

## RELIGIOUS FREEDOM ON TRIAL

### A Review of Judicial Findings on the Family International

Although many Western nations have well-articulated charters that make provision for religious plurality and the protection of religious liberty, advocates of human rights and religious freedom have expressed their concern at a rising tide of religious intolerance worldwide. New religious movements or minority religions are often vulnerable to such hostilities, being targeted by anti-religious groups and some sectors of the media. The Family International [the Family] has been no exception to this, and as such has served as a test case in courts around the world regarding the protection of the right to freely practice one's religion.

The Family (formerly known as the Children of God) is a fellowship of independent Christian communities, active in over 100 countries. Our nonconformist—yet Scripture based—beliefs and lifestyle led to our fellowship becoming a source of controversy during the early to mid-1990s and the object of official investigations and court actions in several countries. In every case our members were vindicated by the courts, and their right to practice their religion was upheld. The findings of some of these cases have been considered important legal precedents regarding religious freedom issues.

As a fledgling minority religious movement, we have been the object of much interest and scrutiny regarding the upbringing of our children. Our commitment to a communal lifestyle, our religious convictions, as well as our preference for educating our children at home has raised the question as to whether such a unique environment is adequate for the full development of our children. After observing almost 700 children living in Family communities, by means of extensive physical, psychological, and educational testing in court-appointed and independent investigations, the courts have in all cases been satisfied with the standard of life offered to the children.

The proceedings and findings of the magistrates and social service representatives in these investigations have been summarized in the following case outline. (Where an official judgment was written in a language other than English, the excerpts included are taken from the official translation.)

#### **Argentina**

Buenos Aires: October 27, 1989–May 23, 1990

Buenos Aires: September 1, 1993–July 27, 2004

#### **Australia**

Melbourne: 1991–April 27, 1993

Sydney: May 15, 1992–March 31, 1999

Melbourne: May 15, 1992–April 22, 1994

#### **Brazil**

Rio de Janeiro: April 13, 1992–January 30, 1995

#### **England**

London: 1992–November 1995

#### **France**

Eguilles and Lyon: June 9, 1993–February 24, 2000

#### **Italy**

Rome: January 16, 1979–November 15, 1991

#### **Peru**

Lima: July 30, 1990

Lima: September 1993–December 14, 1993

#### **Spain**

Barcelona: July 1990–October 30, 1994

#### **Sweden**

Valbo: January 31, 1994–May 9, 1994

#### **USA**

Los Angeles: July 1993

#### **Venezuela**

Zulia: February 26, 1992–May 27, 1992

## ARGENTINA

Since 1987 the Family has been the subject of 11 investigations in Argentina. Eight of these resulted in court proceedings being instituted against Family members. In each case the allegations were unsubstantiated and Family members were found innocent of all charges.

As of October 1993, Argentine authorities have thoroughly examined over 230 children of Family members. Some of these children were subjected to repeated degrading and painful physical examinations by court-appointed doctors intent on finding evidence of abuse. Nevertheless, the children were all found to be in good mental and physical health and displayed no evidence of any physical, sexual, or psychological abuse.

### Buenos Aires:

#### October 27, 1989–May 23, 1990

One of the most serious investigations of the Family in Argentina occurred in 1989. On October 27, two Family communities were raided by scores of heavily armed police. Many adult Family members were arrested and held for two weeks, while 18 children were placed in state custody. The charges laid following this raid formed the basis for three separate court actions.

The first involved drug charges. The police alleged that a small quantity of cocaine was found on the property. (This was later found to have been planted by the police during the raids.) Judge Leónidas Moldes, of the San Isidro Court in Buenos Aires, dismissed the drug charges on January 11, 1990, stating:

I possess no element whatsoever which might permit to impute to any of the 13 defendants the tenancy of the seized drug. As regards to the facilitation of dwelling and instigating crimes for the consumption of drugs from the simple reading of the bibliographic material seized, it cannot be deduced that the group and the members of the same may propose the use of drugs, but instead all the contrary.<sup>1</sup>

The second case involved the welfare of the children apprehended by social services. On

December 19, 1989, the children were returned to the custody of their parents by Judge Eleonora Mercedes Fernandez de Zingoni of the San Isidro Court. In her official judgment she stated:

After analyzing the different points brought out in relation to each individual case (e.g., social-environmental reports, declarations from relatives, personal contact between myself and each one of the minors), and taking into account that the parents and/or guardians of the minors who live here at the residence were left in liberty and that those from the residence were not indicted, I concluded on the basis of my sincere conviction that the minors find themselves in an environment fit for their physical and moral development, due to which the extreme conditions required for this Court to intervene according to what is stipulated in article 10, clause 2a of Provincial Law number 10067, are not evident.<sup>2</sup>

The social worker who investigated the Family wrote the following comment in her report dated November 29, 1989: "In the [Family residence] one could feel a calm atmosphere, where the children have all their needs met, are cared for and protected and appear to be healthy, stimulated, and normal. It does not appear as if the adult members of the home have any negative attitudes towards the minor children or may be trying to pervert them."

