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ECHR turns down Church of Scientology's claim against Belgium

RAPSI (19.09.2013) - The European Court of Human Rights (ECHR) declared inadmissible an application filed by the Church of Scientology claiming that the Belgian authorities had breached the church's rights by issuing statements to the media on a pending investigation.

In 1997, a judicial investigation was launched against the Belgian applicant association ASBL Eglise de Scientologie on charges of fraud and embezzlement. Between 1999 and 2007, numerous Belgian newspapers published comments featuring accusations made by public prosecutors.

The association then filed various criminal complaints, seeking to intervene as a civil party to the proceedings, but those complaints were shelved.

Meanwhile, the association attempted to have the proceedings against it declared inadmissible, arguing that the prosecutors had breached the secrecy of the investigation, thus disregarding its rights to the presumption of innocence and a fair hearing. This application was declared admissible but unfounded, and its appeal of the issue was dismissed in 2008.

Notably, proceedings have not yet fully wrapped. According to a statement released Thursday by the ECHR: "The hearing before the Committals Division for the finalising of the pretrial proceedings was adjourned in 2010. According to the information in the parties' observations, the proceedings are still pending at that stage."

In August 2008, the applicant turned to the ECHR, claiming that its rights under Article 6 of the European Convention on Human Rights (Convention) had been violated. According to the statement: "Relying on Article 6 § 1 the Church of Scientology complained of a violation by the prosecution of its right to a fair hearing, alleging that prosecutors had publicly giving their opinion on charges against it before the submissions for the prosecution had been made at the stage of the finalising of the pretrial proceedings."

Additionally, the applicant had complained that prosecutors breached the presumption of innocence by making public statements reflecting their views of the applicant's guilt.

With regard to Article 6, Section 1 of the Convention, which deals with fair trial rights, the court held that the application was premature as all domestic remedies had not yet been exhausted.

With regard to Article 6, Section 2, which deals with the presumption of innocence, the court held that "the application was manifestly ill-founded and had to be rejected" owing to the nature of the evidence submitted in support of the claim.

As explained in the court's statement: "There had been no audio or video recording of those statements, nor had they been transcribed in documents emanating from the authorities in question, such as procedural documents or official press releases. The only evidence produced by the applicant association consisted of press articles for which the relevant journalists were solely responsible, and it was highly possible that those articles did not accurately reflect the nuances of the remarks in question." The ECHR added that the evidence had not demonstrated that the authorities had breached their duty of discretion.

Strangled at the conclusion of an exorcism

Several members of a cult on trial in Louvain for a "spell removal" turned fatal

La Libre Belgique (07.06.2013) - For the citizens of Antwerp, these men and women were fleeting images only briefly observed as the inhabitants passed by lively locations in their city. These little noticed individuals made a living posing on the streets, fashioning themselves as "living statues". In costume, they remained completely still for hours, hoping that passersby would toss coins to them in appreciation for their efforts.

It may be that Renate Jonkers was killed because she did not remain totally still, posing as Madonna and Child, at the Groenplaats in Antwerp. Three individuals appeared yesterday before the Court of Assizes of Flemish Brabant for the murder of this thirty-year old young woman. A fourth is accused of failing to help a person in danger. All four belong to a mini-cult, comprised of about twelve persons, who lived in a villa in Bekkevoort. If one of the group's members, as well as the guru, had not committed suicide in prison waiting for their trials there could have been two more being tried for this crime.

The spiritual leader of the group was 46-years old. Charismatic and articulate, Drazen Zabek, based his teachings on an Indian philosophy called Satsang, a Sanskrit term meaning "Living together in the truth." To the original philosophy, Zabek added his own personal touch: alcohol, drugs, violence and "removing spells". Beatings and exorcisms were principally used when members wanted to escape his clutches.

Without the departure of one of the members of the cult, the murder of Renate Jonkers might never have been discovered because the rest of the group had convinced her family that she had left with a young Moroccan with whom she had become completely infatuated.

The guru did not accept the withdrawal of the young Dutch woman who brought him the money she made as a living statue. He wanted to force her to return. The group therefore kidnapped her from her home in Eindhoven where she had taken refuge. "We have come to liberate you", they told her before taking her back to the villa at Bekkevoort. She succeeded in her escape and informed the police.

These events bring us to May 2008. The members of the cult were questioned. And it seems that not being under the direct influence of the guru liberated the willingness of certain members of the group to speak openly. A psychology student spontaneously confessed that four months earlier Renate Jonkers had been killed during one of the sessions to remove the spell cast over her. He led the investigators to the villa's garden. He pointed to the spot where she had been buried. The medical examiner concluded that she had likely been strangled with a rope.

