher education, what is the reason for undertaking university studies, if you are a spiritual person and your family, if those studies interfere with attending your meetings. Dating an unbaptized person is also a reason for exhortation and public accusation, although not expulsion, but marriage with them will be.



These examples and fragments of the religious texts themselves can be considered in our days as excessive control over the lives of the faithful in aspects that Spanish society for the most part considers positive, such as university studies, relationships with people of different faiths or absence of them, the marriages of people with different religious sensitivities as an example of pluralism and healthy coexistence, so - while it is respectable that a religious confession considers it this way - the veracity of criticism for such attitudes of control of personal life increases. or indoctrination. Likewise, the insistence on knowing details of certain relationships, sentimental or not, distrusting testimonies or the obligation to consult elders first, respecting a strict hierarchical system, reveal an environment of insistent supervision. Furthermore, the absence of a fluid relationship with people who do not share their faith is configured as an element of isolation and social segregation. The word sect is defined by our Royal Academy of Language as "A closed community of a spiritual nature, guided by a leader who exercises charismatic power over his followers", charismatic power also being understood as "a fascinating power". Therefore, although it is not a positive qualification, what determines it is its closed character, and followers fascinated by the leader, that is, very obedient to the rules and warnings or advice.

The recognition of the "notorious roots" of the plaintiff confession does not weaken the veracity of the statements of all the former believers and of the Association that calls it a "sect", an attribution made by numerous former members according to their own experiences because it is closely related to the behaviors criticized and that have been described, and there is no norm in our legal system that, once officially recognized as a religious confession, prevents criticizing this condition. Limiting the possibility of classifying a religion as a sect would be like preventing an atheist or agnostic person from declaring himself as such, intrinsically it consists of not believing in any of the existing religions and therefore whoever affirms his religious beliefs "would be lying or believing a lie"; and even if the existence of God were publicly denied and it was said that all religions are false, they are corporations, they are "the opium of the people" (a famous phrase of a former Soviet leader), etc. the right to honor would not be violated. to religious freedom for not complying with the requirement of truthfulness by being officially recognized or constituted as religions, with or without notorious roots. On many occasions, it has been said that Buddhism is not a religion but a philosophy, and also has recognized "notorious roots". About Scientology, "rivers of ink" have been written describing it as a "sect", despite the fact that since 2007 it has been registered in the Registry of Religious Confessions of Spain. Because it is the majority in In our country, the criticisms made against the Catholic Church are also well-known, holder of the right to religious freedom rather than honor, often described as a political power rather than religion, without forgetting the initial accusations, twenty years ago, of cover-up of sexual abuse within it, which concluded with a public request for forgiveness from its top leader, the Pope, and which still give rise to reports for compensation for the victims.

Therefore, the legal status achieved by the criticized religion does not influence veracity, but rather whether the person expressing that negative opinion is based on some factual element, and in the case at hand, it is evident that it does.

Regarding criticism of a financial or economic nature because it is a company or because the accounts are opaque or fraudulent, the *The Spanishon* March 18, 2017 said in an article that, in a city in northern Spain, Jehovah's Witnesses had "plugged" an economic hole in a family business for one million euros so that the rest of the partners would not go to civil courts and Jehovah's name would be overshadowed by the mismanagement by a Jehovah's Witness partner. In this regard, the institution is also accused of being a lucrative business due to the publications that they invoice or sell, in which the date of the end of the world is modified cyclically to continue shipping copies, and that the accounts are not transparent.

Regarding the controversial and serious issue of the prohibition of blood transfusion, in September 2019 it was echoed by both the newspaper *The country*As the *ABC*, of the news that in Milan the parental rights of the parents, Jehovah's Witnesses, of a 10-month-old baby had been temporarily withdrawn so that he could receive an essential blood transfusion; and that a woman had died near Naples due to her refusal to receive a transfusion. *The country*It also reported that, in Spain, in Huesca precisely, a young woman of legal age had been put into a coma because she refused a blood transfusion because she was a Jehovah's Witness.

Another piece of news is provided about the conviction by the Supreme Court revoking an acquittal issued by the Provincial Court of Huesca, in 1997, for the death of his son when the family did not authorize a blood transfusion, a ruling that the Constitutional Court later revoked. considering that this disavowal was protected by his religious freedom and that his wish was not the death of his son. This information reaffirms the veracity of the statements made in this regard, already mentioned above. It must also be analyzed in the context of a country like ours that is a world leader in



organ donation, and in which public authorities carry out campaigns for blood donation, there are daily donation points in public hospitals and even information on the blood levels of each blood group, with calls from the media to the donation if a blood group is in "reserve". There is no doubt that medical advances give more possibilities to those who reject a type of treatment, however, in other countries it will be impossible, for example, to induce a coma in a young woman as was done in Huesca, or to temporarily deprive parents of patria potesta, and the result will end up being fatal.