The third case involved accusations of child abuse. On May 23, 1990, Judge Alejandro de Korvez of the San Isidro Court dismissed these charges, stating:

I understand that in these proceedings the criminal responsibilities of those summoned as regards the unlawful situations on which the filing of this case was produced, do not appear proven. [In the] socio-environmental reports, medical-psychological examinations of the minors, examination of the seized literary and audio-visual materials do not appear any elements which would enervate the statements of the

<sup>1</sup> Federal Court of San Isidro, Case No. 34.269, Buenos Aires, Argentina, January 11, 1990.

<sup>2</sup> Minor's Court of San Isidro, Case No. 17.142, Buenos Aires, Argentina, December 19, 1989.

summoned as they absolutely deny the commission of the unlawful acts.<sup>3</sup>

### **Buenos Aires: September 1, 1993–July 27, 2004**

The largest action against Family communities to date took place on September 1, 1993, when police raided five Family residences in Buenos Aires, arresting (and imprisoning) 21 adults and seizing 137 children of Family members. It was the largest number of children from a religious group taken into government custody at once in recent Argentine history. News of the raids and the sensational allegations, which included kidnapping, child trafficking, prostitution, slavery, and child abuse, made lurid headlines around the world.

The children of Family members were held in government custody for three and a half months, while 21 adults were imprisoned for the same period. All Family children were forced to undergo multiple psychological evaluations, as well as painful and degrading medical/gynecological examinations. Doctors for the prosecution, citing preliminary test results, claimed some signs of psychological distress in 16 of the 137 children tested. These results were later nullified by the court as unscientific, having been improperly conducted under duress. New psychological tests revealed no abnormalities. No evidence of abuse, sexual or otherwise, was found in any of the tests.

In a show of solidarity, Family members staged peaceful protests outside Argentine embassies, consulates, trade centers, and airline offices in major cities around the world. In Argentina, the Family launched a vigorous media and legal campaign, lodging an appeal and demanding the dismissal of all charges and the immediate release of the adults and children.

On December 13, the Federal Appeals Court of San Martin, Buenos Aires, ruled in favor of the Family, declaring the federal judge who ordered the raids, Judge Roberto Marquevich, legally incompetent to rule in the case.<sup>4</sup> The court ordered the immediate release of all the adults, who by then had been imprisoned for 104 days. The court also ordered that all Family children be released from institutions and returned to the custody of their

parents. In their 200-page majority ruling, Federal Judges Horacio Enrique Prack and Alberto Mansur methodically rejected and disproved each of the charges brought against the Family:

It was initially stated [by Judge Marquevich] that [the children] showed signs of supposed abuses of a sexual nature. Nevertheless, the medical examinations did not ratify this presumption as is evidenced from the examinations where the results were absolutely negative regarding this subject. There has not been the slightest shred of evidence to prove that any of the corruptive acts described above have actually occurred to any of the minors named in the proceedings.<sup>5</sup>

The allegations of abuse were put forward by embittered ex-members of the Family. Documented evidence later showed these same individuals to have been active in cases brought against the Family in other countries. After studying these ex-members' sworn statements, the appeals court stated:

[They] are incompatible with the results of the medical reports. Their own declarations reveal an apparent eagerness to exaggerate vague memories of past events, to the point of having resorted to accounts, which have been proven beyond doubt to be false and have therefore significantly weakened their declarations in terms of their credibility.<sup>6</sup>

The Court of Appeals also had harsh words for Judge Marquevich's prejudiced mishandling of the investigation.

It is evident that an illegal investigation violating the clear rules of public order has been initiated. This manner of proceeding represents an arbitrary use of penal power, by removing the case from the framework of rationality inherent in the fundamental right of the defense to a proper trial. This

<sup>3</sup> Provincial Court of San Isidro, Case No. 34.269, Buenos Aires, Argentina, May 23, 1990.

<sup>4</sup> San Martin Court of Appeals, Case 81/89 "Cavazza, Juan C. and others, on Inf. Art.125, 139, 140, 142, Par.I, 142 bis, 210, 293 of the Code of Proceedings and art.3 of Law 23,592," Federal Court of San Isidro, 1 Sec.2 Office II, Reg. 443. Federal Judges: Horacio Enrique Prack, Alberto Mansur, Daniel Mario Rudi, Buenos Aires, Argentina, December 13, 1993.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

panorama puts in evidence an anachronistic continuation of the most severe inquisitive system, one in which people were summoned only to confess their sins, being considered “witches” or “heretics.”<sup>7</sup>

Legal infractions committed during the investigation were reported, including a report that the five Family women arrested were imprisoned for the first eight days in inhumane conditions. After these reports and prior to the appeals court’s ruling, former judges and members of the Buenos Aires Bar Association (not representing or associated with the Family) launched a petition for Judge Marquevich’s impeachment, which was eventually brought before the Argentine House of Representatives. This was one of the very few cases brought to the House of Representatives for impeachment of a federal judge.

