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A groundbreaking ruling

Court confirms: Severe criticism of Jehovah's Witnesses is justified

- **The religious practice of Jehovah's Witnesses violates basic rights of their members**
- **Children too are affected by ostracism**
- **The two-witness rule facilitates sexual violence against children**

In July 2019, the District Court of Zurich acquitted a cult expert and former [infoSekt|a](http://infosekta.ch) employee on all charges of libel brought by the Association of Jehovah's Witnesses Switzerland. These charges came following an interview in the [Tages-Anzeiger \(2015\)](#) and a [media release \(2015\)](#). From March 2020 on, it became apparent that the Jehovah's Witnesses of Switzerland were not going to file an appeal. "The court ruling devastating for the Jehovah's Witnesses, is therefore final.

To the best of our knowledge, this verdict unprecedented, both in Switzerland and internationally. Based on extensive evidence, the court examined the cult expert's statements regarding key points of criticism of the Jehovah's Witness doctrine, and it concluded that the criticism was justified: The religious practices of the Jehovah's Witnesses violate the fundamental rights of their members and their loved ones.

This verdict is also crucial concerning a clarification of the doctrine of the Jehovah's Witnesses, which is a doctrine that is binding for all of their members worldwide. It also entails questions about the statutory body recognition (Körperschaft des öffentlichen Rechts) of the denomination in Germany.

What the trial was about

Dr. Phil. Regina Spiess, an expert on cults, was accused of defamation, the crime of attacking and/or damaging the honour of a person or an organization (article 173 of the penal code). Because true defamatory statements are usually exempt from punishment, the aim of the court trial was to demonstrate that the statements made by her were true. For all relevant points, the expert succeeded in proving that the statements were in fact true (Proof of Truth) or that they could be considered true in good faith (Proof of Good Faith). During the trial, it could also be proven that all of her the statements were made in respect of the public interest.

For the trial, twenty-four witnesses had been named; however, the court decided not to call on them because the proof of exoneration had already been provided through extensive written evidence. The court acquitted the sect expert of all charges, and she was awarded a trial compensation of CHF 20,500 for legal fees and an additional personal harm allowance of CHF 4,000 from the court treasury, a considerable amount by Swiss standards.

Initially, the Jehovah's Witnesses Switzerland announced an appeal. After the written verdict was issued in January 2020, however, they allowed the deadline for filing and substantiating an appeal to expire, with the consequence that the court ruling is now binding.

Proof of truth in all key points

Dr. phil. Regina Spiess, an expert on cults who now works for the association association JW Opfer Hilfe e.V., was able to prove the truth (Proof of Truth) of her main arguments and/or her explanations were recognised by the court as “known to the court” (“gerichtsnotorisch” – known the court because of previous processes).

- The practice of shunning (ostracism) exists and is at least to some extent a violation of human rights (Proof of Truth). Shunning can be understood as prescribed bullying and violates the integrity and implicit freedom of belief and conscience of the persons concerned (Proof of Truth).
- Children and young people too are affected by shunning (Proof of Truth). Children experience severe fear due to this religious practice (Proof of Truth).
- It still occurs repeatedly that Jehovah's Witnesses die as a result of the ban on blood transfusions (“gerichtsnotorisch”/known to the court).
- The „Two-Witness rule“ exists (Proof of Truth).

Shunning (ostracism)

Baptized members of Jehovah's Witnesses who turn away from the faith or break rules are expelled from the community. Other Jehovah's Witnesses may no longer have contact with them or even acknowledge them. This also applies to close family members.

Those affected often lose all of their loved ones at once, including those closest to them: parents, children, siblings, partners, grandparents, and friends. Ostracized persons often learn about the marriage, birth or death of their closest relatives from third parties.

Today, children are often baptized at the age of 11 or younger. After that, they can no longer freely decide how they want to live and what they want to believe in - because otherwise they will lose their family and loved ones.