The statements about the discrimination of women, the concealment or tolerance of family abuse are also understood to be true in view of the documentaries consisting of the reference in the press, in July 2017, of a BBC program that interviewed a young woman who was a Jehovah's Witness, who suffered harassment in her marriage and who had been discouraged by the elders from reporting it to the police, to whom she finally went with her co-workers, who had noticed bruises on her body; For having disobeyed the recommendations of her elders, she was expelled from her confession, and she was abandoned by her family.

The newspaper On June 27, 2019, published a report entitled "Ana's nightmare to obtain a divorce in the Jehovah's Witnesses after six years of abuse", which revealed the testimony of a woman who said that she informed from the elders of her congregation the mistreatment suffered by her husband and they told her to stay with him because two witnesses were required, and that it would stain the name of the confession by a single person, so they proposed biblical support, that is, home visits and readings of Bible passages to endure abuse. This is a testimony that coincides with the testimonies reproduced in this Sentence that claim she suffered abuse and the advice to "endure and not report."

Furthermore, in the book *Shepherd the flock* it is said literally referring to the judicial committees, *that the married sister will be heard in the presence of her husband, he is her head, and exceptionally in his absence, for which you must call the branch. The hearing will be held for the married brother in the absence of his wife. If she is present, he will be careful when asking questions so as not to violate confidentiality.*

In a fragment contributed from the magazine *wake up*, from November 2013, also obtained from the Online Library, which has been attached to the end of volume I, part 2, with the title "What is the role of the wife?" It is said that: *Wives, be subject to your own husbands (...) a complement is something that is added to another to improve or complete it. So God created woman, not to be equal to man or to compete with him, but to complete him. Together they will obey the divine command to have children and populate the Earth.*

In the magazine *The Watchtower*, of January 15, 2015, Study Edition, includes:

... What to do to have a strong and happy marriage? Block 2, spouses direct their marriage with love; Block 3: Wives, be humble and submissive. How does the wife show that she is humble and submissive? (...) One way is by collaborating with her husband and supporting him (...) the wife will not always like the decisions he makes. But if they do not go against God's rules, they will support them. What does the wife's submissive and cooperative attitude contribute to? Women occupy a very valuable place in marriage. This is her husband's house. When they make decisions, she respectfully tells him what she thinks, although he does not try to impose her judgment. Her contribution is very important, which is why her husband listens to her carefully. The wife's submissive and cooperative attitude will contribute to the happiness, peace and harmony of the family, and both will have the satisfaction of knowing that they are doing what Jehovah asks of them. (Ephesians 5:22).

Likewise in *The Watchtower* of February 1, 2011, in "Solutions to the most common problems", it is indicated if the husband does not have initiative:

If your husband has a hard time making decisions, what will you do? He may spend his life reproaching her for her lack of initiative, or even take charge of the family. But what would she accomplish with that? Only undermine the trust and authority of her husband. In the end, as her proverb says, she would end up demolishing her house with her own hands. If what she wants is to strengthen her marriage, wouldn't it be better to focus on what her husband does do and express your appreciation for it?

Of the *Kingdom Ministry*, March 2015, on "Field Service Meetings That Meet Their Purpose":

If a sister has to lead the meeting. The sister should cover her head when she leads the meeting, and she will usually be seated. She will discuss the same information in the meeting as if a brother were leading it. Although she will not appear to be teaching, she may initiate discussion of a topic among attendees. If she asks another baptized sister to do the prayer, she will also have to cover her head. In the event that a baptized brother arrives while the sister is holding the meeting, she will ask the brother to continue. It is the responsibility of the service superintendent to anticipate uncomfortable situations and give appropriate instructions to avoid them.