The courts also warned of the dangers of the “brainwashing” argument brought to bear in the case, and how it is used to stigmatize members of new religions:

To claim that proselytism has become ideological subversion; that the initial persuading of someone to an exotic way of life, which is protected by the right to religious freedom has become brainwashing; that missionaries have become subversive agents; that houses of spiritual retreat or monastic seclusion have become prisons; and finally, that mystical adherence to religious devotion has become psychopathic behavior, will undoubtedly bring us back to the time when society was authoritarian and repressed free thinking, limiting and castrating the freely chosen lifestyle of each individual.<sup>8</sup>

The judges went so far as to point out that it is not the place of the courts or the general populace to judge the beliefs of minorities: “[The opinion] of the majority as to what is morally correct or not is not necessarily right; many times it will be the product of prejudices or obscure ideas, and even when this is not the case, the majority of the population has no right to establish how others must live.”

On December 23, 1993, after 114 days in state

custody, the Family children were reunited with their parents. In the meantime, their residences had been looted and stripped bare by the police.

The prosecutor of the Appeals Court of San Martin, Pablo Hernan Quiroga, promptly lodged two appeals before the Supreme Court to the appeals court ruling. One affirmed that Judge Marquevich should have jurisdictional authority in this case and another appealed all points of the appeals court’s decision. These appeals were overturned by the Supreme Court on June 29, 1995, and the case reached final closure on July 27, 2004, little over a month after Judge Marquevich was impeached and removed from office.

## AUSTRALIA

### Melbourne: 1991–April 27, 1993

In mid-1991 a (now reconciled) former Family member—in a bid to gain the custody of the children—accused his estranged wife of abusing their children. Both the wife and their children lived in a Family community in Melbourne, Victoria, Australia. As a result of these allegations, the Victorian Police and Community Services Victoria (CSV) sought to have the children placed in state custody.

A lengthy court case began in November of that year. Legal history was made when one of the children, who was 12 years old at the time, spent an unprecedented three days on the witness stand, giving testimony. On August 10, 1992, Senior Children’s Court Magistrate Gregory Levine dismissed the application of the police and CSV, ruling that the children could continue to live with their mother in a Family residence.<sup>9</sup> CSV appealed the ruling on a technicality. The Victorian Supreme Court returned the case to Magistrate Levine on April 27, 1993, where he finally dismissed the applications, thus ending nearly two years of proceedings.

In his judgment, the magistrate also warned against using child protection laws as a pretext to harass small religious groups such as the Family:

In my view it was not envisioned by the legislature that all such groups, organisations or sects should have their children made the subject of protection applications as a form of class action. It must be of concern that this form of inquiry may set a precedent for the

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Magistrate Gregory Levine of the Senior Children’s Court, Melbourne, Victoria, Australia, Ruling on August 10, 1992.

bringing of protection applications in relation to other sects whose practices and beliefs do not appear to accord with mainstream thinking.<sup>10</sup>

### Sydney: May 15, 1992–March 31, 1999

In 1991 police in the state of New South Wales launched an extensive yearlong investigation of the Family, code-named “Project A.” This culminated on May 15, 1992, when police and officials from the Department of Community Services (DOCS) staged elaborate synchronized pre-dawn raids on Family residences in Sydney and took 65 children into state custody. The authorities claimed that disgruntled ex-Family members and anti-“cult” organizations had made allegations of sexual, physical, and psychological abuse against the Family. The raids received extensive coverage in the media.

Despite the 12-month investigation, which cost taxpayers millions of dollars, police found no evidence of criminal wrongdoing. The children were all found to be healthy and free of any signs of abuse. On May 21, Children’s Magistrate Ian Forsyth described the children as “delightful and articulate” and released all the children into the temporary custody of their parents.<sup>11</sup>

Meanwhile, the DOCS continued to pursue the case in the courts. On October 31 the case was stayed in the New South Wales Supreme Court after the parties agreed to settle the case in a historic mediation by former Chief Justice Sir Lawrence Street. The Care Applications on the Family children would be withdrawn on the completion of a 12-month period of socialization activities (e.g., swimming, horseback riding, arts and crafts, etc.) attended by the children. The cost of this agreement was underwritten by the DOCS. The DOCS also withdrew their allegations that the children had been subjected to inappropriate sexual behavior.

