



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES

November 24, 2011

From The European Association
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High Commissioner for Human Rights
on the implementation of the new review mechanism of the Human Rights Council,
established by GA Resolution 60/251 and by the Human Rights Council in Resolution
5/1 of 18 June 2007 for the 13th session 2012 of the UPR
(Dates of the WG: May 21 to June 1st, 2012).

INDIA

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JEHOVAH'S WITNESSES—INDIA

January 1, 2011 to December 31, 2011

BACKGROUND

Jehovah's Witnesses have been present in India since 1905. A national office was established in 1926, and a charitable trust was registered in 1978 to represent the Witnesses' legal interests. At present, there are over 33,000 Jehovah's Witnesses in India who worship in more than 400 congregations.

Discriminatory acts are on the rise. There were over 80 documented incidents during the period 2002 to 2011, including 24 mob attack cases that are still pending before the police or in courts. In many instances, the police sided with the attackers and falsely accused Jehovah's Witnesses of instigating the violence. In other cases, the police failed to act while mobs physically assaulted the Witnesses and destroyed their personal property. Witnesses have been beaten by the police, arrested, and charged with criminal activity while simply exercising their religious freedom.

RESTRICTIONS ON RELIGIOUS FREEDOM

Ongoing	Nationwide	Denial of Outside Funding
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Current laws severely affect funding for Jehovah's Witnesses in India. Other religious organizations are able to be funded and are not restricted by the Foreign Contribution Regulation Act.

On November 8, 2000, the Ministry of Home Affairs, under the Foreign Contribution (Regulation) Act, 1976 (FCRA), issued an order prohibiting The Watch Tower Bible and Tract Society of India (Watch Tower-India), which is the main legal entity used by Jehovah's Witnesses in India, from receiving foreign contributions. Watch Tower-India had received foreign contributions annually since 1978. On January 8, 2001, Watch Tower-India filed an appeal for "interim relief" from the Ministry's order in the Bombay High Court on the grounds that the order falsely claimed that Watch Tower-India's receipt of foreign contributions would affect prejudicially the harmony between religious groups and was issued on grounds different than the purported administrative violation that the government initially asserted.

Despite Watch Tower-India's repeated efforts to bring the case on for a hearing on the merits, the High Court has refused to schedule the case, which has been pending now for almost 10 years. During these 10 years, Watch Tower-India has not been able to receive foreign contributions and has been on the government's "black list" of organizations that are prohibited from receiving foreign contributions. During this time, through bureaucratic channels, Watch Tower-India asked the Ministry of Home Affairs to review and rescind the order, but the government has not done so.

Under the FCRA, if a recipient of foreign contributions was criminally convicted a second time for a violation of the act, that recipient would again be eligible to reapply for permission to receive foreign contributions after three years from date of the subsequent conviction. Watch Tower-India has not been able to apply for foreign contributions for about 10 years based on an administrative order and is being treated worse than a convicted habitual criminal would be under the FCRA. One must conclude that this is because of religious discrimination on the part of the Indian government.

ABUSES OF RELIGIOUS FREEDOM

During 2011, several physical assaults on Witnesses engaged in their public ministry (and related police unresponsiveness) presented a cause for concern.

August 28, 2011	Dharmasthala (STATE: Karnataka)	Mob Attack/ Police Misconduct
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The five member family of Mr. K J Kunjumon was cruelly beaten in a village near Dharmasthala. Included among the victims were the family's 18-month-old baby, Anmiya, and her 60-year-old grandmother Mrs. Mary John. The Witness family was returning to visit a neighbor who had expressed interest in learning more about the Bible when they were accosted by a mob. After falsely accusing the Witness family of forcibly converting people, the mob began beating the two male members of the family with their fists and with sticks while the female members of the family suffered sexually degrading

speech and even threats of rape. One of the attackers Damodaran struck the 18-month-old baby, as she was being held in the arms of her mother. All four adults suffered injuries due to the brutal encounter that lasted for over an hour. Both the mob and the Witnesses filed complaints with the police. It was only after seven hours of detainment that a counter-complaint from the Witnesses was accepted. The family was then permitted to travel to the government hospital of Belthangadi town for medical attention.

Later the same day, the Witness family was put under arrest on the charge of “maliciously insulting the religion or the religious beliefs of any class.” The attackers, however, were charged only with “voluntarily causing hurt.” The magistrate at Bantwal Mr. Srinivas granted bail to the assailants, while the family, including the baby, spent the night in jail. The following day fellow Witnesses posted bail for the family and rushed them back to the hospital for treatment for their injuries.

July 9, 2011	Chikmagalur (STATE: Karnataka)	False Imprisonment/Mob Attack/ Police Misconduct
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Mr. Vedantha and his minor son were speaking to two young college-aged men in a park and offered them religious magazines. Two men observed this activity and started shouting at the Witness and accused him of conversion. They verbally abused him, hit him on the head and recruited more people to form a mob.

