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Session:	Forty-Fifth Session (2 - 18 November 1978)
Title/Style of Cause:	Jehovah's Witnesses v. Argentina
Doc. Type:	Resolution
Decided by:	Chairman: Dr. Carlos A. Dunshee de Abranches; Vice Chairman: Professor Tom J. Farer; Members: Dr. Andrés Aguilar, Dr. Gabino Fraga, Dr. Carlos García Bauer, Dr. Marco Gerardo Monroy Cabra; Dr. Fernando Volio Jiménez
Dated:	18 November 1978
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BACKGROUND:

1. The following denunciation was made in a communication dated November 9, 1976:

I should like to give you some background with respect to a situation that has developed in Argentina with regard to the Jehovah's Witnesses. Jehovah's Witnesses are known all over the world as good citizens and law-abiding people who take the principles of the Bible seriously.

On August 31, 1976, this official decree, signed by Jorge Rafael Videla, President of Argentina, ordered the district office and all the Halls of the Kingdom of the Jehovah's Witnesses to be closed.

Official decree No. 1867 states: 'the sect in question maintains principles that are contrary to the national character, to the basic institutions of the State and to the fundamental principles of his legislation. The freedom of religion upheld in Articles 14 and 20 of the National Constitution is, of course, self-limiting in the sense that religious ideas may not imply any violation of the law, or an attack on public policy (order public) national security, morality or custom.'

This prohibition covers all the activities of the Jehovah's Witnesses, all their literature, and the closing of their Halls of the Kingdom and the district office. Currently, there are 31,140 Jehovah's Witnesses in Argentina, in 604 congregations. As of September 17, 21 Jehovah's Witnesses were in jail.

2. In a communication of January 11, 1971, the Commission asked the person filing the denunciation to send the official decree prohibiting the activities of the society in reference.

3. In a note dated April 11, 1977, the complainant expanded his comments and sent the Commission an authentic copy of Decree No. 1867 of August 31, 1976, prohibiting activities of the Jehovah's Witnesses in Argentina.

4. At its 41st session, the Commission requested the claimant by letter dated August 3, 1977, to supply additional information. In a note of October 14, 1977, the complainant replied to the Commission's request for information as follows:

This letter is in reply to your communication of August 3, 1977 requesting information on our situation, that is, of the Jehovah's Witnesses in Argentina.

In answer to point No. 1, the case of the six witnesses arrested in Apystoles, Misiones, has been returned to the Court of Justice where it was first heard for consideration of pages 44 and following, after the appeal was denied by the Criminal and Correctional Court of Appeals and Minors. We are including the judgment denying the appeal. The Department of Justice has entered no other judicial proceeding since December 7, 1976.

In the case of Puerto Rico, Misiones, the 16 persons who were held in jail for 60 days were released after an appeal. We took the case to the Court of Appeals in the month of August 1977, asking for a stay in the proceedings. The case is still pending.

Reply to point 3. We received a favorable decision in the Court of Appeals in our suit which sought to declare the Government's decree unconstitutional; but we are still under an act of prohibition, being unable to carry out our activities or to meet in our religious meeting-houses. (We attach hereto a copy of the Court's decision). The decision was appealed, and the case went to the Supreme Court in August 1977. We are now awaiting the decision of the Supreme Court. We also enclose a copy of the Government's appeal and a copy of our final pleading.

5. The complainant sent the Commission the following documents, which are now in its possession:

1. Memorandum.
2. List of arrests and maltreatment of Jehovah's Witnesses.
3. Decision of the Court of Appeals.
4. Our Memorandum presented to the Supreme Court.
5. Government appeal.
6. Document and press clipping showing religious discrimination against Jehovah's Witnesses in schools.
7. Court's decision in the case of Apystoles.
8. Memorandum containing information on a case in which I am charged, for violation of the Penal Code. In this case, Lucio Antonuccio and I have been accused and tried, but the Court acted without hearing testimony from us. This case is now in Federal Court.

6. In the memorandum attached to his communication of October 14, 1977, the complainant made the following accusation:

"The case rapidly became famous and had certain consequences. Many Halls of the Kingdom were closed in the Provinces of Misiones, Entre Rios and Formosa; this was clearly and obviously obstruction by the federal and provincial authorities to freedom of religious. Immediately, the Jehovah's Witnesses filed a special complaint with the Federal Courts in the Capital. The reply came from the Ministry of the Interior, accompanied by a decree from the Executive Power which prohibited all public and private meetings, preaching activities, printing and distribution of booklets or magazines, and the principal offices were closed. Again, the Witnesses filed suit, maintaining that the Government authorities were not only impeding their freedom of religion, but were also arbitrarily and unconstitutionally restricting and denying their constitutional guarantees detailed in the response.