The mediation agreement states:

[The Department of Community Services] denies any and all implications which may have arisen in the opening statement made in its case or in other evidence in the Children’s Court at Cobham that all children the

subject of the applications had been subjected to physical sexual assault or had engaged in sexual intercourse.<sup>12</sup>

At the expiry of the 12-month period, lawyers for the DOCS and the Family both presented petitions for the proceedings to be dropped. The Children’s Court Magistrate, much to the surprise of all concerned, announced his intention to pursue the case. The lawyers for all parties took the matter to the State Supreme Court. On November 2, 1993, Justice David Levine of the New South Wales Supreme Court ordered the Children’s Court Magistrate to dismiss the case. In his judgment Justice Levine stated,

I am persuaded that as a matter of law not only has the magistrate the jurisdiction but he has the obligation to bring to end these proceedings. I order the [magistrate] to give leave to the complainant to withdraw those proceedings and thereupon to dismiss them.<sup>13</sup>

The actions of the police and Community Services came under fire in New South Wales Parliament in November 1993, when the former Police Minister produced documents showing that the raids were conducted unlawfully and without proper evidence.<sup>14</sup> In protest at the violation of their rights that such illegal raids represented, 62 of the children who had been removed from their families by New South Wales authorities in 1992, initiated a civil action against DOCS. On March 31, 1999, Supreme Court Justice John Dunford found that “in entering the relevant premises, searching for and removing the various plaintiffs, the defendant’s servants [officers of police and Community Services] and agents were not acting under any authority conferred by the warrants but wrongfully and contrary to the law.”<sup>15</sup>

The police and DOCS requested a mediation just as the main part of the hearing was to commence. Although the terms of the settlement were confidential, the Australian media reported “huge compensation payoffs” for the suffering endured by the children who had been taken from their parents. So ended a case that the Australian daily,

<sup>10</sup> Magistrate Gregory Levine of the Senior Children’s Court, Melbourne, Victoria, Australia, Ruling on April 27, 1993.

<sup>11</sup> Magistrate Ian Forsyth of the Children’s Court, Sydney, New South Wales, Australia, Ruling on May 21, 1992.

<sup>12</sup> Quotation from settlement mediated by Sir Lawrence Street, former Supreme Court Justice, Sydney, New South Wales, Australia.

<sup>13</sup> Ruling by David Levine of the New South Wales Supreme Court, Sydney, Australia, November 2, 1993.

<sup>14</sup> Ibid.

<sup>15</sup> Hartnett v State of New South Wales [1999] NSWSC 265, File number(s): 19380/93, 19373/93, 19402/93, Judgement date: March 31, 1999.

The *Sydney Morning Herald*, estimated cost the government AUD\$4.5 million.

### **Melbourne: May 15, 1992–April 22, 1994**

In an operation orchestrated simultaneously with that carried out in Sydney, pre-dawn raids were conducted on Family communities in Melbourne on May 15, 1992. Fifty-six children were taken into custody. The raids were ordered by the Community Services Victoria (since renamed the Department of Health and Community Services [H&CS]), voicing the same allegations by anti-cult groups and some ex-members of the Family as in the Sydney case: physical, psychological, and sexual abuse of minors.

A week of medical and psychological examinations revealed no evidence of sexual or psychological abuse. On May 21, the same day Family children in Sydney were being released, Justice Gray of the Supreme Court of Victoria at Melbourne ordered that all Family children in custody be returned to the care of their parents, pending court proceedings on the protection applications sought by H&CS.

Despite the precedent of the agreement reached between the Department of Community Services and the Family in Sydney, the H&CS in Melbourne refused the Family's mediation terms and began court proceedings for custody of the Family children. Preliminary hearings dragged on for nearly two years. The Department was so determined to bring the case to trial that it agreed to fund both the prosecution and the defense, at an expense to taxpayers estimated by *The Melbourne Age* (May 23, 1994, page 1) at anywhere between AUD\$1.5 and \$10 million.

After 23 months, apparently without any evidence to show for its efforts and expense, and under pressure from the state government to end what was turning out to be an embarrassment, H&CS agreed to mediation on terms almost identical to those proposed by the Family 18 months earlier. In the mediation agreement the Family maintained its innocence of any of H&CS's charges:

The [parents] do not concede that the children are in need of [state] care and protection under the Act. The parties consent to this Order in order to avoid the harmful effects lengthy court proceedings would have on the children.

The terms of the agreement, ratified on April 22, 1994, by Victoria Supreme Court Justice Beach, similar to those reached in Sydney in October 1992,

consisted of a 15-month period of "external socialization activities" for three hours weekly (such as sports, music lessons, etc.), paid for by the Department.

The mediation was recognized by the media as a victory for the Family and a personal embarrassment for the H&CS chief, Dr. John Paterson (deceased 2/2003). Media coverage also principally focused on the large amount of taxpayers' money poured into a case that led nowhere and the overall lack of evidence of any wrongdoing. As Alan Austin of the Australian Broadcasting Corporation's religious department observed in an interview on "The Religion Report" of Radio 2RN on May 29, 1994:

The significance of this case lies in the fact that over the past two years, welfare authorities in several countries have seized literally hundreds of children from homes within the Family. But nowhere has convincing evidence come to light of the sort of emotional, psychological, or sexual abuses alleged.