In *The Watchtower* June 2017. Studio Edition: *Jehovah comforts us in all our trials, the Bible says that the Christian woman "will be kept safe by having children" (...) the woman who is a mother and has a home to care for could avoid gossip and get into trouble. the affairs of others.*

The plaintiff religious denomination has also pointed out as insulting the assertion that they depend on the institution in the United States, the so-called Wath Tower, which the Association has criticized. The defendant, to prove the veracity of such statements, has provided a fragment of the magazine *The Watchtower*, of April 1, 2007, which recommended:

Let us be loyal to Christ and his faithful slave, Anointed Group of Jehovah's Witnesses. Let us show due respect to the faithful slave. An essential reason for showing due respect to the faithful slave is that in this way we respect the Master Jesus Christ. (...) when we loyally submit to the direction of the faithful slave and his Governing Body, we are submitting to Christ the slave's Master. (...) there is another reason (...) the Bible indicates that they constitute a symbolic "temple" where Jehovah dwells "by spirit" and that, as such, they are a "holy" group (...) Jesus has entrusted his property on Earth to the collective slave, described as a holy temple, and that is why said slave has in the congregation certain rights and obligations that are his exclusive competence, hence we all consider it a sacred duty to abide by the instructions of the faithful slave and his Governing Body. Without a doubt, for "the other sheep" it is a great honor to help them attend to the interests of the Master.

Finally, it is said by the Association that the religious confession of Jehovah's Witnesses systematically violates the Spanish legal system and human rights, finding ourselves before a statement of fact that meets the requirement of veracity because it is based on the testimonies reproduced. *supra* and from which it is clear that they were conducts in the religious confession that could be considered attacks on their right to dignity, freedom, equality, life and physical and moral integrity, to the development of personality, and contrary to indemnity and sexual freedom. The interferences in these rights are not malicious, the majority imprudent because they respond to the fulfillment of the divine norm and the interpretation of it learned and not to harm the neighbor, but from the evidence carried out in this trial it is proven that many of them have suffered and suffer deeply for their cause.

In addition to having been admitted by the witness Fermín, the article published in *The Spanish* on February 14, 2019, in which it was reported on the fine imposed on the Jehovah's Witnesses confession by the Spanish Data Protection Agency, for having made a list of collaborating doctors with the rejection of blood transfusions from Jehovah's Witnesses. Jehovah, without authorization of those who appeared in it. This article also talks about ostracism and sexual abuse, highlighted in bold letters in the report. The publication of several articles in which the concealment of sexual abuse was reported has already been indicated previously.

In the book *Shepherd...* is stated on pp. 85 and 96 that *If the authorities demand classified documents or ask the elders to testify about confidential matters of the organization, you must call the branch.* It states what to do if the abused person expresses a desire to commit suicide, and that, if he or she appears with a lawyer or a journalist, the hearing is suspended, and no information is given about the judicial committee or confirmation of whether it has been convened.

From these last lines it can be deduced that a vague collaboration is provided with the civil authorities, that, as the defendant also stated, everything is always consulted with the elderly, and in cases of sexual abuse exposed by the plaintiff, indeed, first they were consulted, casually, in all cases. Nor is it allowed to go to the judicial committees with a lawyer or any other defender, which also seems to call into question the right of defense when a freedom such as religious freedom is affected, since the result of the committee could be the expulsion of that confession.

The Constitutional Court, in its Sentence 61/2004, of April 19, in a case in which a journalist consulted a copy of the Minutes of the meeting of the Personnel Commission of the Municipal Sports Foundation established that *The published information was prepared based on data from serious and reliable information sources and not on the flimsy basis of simple rumors or more or less well-founded suspicions impregnated with subjectivism...Sources attributed to veracity, A new comparison of the information thus obtained with other sources is not constitutionally required..*

Consequently, after the examination and analysis of both the testimonies and the documentary evidence provided, both own and external to the confession (a radio program on Cadena Ser is also attached with the response in which two former Jehovah's Witnesses recounted similar experiences to those described in the testimonies of the defendant), we consider that we are in no way dealing with rumors or suspicions or mere unfounded opinions, but rather the testimonies of the members or sympathizers of the defendant Association, and what said association has collected in its Statutes, is absolutely truthful, in accordance with the demands of both the European Court of Human Rights and our Constitutional Court and Supreme Court.



C) PROPORTIONALITY AND ABSENCE OF INJURIOUS MIND

Finally, the requirement of proportionality is described as the requirement that no idea, opinion or information can be expressed through outrageous or offensive phrases and expressions unrelated to the ideas or opinions that are expressed or to the news that is communicated and, therefore, therefore, unnecessary as they lack justification for such purposes (thus, among others, the Supreme Court Sentences 8/2016, of January 28, and 605/2014, of November 3; SSTS 252/2019, of May 7, 338/2018, of June 6, 156/2018, of March 21, and 685/2017, of December 19).