When the police of Chikmagalur city arrived, the inspector verbally abused and then took them to another location, where he kicked and slapped the Witness and forcefully tried to obtain information regarding other Witnesses and elders of the congregation of Jehovah’s Witnesses. Statements were coerced from the two college students. After returning to the park and accepting bribes from the attackers, the police took the four to the town police station. The police also searched the home of the Witness for literature and confiscated about 150 magazines. They threatened the Witness’s wife and daughter with arrest. A judge remanded the Witness to judicial custody.

The Witness was released on bail on July 12, 2011. A private complaint with the magistrate of Chikmagalur city is planned as the First Information Report (FIR) against the perpetrators is not yet lodged.

June 28, 2011	Hubli (STATE: Karnataka)	False Imprisonment/Mob Attack/ Police Misconduct
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Two male Witnesses, Mr. Sundeep Muniswamy and Mr. Isaac Gopali, were talking to a person when a group of four people came from behind, pushed both the Witnesses inside the house of the householder, and prevented them from leaving while assaulting and verbally abusing them. They then took the Witnesses to a nearby Hindu temple. On the way, another man joined them and started to verbally abuse them, insulting Jesus Christ and the followers of Jesus with filthy language. He beat and threatened the Witnesses and told them that if they return they would be burned alive. A mob convened when the media arrived. The mob tried to elicit information from the Witnesses as to who their leader is and how they finance their activity. A news clip of the mob attack was shown on a local news channel.

The police arrived and took the Witnesses to the Old Hubli police station. While the leaders of the mob were allowed a lawyer to prepare the complaint letter, the Witnesses were prevented from receiving a lawyer, medical care, or the option to lodge a counter complaint. The two Witnesses spent three nights in jail until they were released on bail on July 1, 2011.

One of the Witnesses suffered injuries causing hearing loss. The local police tried to prevent filing an FIR against the perpetrators, but on the persistent efforts of the Witnesses, the counter complaint was accepted and FIR filed.

April 9, 2011	Bhandup (Suburb of Mumbai) (STATE: Maharashtra)	Mob Attack
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A mob gathered and attacked seven different Witnesses, Mrs. Eunice Joseph, Mrs. Hetal Pithwa, Mr. and Mrs. Timothy D’Cunha, Mr. Ravikumar, Mr. Jagan and Mrs. Chhaya Jadhav who were talking to people in the area. They cruelly beat the three male Witnesses and verbally abused the female Witnesses. At the Bhandup police station the leaders of the mob arrived and accused the Witnesses of offering money to the

people to convert to Christianity. The police accepted the false complaint and filed a FIR under Section 295A and other sections of the Indian Penal Code only against two female Witnesses, Mrs. Eunice Joseph and Mrs. Hetal Pithwa. They were sent to jail and released on bail four days later.

One of the male Witnesses Mr. Ravikumar has had his eardrums damaged due to the beating he received. The police have not yet filed a FIR against the perpetrators even though a complaint was given to the Deputy Commissioner of Police. Now the Witnesses plan to file a complaint through the courts.

April 1, 2011	Bangalore (STATE: Karnataka)	Mob Attack/ Police Misconduct
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Two male Witnesses Mr. Vincent and Mr. Navin Singh were sharing a peaceful message with a man, who then called his friends by phone. Soon a mob gathered and beat these two Witnesses and two others Mr. Sachin Singh and Mr. Justin Edward who were nearby. They were taken to the police station and a false fabricated complaint was filed against the four Witnesses. One of the attackers tore his own shirt and told the police that the Witnesses had assaulted him when he refused to convert. All four Witnesses were arrested and spent one night in jail.

April 1, 2011	Madikere, Nandimatte (STATE: Karnataka)	False Imprisonment/ Mob Attack/ Police Misconduct
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For purposes of a counter-complaint, three Witnesses Mr. Prasanna, Mr. Divakar and Mr. Tobias Dias who went to take photographs of the area where the mob attack incident had taken place on March 26, 2011 were waylaid by a mob on their way back. They verbally abused the Witnesses with obscenities and accusations of conversion, and beat them. They forcibly stripped the Witnesses and made them walk in their underwear on the public road.

After some time, the police including the Sub-Inspector came and rescued the Witnesses and took them to the Madikeri Rural police station where a FIR was registered against the three Witnesses solely on the basis of the fabricated complaint by members of the mob. The Witnesses were not allowed to give any statements and were told that they could give their complaints after they were released on bail. While they were at the police station, the police brought them out of the station so that they could be photographed by the news media. The Witnesses were released six days later. One of the conditions of the bail order was that the Witnesses had to report to the Police Station every Sunday; for one Witness this required 5-6 hours of bus travel each way every Sunday. Recently in response to an application the court relaxed this bail condition for the Witness that had to travel from outside the city.

A counter complaint has been given to the police and they have registered a FIR on behalf of one Witness. A complaint has also been filed with the Karnataka State Human Rights Commission.