In searching further, the investigators discovered a heavy glass stick. They believed that it was used by the guru when he dressed up as a living statue representing Anthony van Dyke.

This was not the only thing they found. The police discovered videos showing the sessions of "spell removal".

Renate Jonkers was regularly subjected to these sessions, according to another member of the cult who confessed. The one that was fatal was administered because she spent several days wandering around Antwerp instead of begging. The guru believed she needed to be refocused. She was tied up. The session of spell removal degenerated rapidly. The guru tightened a cord around her neck. By the time he loosened his grip, she was dead.

Interrogated yesterday by the president of the Court of Assizes, one of the accused said that from now on she would give up her fanciful illusions and come back to reality: "I considered Drazen to be like a god. It is only, in prison, after his suicide, that I have been able to remember that I am a person and no longer an object."

Complete freedom for teachers of Islam

At school, wearing the veil by teachers cannot be limited to Muslim religion courses given in a classroom

La Dernière Heure (15.05.2013) – Brussels Schools cannot require teachers of Islam to wear the veil only in the classroom during their lessons, but forbid it elsewhere in the school building (like the hallways, the cafeteria, the meeting rooms, the playground).

The municipality of Grâce-Hollogne, which maintained this regulation against the veil in its schools, has been ordered to change its policies: the Council of State is requiring it to withdraw the measure, which since 2011 authorized the teachers of Islam to wear the veil only during their lessons in their classrooms, and nowhere else in the school.

The decision affects all of the Wallonia-Brussels Federation and it is definitive.

As the organizing authority, the municipality of Grâce-Hollogne believed it was able to restrict the wearing of veils because of the principle of educational neutrality, as well as the obligation by teachers to respect the students' freedom of belief, declaring: "The Islamic veil is a powerful, visible religious symbol, incompatible with the duty of neutrality".

However, according to the Council of State, teachers of Islam should not be held to a standard concerning the duty of neutrality different than those of other recognized religions.

On the contrary, in the decision that *La Dernière Heure* was able to read, the Council of State ruled that "to wear religious paraphernalia, including clothing, signifying that you belong to a certain religion, is inherent to the teaching of the recognized religions and should not be limited to classroom hours nor to the assigned classroom areas".

For the veiled teacher, who has the support of the Movement Against Racism (MRAX), it is the successful conclusion of a very costly two and a half year fight that cannot be appealed. She has moreover introduced a lawsuit against the municipality of Grâce-Hollogne, which she is more than likely to win.

She recounts that the municipality sent the police to deny her access to the school unless she took the veil off except for when she was in the classroom. She adds that her headmistress directed "aggressive and humiliating" comments toward her, telling her, "What's more, you are stubborn. I wonder what one would say to me if I acted the same way in your home country." She did not succumb to these pressure tactics.

The municipality found it acceptable to allow her "to wear the veil in her classroom while she taught because it was a sign that she belonged to the religion her students had chosen to study". But Grâce-Hollogne maintained that because "teachers exercise authority over students and can potentially exert significant influence over them, it is not appropriate for those who teach philosophy classes to be authorized to stroll about in the school wearing such a conspicuous sign of their religious affiliation. Our priority is to respect the freedom of belief of students who have not made this choice and to prevent them from being unduly influenced".

The Council of State admits that the *neutrality* decree of December 17, 2003 indeed requires teachers "to adopt a reserved attitude, treat religious options in terms which will not be offensive, abstain from all partisan language when discussing ideological problems, and refuse to bear their witness in favor of a particular philosophical or political system, whatever it may be".

However, the council determined that, "nothing forbids teachers of the recognized religions from wearing all signs of their membership, including clothing".

Quoting Xavier Delgrange, the Council of State went even further declaring that "the teaching of religion escapes practically all control by public authorities [...] The teachers of recognized religions are not bound by the duty of neutrality and even proselyting on their part is not open to criticism".

University of Saint Louis professor, Xavier Delgrange, is one of the fourteen presidents of chamber at the Council of State.

A Muslim civil servant is fired for his extremism

"We have a duty to be impartial and the staff must also act with civility."

LaLibre.be (13.05.2013) - On Monday, the newspaper *Le Soir et Sudpresse* reported that a Belgian convert to Islam, employed by the city of Brussels, was fired because he refused to shake hands with his supervising alderwoman, Karine Lalieux (PS).

The alderman in charge of the municipal staff, Philippe Close (PS), explained that the former employee of the museums of Brussels refused to shake the hand of Karine Lalieux "claiming that his religion forbids him to touch women".