## **BRAZIL**

### **Rio de Janeiro: April 13, 1992–January 30, 1995**

On April 13, 1992, the First Children's Court of Rio de Janeiro, acting on unfounded information supplied by reporters from a sensationalist TV show, opened an investigation of the Family's local community. The three-year investigation included numerous court-ordered visits by investigators, social workers, and other officials. No indication of any type of wrongdoing resulted.

On November 14, 1994, Judge Liborni Siqueira ordered a "rigorous inspection" of the Rio community. The surprise inspection was performed personally by the Director of the Department of Investigations of the First Children's Court, Dr. Wilherme Borges, who concluded his detailed report by stating:

We are very happy to have been able to visit the above-described institution the Family, as we have never visited a home that showed such loving attention in their care of the children, though these are accompanied by their parents. We only regret that other homes dedicated to the care of children do not reflect the beauty, the love, and the living conditions offered by the Family.<sup>16</sup>

<sup>16</sup> First Children's Court of Rio de Janeiro, Case number 57,931/92, November 14, 1994.

Despite the favorable reports of the court investigators, the prosecutors inexplicably petitioned the court that the parents of Family children residing there be ordered to enroll their school-age children in conventional schools. The court acquiesced. (Homeschooling had never previously received official recognition in Brazil.) Family parents involved immediately appealed this decision.

On January 30, 1995, in a landmark seven-to-one decision, the Judicial Council of the State of Rio de Janeiro held that since court documents showed that the children were being well educated, the lower court had no right to interfere with the manner in which Family parents choose to administer education to their children. Justice Adolphino Ribeiro, writing for the majority, found that:

Having been demonstrated by regular means that the education utilized via the “homeschooling” method adopted in a religious community is equal to or better than the official education, there is no error or omission on the part of the parents or guardians which would cause the imposition of exceptional measures such as guardianship, especially since the law guarantees to the parents the right to choose the type of education to be given to their children. Appeal granted.<sup>17</sup>

## ENGLAND

### London: 1992–November 1995

In 1992 the mother of an adult Family member filed a case with Lord Justice Ward in England, requesting the custody of her unmarried daughter’s child. The only grounds presented by the mother for the removal of the custody of her grandchild were her daughter’s membership in the Family. The grandmother never suggested that her daughter was an unfit mother or that she had been deficient in her care of her son, a point carefully noted by the assigned magistrate, Lord Justice Ward, in his decision.

These long months have been spent trying the issues joined between the Plaintiff, Mrs. T., a grandmother and the defendant N.T., her daughter, each so strongly imbued with that instinctive love for the offspring, and in grandmother’s case also her offspring’s off-

spring, that each has never flinched or contemplated surrender in this titanic struggle to secure the care and control of the much loved child in question, the Defendant’s son, S. At no time has there been any issue about this young mother’s ability to properly love her child and to attend to all his physical needs and the only harm from which grandmother seeks to protect him is the harm she alleges he will suffer from remaining with his mother as faithful members of what is popularly but inaccurately known as a cult, The Children of God, now known as the Family of Love or simply as the Family.

The mother claims the inalienable right to love her God as she chooses, which is a love she submits brooks no interference from a Court of Law because she is entitled to the fundamental freedom of thought, conscience, and religion. As I have already made clear there is not and there never has been any attack at all upon N.T.’s ability to provide proper physical care and to give all proper love and affection to her son. If the child is to be removed from her care, it is only because of her adherence to the Family.<sup>18</sup>

Although the member of the Family involved in this case was living outside of the country at the time, she obliged with the requests of the court and relocated to England to place herself at the disposition of Justice Ward. Despite the fact that this case was strictly a custody case involving a Family member and her mother, Justice Ward devoted several years to hearing both former-member and current-member witnesses, as well as studying Family literature and having social services evaluate the condition of local Family communities in England before pronouncing his decision. The court hearing lasted an unprecedented 75 days in which 10,000 pages of evidence were presented. Justice Ward made note of the request of the local Family communities to be adjoined to the case, which he refused.

I refused an application by several members of the home in which N.T. lives to be joined as individual parties because they considered my decision

<sup>17</sup> Judicial Council of the State of Rio de Janeiro, Appeal number 948/94, Rio de Janeiro, Brazil, January 30, 1995.

<sup>18</sup> Lord Justice Ward in the High Court of Justice, Family Division, Case W 42 1992, London, England, October 19, 1995.

might impinge on their children. The Family as an entity of its own is not a party.

Three years later, in November 1995, Justice Ward issued a lengthy ruling, in which he leveled some harsh criticisms at past eras of the Family's history, while also concluding that the Family had undergone numerous positive changes, stating he was satisfied that the Family provided a safe environment for children raised within the group. The court consequently awarded the mother care and control of her child.

