

Jehovah's Witnesses and Right to Honor: Four Spanish Decisions

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ABSTRACT: In the last quarter of 2023, four decisions by the Spanish Court of First Instance of Torrejón de Ardoz examined statements by an anti-cult association called Spanish Association of Victims of the Jehovah's Witnesses (AEVTJ). The Jehovah's Witnesses found the statements as spread by the AEVTJ, its members, and in one case the daily newspaper *El Mundo*, to be both incorrect and offensive to their right to honor. The Jehovah's Witnesses prevailed in two cases, decided by the First Section of the Court of First Instance of Torrejón de Ardoz, while they lost the two cases decided by the Sixth Section of the same court. The main themes of the international anti-Jehovah's-Witnesses propaganda were discussed, and differently evaluated, by the two sections of the court. It is, however, important to read all decisions in their entirety. Perhaps the contradictions will be solved by superior courts.

KEYWORDS: Jehovah's Witnesses, Jehovah's Witnesses in Spain, Right to Honor in Spain, Spanish Association of Victims of the Jehovah's Witnesses, AEVTJ, Asociación Española de Víctimas de los Testigos de Jehová.

Introduction

Between October 2 and December 22, 2023, the Spanish Court of First Instance of Torrejón de Ardoz issued four decisions in cases where the Jehovah's Witnesses lamented that statements by an anti-cult organization called Asociación Española de Víctimas de los Testigos de Jehová (AEVTJ, Spanish Association of Victims of the Jehovah's Witnesses) violated their right to honor. Two decisions were favorable to the AEVTJ and two against them. The two favorable decisions were rendered by the First Section of the Court of First Instance of Torrejón de Ardoz and the two against the Jehovah's Witnesses by the Sixth Section.

The contradictory judgments have been appealed and perhaps will be reconciled on appeal or further on by superior courts. The substance of the matter is discussed in the article by the distinguished Spanish law professor Juan Ferreiro Galguera written before the decisions were rendered and published in this issue of *The Journal of CESNUR*. Complementing that article, I will comment here on the four decisions.

Torrejón de Ardoz #1: The Case of the Newspaper El Mundo

The first case won by the Jehovah's Witnesses was not against the AEVTJ directly but concerned information the anti-cult association had supplied to the Spanish newspaper *El Mundo*, which on November 21, 2022, had published a slanderous article against the religious organization. On October 2, 2023, the Court of First Instance no. 1 of Torrejón de Ardoz dismissed the newspaper argument that responsibility lied only with the AEVTJ. It ordered *El Mundo* to publish the Jehovah's Witnesses' reply and to pay the litigation's costs.

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

The court found it self-evident that the article “generated verifiable damages” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6) to the Jehovah's Witnesses. To start with,

the title of the article itself included the word “cult” [‘secta’ in Spanish] that has unquestionable negative connotations with respect to any religion (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6).

The stories coming from the AEVTJ are, the court said,

objectively harmful to the fame and credibility [of the Jehovah's Witnesses organization], such as referring that it is a religious association (which they call a “cult”) with “cultic” practices, stating that it causes “social death” to those who leave it, that it “compels” its members not to report crimes, that it alienates its members, and that it “encourages physical and moral suicide” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6),

and so on. Thus,

from any point of view, the article mentions allegations by third parties that cause undeniable damage to the religious association (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6).

Then, the judges examined whether the allegations in the article were inaccurate and concluded that most were. The decision noted that

the first thing that is striking is the title of the article itself, where the plaintiff entity is catalogued as a “cult,” then throughout the extensive text the words “cultic practices” are used (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6).

According to the decision,

the information in this case is based on a fact that is clearly inaccurate, since the Jehovah's Witnesses are a religious denomination registered in the General Section (Minority Religions), inscription number 000068 of the Register of Religious Entities kept at the Ministry of Justice, so we are dealing with a legitimately recognized denomination in our country like many others. Therefore, to classify the plaintiff entity as a cult is legally erroneous since, in the context of the analyzed article, it implies attributing to the plaintiff some pernicious or harmful features as opposed to the rest of the religious confessions legally established in Spain (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6).

Second, the article referred to

testimonies of alleged victims of sexual abuse within the religious denomination ..., alluding to a certain situation in Australia where allegedly “they hid more than a thousand cases of sexual abuse” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6–7).