The expert was able to provide Proof of Good Faith with regard to these statements:

- The above-mentioned „Two-Witness rule“ and other guidelines of the organisation facilitate sexual abuse, especially of children (Proof of Good Faith).
- The community is problematic, displaying severe forms of violence: psychological violence through shunning and social violence through manipulation, punishment, and an exclusionary mentality. Watchtower media aims at frightening children (Proof of Good Faith).
- The group is highly problematic, manipulates their members and violates their physical, psychological and social integrity (Proof of Good Faith).
- By shunning, the Watchtower Organisation implicitly denies its members freedom of faith and conscience (Proof of Good Faith).

Why this judgment is so important

Until now, Switzerland has tolerated religious guidelines which endanger the psychological and physical integrity of children and adults within the Jehovah's Witness community. In response to this judgement, Swiss politicians will be called upon to take action to review legislation and decide what political measures to take.

Germany and Austria must now explain why they, as states, approve religious guidelines that

- silence children and women affected by (sexual) violence,
- call on parents to shun their underage children and
- abandon people whose lives are in danger.

The judgment also makes it clear that the Jehovah's Witnesses obviously did not tell the state the truth during their application process to become a public corporation (Körperschaft des öffentlichen Rechts), because shunning also affects the nuclear family, including parent-child, sibling- and couple-relationships. Shunning tears families apart, and in Germany and Austria this happens with the approval of the state.

This judgement is also important because the denomination tries to intimidate cult experts, journalists, and activists with legal action all around the world.

Assistance for politicians, media representatives and other professionals

In the meantime, the comprehensive evidence provided by the cult expert was further supplemented by the association JW Opfer Hilfe. On several occasions, these pieces of evidence have been made available to journalists and experts who have criticized Jehovah's Witnesses and who have subsequently been threatened with legal action.

The Association JW Opfer Hilfe is happy to provide information to media professionals, lawyers, psychotherapists, government officials, and politicians regarding the teachings of Jehovah's Witnesses. It maintains an extensive archive and has a wide range of expertise.

Further details on individual points

1. The practice of shunning (ostracism)

Statements by the expert ([Tages-Anzeiger](#))

"We draw attention to the practice of shunning, a violation of human rights. [...] Shunning is a form of bullying decreed by the authorities. It violates human rights and the constitution." / "Everyone has the right to freedom of thought, conscience and religion - a right that Jehovah's Witnesses claim for themselves but do not grant their members" (p. 22).

Judgment of the court

The practice of shunning exists and is, at least in basic terms, a violation of human rights (Proof of Truth). Shunning can be understood as prescribed bullying; it violates the personal integrity as well as implicitly the freedom of belief and conscience of those affected (Proof of Truth).

Remarks of the court

"So basically, there is this practice of shunning ..." (S.23). "Such behaviour can be understood as 'bullying' (for a definition see act. 12/4/1 T): an action carried out in a systematic way against certain persons with the aim of expelling them from the community. Bullying is a violation of an individual's personal integrity. The practice of shunning therefore proves to be a kind of 'bullying' which is, at least in its basic tendencies, a violation of human rights because it is a violation of personal integrity. This type of bullying is also used when members of Jehovah's Witnesses no longer believe or develop a different faith. ... They are thus implicitly denied the freedom of belief and conscience within the community" (S. 24, see acts 12/12/34 and 12/12/2).

Why this is important

The practice of shunning, i.e. the complete termination of contact with an excluded person, is often concealed and discussed in a disguised manner, especially when recruiting new members. For example, under [Frequently Asked Questions](#), the website of the Jehovah's Witnesses' organisation emphasizes that baptized Witnesses who no longer practice are not avoided. This is true, but only if they do not speak out about their non-belief or commit "sins" such as premarital sex, smoking, voting, or accepting a blood transfusion. However, they are excluded and ostracized if they are found to lack repentance or in case of recurrence of the "sins." Likewise, anyone who professes a different faith or

non-belief is also ostracized. Members must therefore choose between their loved ones or their chosen way of life, i.e. the free exercise of their faith. In this way they are curtailed in their basic and human rights.