March 26, 2011	Madikere (STATE: Karnataka)	Mob Attack
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When four Witnesses Mr. Divakar, Mrs. Felcy Divakar, Mrs. Agnes Louis and Mrs. Sunitha explained their activities to a man who inquired, he got angry and called a mob. The mob threatened to burn the male Witness alive and even tried to tie him to a tree. They threatened to rape the women and used vulgar language. The mob called the media and when the media arrived, they began to beat the man and threatened the women. A short time later a constable arrived and took the Witnesses to the Madikeri Rural police station, where a FIR was lodged. The Witnesses were in jail for four days before being released on bail. A complaint has been filed with the National Commission for Minorities.

December 20, 2010	Davanagere (STATE: Karnataka)	Mob Attack/ Police Misconduct
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Two female Witnesses Mrs. Deenah Johnson and Mrs. Lakshmi sought out a widowed acquaintance to console her from the Bible. When they exited the woman's house a man accused them of converting people and gathered a mob. The Witnesses returned home for safety, but the mob entered the house and threatened them. They took all the publications that were in the house, threw them on the floor and stomped on them, mocking Jesus and Christianity. They called one Witness, who is a widow, a prostitute and Raghu and several other men in the mob offered her money to marry them. Some women were called

to beat one Witness woman. After sometime, a policeman appeared and took the two Witnesses away to the Davanagere Police station, where they were given some papers to sign, without being allowed to read them. The next evening the Witnesses were released on bail. A private complaint will be filed through the courts soon.

October 23, 2010	Brahmavar (STATE: Karnataka)	Mob Attack/False Arrest
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Two female Witnesses Mrs. Mini Dias and Mrs. Naomi Rodrigues were stopped by a mob of 50 people on a road and taken to the police station at 1:45 p.m., where the mob expressed insults against the Witnesses, Christianity and the Bible, but did not file a complaint with the police. The Witnesses were made to wait in the Brahmavar police station for nearly 10 hours. The Sub-Inspector Mr. Hosakareppa arrived after 9:30 pm and called a few leaders of the Bajrang Dal (a Hindu fanatical group), whose members had brought the sisters to the police station, and filed a FIR against the Witnesses. The two Witnesses were arrested and taken to District jail at Mangalore in the early hours of the next day. They were remanded for two days until they were released. The court has adjourned the case to be heard on November 16, 2010.

July 17, 2010	Kamakshipalya, Bangalore (STATE: Karnataka)	False Imprisonment/Mob Attack/ Police Misconduct
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Two Witnesses Mr. Ganesh and Mr. Aldrick Lewis were attacked while talking to others. A man (Bette Gowda) forced them inside his home, confined them, and called others to come and join him. The mob of 15-20 beat the two Witnesses for over an hour, and verbally abused the two, threatening to kill them and shouting vulgarities about them, their families, Christians, Jesus, and Mary. They then took the two Witnesses to a public street where a crowd of 100 took part in the beating, tearing the Witnesses' clothes off until they were only in their undergarments. The beating included pricking with needles, hitting the bare bodies and heads of the two Witnesses with their fists and sticks, and dragging the men on the road. This public beating lasted almost 45 minutes. When the police arrived, they delayed in stopping the abuse, and then took the two Witnesses to the Kamakshipalya police station where officers Hemanth Sharan and constables Rajanna and Ramu continued the verbal abuse. One of the inspectors recommended that the man Bette Gowda accuse the two Witnesses of the rape of his wife. Another inspector mentioned that he would have allowed the mob to kill the two Witnesses. One of the Witnesses was forced to clean a dirty room in the station in spite of his many injuries. The police of Kamakshipalya, Bangalore city then beat the two Witnesses and forced them to sign documents without having read them, despite their objection. The two Witnesses were then criminally charged and arrested. They were remanded to judicial custody for three nights until released on bail. They needed hospitalization due to their injuries. To date, the Witnesses are still undergoing medical treatment for their injuries. The Metropolitan Court of Bangalore city registered the complaint and ordered a police investigation that was due by October 22, 2011. As the Police have not yet filed the FIR, the court has given another three months to the Police to do so and hence the next date of hearing is on January 24, 2012.

RELIGIOUS FREEDOM OBJECTIVES

Jehovah's Witnesses in India and as a worldwide organization respectfully request the government of India to:

- (1) Protect their fellow Indians and their property from brutal unjustified physical attacks.
- (2) Demand that local police not tolerate or become party to violence against Jehovah's Witnesses.
- (3) Protect the fundamental rights of all, including Jehovah's Witnesses, by providing protection against violence and preserving the freedom to share one's faith publicly as guaranteed by the Constitution of India. This is especially so for the Witnesses living in Bangalore and other parts of the state of Karnataka, where recent criminal acts of violent behavior against the Witnesses have been on the rise.
- (4) To open a transparent dialogue with the authorities of the national and regional states to clarify the prejudices raised against the Association of Jehovah's Witnesses in India.