The article also mentioned a

former Jehovah's Witness who reports that he was allegedly abused “among the Witnesses,” concluding that “they kill you in life” ... [and] another former Witness who explains the context of some alleged rapes and that “they constantly threatened him that if he spoke, they would form a judicial committee” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 7).

The court concluded that, when carefully examined,

these facts are not accurate and further affect the public consideration of the plaintiff [the Spanish Jehovah's Witnesses] since, on the one hand, there is no certain record of any conviction of the religious entity as a whole for the aforementioned unspecific cases of sexual abuse in Australia, so it is an inaccurate fact that the alleged events were concealed in that oceanic country. On the other hand, with respect to the specific accounts of alleged sexual abuse, it is not so much that the fact is true or not (in fact, no evidence of any convictions arising from such allegations, if any, has been provided), but that at all

times the plural and collective number is used when referring to the alleged sexual abuse, to attribute to the religious denomination as a whole the responsibility for “sexual abuses perpetrated within the group” rather than to the persons who in each case had caused the alleged abuses or sexual aggressions (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 7).

Overall, the part of the article concerning sexual abuse should be “classified as inaccurate” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 7).

Third, the practice by the Jehovah’s Witnesses of the so-called ostracism or shunning, i.e., counseling members not to associate with ex-members who have been disfellowshipped or have publicly left the organization (Introvigne and Richardson 2023; Introvigne 2024) is qualified in the article as sentencing these former members to “social death” and “a silent hell.” The court found the description of the practices by the Association of Victims of the Jehovah’s Witnesses as based on

facts that are not clearly proved, since it is one thing to assert the right or freedom to choose to relate with a certain person inside or outside a certain religious confession, and another that, as indicated in the article, “when they are inside the cult they are explicitly or implicitly forced to relate only with other faithful,”

which is “inaccurate” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 7).

Worse, the court reports, “the article expressly states that ‘there are double standards, because many elders are either adulterers or pedophiles,’” and that the Jehovah’s Witnesses “encourage physical and moral suicide.” These allegations, the court found, “once again lack a demonstrable objective basis,” and are “inaccurate and extremely damaging to the prestige of the plaintiff entity” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 7).

In summary, the AEVTJ was caught red-handed spreading false information, and *El Mundo* was caught red-handed uncritically reporting it. “It is not a question here of refuting or censoring opinions—explained the court—, but to legally sanction the erroneous or directly false facts that support such opinions” (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 8). The court also confirmed that the media “is responsible for the content of what is disseminated,” including allegations made by third parties:

To admit otherwise would be as much as to legitimize any type of publication based on unquestionably false or untrue facts, just because it is a third party who maintains this

erroneous view of the facts (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 6).

It is not the first time that media fall into the trap of publishing slander fed to them by anti-cult organizations, “experts” on “cults” (in this case, the “expert” interviewed was Carlos Bardavío, i.e., the lawyer representing the AEVTJ), and “apostate” ex-members (Introvigne 2022a). It is also not the first time that a media outlet—even one that is a member of The Trust Project—refuses to publish a religious community’s reply to an insulting article. The decision should teach these media a lesson. However, it is unlikely this will happen. Some journalists are like the crow in Aesop’s (ca. 620–564 BCE) fable as retold by Jean de la Fontaine (1621–1695), which is deceived by the fox and swears that it has happened for the last time—only, it swears “un peu tard,” i.e., when it is too late (La Fontaine 1682, 4).

Torrejón de Ardoz #2: The Anti-Cultists Lose a Case but Claim They Won

What happened after the second Torrejón de Ardoz decision was part of a new game among anti-cultists. They keep losing court cases, particularly against the Jehovah’s Witnesses, but they claim they won. This strange game started when FECRIS (European Federation of Centres of Research and Information on Cults and Sects), the French-based umbrella organization of European anti-cult movements, lost a landmark case in 2020 at the District Court of Hamburg, in Germany, where it was found guilty of 18 counts of untrue factual allegations against the Jehovah’s Witnesses. On May 24, 2021, *Bitter Winter*, a daily magazine I am the editor in chief of, published a commentary of the decision (Introvigne 2021a). On May 30, 2021, i.e., six days after *Bitter Winter*’s article, FECRIS published a press release about the case (FECRIS 2021).