In connection with the Jehovah's Witnesses' efforts to become a public corporation in Germany the organisation had to demonstrate that it was acting in accordance with the law – which is evidently not the case. This verdict makes it clear that shunning undermines freedom of faith and conscience just as it undermines the human right to mental integrity.

2. Children and young people are affected by shunning – children experience extreme fear

Statement by the expert ([Tages-Anzeiger](#))

"To say something kind, to ask how their day was, or to take the child in your arms – that is no longer possible. Children experience a permanent fear" (S. 24).

Judgment of the court

Children and young people too are affected by shunning (Proof of Truth). Through religious practice, children experience severe fears (Proof of Truth).

Remarks of the court

"It is evident that Jehovah's Witnesses take the view that parents are still responsible for excluded children and must give them food and a place to sleep. They also attempt to guide them back to the right path through Bible study. However, no mention is made of the child's emotional needs. This can be seen as a kind of strategic silence. Ostracizing and depriving apostate children of love is considered an appropriate punitive measure for children.

This circumstance, as well as the central message of Jehovah's Witnesses – the approaching end of the world at Armageddon, a great and bloody final battle in which all unbelievers will be destroyed – which all members, including children, are confronted with for several hours every day, can cause fear especially in children (acts 12/4/22-25, 12/12/2, 12/12/14). There are sufficient dropout reports in which people describe how much they suffered and were afraid as children (act. 12/4/28). Based on the numerous reports, the corresponding opinions of various experts (acts 12/3, pp. 26-27), and the texts that underlie the faith of Jehovah's Witnesses (acts 12/4/18, 12/4/23-24, 12/4/27), it can be assumed that the children and young people involved with Jehovah's Witnesses experience fear.

The accused's statements thus prove to be true, wherefore she succeeds in proving proof of exoneration" (Proof of Truth) (S. 25-26).

Why this is important

For Jehovah's Witnesses to be recognised as a public corporation (Körperschaft des öffentlichen Rechts) in Germany, it was a prerequisite that the practice of ostracizing do not endanger the nuclear family. However, this is the case: Ostracizing destroys parent-child relationships, sibling relationships, and the relationships between spouses. Again and again, the ostracizing of minors leads to serious crises among young people.

Today, frightening children is understood as a form of psychological violence which can damage children severely far beyond childhood. A society must ensure the protection of children and adolescents, regardless of the circumstances that endanger their physical or psychological integrity. Neither poverty nor lack of family (foster children or orphaned children) nor the religious practice of parents (children in cults) should be a reason to abandon these children.

These days, Jehovah's Witness parents in Germany and Austria must tell their ostracized children: *"Our religion, recognised by the state, dictates that we cannot be there for you as parents because you smoke, have sex, are politically active or reject our faith. You can stay here until you are eighteen if you attend the meetings. After that we will cut off all contact with you. This is what Jehovah requires of us – and the state supports it."*

3. Deaths due to the refusal of blood transfusions

Statement by the expert ([Tages-Anzeiger](#))

"Again and again believers die after traffic accidents or in childbirth." (S. 15)

Judgment of the court

The ban on blood transfusions leads to deaths ("gerichtsnotorisch"/known to the court). This statement is not defamatory.

Remarks of the court

The written judgment states that it is "gerichtsnotorisch" (meaning that this fact is already known to the court from previous legal cases) that Jehovah's Witnesses refuse blood transfusions. It cites the well-known [Awake!](#) from May 1994, whose cover features photos of children who died after refusing blood transfusions. The court does not respond to the Jehovah's Witnesses' attempts to claim that no one dies from refusing blood transfusions. Instead, the court declares:

"This statement refers to the Jehovah's Witnesses' world-renowned position against accepting blood transfusions. However, it is not clear to what extent this statement attacks the honour of the members. The statement that people die after car accidents or while giving birth does not itself conclude that the denomination is therefore responsible, at least not in a measure large enough to be defamatory. It is a simple factual claim without value judgment, and in particular it does not elaborate or emphasize that the Jehovah's Witnesses were in principle responsible for it. It is also known to the court ("gerichtsnotorisch") that baptized Jehovah's Witnesses are not allowed to accept blood transfusions. This is seen as a violation of the divine commandment. The 'Awake!' of May 22, 1994, shows the photos of 26 children who died because the Jehovah's Witnesses refuse blood transfusions on the basis of their faith" (S. 16).