What is relevant to determine the merely offensive or opprobrious nature of an expression is its connection or disconnection with the value judgment that is issued or with the information transmitted (STS 252/2019, of May 7 cited), given that neither the information nor The opinion or criticism may be expressed with outrageous or offensive phrases and expressions, unrelated to the news that is communicated or to the ideas or opinions that are expressed and, therefore, unnecessary for such purposes. The transmission of the news or report and the expression of opinion cannot exceed, respectively, the informative purpose or the intended critical intention, giving it an insulting, denigrating or disproportionate nuance, and in such cases the protection of the right to honor must prevail (SSTS 481 /2019, of September 20, and 370/2019, of June 27).

To appreciate an injury to the right to honor, the expressions must be objectively insulting; that is, given the specific circumstances of the case and regardless of their veracity or untruthfulness, that they are offensive or disgraceful and are impertinent to express the opinions or information in question (STS 308/2020, of June 16).

Criticism... is protected by freedom of expression, which does not cease to form a subjective judgment that includes, within its scope of legal protection, harsh, hurtful and unpleasant criticism, (...) without insults, disqualifications or direct personal humiliations in relation to the person of the plaintiffs, since freedom of expression does not include the right to insult, which was not incurred. On the other hand, there is sufficient factual basis for the exercise of said freedom of constitutional rank.. (318/2022, of April 20 (RJ 2022, 2026)).

The Supreme Court reiterates, in its Ruling 177/2023, of February 6, that the limits of freedom of expression must always be interpreted restrictively and its exercise must enjoy a broad channel for the exchange of ideas and opinions. generous enough so that it can be developed freely, since it is essential in its institutional dimension as a guarantee for the formation and existence of a free and plural public opinion: ... *The most bitter, harsh and unpleasant criticism enjoys protection under freedom of expression and opinion. Not only, therefore, harmless or indifferent ideas, but also those that hurt, offend or bother since this is required by pluralism, tolerance and the spirit of openness, without which no democratic society exists.*(SSTS 273/2019, 471/2020, 670/2022 and 1034/22; in the same sense SSTEDH, of November 20, 2018, Toranzo Gómez against Spain, and March 13, 2018, SternTaulats and Roura Capellera against Spain).

The Supreme Court, in its Ruling 177/2023, recalls the elements to evaluate opinions or value judgments to understand that the limits of freedom of expression have not been exceeded: dealing with issues of social interest or having a sufficient factual basis; that the expressions are related to the ideas or opinions that are expressed, that they are necessary for their purpose and that they are not held in the public concept as an insult (*to the contrary*, SSTS 400/2021, of June 14, 290/2020, of June 11, 429/20, of July 15, 47172020, of September 16, and 670/22, of October 17).

The expressions that are the subject of this litigation are not, at all, trivial, since they involve the attribution of serious and serious consequences to behaviors based on beliefs of the plaintiff confession (social death, ostracism, mental disorders, self-harming ideas or acts, discrimination, concealment of possible crimes, omission of vital medical treatment, sectarian behavior), but this does not mean directly insulting, even if the religious confession considers them denigrating and insulting.

As has already been indicated, freedom of expression also protects those manifestations that are hurtful to those who listen to them, such as criticism of what that person considers sacred and is the reason for their life and the most important thing in it, and it is at that point where tolerance and democracy lie: what for someone is sacred or holy, for another may be insignificant or trivial, and both can expose it, yes, with the marked limit, arriving at this third requirement of proportionality. and the prohibition of insult.

Starting with the latter, we must focus on its public concept, which there is no doubt evolves with the passing of time. It could be understood that attributing a crime is always insulting, but the European Court of Human Rights, in the world-famous case McCann and Healy against Portugal, (Judgment of September 22, 2022) understood that the honor of the McCann couple had not been violated when The Portuguese commissioner in charge of the investigation at the time of the disappearance of his daughter Frida published



a book in which he stated that the girl's parents were involved in her disappearance, and the ruling mentioned as important the fact that the marriage had gone into the public sphere and the absence of serious repercussions for those statements; and this despite the fact that the international press echoed the possible "participation" of Frida's parents in her disappearance. Although it seems that there is nothing more serious than accusing parents of participating in the disappearance of their three-year-old daughter, the ECtHR considered, assessing the context, that freedom of information and expression took precedence.