In the press release, FECRIS falsely claimed that it had won a case that it had in fact lost. Since the Jehovah’s Witnesses had claimed that 32 FECRIS statements were defamatory, and the court found 17 of them defamatory, one partially defamatory, and 14 non-defamatory, FECRIS claimed that it had successfully defended its case in Hamburg. Obviously, it had not, as evidenced by the fact that FECRIS was sentenced to pay money to the Jehovah’s Witnesses rather than vice versa. Later, documents obtained by *Bitter Winter* proved that in an internal meeting FECRIS had admitted it had lost the case (Introvigne 2021b).

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

The strategy was repeated in Spain by the AEVTJ after its secretary, Enrique Carmona, was found guilty of having violated the Jehovah’s Witnesses right to honor by a decision rendered on October 25, 2023, by the Court of First Instance Number 1 of Torrejón de Ardoz.

The court found that certain

expressions of the video entitled “Presentation of the Spanish Association of the Victims of the Jehovah’s Witnesses” uploaded to its YouTube channel, constitute an unlawful interference with the fundamental right to honor of the plaintiff [i.e., the Spanish Jehovah’s Witnesses]. The defendant is ordered to pay 5,000 euros for the damages suffered by the plaintiff as a result of the aforementioned intromission (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023b, 13).

The decision found that in the video the defendant defines the plaintiff religious association as a “cult” [“secta”], as “the worst of the cults,” and then as a “dangerous cult.” This is, the court said with words similar to those used in the decision against *El Mundo*,

inaccurate, since the Christian Jehovah’s Witnesses are a religious denomination registered in the General Section (Minority Religions), registration number 000068, of the Registry of Religious Entities that is kept at the Ministry of Justice, so we are dealing with a confession legitimately recognized in our country, like many others. Therefore, to classify the plaintiff entity as a cult is erroneous since, in the context of the analyzed video, it implies attributing to it pernicious or harmful traits as opposed to the rest of the

religious confessions legally established in Spain (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023b, 11).

Worse, the decision notes, the representative of the AEVTJ

makes a parallelism between the Jehovah's Witnesses, cults, and "diseases," and catalogs the plaintiff organization as a "dangerous cult," which, beyond the subjective opinions that some ex-members may hold, has no objective basis, and undoubtedly goes against the public consideration that every religious confession legally recognized by the state is entitled to, as is the case here. And there is more: the defendant, by implicitly alluding to the fact that the Jehovah's Witnesses (or membership in their confession) are a disease, even makes a comparison in his lecture with "the cases of jihadism and terrorism." Although he recognizes that the Jehovah's Witnesses "are not like that," he does insist that they are a disease "like diabetes, which people live with a certain normality but when they care to remember it they are broken inside" (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023b, 11).

So, the court said, not only did Carmona call the Jehovah's Witnesses a "cult," but also a "disease," an "expression that can hardly have a positive meaning." It is a disease you may not always realize you suffer of, but "when you do, you are broken inside." Obviously,

such a statement cannot be covered by freedom of expression. These are words clearly disproportionate and manifestly injurious against this or any other legally recognized religious confession, attacking its honor and public consideration (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023a, 11).

Indeed, this is just the latest international decision to repeat that Jehovah's Witnesses are not a "cult" in the usual derogatory meaning of the term. The European Court of Human Rights has ruled on several occasions that the Jehovah's Witnesses are a "well-known Christian denomination ... [which has] established an active presence in many countries throughout the world, including all European States which are now members of the Council of Europe" (European Court of Human Rights 2010, 155; see European Court of Human Rights 1993; European Court of Human Rights 1996).

In cases of defamation, there is a clear test to understand who won and who lost. The party that wins receives an indemnification. The party that loses pays it. In this case, Carmona was sentenced to pay 5,000 euros to the Jehovah's Witnesses, which should have clarified the issue of "who won" once and for all. As mentioned earlier, in most similar cases the plaintiffs submit a list of statements they regard as violating their right to honor and reputation. When the

plaintiffs succeed in their cases, the courts list some statements as injurious, but normally not all. However, who had “won” the case can be easily seen by looking at who has to pay damages.

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

Unfortunately, even some Spanish media (see e.g., Jorro 2023) accepted the argument that since the court did not regard certain statements by the AEVTJ as formulated in a way that violated the right to honor of the religious organization, the judge stated that they were true. This is an impression created on social media by the same anti-Jehovah’s-Witnesses association, but it is false. They claim, for example, that “99% of the statements” in the video have been “endorsed” by the court. It is not so.