"Statement c) is not defamatory and therefore does not meet the criteria for libel according to Article 173 StGB (Criminal Code). The accused is therefore to be acquitted of in relation (sic!) to this statement" (S. 16).

Why this is important

The Jehovah's Witnesses discuss the subject of blood transfusions in contradictory ways: On the organisation's website, under Frequently Asked Questions about [Blood Transfusion](#), it is made clear that blood transfusions are not an option. However, they claim that refusing blood transfusions does not lead to more deaths:

***"The myth:** Many Witnesses, including children, die each year as a result of refusing blood transfusions.
The fact: This statement is totally unfounded. [...]"*

Nonetheless, there are dozens of passages in their literature that deal precisely with this danger of death. Those concerned are encouraged to remain steadfast and are then praised for remaining so, even in the face of death, as showcased in *Awake!* of May 22, 1994, among others.

The court's statement showcases the extremity of a community that praises child martyrs. In countries with weak governments or where temporary legal guardianship is not available, children of Jehovah's Witnesses die when they need blood transfusions.

In Germany and Austria, which have recognised the Jehovah's Witnesses as a public corporation (Körperschaft des öffentlichen Rechts), the question of the Rule of Law arises. A believer who accepts a blood transfusion is considered to have voluntarily resigned from being a Jehovah's Witness. Only if she repents, and the repentance is recognised as "genuine," can she be reinstated.

But what if she needs further blood transfusions? What if she does not repent? What if she, after an exposure to a lifetime of gory Armageddon images, refuses a blood transfusion despite her weakened state? She makes these decisions because she doesn't want to die in an awful way during Armageddon; Because she wants to see her loved ones again in paradise; Because she would rather be remembered as a martyr than as a weak apostate. Or, because in a time of intense vulnerability, when she so desperately needs her loved ones, she simply cannot afford to lose them to ostracism - and therefore instead chooses to die.

None of these are free decisions. It is inhuman and a violation of human rights to force people into such decisions.

4. Religious guidelines such as the Two-Witness Rule facilitate or cover up (sexual) violence against children

Statements by the expert ([Tages-Anzeiger](#))

"The secrecy of the system and the dogmatic faith categorically facilitate sexual abuse, especially among children. The victims have internalized that their needs come second." / "There exists a Two-Witness Rule which encourages sexual abuse: The suspicion of a sexual offence against a child may only be acted upon if there are at least two witnesses, which is naturally never the case. If there are no two witnesses, the elders leave the matter in Jehovah's hands, i.e. remain inactive. The victim must remain silent. Otherwise she or her family will be expelled" (S. 26).

Judgment of the court

The Two-Witness Rule exists (Proof of Truth); It and other guidelines of the organisation facilitate sexual abuse of children (Proof of Good Faith).

Remarks of the court

"First of all, it should be noted that the so-called Two-Witness Rule does exist (act. 12/4/2, act. 12/12/21)" (S. 27) [...].