## FRANCE

### Eguilles and Lyon:

June 9, 1993–February 24, 2000

From 1991 to 1993, French police conducted a secret but extensive investigation of the Family, code-named "Operation Moses." They were supplied misinformation about the Family by a French anti-cult organization, the Association for the Defense of the Family and Individual (ADFI), as well as by some disaffected ex-Family members.

On June 9, 1993 at 6 AM, 200 heavily armed police staged paramilitary-style raids on two Family communities in Eguilles and Lyon, injuring and brutalizing some Family members (none of whom resisted arrest). Authorities arrested 22 adults and placed 80 children in state custody. Family members were accused of child abuse, child prostitution, and lack of medical and physical care for their children. Police searched Family residences for 10 hours, and found no evidence of wrongdoing. Court-appointed doctors thoroughly examined all the children, but detected no signs of neglect or abuse.

Authorities released all the adults after 48 hours for lack of evidence. On June 16, all 33 children in Lyon were returned to their parents. The Prosecuting Attorney of Lyon appealed this decision, requesting that the custody of the children be retained by the state. The Appeals Court dismissed this appeal, upholding the original decision in favor of the children.<sup>19</sup> By the end of September 1993 the case had been dismissed for all the families residing in Lyon.

On July 29, after 51 days of separation, the children from the Eguilles community were also released to their parents. A provisional ruling by Judge Permingeat of the Minors Court of Aix-en-Provence (for the Eguilles community) stated

that the Family children had not suffered any abuse, but nevertheless required them to engage in court-supervised weekly "socialization activities" for a 12-month period, paid for by the State. The parents remained free to continue their missionary activities and educate their children at home.

Asserting that such socialization activities were taking place without further need for court supervision, the parents and children objected to unwarranted state intrusion in their lives. An appeal was lodged, but did not come before the court during the 12-month period.

In March 1994 the presiding judge resolved to extend this program for another year, based on his belief that life in a religious community did not offer adequate education for children. In December 1994 Judge Permingeat terminated this order, which should have otherwise expired in March 1995.

Meanwhile, a criminal investigation carried out over a several-year period aimed at the adult members of the communities produced no evidence of wrongdoing, and the case was officially closed in January 1999. After five years of investigation the prosecutor concluded that there was "no proof, photos or medical evidence" to substantiate the charges and recommended the case be closed without being brought to trial. Judge Assonion of the Tribunal de Grande Instance of Aix-en-Provence accepted this recommendation, closing the proceedings in January 1999, officially acquitting Family members of all charges.

An appeal was promptly lodged to this ruling by ADFI, which was rejected by the courts on February 24, 2000, putting a definitive end to this investigation. The closure of this case in favor of Family members was considered a serious blow to ADFI, whose reports to officials were proven to be unsubstantiated. European lawyer and scholar of religion Massimo Introvigne stated in a press release:

Six years after the raids, the Justice Court of Aix-en-Provence has vindicated the Family. All defendants have been found not guilty and acquitted. The decision is a major embarrassment for ADFI and the French anti-cult milieu. ADFI lawyer Jean-Michel Pesenti criticized the court and ADFI called the decision "a catastrophe." Basically, the decision embarrasses ADFI and the governmental Mission to Fight Cults (whose key members have always taken for granted that the Family was guilty).

<sup>19</sup> Minors Court of Appeal, Case No. 114/93, Lyon, France, July 23, 1993.

But we do not hear apologies for the unnecessary suffering caused to adults, teenagers, and children in the brutal 1993 raids.<sup>20</sup>

## ITALY

### Rome:

#### January 16, 1979–November 15, 1991

On January 16, 1979, Italian police raided Family communities in Rome. This resulted in charges being filed against several Family members. The Family's founder, David Brandt Berg (1919–1994), was also charged, even though he was not in Italy at that time. The authorities considered him culpable by virtue of his position as founder of the Family. The case was eventually tried in his absence.

In a final verdict delivered on November 15, 1991, magistrates Ricardo Morra, Claudio Cavallo, and M. Teresa Mirra of the Criminal Court of Rome acquitted David Berg and all other defendants.

Mr. David Berg, having been accused of the offense under article 416, paragraph 3 and last paragraph of the Penal Code for having promoted, set up and organized together with others and behind the screen of a sect named "The Children of God," a national and international criminal association having the aim of committing such offenses as aiding and abetting prostitution, fraud and the production, commerce and distribution of obscene publications.

The court pointed out that no certain evidence had been provided proving that the accused were actually members of a criminal organization with the aim of committing the offenses specified in the counts of indictment. There is absolutely no evidence that some of the accused may have entered the community with the intention of aiding and abetting prostitution or with the intention of trading

and distributing obscene publications or with the intention of committing fraud—an offense of which no trace, as yet, has been found.