In order to further understand the tolerance that must be had with criticism and the scope of protection that the right to freedom of expression and opinion enjoys compared to that of honor, it is essential to mention the case of *Giniewski v. France*, ECtHR ruling. , of January 31, 2006, which deserves an introduction. The plaintiff before the ECtHR wrote a book in which he attributed responsibility for the Nazi Holocaust to the Catholic Church, for which he was condemned in both national courts for having exceeded his rights of expression and information. The ruling of the ECtHR states that:

... The Government defended the restriction that the national courts had declared regarding the plaintiff's freedom of expression, stating that "In effect, the article clearly affirms the responsibility of the Catholic Church and, consequently, of its faithful, in the extermination of the Jews by the Nazi regime. The applicant has not, therefore, expressed an opinion, but has imputed an act "at the expense" of the Christian community. (...) 36 In the alternative, the Government considers that the applicant's words, if they must be interpreted as a value judgment, they exceed the degree of participation, even controversy, in a historical debate, and constitute a slanderous amalgam that leads to imputing the Catholic Church with responsibility for one of the greatest crimes in history.

*The assessment of the European Court of Human Rights is as follows: The Court points out that the purpose of the interference was to protect against defamation of a group of people due to their membership in a specific religion, in this case the Christian community. This purpose corresponds to that of the protection "of the reputation or rights of others" within the meaning of Article 10 (2) of the Convention. It also fits perfectly with the objective of protecting religious freedom offered by Article 9 (see, mutatis mutandis, *Wingrove Judgment*, previously cited, section 48).*

Regarding the question of whether there was a real need to protect the community of Christians:

*The Court remembers that freedom of expression constitutes one of the essential foundations of a democratic society, one of the primary conditions of its progress and the development of each individual. Without prejudice to Article 10(2), freedom of expression is valid not only for "information" or "ideas" that are favorably received or considered harmless or indifferent, but also for those that shock, offend or disturb (*Handyside v. United Kingdom* ruling). of December 7, 1976, series A No. 24, page 23, section 49) (...) The lack of a uniform conception, among European countries, of the requirements corresponding to the protection of the rights of others when it comes to attacks against religious convictions, expands the margin of appreciation of the Contracting States when they regulate freedom of expression in areas likely to offend intimate personal convictions that concern morality or religion (see *Otto-Preminger-Institut* judgments, previously cited, paragraph 50, *Wingrove*, cited above, paragraph 58 and *Murphy v. Ireland*, July 10, 2003, Repertory 2003-IX, paragraph 67). It is up to the European Court to rule definitively on the compatibility of the restriction with the Convention and it does so by specifically assessing, in the circumstances of the case, whether the interference corresponds to a "compelling social need" and is "proportionate to the legitimate aim pursued." (see, mutatis mutandis, *Wingrove Judgment*, cited above, paragraph 53).*

(...) 50 The Court considers above all that the plaintiff wanted to develop a thesis on the scope of a dogma and its possible links with the origins of the Holocaust. The plaintiff has thus contributed, by debatable definition, to a vast debate of ideas already initiated (paragraph 24 above), without opening a gratuitous controversy or one that is far from the reality of contemporary reflections.

*51 (...), the analysis of the article in dispute shows that it is not a text that attacks religious convictions as such, but rather a reflection that the plaintiff wanted to express as a journalist and historian. (...) 52 If, as the plaintiff himself acknowledges, the published text contains conclusions and formulations that may shock, offend or even worry some people, the Court has stated on several occasions that such ideas do not lose, as such, the benefit of freedom of expression (see, specifically, Judgment *De Haes and Gijssels* against Belgium, of February 24, 1997, Repertory 1997-I, section 46). The article drafted by the plaintiff therefore did not have any "gratuitously offensive" character (see *Otto-Preminger-Institut* judgment, cited above, para. 49) or libelous character (see, "a contrari", Judgment *IA v. Turkey*, no. 42571/ 1998, section 29, September 13, 2005) and does not incite disrespect or hatred.*

Therefore, even attributing part of the responsibility for the death of millions of Jews to a Catholic religious dogma is not understood as a justified and necessary interference in favor of the right to honor. Said Sentence



It is not based on the fact that the Catholic Church does not have this right recognized because it is a public entity, as is the case in Spain, but rather it is based on the fact that it is not a necessary interference in a democratic society.