"The rule states that only one witness to a crime is not enough; A crime must be confirmed by a second witness. So, if no one but the victim him- or herself can testify to the abuse and the suspected perpetrator denies the offense, no action is taken. In summary, the investigation of the Royal Commission shows that fundamental beliefs and practices of Jehovah's Witnesses are relevant in the context of child abuse – the patriarchal and highly hierarchical structure of the community lead to a weakened position of women and children. The notion that biblical laws are above secular ones plays an important role in connection with the unreported crimes. Additionally, it is difficult for victims to defend themselves because of their religion's 'separation from the world' (act. 12/4/2, p. 18). On one hand, there exists a problematically high threshold to form an internal legal commission. On the other hand, it is very questionable whether victims would turn to government authorities at all after an accusation was already disregarded within the community. Not only is there no requirement that child abuse be reported to the authorities, there is also no provision to protect children (act. 12/4/2, p. 61; act. 12/12/22). According to the report, the Two-Witness Rule usually works in the interest of the perpetrator, who thereby not only escapes punishment but also remains a part of society, where he continues to meet his victims and other potential victims" (S. 27-28) [...].

"Based on the reports and expert opinions mentioned above, in particular the 'Final Report' of the Royal Commission, it can be assumed that the statements of the defendants are true, at least in their essence. The accused was entitled to trust that statements resulting from the aforementioned reports as well as various expert opinions were true – after all, the Royal Commission is a government-run truth-finding commission consisting of judges and professors, and its working methods are unobjectionable. The accused therefore at least demonstrates Proof of Good Faith" (S. 28).

Why this is important

The Two-Witness Rule results in the fact that (sexual) offenders are not prosecuted and remain in the community. The Two-Witness Rule and other religious guidelines facilitate and cover up (sexual) violence against children and women in the community of Jehovah's Witnesses. When such serious crimes with such serious consequences targeting the weakest members in a religious community occur frequently, the surrounding society has an obligation to act. Accordingly, authorities in Australia, the Netherlands, Belgium, Great Britain and the USA have become active.

In Germany and Austria, where Jehovah's Witnesses enjoy status as a public corporation, these religious guidelines are binding under religious law. In other words, these states sanction a system that protects perpetrators, covers up their deeds, and silences those concerned - the weakest members of the community.

Curious role of the Swiss Press Council

The Swiss Press Council had falsely accused the cult expert in 2016 for breaching the duty of truthfulness in her statement in the [Tages-Anzeiger](#) because the Two-Witness Rule was allegedly no longer applicable at that time. The Jehovah's Witnesses Switzerland tried to profit from this unjustified accusation and based their court arguments on it, despite the fact they must have known it was a false judgement. Although the Press Council had evidence to prove the accuracy of the statement since October 2018 at the latest (due to a further complaint in connection with a statement by the cult expert on the Two-Witness Rule in the newspaper Rhone-Zeitung), the Press Council waited until February 2020 to rectify their incorrect decision against the media organisation and their inadmissible personal attack against the cult expert. The correction was made on the Press Council's side but it, unlike the original decision, was not widely communicated.

5. Jehovah's Witnesses as a problematic community – serious forms of violence

Statements by the expert ([Tages-Anzeiger](#))

"Most people simply do not know what a problematic community Jehovah's Witnesses are. To the outside world, they don't seem to be extreme, at best a little old-fashioned. However, there is a gradually-emerging broader awareness of the serious forms of violence that people experience in such groups" (S.29).

Judgment of the court

Psychological violence through ostracism exists. Social violence through pressure, manipulation, punishment and an exclusionary mentality exists. Watchtower materials aim to frighten children (Proof of Good Faith).

Remarks of the court

"Here, too, the accused's statements draw on the reports of dropouts and followers as well as various expert opinions. Basically, psychological violence is defined as isolation, social violence, threats, coercion and incitement of fear as well as insults and devaluation (act. 12/4/40). An analysis of Watchtower materials for children makes it clear that they are aimed at frightening children: those who do not obey, those who do not follow, those who do not believe, those who do not meet the standard should expect to be expelled from the community and thus will face extermination in Armageddon. The shunning discussed above can be seen as a form of psychological violence. This is made evident by reports of those who have left the community and by the materials of the Watchtower Society itself (acts 12/4/40-42; acts 12/11 pp. 14-15 and acts 12/12/34). Furthermore, reports by dropouts show that community pressure, manipulation, punishment and the exclusionary mentality are experienced by victims as forms of social violence."