Therefore, for the foregoing reasons and in consideration of article 479 of the Code of Criminal Procedure (1930), this court hereby decides the acquittal of Mr. David Berg [and the other defendants].<sup>21</sup>

## PERU

### Lima: July 30, 1990

Ten adults from a Lima community were charged with corrupting and offending public morals by means of allegedly obscene actions and publications. In the final verdict delivered on July 30, 1990, the presiding judge concluded:

An analysis of the alleged acts, on the basis of personal inspection carried out by the court personnel, has not proven in any way whatsoever any acts or activities contrary to the morals and the good customs, and much less has there been any evidence of corruption of minors or of women, but instead we have found that in a private fashion they spiritually exercise their freedom of religion in a way which is compatible with their own personal customs.<sup>22</sup>

### Lima:

#### September 1993–December 14, 1993

After the highly publicized raids on Family communities in Buenos Aires, Argentina, on September 1, 1993, Family communities throughout South America mobilized in a proactive campaign to prevent any such action being taken in their respective countries. In Peru, negative news reports about the Family surfaced as critics attempted to goad the government into action. As a preemptive measure, local Family representatives approached the District Attorney's office requesting that an investigation of their communities be conducted.

<sup>20</sup> CESNUR press release, January 1999: "The Family Vindicated by French Court—'Catastrophe' for the Anti-Cult Movement, ADFI and the Government Mission to Fight Cults."

<sup>21</sup> Tribunale Penale di Roma (Criminal Court of Rome), In "re: Berg and others," archives of the Criminal Court of Rome (RG 3841/84), November 15, 1991.

<sup>22</sup> Judicial file number 307–87, Lima, Peru, July 30, 1990.

The District Attorney's investigation lasted nearly two months. After a thorough inquiry, the Lima Ad Hoc Prosecutor, Rebeca Fuentes Sanchez, presented her report to the General Attorney's office, excerpts of which stated:

After conducting the necessary inquiries; examining the sworn statements of members of the group; verifying [all aspects of] the premises in which the aforementioned religious fellowship holds its activities; gathering a considerable amount of documentation about the group; analyzing its publications and official statements; performing medical, gynecological, psychological and psychiatric examinations on the children as well as footprint identification studies; as a result of the inquiries carried out on the premises, and information gathered by a number of governmental and law enforcement agencies such as, DIVISE [anti-kidnapping], DIRANDRO [narcotics], INTERPOL, Missing Persons Division, Immigrations Department, Ministry of Foreign Affairs, SUNAT [National Revenue Service], as well as different written and televised material gathered from media sources, and additional information collected by this Office in the course of the investigation; according to which this office has been able to establish that no evidence was found of irregularities in the legal status of any of the minors of the communities. There is no sign of neglect or failure to provide their essential needs, such as adequate diet, housing, and dress.

Although their views constitute a rather peculiar interpretation of the Gospels, in no way is this legally questionable nor can it substantiate criminal charges. According to results of medical, gynecological, psychological, and psychiatric examinations performed on the children there is no evidence whatsoever of moral or physical damage nor signs of psychosis. Therefore such probabilities remain unsubstantiated.

After extensive, thorough, and drawn-out investigations on the ac-

tivities and behavior of members of the communities in our country, we have not been able to find the slightest shred of evidence to substantiate any of the allegations of supposed criminal offenses, illegal activities or immoral behavior. Therefore having completed all pertinent inquiries in accordance with resolution N. 1143-93-MP-FN this Ad-Hoc District Attorney's Office resolves: "There are no merits to press charges in the case, therefore this investigation is to be closed."

## SPAIN

### Barcelona: July 1990–October 30, 1994

In July 1990 regional authorities in Barcelona, Spain, raided a Family community and forcibly apprehended 21 children, one as young as eight months old. They claimed that the children were abused and in need of state care. At the same time, the parents of the children were charged with illegal association, operating an illegal school, inflicting mental damage on their children, and fraud. Although no evidence of any kind of abuse was found, the children were forced to remain against their will in state custody for nearly 12 months.

For the next two years, government agencies, aided by anti-cult groups such as Pro-Juventud and CROAS (*Centro di Recuperacion, Orientacion, Y Asistencia Afectados por las Sectas*) were unrelenting in their efforts to discredit the Family. An enormous amount of taxpayers' money was spent on pursuing the Family in court. In spite of this, in May 1992 the provincial court ruled that there was no evidence that abuse had occurred and the custody of the children was awarded definitively to their parents. In their ruling, Judges Adolfo Fernandez Oubiña, Jesus I. Perez Burred, and Jose Mā. Bachs Estany strongly questioned the competence and motives of the welfare agencies which had originally apprehended the children. They observed:

They [the children] were put in the hands of a group of psychologists who, in a language the children did not understand [Catalan], psychoanalyzed them twice for a prolonged period and issued reports cast in esoteric language designed rather to justify the operation than to de-