Meanwhile, because they had adopted a firm stand in defense of the principles of Jehovah, more than 300 school-age children were denied primary education by being dismissed from the schools they had been attending, or simply by being prevented from enrolling. Some continued their studies at home, by themselves, with the intention of taking the examinations at the end of the school year with special examiners so that they would not lose the year, but this was also denied them. Why? One reason might be found in the note sent on March 2, 1977 to the Director of Schools No. 6 of Aristybullo del Valle, Misiones, by the General Education Council in Misiones, which concluded by saying: 'You are hereby informed that the examination is not authorized for students professing the religion of the Jehovah's

Witnesses. An obvious case of religious discrimination!

The struggle by Jehovah's Witnesses to establish the freedom to worship God according to their own conscience in Argentina has a long list of victims: men, women and children, who have been detained and mistreated simple because they were Jehovah's Witnesses, or because they have studied the Bible with them. In many cases, there was a real abuse of authority, -insults, threats and even beatings- as is demonstrated in the attached list.

At present, we understand that there are some 100 young Jehovah's Witnesses imprisoned in the military prison of Magdalena, some 500 more in Campo de Mayo and another 50 throughout the rest of the country, young men 18 years of age. And this year, even more may be added to the list of persons detained, because the class of 1959 has been called up. These young men have been accused of insubordination and have received a two-and-a-half to four year prison sentence. Military service lasts only one year, and often ends after 8 or 9 months.

These young men are being punished because they are observing the Christian commandment no to fight, and not to kill, and because they do not want to betray their conscience or the principles of the Bible.

All these problems,-children expelled from school, people dismissed from their jobs, homes destroyed, unjust detentions and confiscation of our literature,- are due to the fact that the Government does not want to recognize us officially as a religion, even though this is what we are and nothing more, as every one knows."

7. A number of communications received by the Commission during September and October 1978 provided additional information on the situation with regard to the Jehovah's Witnesses in Argentina, as follows:

"Activities of the Jehovah's Witnesses were prohibited in 1976. This prohibition was appealed to the Court of Justice. In February 1978, this prohibition was upheld by the Supreme Court. As a result, many Jehovah's Witnesses have been unjustly detained; they have lost their jobs and their children have been dismissed from school, and have been prevented from getting an education."

8. In a communication of October 10, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Argentina, asking it to provide the corresponding information.

9. The Commission has in its possession a photocopy of the note sent on March 2, 1977 by the Technical Secretary of the General Inspectorate of Primary Education to the Director of School No. 6, Mr. Carlos Almeida, stating as follows:

It is recommended that the Director make a conscientious study of the Regulations for free examinations approved by Resolution No. 45/68 and amended by Resolution No. 3044/68, and that he faithfully implement it. Particular attention will be paid to preparation of the curriculum for the examination, which should be studied with care by the members of the Examining Board and properly supervised by the Director, to ensure that the basic subjects correspond to the grades to be awarded, thus ensuring that those passing have received a proper education.

The tests must be submitted to this office for final approval, along with the grades awarded by the examining Board and the corresponding reports.

The Director will be responsible for any failure to comply with the regulations or with the recommendations indicated above.

You are hereby informed that this examination is not authorized for pupils professing the religion of Jehovah's Witnesses."

10. On March 5, 1979, the Commission sent a cable to the Government of Argentina, urging it again to send the information requested in its previous note of October 10, 1978, and asking it to reply prior to March 10, 1979. The Government of Argentina did not send the Commission the information it had

requested.

WHEREAS:

1. In the light of the above-mentioned information, it is deduced that the Jehovah's Witnesses has been prohibited from conducting religious activities in the Republic of Argentina;
2. All domestic remedies have been exhausted, and the Supreme Court found against the Jehovah's Witnesses, and for the appeal filed by the Government of Argentina;
3. The foregoing constitutes a clear violation of the right to religious freedom, freedom of worship and hence to the possibility of declaring and practicing it in public and in private.
4. Also violated was the right to equality of opportunity in education and the right to life and personal security of the members of the Jehovah's Witnesses group,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that the Government of Argentina violated the right to life, liberty and personal security (Art. I), the right to freedom of religion (Art. V), the right to education (Art. XII), the right of association (Art. XXI) and the right to protection against arbitrary arrest (Art. XXV) of the American Declaration of the Rights and Duties of Man.
2. To recommend to the Government of Argentina:
 - a) that it reestablish the observance of religious freedom;
 - b) that it repeal Decree No. 1867 of August 31, 1976, because it violates the fundamental rights listed above;
 - c) that it adopt the necessary measures to put an end to the persecution of the congregation of Jehovah's Witnesses;
 - d) that it inform the Commission within 60 days as to the measures taken to put into practice the recommendations contained in the present Resolution.
3. To communicate this Resolution to the Government of Argentina and to the person filing the denunciation.
4. To include this Resolution in the Annual Report to the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c, iii of the Statute of the Commission, without prejudice to the Commission's being able to reconsider the case at its next session in light of such measures as the Government may have adopted.

(Approved at the 605th meeting of November 18, 1978 (45th Session) and transmitted to the Government of Argentina).