"The accused was entitled to trust that the statements resulting from the mentioned reports by victims as well as those from various expert opinions are true. The accused at least succeeds in showing Proof of Good Faith" (S. 29).

Why this is important

The court acknowledges that Watchtower materials for children are aimed at frightening them, which is a form of psychological violence. The judgment also recognises the serious consequences of the ever-present threat of expulsion as a form of psychological violence, as well as forms of social violence through shunning and manipulation. This is important because experts from various fields have pointed out the serious consequences of psychological violence against children and that they are no less serious than forms of physical violence.

6. Highly problematic group; has a manipulative effect on members and violates their physical, psychological and social integrity

Statements by the expert ([media release](#))

"infoSekta sees Jehovah's Witnesses as a highly problematic group that attempts to manipulate its members down to the level of their existential identification. The community's guidelines violate the physical, psychological and social integrity of its members" (S. 29).

Judgment of the court

The practice of shunning violates the psychological and social integrity of members; The doctrine of ostracism functions as a manipulative influence. Children and young people suffer from fear. Victims suffer from these consequences even years after their exclusion (Proof of Good Faith).

Remarks of the court

"The practice of shunning is considered to be damaging to the psychological and social integrity of the members. The fact that the other members are encouraged to actively avoid excluded and resigned persons – even their own family members – and to have no contact with them can very well be seen as manipulative influence on the members of the community. Furthermore, it has already been demonstrated that children and young people in particular suffer from fear. Various reports by dropouts and experts (among them psychologists who care for excluded members of the Witnesses and others who have left the community) have shown that some of them still have fears years after resignation or expulsion. This is all reflective of the influence of their upbringing with the Jehovah's Witnesses" (cf. acts 12/4/19-21, 12/4/28, 12/3, pp. 26-27).

"The accused could rely on that the statements resulting from the aforementioned reports by affected persons as well as from the various expert opinions are true. The accused thus at least succeeds in showing Proof of Good Faith" (S. 30).

Why this is important

The court recognises the manipulative nature of shunning and the far-reaching consequences of the fear this incites in children and young people.

This judgement is also so important because it takes the reports of former Jehovah's Witnesses seriously and bases its conclusions on them, in addition to expert opinions. This is in contrast to German courts: In 2005, the Higher Administrative Court of Berlin declined to hear former Jehovah's Witnesses.

7. The Watchtower Organisation denies members the human right to freedom of thought, conscience and religion according to Article 18

Statement by the expert ([Tages-Anzeiger](#))

"Furthermore, Article 18 states that everyone has the right to freedom of thought, conscience and religion, a right that the Watchtower Society claims for itself but does not grant its members."

Judgment of the court

By ostracizing members who no longer share the faith, they are implicitly denied freedom of faith and conscience (Proof of Good Faith).

Remarks of the court

"As stated above, a form of bullying is exerted when members of Jehovah's Witnesses no longer believe or develop a different faith. In that case, such people are excluded and ostracized, which is thought to encourage them to return to the community. Without the shared faith, they are no longer and/or can no longer be part of the community. Implicitly, therefore, they are denied freedom of faith and conscience within the community" (cf. acts 12/12/34, 12/12/2, 12/3 p. 55).

"The accused was allowed to trust that the statements resulting from the reports of those affected and those from various expert opinions were true. The accused thus at least succeeds in proving good faith" (S. 30).

Why this is important

The court ruled that the critique of Jehovah's Witnesses denying their members human rights under Article 18 to freedom of thought, conscience and religion is justified.

This verdict is a huge success – thank you to all who contributed to it!

This verdict is unique in its kind. Many thanks to all who have contributed to this victory, especially the affected persons, activists and experts who were available as witnesses and contributed their knowledge. Special thanks to RA Dr. Urs Eschmann, whose [defense](#) reflected his years of experience and knowledge in relation to cults.