Alderman Close specified that the man was therefore asked to attend a hearing, an investigation was conducted, and the employee repeated that he would continue to act as he had before.

"Within the city administration, we have a duty to be impartial and the staff must also act with civility," he said, adding that, "under these conditions, we concluded that his association with the city administration of Brussels could not continue."

The city council of Brussels therefore decided on April 29, 2013, in a closed-door session, to terminate his employment.

When questioned by the media, the assistant director of the Center for Equal Opportunity and the Fight Against Racism stated that he believes the city of Brussels made the right decision.

A similar case in Ixelles

La Dernière Heure reports that a similar incident recently occurred in Ixelles when a city employee, who is Muslim, also refused to shake hands with his supervising alderwoman, excusing himself because she is a woman. On February 19, 2013, Viviane Teitelbaum (MR), alderwoman over the Public Health office, visited the departments under her charge. "When she greeted her employees, a person of North African origin refused to shake hands with her. He remained calm and polite but he explained that his culture and his religion did not permit him to make physical contact with women", stated Willy Decourty (PS), mayor in charge of personnel. He repeated this explanation two times.

Following this incident the alderwoman requested a report, and the municipal street sweeper, an appointed official, gave his account of the incident to the municipal secretary. He will next be questioned with his lawyer by the city council and aldermen to decide if there is reason to discipline him. If the penalty is severe, it must be confirmed by the city council. The possible sanctions range all the way from getting a reprimand or a warning to being fired.

Belgian city of Ghent scraps headscarf ban imposed by center-right in 2007

Reuters (28.05.2013) - The Belgian city of Ghent has scrapped its ban on civil servants wearing headscarves after its Socialist and Green majority overturned a measure imposed in 2007 when center-right parties dominated the city council.

More than 10,000 adult citizens, or about five times the number required to call the vote, had signed a petition calling for the prohibition to be lifted.

After a four-hour debate lasting almost until midnight on Monday, 29 of the city council's 51 members voted to rescind the ban on the wearing of religious or political symbols for city officials dealing with the public.

In practice the ban prevented Muslim women in headscarves from sitting at public counters in city offices.

"This is a historic turning point for ethnic and cultural minorities," said Naima Charkaoui, director of Forum of Minorities, an umbrella group that coordinated the citizen action. "Migrant populations are gaining political voice."

Several Belgian cities have similar bans. Two years ago, Belgium banned wearing face-covering veils for anyone in public.

Neighboring France, with the largest Muslim population in western Europe, has outlawed wearing religious symbols such as Islamic headscarves in schools.

Four months in prison for tearing up a Koran

HRWF (07.03.2013) - On 6 March Arne S. was sentenced by the Correctional Court of Bruges to four months in prison for tearing up a Koran in front of a group of Muslims.

On 8 June 2012, in early evening, the accused participated in a small demonstration against a new mosque in Ostend which was organized by the extreme-right political party "Vlaams Belang". About 60 people participated in the event which lasted about 25 minutes. Afterwards, he went to a café where he exchanged some harsh words with a dozen Muslims. Before their eyes, Arne S. tore a copy of the Koran that his lawyer said had been thrown at him.

As Arne S. had previously received a suspended sentence of 18 months for lighting an arson in a wood, he will serve his prison term.

State security spies on high-level politicians about their possible links with sects

"International human rights organizations can play a cleaning up role that our 'system' is apparently not able to play by itself," says Senator Prof. Rik Torfs. HRWF Int'l is in support of the senator and is willing to lend him a hand in any future action in relation to this matter.

HRWF (06.02.2013) - Senator Rik Torfs, Professor in Canon Law at the Catholic University of Leuven and an internationally known expert in new religious movements, Minister Maggie De Block, State Secretary for Asylum and Migration, and former Minister of Justice Tony Van Parijs were three of the names mentioned in an October 2012 secret report by the Belgian state security. The report which was about the "Analysis of the phenomenon of non-state interference activities" was leaked to the media a few days ago. Many other politicians were named in the report for their links with "sects" such as Scientology, Sahaja Yoga as well as the Muslim Brothers.

The confidential report was distributed only to the highest authorities of the state: PM Elio Di Rupo, Vice-PM Didier Reynders, Johan Vande Lanotte and Joëlle Milquet, Justice Minister Annemie Turtelboom, Minister-President of the Flemish Community Kris Peeters, the Federal Prosecutor's Office, the Minister of Foreign Affairs and the Royal Palace.

In December 2012, another secret report distributed to a limited number of politicians and the Minister of Foreign Affairs was also leaked to the press.

