

**Press communiqué issued by the Secretary
to the European Commission of Human Rights
Application No. 28626/95
Khristiansko Sdruzhenie "Svideteli na Iehova"
(Christian Association Jehovah's Witnesses)**

**v.
Bulgaria**

On 3 July 1997, the European Commission of Human Rights (Council of Europe) held a hearing on the admissibility and merits of the above application brought by Christian Association Jehovah's Witnesses against Bulgaria.

The case concerns the suspension of the applicant association's registration in 1994 and the ensuing measures against it. It raises issues under Articles 6, 9, 10, 11 and 14 of the Convention.

Following deliberations, the Commission declared the application admissible without prejudging the merits.

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The applicant association complains under Articles 9, 10, 11 and 14 of the suspension of its registration and religious activities, and under Article 6 of the alleged lack of access to court. The applicant association also complains, invoking Articles 9 and 10 of the Convention, of a media campaign allegedly launched against it.

The applicant association contends that the suspension of its registration and activities constituted an interference with its rights under Articles 9, 10 and 11 of the Convention, and that this interference was unlawful, did not pursue a legitimate aim, and in any event was disproportionate to any legitimate aim.

Pursuant to an amendment of the law adopted in 1994, associations of religious nature had to obtain an authorisation by the Council of Ministers and renew their registration. The Council of Ministers refused the applicant association's request for an authorisation to re-register. The applicant association unsuccessfully appealed to the Supreme Court. Subsequently the authorities dispersed its meetings and arrested some of its members on several occasions, seized religious books and undertook other measures to suppress its activities.

The applicant association submits that the decision of the Council of Ministers of 28 June 1994 refusing the association's request for authorisation, was arbitrary and unlawful as it was taken secretly and did not give any reasons. This decision was then interpreted by the authorities as amounting to official prohibition to practise the Jehovah's Witnesses religion and as the ground for a brutal and persistent suppression of their activities through unlawful police actions and all possible measures. Furthermore, a media campaign was launched against Jehovah's Witnesses.

As regards the alleged involvement of children the applicant association submits that children cannot become members of the association but only participate, together with

their parents, in the religious activities of the community. In respect of the refusal of blood transfusion, the applicant association submits that there are no religious sanctions for a Jehovah's Witness who chooses to accept blood transfusion and that, therefore, the fact that the religious doctrine of Jehovah's Witnesses is against blood transfusion cannot amount to a threat to "public health".

As regards the refusal of Jehovah's Witnesses to bear arms the applicant association state, inter alia, that the Bulgarian Constitution provides for an alternative service for conscientious objectors, and that therefore refusal to bear arms cannot be unlawful or contrary to national security under Bulgarian law. Also, the applicant association denies the Government's allegation that Jehovah's Witnesses were seeking a theocratic society.

The applicant association submits that the authorities have not attempted at all to strike a balance between the individual and the public interests. Moreover, Bulgaria is the only member of the Council of Europe refusing registration to Jehovah's Witnesses.

The applicant association also submits that there been a breach of Article 6 of the Convention because its right to be registered as a legal person was determined by the Council of Ministers, the Supreme Court having declined to examine the merits of the dispute.

The Government maintain that the application is inadmissible.

The Government submit that the applicant association does not have locus standi to bring an application under Article 25 of the Convention because it does not have legal personality and cannot complain of alleged breaches of the rights of its members. The Government further maintain that the applicant association has not exhausted all domestic remedies within the meaning of Article 26 of the Convention because it has not submitted a request for re-registration to the Sofia City Court. In the Government's view the suspension of the association's registration did not result from the Council of Ministers' decision to refuse authorisation, but took effect on 22 May 1994, upon the expiry of the three months' time-limit for a request to the Sofia City Court for renewed registration. The Government further submit that as a result the six months' time-limit within the meaning of Article 26 of the Convention runs from 22 May 1994 and that, consequently, the application to the Commission was introduced after the expiry of this time-limit.

The Government also submit that the applicant association and its members have not exhausted the remedies available to them in respect of the particular acts of suppression of their activities.

The Government also maintain that the complaints are manifestly ill-founded. They state that there has been no interference with rights under Article 9 of the Convention because the suspension of the association's registration and activities has no bearing on the right of every individual Jehovah's Witness to practice his religion. As regards Article 14 of the Convention the Government submit that authorisation was refused because the applicant association posed a threat to society and not based on the fact

that it represented an "untraditional" religion. Thus, a number of cults and associations from various religious traditions have been registered in Bulgaria. The Government state that the task to give authorisation to religious associations is entrusted to the Council of Ministers, which examine their ideas and practices. The Council of Ministers' decision was published without its reasoning because under Bulgarian law the Council of Ministers has no obligation to give reasons for its decisions. As regards the proceedings before the Supreme Administrative Court the Government submit that the Court was not competent to examine the "correctness" of the decision. In view of this limited competence of the Supreme Administrative Court, and in view of the absence of an explicit request from the applicant association, the Council of Ministers in these proceedings did not present evidence about the unlawful and dangerous religious practices of the applicant association. However, the Government submit that the Jehovah's Witnesses religious doctrine contains ideas and canons which are contrary to the Constitution and endanger public health, national security, and the rights and freedoms of others.

The Government submit that children participate in the association's religious activities without the consent of their parents, that teachers adhering to the association preach in school among minors, that Jehovah's Witnesses teach disrespect for the democratic institutions and the national symbols and require their adept to disobey the law when it is contrary to the "divine law", that Jehovah's Witnesses refuse to bear arms and to work in the public service, and that they are seeking the establishment of a theocratic society. The Government also consider that Jehovah's Witnesses' doctrine does not have respect for the human life as it requires to refuse blood transfusion even when this would bring death.

The Government conclude that the suspension of the applicant association's registration and activities was a necessary preventive measure. In view of Jehovah's Witnesses' dangerous doctrine and proselytism the Bulgarian authorities had to act and needed not wait to see the inevitable grave consequences of their activities. The Commission will now consider the merits of the application and place itself at the disposal of the parties with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in the Convention (Article 28 para. 1 (b)). If it succeeds in effecting a friendly settlement, the Commission will make a Report to the Committee of Ministers of the Council of Europe, containing a brief statement of the facts and of the solution reached (Article 28 para. 2).

On the other hand, if a solution is not reached, the Commission will draw up a Report on the facts and state its opinion as to whether the facts disclose a breach by the Government of Bulgaria of its obligations under the Convention. The Report will be transmitted to the Committee of Ministers, which will decide the matter unless the case is referred to the European Court of Human Rights by the Commission or the Government of Bulgaria.

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At the hearing the parties were represented as follows :

The Government :

Mrs. Violina DJIDJEVA, co-agent, Ministry of Justice

The applicant association :

Maître Alain GARAY Avocat à la Cour, Paris, France
M. Lioubomir KIOUTCHOUKOV founding member of the applicant association
Maître Philippe GONI Avocat à la Cour, Paris, France
Maître Michel de GUILLENCHMIDT Avocat à la Cour, Paris, France