Both aforementioned Sentences affect the idea of the absence of real repercussion and that in both cases it was an already public debate. It is also evident in the case tried in this Judgment that the statements and qualifications made by the Association regarding the religious confession of Jehovah's Witnesses were already the subject of journalistic articles, investigative programs broadcast on large-audience television, Spanish and also foreign, so they are not new or surprising statements. Nor have they generated hatred or incited violence or discrimination, since it has not been proven that any act of vandalism in the Kingdom Halls or graffiti with the name "pedophiles" is related to the Association. It has also been admitted that the headquarters have individually suffered some graffiti or damage and this has not increased since this Association existed. In fact, Fermín admitted that the time he was rebuked with the expression "pedophiles" occurred about five years ago, before the Association was founded. Ismael said that once they kicked him out of a portal and called them "sons of bitches", but that happened more than twenty years ago, and a friend of his had already had the display of publications for the year 2019-2020 thrown at him, before the pandemic declaration, that is, this Association was newly established, but without proof that it was related to it; and Hugo was not very convincing when he said that he had been insulted once since the Association had been established, since immediately before he had denied it and his lawyer reiterated the question. Tania said that her father had been speaking badly about her religion and his family in the media for years, so it is not an attitude originated by the Association's constitution either.

This Association has in no way incited or generated hatred against the religious confession of Jehovah's Witnesses, nor has it been the only voice critical of said confession. Furthermore, the fact that the Association has modified some expressions on its website shows this judge that its desire is not insulting or slanderous, as does the fact that it has included its rejection of any violence or act of hatred against the confession, which Many family members and loved ones continue to profess. The defendant entity itself does not direct its existence or purpose to the disappearance of the confession, but its intention is to modify certain behaviors that it considers incorrect or improper, respecting its existence. The fear, due to what happened in Russia, with religious confession finds no factual or real basis in the case at hand, because our society and our legal system, not only national, but also community and European, are very respectful of the fact. religious and plurality. During all these years in which, it has been demonstrated, very harsh news has been published against the confession of Jehovah's Witnesses in widely distributed media, there has not been any climate of intolerance, possibly regarding the confession in that its faithful assume greater public exposure, since they regularly preach on the streets or go to homes, and there are no acts of violence or discrimination against them, except for very specific exceptions.

The plaintiff provided a series of documents about the apostates to substantiate that the intention of their statements against the religion they abandoned is truly insulting because it is more passionate. The Courts of Instance and Appeal also reached this conclusion in the *Patuel* case. *vs. France*, Judgment of the ECtHR, of December 22, 2005, understanding that, in addition to other circumstances, there was animosity on the part of the plaintiff for being a Jehovah's Witness and for having included the defendant civil entity in this confession among the sects of France. In this regard, the ECtHR concluded:

45 The Court notes that such considerations, referring to the association of Jehovah's Witnesses and the applicant as a member, do not in themselves constitute relevant and sufficient grounds for convicting the applicant. In any case, if the fact of questioning the activity of an association whose object is the fight against so-called sectarian organizations, being himself a member of one of the organizations being fought, necessarily establishes the existence of a certain personal animosity, the Court points out that such a reproach could be directed interchangeably at the plaintiff and the civil party, taking into account the statutory object and the latter's activities, but also the context of passionate debate within the framework of which the work in dispute is inscribed.

That is, said animosity can be reciprocal and must not be taken into account.

In the case at hand, all the statements are related to the objective of the Association, which is not the extinction of the religious confession, but its adaptation to what the Association considers fairer norms; Likewise, inform anyone who wishes to approach the confession of what the defendant institution understands as the consequences of this approach, which may be negative for people's lives. Therefore, the statements are related to the purpose of the Association and to the experiences collected, both by its members and by its "supporters", all former believers of the confession.

Regarding the classification of this as a destructive sect and the name of the Association itself with the expression *victims* of... and its inclusion in its formal name and the consideration, since its constitution,



The fact that confession causes damage to health, puts people's lives at risk or generates victims must be understood as protected by freedom of expression, despite everything said being annoying or hurtful, as has already been examined.