For instance, the AEVTJ implies that since it has not been sanctioned for the sentences where it suggested that the Jehovah’s Witnesses hide perpetrators of child sexual abuse, its corresponding statements were certified as true by the court. But this is not what the judgment says. In reality, the Court states that

although perhaps Mr. Carmona’s words in his speech are somewhat excessive, he does not impute to the plaintiff entity the execution of a manipulative scheme aimed at actively preventing the sexual abuse of minors from being brought to the attention of the authorities (Juzgado de 1ª Instancia nº 1 de Torrejón de Ardoz 2023b, 9).

In other words, had Carmona made such an accusation, then it would have been judged to be defamatory. Importantly, the judge clarifies that the evidence showed that at no time are the Jehovah’s Witnesses prevented from going to the police or judicial authorities to report crimes such as sexual abuse.

How internal ecclesiastical courts among the Jehovah’s Witnesses handle cases of sexual abuse for the purpose of disfellowshipping the perpetrators and whether the Witnesses report the incidents to the secular authorities are two different questions that should not be confused, the court said:

There are two spheres of action or intervention of the religious entity: the internal one, which is part of the freedom of self-regulation that all religions have to deal with such issues (including how to deal with or sanction an alleged sexual abuse among members), and the external one, where... at no time are the Jehovah’s Witnesses prevented (nor is it

clarified by the opposing party how they could be prevented) from going to the police or judicial authorities to report the abuses. These are different and parallel spheres that can perfectly coexist. It is irrelevant for our case whether or not there is a kind of “ecclesiastical” court that judges these matters internally, because this does not prevent that one can and should, if necessary, go to the police or judicial authorities (Juzgado de 1^a Instancia n° 1 de Torrejón de Ardoz 2023b, 9).

It is not true, the court added, that Jehovah's Witnesses are “forced to lie to the judicial authorities,” as demonstrated by the fact that “there are no convictions for crimes of obstruction of justice” against them (Juzgado de 1^a Instancia n° 1 de Torrejón de Ardoz 2023b, 10).

The judge made a similar conclusion concerning the already mentioned “shunning” or ostracism. The court did not find that Carmona's statement against the practice had risen to the level of violating the right to honor of the Jehovah's Witnesses. Again, this did not mean that the court agreed with Carmona who alleged that the practice is illegal. On the contrary, the court repeated the commonsense conclusion that

if a person decides to stop talking or dealing with another person, this is part of the freedom that all subjects have to relate to whomever they wish (Juzgado de 1^a Instancia n° 1 de Torrejón de Ardoz 2023b, 10).

More specifically, the judge ruled that

if someone chooses to ignore or refuse contact with another person, it is a personal choice, and if the religious confession morally imposes that fact (which even the plaintiff's witnesses have confirmed to a certain extent), it would be part of the religious norms that the members accept, freely, when they decide to join or remain in the organization. Connecting a “mental damage” to this state of social isolation may be appropriate if it refers to a logical personal suffering when you see that those who used to speak to you do not do it any longer. But this would not justify attributing the greater responsibility to the religious entity nor to its members, who do nothing more than following their dogmas and principles, which is part of their religious freedom (Juzgado de 1^a Instancia n° 1 de Torrejón de Ardoz 2023b, 10).

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

a right to teach and practice “shunning,” which is part of their freedom of religion.

Torrejón de Ardoz #3: A House Divided

Several individual Jehovah’s Witnesses and their Spanish religious organization also sued the AEVTJ directly. They claimed that its activities and publications violated the right to honor of the Jehovah’s Witnesses. This case was decided by the Sixth rather than the First Section of the Court of First Instance of Torrejón de Ardoz. On December 5, the Sixth Section found against the Jehovah’s Witnesses and declared that the AEVTJ had not violated their right to honor. It seems somewhat strange that Section VI of the Torrejón de Ardoz court ignored and contradicted what Section I had clearly stated, yet this is what it did.

It is always useful, however, to read the whole decision, which AEVTJ propaganda on social media quickly reduced to “we won, they lost, and a judge certified that the Jehovah’s Witnesses are a bad cult.” While I find the decision poorly motivated and biased, it is nonetheless more complicated than that.

It is based on two legal arguments. The first is that in Spanish case law, more than in the case law of other countries, freedom of expression has been traditionally protected over the right to honor when the two rights enter into a conflict. According to this judge, this is particularly true when the right to honor of a religious organization is considered. For example, the decision explains, Spanish courts have allowed critics of the Catholic Church to declare that it is “a political power rather than a religion,” that it has systematically protected pedophile priests, and has committed a variety of crimes (Juzgado de 1^a Instancia nº 6 de Torrejón de Ardoz 2023a, 59).