The head of the state security, Alain Winants, denied spying on politicians and said their names were mentioned in the report because they had been approached by sects. "Every organisation has the right to lobby," the report says "but when politicians are contacted

to influence decision making, to adapt laws or to exert some influence, the red line is crossed. Then, it is a case of interference.”

It is worth investigating whether the state security also listed political decision-makers who were approached by the Catholic Church when the laws on same-sex marriage, euthanasia and other sensitive ethical issues were discussed in the Parliament. Whilst the Belgian Catholic Church has been beset by large-scale paedophile scandals resulting in hundreds of victims, Sahaja Yoga and almost all the other religious movements suspected of being harmful have never been sentenced for criminal activity.

Last but not least, Winants lodged a complaint against unknown people for leaking a secret report.

The relevant commission of the senate has asked the Standing Committee Monitoring the State Security, Committee I, to open an enquiry about the functioning of the state security.

Senator Prof. Rik Torfs' Opinion

On 4th February, Senator Prof. Rik Torfs published an opinion entitled “Privacy and freedom of religion under pressure” in the Flemish daily newspaper “De Morgen”:

“The state security investigated contacts between a number of religious groups and politicians and scholars, including me. That is what has come out of the secret report leaked in the media (DM 2/2).

I am very concerned that the state security has produced such a report and furthermore because the report was leaked.

Regarding the report, is it really necessary on the name of the state security and protection of democracy to investigate the tribulations of all sorts of so-called “sects”? If members of such groups violate the laws individually or collectively, they must be prosecuted. Religion can never be used as an excuse for criminal activities but watching over citizens without tracking any specific misdemeanour is a violation of human rights. Privacy and freedom of religion are under pressure.

Alain Winants, general administrator of the state security, considers his mandate to keep an eye on “sects”. But what are sects? According to him, he relies on the list that was put together by the parliamentary inquiry commission on sects in 1997. It is worth pointing out that Winants forgot that although the list was an addition to the report of the commission, it was never adopted by the parliament because of strong social protest. The list only comprises an enumeration of all the groups which were investigated during the – anyway rather chaotic - work of the commission. It does not contain any judgment of value, a competence solely reserved to the parliament. However, our state security uses the list to target anyone who is mentioned in it. Unacceptable of course. Amateur and silly work.

Rule of law

As a professor, I have had many professional contacts over the years with Scientology and numerous other religious groups in Europe as well as in America. Those who work in the field of freedom of religion on the international scene cannot do without it. But frankly speaking, the mere fact that I am writing about this disturbs me. Scientology is not a banned movement. I am no supporter of their philosophy. I prefer to leave that to Tom Cruise and John Travolta. And if members have had criminal activities, they must be prosecuted. But people can still speak with whom ever they want. That is the case for

bakers and butchers, scholars and politicians. This is called freedom. That is why we live in a law-based state.

The way the state security has acted highlights the necessity to define a clear legal framework where it is strictly and restrictively said how they can carry out their activities. Indeed, the normal way criminal activities can be brought to light must go on following the judicial way, by which independent magistrates pilot the procedure while carefully respecting human rights in general and the principles of a fair trial in particular. If this is not the case, we become a police state. Sometimes, we are dangerously close to that in our country.

Now, the second point - the leak of this very secret report. According to Alain Winants, this is a crime. He suggests an internal settlement of scores. Winants is a candidate for re-election but maybe there are many other candidates of another political colour. The leak can put Winants in an awkward position. But who exactly leaked the report? Indeed, very few guardians of our law-based state received the report. Common sense tells us that a high-level figure in our country leaked the secret report of the state security or allowed the leak to push forward a political protégé.

Bitterness

I do not find this normal because it threatens the state security and democracy. It is another issue than the usual big issues such as the endowment of Prince Laurent or of the governor of West-Flanders. The source of the leak must therefore be carefully identified. Unfortunately, we know how disappointing the outcome usually is.

To my personal displeasure, I feel some bitterness creeping into my reasoning. However, we must not downplay what has happened. It is not normal that the state security violates the privacy of people on the basis of an informal list dating back to 1997. It is not normal that secret reports of the state security are being leaked. It is not normal that key positions are still politically bargained, which allows this cynical game to go on.

Let us not accept such derailings to happen. International human rights organizations can play a cleaning up role that our "system" is apparently not able to play by itself.

Three years ago I would have found this conclusion too hard. Not any more. Unfortunately."

HRWF Int'l notices that the federal Information and Advisory Centre on Harmful Sectarian Organizations, also commonly called the Sect Observatory, has kept silent about the spying activities of the state security and the misuse of the controversial list of the parliamentary commission on sects.