It is evidently unpleasant, even hurtful, for the faithful of that confession that the Association uses the term "victims", but this word not only has in the *Spanish dictionary* of the Royal Academy the legal meaning of the criminal field as being harmed by a crime, but also as the one who suffers harm. Our legal system, not long ago, was enriched with the "Statute of the victim of crime", a norm of a criminal nature and which in its own name includes and clarifies that it refers to the criminal legal field, but there may be people with damages of another type. The associations of victims of terrorism, gender violence, traffic accidents, etc. are public and well-known: they all effectively bring together people who have suffered harm due to events that are in themselves negative, so it could be concluded that a religious confession It cannot generate victims, but that would be contrary to what has been demonstrated in this procedure, since numerous people claim to have suffered many damages as a result of their experience as followers of a religious confession, and prohibiting this term in the name of the Association would be censorship. unjustified for these people who freely express their opinion based on first-person experiences. All the declarants proposed by the Association considered themselves victims, and have been accredited, at least as truthful, practices that are widely carried out and generate a lot of pain, and mentally destabilize the people targeted by them, such as expulsion and everything, which entails, since the reasons for expulsion are not always proportionate to the seriousness of the fact, the consequence is more serious than the behavior prosecuted. These are behaviors that generate damage, due to recklessness, without malicious intent, since, as the defendant's deponents also admitted, most people do so convinced that they act well and are good people. The plaintiff entity alleges that it is contrary to its honor, but greater protection deserves the freedom of those who consider that they have suffered multiple damage, to group together in an association that incorporates the word or term *victim* in its public name and formal reference to what caused its damage, be it a political party, a religious confession or any other concept that does not have to be negative in itself. Traffic accidents, for the most part, are committed due to reckless actions, and there is no doubt that they generate damage, injuries and consequences.

As indicated, all the witnesses provided by the defendant considered themselves victims, and even many behaviors reported by them or published in the media that have been analyzed in this resolution, show that some people were not only victims of different damages, but of real crimes, such as sexual abuse or its cover-up. The reality of being expelled and what it entails, whether you smoke, whether you read criticism of your confession, or whether you maintain a "forbidden" family relationship (between parents, children, siblings...) or a friendship with a "prohibited person" such as an expelled, disassociated or non-Jehovah's Witness person (even if that person is not a bad influence), as if one marries a person who does not belong to the confession, once baptized, or as If a blood transfusion is received to save one's life and no repentance is shown, it raises the question of whether it entails a sanction so disproportionate that it produces psychological abuse due to coercion and a reduction in individual freedom, as well as religious freedom. It is also very likely that it will negatively affect mental health to know that anyone who knows of the commission of a sin (whatever its severity) has the obligation to tell it to the elders, if the author does not confess it. This rule also poses a continuous threat of being "reported." There is no doubt that expulsion and its effects is the measure that causes the most suffering, since the family is the basis of the human being and society, and the application of this norm as stated in the book "Shepherd the flock" and in other publications of the confession, and its specific practice in the cases that have been examined in this procedure, produces the breakdown of relationships, they are not spoken to, adult children are even thrown out of the house regardless of whether they have means to live alone, that is, it destroys a family in which some treat each other and others do not, depending on their religious practice or certain decisions that have been made in life in the exercise of fundamental rights. In this Sentence it is not questioned whether there is religious dogma for this, but this Judge cannot ignore that it is included as a norm and practice in the texts of the confession, and not in an extraordinary or secondary way, but mainly and recurrently. Our Constitution not only includes in its article 10 the right to dignity of the person, its inviolable rights, the right to free development of personality, and in article 14 the equality of all and the prohibition of discrimination based on religion , sexual orientation among others; but in article 39 it obliges public powers to protect the family economically, socially and legally. The judiciary is also one of them. It represents a recognition of its importance for human beings, Well, we are all born in one and family ties are a fundamental part of the person, and the origin of many mental problems due to their destructuring, toxicity or absence. In its positive aspect, when the family is strong, it is an emotional support, a place of respect and affection, of refuge, the person has many more possibilities of being happy or of better facing the adversities of life, and therefore, of enjoy greater mental health. The Civil Code itself delves into the



family relations, as a natural right, with obligations also derived from it, as an example would be the right to food between relatives. That is to say, our Law recognizes this pre-legal reality of the family, especially Spain being a country in which, in general, very strong ties are maintained with the closest family members, compared to other European neighbors whose way of living is more independent of each other. In Spain, sociologically the family is very important and therefore, the breakup with parents, children, siblings and even nephews, as some respondents stated, causes terrible suffering.

Finally, both art. 3.1 of Organic Law 7/1980, on religious freedom, such as art. 9 of the European Convention on Human Rights, state that the only limit of religious freedom is the protection of the right of others to exercise their public freedoms and fundamental rights, as well as the safeguarding of public safety, health and morality, constituent elements of public order protected by law in the context of a democratic society. This limit is absolutely exceptional, as the aforementioned STC 46/2001, of February 15, repeats on several occasions, and therefore censorship must also be censorship in our country, and good faith, which the plaintiff also alleges, must have priority to promote ideological, religious or social debate. Although some expressions are inaccurate or exaggerated, as has been examined, the right to freedom of expression and information prevails over the right to honor, since there is no need to justify its interference in those in a democratic society like ours. It should be noted that in this case the name of the confession is confused with the name given to its faithful, which is significant because sometimes it seems that the parishioners are criticized when really the recipient is the confession itself, not the individuals.