Even when the accusations are not true, some Spanish decisions found that associations targeting a particular religion and gathering its disgruntled ex-members may play the role of the “watchdog” and provided that “they do not go beyond the limits... of religious liberty,” may even exert a positive role in inducing religions to improve and reform (Juzgado de 1^a Instancia nº 6 de Torrejón de Ardoz 2023a, 71).

The judge's interpretation of Spanish case law is questionable. A leading Spanish legal scholar such as Professor Juan Ferreiro Galguera expresses a different opinion. Quoting Spain's Constitutional Court, he explains that

“It is permissible to express ideas that may disturb or even seriously upset others if they are disseminated with an *animus criticandi* (a critical spirit) or *animus jocandi* (a playful spirit) because freedom of expression includes the right to criticism, even if it is harsh, and to satire, even if it is mocking, but it does not protect the right to insult” (Constitutional Court 105/1990). It does not protect disqualifications that have been made with a direct and primary intention to harm, humiliate, or defame a person or a group of people, in other words, from an unequivocal *animus injuriandi*. The public statements made by the AEVTJ association and its members, in which Jehovah's Witnesses are described as a destructive “cult” inciting suicide, violating the dignity of people who leave the organization, homophobic, and systematically violating the law, appear to be value judgments that do not seem to seek constructive criticism (*animus criticandi*) or a humorous tone (*animus jocandi*) but an intention to defame and offend (*animus injuriandi*) (Ferreiro Galguera 2023, 53; English translation in this issue of *The Journal of CESNUR*).

The second principle mentioned by the Torrejón decision is that “veracity [veracidad] should not be confused with truth [verdad]” (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 21). Quoting Spanish legal precedents, the decision states that to be protected by freedom of expression, even when potentially harmful to the right to honor of a community, “veracity” is enough, and truth is not required. For example, when media report that an organization has been accused of a certain harmful behavior, “veracity” should not be identified with the “accuracy of the news [exactitud de la noticia].” “The veracity required is limited to the objective truth of the existence of the statement,” even if the statement reported is not accurate (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 22). Veracity

must be understood as the result of the diligent activity deployed by the communicator in verifying that the information he intends to disseminate conforms to reality, even if, in the end, it is proven that such information is not accurate, and may even turn out, after the corresponding judicial or investigative process, to be false (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 23).

Accordingly, the decision stated that establishing the “truthfulness” or the “accuracy” of the accusations raised by the AEVTJ was not necessary to conclude that they are protected by freedom of expression. Assessing their “veracity” was enough.

The decision then devoted several dozen pages to reporting statements by “apostate” former Jehovah’s Witnesses who testified that they believe the accusations of the AEVTJ in the fields of shunning, sexual abuse, blood transfusion, and others to be true, and quoting media that repeated the same accusations. Interestingly, the court also reported that

in September 2019, both the newspapers “El País” and “ABC” reported that in Milan the parents, Jehovah’s Witnesses, had had their parental authority temporarily withdrawn from a 10-month-old baby so that he could receive an indispensable blood transfusion (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 59).

However, the judge seems not to be aware that the 2019 decision of the Juvenile Court of Milan, whose content had been reported by media quite incorrectly, was overturned on appeal by the Appeal Court of Milan on September 10, 2020 (DIRE 2020).

Even the unavoidable Australian Royal Commission report on child sexual abuse, or its current interpretation by anti-cultists, was quoted, ignoring the objections by scholars (e.g., Folk 2021), and the fact that on June 2021, News Corp (Daily Telegraph Australia), the largest media outlet in Australia, published an apology for misusing (as many other media did) the Royal Commission report, spreading inaccurate information that the Jehovah’s Witnesses had been covering child abuse (News Corp Australia 2021).

The judge also inaccurately wrote that in Belgium “the confession [the Jehovah’s Witnesses] was condemned” for hiding sexual abuses (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 50), while in fact the contrary happened. It was the Belgian government and its anti-cult agency that were found guilty by the Court of Brussels of having falsely and without evidence accused the Jehovah’s Witnesses of concealing sexual abuses (see Introvigne 2022b).

While the “veracity” standard would make the fact that several media and organizations had spread the same accusations sufficient to exonerate the AEVTJ from any liability, the decision is biased to the extent that the opinions of scholars, Jehovah’s Witnesses who are happy to remain in the organization, and foreign courts of law (not to mention Section 1 of the same Court of Torrejón de Ardoz) are ignored or quickly dismissed, and a disproportionate weight is given to anti-cultists and “apostate” ex-members, towards whom the sympathy of Judge Raquel Chacón Campollo, who drafted the decision, is clearly directed.

I also believe that the judge erred when she used dictionaries to conclude that the expressions “secta” (cult) and “victim” may have a neutral or non-offensive meaning, while in the context of the current media controversies about “cults” they have certainly acquired a clear derogatory meaning (Ferreiro Galguera, this issue of *The Journal of CESNUR*). This is what the *Tonchev* decision of the European Court of Human Rights about the use of the Bulgarian expression equivalent to “secta” or “cult” also stated (European Court of Human Rights 2022b). It was a decision the Spanish judge regarded as not applicable to her case since it protected religious liberty rather the right to honor.

Ultimately, the decision adopted a free-market approach.

Even if some expressions are inaccurate or exaggerated, as discussed above, the right to freedom of expression and information prevails over the right to honor (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 71).

Rather than relying on courts of law, the Jehovah's Witnesses are incited to go public

to explain or defend their beliefs, their practices, their traditions and to contradict, if necessary, with total freedom, the criticisms received, even more so in today's society in which there are various means of communication, social networks, and digital resources to freely express their opinions (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 72).

This comment appears to be quite naïve, as it assumes that a slandered religious minority and its opponents have equal access to the media. In fact, it is almost only the opponents' voice that is heard through the media, whose bias against groups stigmatized as “cults” has been studied by scholars for decades. Paradoxically, this is confirmed by the decision itself, which relies heavily on anti-cult propaganda spread through Spanish and international media. In turn, the same decision has been reported by several Spanish media by relying on AEVTJ's social media posts and press releases only, and without even bothering to read its text.

The decision recognizes that

it is also known that the Jehovah's Witnesses are absolutely peaceful citizens as they are forbidden to take 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 work well done, care for the family, the prohibition of drugs, and very limited consumption of alcohol. All these virtues, which also benefit the Spanish society, can be

expressed publicly in the same way from the confession or by the devotees themselves (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023a, 72).

Not surprisingly, this part of the decision was not publicized by the AEVTJ. The question, however, remains whether courts of law should act only as a distant and somewhat lazy referee, allowing the players to hurt each other and leaving some of them free to use false, although perhaps technically “veracious” allegations, or should intervene to protect the dignity of slandered minorities and their freedom of religion or belief that can be separated from their right to honor in theory but not in practice.

Most courts throughout the world, and even another section of the same court, answered the question differently from Section 6 of the Court of First Instance of Torrejón de Ardoz. I believe that these other courts were right, and Section 6 was wrong. Until it will be hopefully corrected by a superior court, domestic or European, the decision of December 5 (with its companion decision of December 22) should be better considered as an anomaly, the proverbial exception that confirms the rule established by dozens of decisions that found in favor of the Jehovah’s Witnesses.

Torrejón de Ardoz #4: Judge Raquel Chacón Campollo persiste et signe

“Persiste et signe” is a French expression used to indicate the act of somebody who insists in stubbornly saying or doing something that is clearly wrong. With all due respect, it seems to me that the expression reflects the attitude of Judge Raquel Chacón Campollo, of the Sixth Section (not to be confused with the First) of the Court of First Instance of Torrejón de Ardoz.

Given her precedent decision of December 5, 2023, the second one of December 22 is not surprising. It was based on the same interpretation of Spanish law, claiming that to avoid being regarded as offending the right to honor of a person or group, the “truth” (verdad) of a statement is not necessary and its “veracity” (veracidad) is enough. The December 22 decision repeats that it refers to “veracity, which should not be confused with truth” (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023b, 17). To prove “veracity,” the defendants should simply show that the information they are spreading, although possibly false, is found in a plurality of sources that they might have regarded (perhaps wrongly) as reliable.

I understand that this is a subtle distinction for those without legal training. Yet, it is important since the AEVTJ, its lawyers, and the media claimed again that Judge Chacón confirmed the “truth” of the claim that the Jehovah’s Witnesses are a “destructive cult.” In fact, she didn’t. She wrote that

the defendant describes the religious denomination as an extremist and destructive cult which, for all the above, can be considered veracious, which does not mean that it is true, but... is an opinion or statement in which the requirement of veracity is met (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023b, 48).