We are faced with legitimate criticism of certain widespread behaviors carried out by the religious confession of Jehovah's Witnesses, not only in Spain, but also abroad, and whose criticism also affects the Spanish confession, since the world confession is a and its guidelines and publications are the same throughout the world. Although it is annoying and deeply hurtful, the existence of the Association must be tolerated since, precisely this mechanism of disapproval or criticism, allows a certain control, almost like a "watchdog", so that the already mentioned limits of religious freedom are not exceeded. It prevents and helps to eradicate abuses of all kinds, so that confessions and their interpretations evolve and adapt, if they are not, to the current legal system and the feelings of the society in which it is practiced. When "abuse of all kinds" is referred to, not only sexual abuse is included, but also religious excesses, also known as abuses of conscience or psychological, for which, under the pretext of dogmas and the moral authority of who exercises positions and functions, harms the faithful in good faith, since coercion or abuse of conscience produces serious and dangerous damage to the mental health of people, from which no confession or religious group is exempt or immunized, since However sacred the dogma may be, they are applied by human beings.

The ease with which abuses or misdeeds can occur against the most vulnerable with the excuse of a religious act, spiritual punishment or supernatural reward, requires that, in both majority and minority confessions, anyone who, being faithful to that religion or having abandoned it, decides to present his experience, or his enlightened knowledge, about how the dogmas of faith, traditions, recommendations, etc. are put into practice; if arbitrariness or excesses are committed in this practice. And precisely, the religious confession is also entitled to this same freedom of expression and information, both through its most institutional representatives and through any faithful, to explain or defend their beliefs, their practices, their traditions and contradict, if the criticism received was necessary, with complete freedom, even more so in today's society in which there are various media, social networks and digital resources to freely express one's opinions. In fact, it is also known that Jehovah's Witnesses are absolutely peaceful citizens since they are prohibited from taking up arms against another human being, that they do not enter into conflict in society and that they promote very positive behaviors for human beings such as a job well done, caring for the family, the prohibition of drugs and very limited alcohol consumption. All of these virtues, from which Spanish society also benefits, can be expressed publicly in the same way from confession or by the faithful themselves, and this ease in today's society to communicate to third parties through platforms or various digital channels is evidence that it is not necessary the interference that is being requested in the freedom of expression or information of the Association.

Only the movements of faithful, or former faithful, of any religion, who publicly denounce abuses of a spiritual nature or sexual abuses or of any kind, discrimination or degrading treatment, irregularities, etc., can ensure that they disappear or that their functioning improves or evolve the practice, where appropriate. Limiting freedom of expression would be to ignore, in addition to the power and influence that the group exercises over the individual, the ecclesial organization of the religion in conflict itself, its hierarchy, its economic means, etc., which leave the faithful in a vulnerable situation. to exercise legitimate criticism or denounce abuses or excesses of all kinds.



Consequently, as all the jurisprudential requirements for this are met, the prevalence of the right to freedom of expression and information is declared with respect to the right to honor exercised and in relation to the facts that are the subject of this litigation, and the claim must be dismissed in its entirety. .

SIXTH. -- COURT COSTS.

The art. 394 of the LEC establishes the criterion of expiration, so, in application of the same, the plaintiff must be ordered to pay the procedural costs derived from this lawsuit, both the religious denomination and the natural persons, whose active standing was dismissed.

Considering the legal provisions cited and those of general and pertinent application,

FAILED

That, completely dismissing the lawsuit filed by the procedural representation of the religious confession Jehovah's Christian Witnesses of Spain and D. Inocencia, D. Justiniano, D. Laura, D. Lucas, D. Marcos, D. Mariana against the Spanish Association of Victims of Jehovah's Witnesses, in its merit

1.-I must declare and do declare that there has been no violation of the right to honor of the religious confession Jehovah's Christian Witnesses of Spain by maintaining the rights to freedom of expression and information its prevalence over the right to honor.

2.- I must and do absolve the Spanish Association of Victims of Jehovah's Witnesses of all claims made against it.

3.- I must and do condemn the plaintiff religious denomination, as well as all the plaintiffs, to pay the procedural costs.

Please notify this Judgment to the Public Prosecutor's Office and to the other parties appearing, letting them know that an appeal may be filed against it before the Ilma. Provincial Court of Madrid within a period of twenty days from its notification and in accordance with the LEC.