Journalists are not lawyers, but those claiming that Judge Chacón certified that the statement that the Jehovah’s Witnesses are a “destructive cult” is true misunderstood her decision. She has explained time and again that considering a statement “veracious,” thus not offending the right to honor, “does not mean that it is true.”

However, in this second decision, Judge Chacón stretched the notion of “veracity” to paradoxical consequences. Defendant Gabriel Pedrero Sánchez, the Madrid representative of the AEVTJ, had written *inter alia* that

it took him five years to deprogram his mind, to rebuild his life outside the Jehovah’s Witnesses’ cage and to be able to leave a religion about which at that time we did not know what we all know today. That they have blood on their hands from various suicides: both the collective ones, for not allowing medical treatment with blood, and the suicides caused by stress, anxiety, and depression caused by being locked in the Watchtower cage, the religious company behind the medieval regulations and ideology they are forced to follow. We cannot allow ourselves to be influenced by a corporation that is only after money. They are becoming more and more millionaires, and their followers are becoming poorer and poorer in every way. They annul them as persons, who are no longer able to think or decide freely (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023b, 2–3).

Pedrero also launched a petition on the platform Change.org where he expanded these concepts and hailed the repression of the Jehovah’s Witnesses in Russia, which has been condemned by most democratic countries and the European Court of Human Rights (European Court of Human Rights 2010; European Court of Human Rights 2022a). The petition’s aim was to have the Jehovah’s Witnesses banned in Spain for “extremism” as it happened in Russia.

Readers should be by now familiar with Judge Chacón’s methodology to establish veracity: she hears from “apostate” testimonies, she collects press clippings, she watches anti-cult TV programs, and she concludes that, true or not,

Pedrero's and the AEVTJ's accusations are repeated often enough to be "veracious." She also reiterates the same mistakes of her December 5, 2023, decision, in considering the word "cult" ("secta") not offensive based on some dictionary definitions (while its social use is different and certainly derogatory), and in misinterpreting the Jehovah's Witnesses' practices about how accusations of sexual abuses are handled and the Australian Royal Commission report. She also misinterpreted the European Court of Human Rights case law when she stated that interviews or opinions of former members accusing a group of unreported and unproven crimes can be reproduced or quoted without violating the organization's right to honor just because they were "previously published by other media" (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023b, 17). Paradoxically, in a decision so full of factual mistakes, she accused Ferreiro Galguera, a leading Spanish legal scholar, who expressed a different opinion, of being misinformed (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023b, 54).

The main problem is, however, another. Veracity or not, it is a general principle of international law—and of Spanish law, as the same Ferreiro Galguera demonstrates (this issue of *The Journal of CESNUR*)—that derogatory speech cannot be admitted when it betrays an *animus injuriandi*, i.e., an intention to insult and defile a person or organization.

As mentioned earlier, Pedrero described a large world religious organization as a "corporation" that "is only after money" and is full of "blood in [its] hands." Yet, Judge Chacón assures us that she has seen videos where Pedrero attacks the Jehovah's Witnesses and has found him as meek as the proverbial lamb:

From the videos examined, it can be concluded that Mr. Pedrero has in no way incited or generated hatred against the religious confession by these broadcasts, since in them he expresses himself calmly and his body language is serene, he does not raise his voice especially loud or use expressions or swear words; neither do they show an aggressive scenography, it seems that they are recorded in a home, bedroom and living room, and the videos show warm tones, white, pastel colors, nor does Mr. Pedrero appear with aggressive accessories or display sinister or violent objects or decoration (Juzgado de 1ª Instancia nº 6 de Torrejón de Ardoz 2023b, 54).

Again with all due respect to Judge Chacón, this is frankly laughable. If the expressions used by Pedrero do not offend the right to honor of the Jehovah's Witnesses, then such offenses do not exist.

Let me suggest an experiment. In these times of artificial intelligence, we can ask an appropriate software to produce a video where somebody calmly, without swift bodily movements, without raising his voice, speaks from a bedroom or living room with “warm tones, white, pastel colors,” without raising hammers or swords, and explains to us that the Jews are not a religion but a “destructive” corporation out for our money and our blood, and hails regimes who persecuted them (as Pedrero did for Russia). Would Judge Chacón conclude that this gentle, kind anti-Semite who likes warm colors and do not paint his bedroom in black or brown has not offended the right to honor of the Jewish community?

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