<sup>23</sup> Judges: Adolfo Fernandez Oubiña, Jesus I. Perez Burred, and Jose Mā. Bachs Estany, Case numbers: 157 to 163/1992, Barcelona, Spain, Ruling on May 21, 1992.

scribe any intellectual anomalies, which are completely non-existent.<sup>23</sup>

The judges alluded to the government action being reminiscent of the “Spanish Inquisition” and the “concentration camps of those former empires that ceased to be so when human dignity brought down the Berlin Wall.” They concluded:

Therefore in light of the fact that nothing unusual was found in any of the children beyond the natural bewilderment of someone who is living in a foreign country and is forcibly separated from their parents despite their tender years and is taught in an unknown language, the supposed judgment of neglect should have been annulled as it is hereby agreed to do and the parents are perfectly free to live with their children in whichever country they consider best and to orient them towards whatever moral, religious, or philosophical convictions they believe to be appropriate.<sup>24</sup>

The Catalanian Social Services Agency (*Direccion General de la Atencion a la Infancia de la Generalidad de Catalunya*) appealed this ruling to the Constitutional Court on the grounds that the constitutional rights of the children were being infringed upon, due to the fact that the children were homeschooled and religiously indoctrinated according to the beliefs of their parents. In October 1994 the Constitutional Court found that the article of the Constitution guaranteeing education for minors did not carry an inherent requirement that such education could not be supplied privately by the parents outside of state institutions in accordance with the religious and moral convictions of the parents. As such, all appeals were dismissed.

In a second case involving criminal charges, the parents were acquitted of all charges. In the 42-page verdict that was issued on June 29, 1993, Judges J. O. Conzalez, G. C. Guilabert, and A. I. Fernandez of the Third Section of the Barcelona Provincial Court stated:

The [Family] community maintains a disciplined communal way of life, dis-

tributing the responsibilities [among its members]. There is no proof existing that there is any coercive behavior. In accordance with their moral leading they teach their school-age children through homeschooling, in a manner similar to that of religious boarding schools. Their classes are complemented with readings of the Bible and other texts. The adults in the community show a great love and tenderness [toward the children]. The psychiatric reports are unanimous in vehemently dismissing any mental illness or any kind of psychosis or psychopathy.<sup>25</sup>

In addition, judges ruled that there was “no proof that fraud or trickery was used in their presentation [to donors of goods]. None of the donors feel that they have been deceived or damaged, thus no complaints were filed whatsoever.”<sup>26</sup>

Thus Family members were acquitted of all charges. This ruling was appealed, and on October 30, 1994, the Supreme Court of Spain rejected the appeal and upheld the vindication of members of the Family. In its pronouncement the Supreme Court declared:

We find ourselves in the presence of a community of people who have adopted a lifestyle that differs from the generally accepted norms. Not a single element is found that could allow us to declare the existence of any intention to hurt their children or the other children of the community. They avoid sending their school-aged children to official institutions of learning choosing to teach them themselves using the method that in Anglo-Saxon countries is known as homeschooling. To proclaim the superiority of one education system over another would inevitably lead us to apply value judgments. Judges cannot enter into the sanctuary of personal beliefs, except when external behaviors originating from a particu-

<sup>24</sup> Ibid.

<sup>25</sup> Judges: Miguel Rodriguez-Piñero Bravo-Ferrer, Fernando Garcia-Mon Gonzalez-Regueral, Carlos de la Vega Benayas, Vicente Gimeno Sendra, Rafael de Mendizabal Allende, and Pedro Cruz Villalon, Appeal numbers: 1561 to 1567/1992, Verdict dated October 3, 1994.

<sup>26</sup> Ibid.

lar ideology negatively affect legally protected rights.<sup>27</sup>

## SWEDEN

**Valbo: January 31, 1994–May 9, 1994**

Acting on a complaint by a municipal councilor who voiced suspicions that “minors are being treated in such a way that there is danger to their health and development,” the Social Services Department of Valbo, Sweden, began an investigation of the Family community located at Gvle.

The investigation began January 31, 1994, and lasted three months. Social workers visited the Family community and interviewed the parents and their children (six years old and over). Social workers gathered information from the local school authorities, health services, sociologists, and religious “watchdog” organizations. They also studied Family literature as well as international sociologists’ reports on the Family.

This case was closed on May 9, 1994. Following are excerpts of the concluding report, by Valbo Social Services Department Secretaries Monika Quadt and Per Sbrink:

The Family way of living brings many positive aspects: The children always have helpers around them. They have adults and older children to whom they can turn, which gives them a feeling of security. The children also have a close circle of friends. The Family way of life includes learning to care for others, taking communal responsibility, and sharing material things. They also have common values that result in a secure, common foundation. The Family is a well-organized, communal group.

In our investigation we have come to the conclusion that the way of life of the children in the Family is different from that of other Swedish children. These differing circumstances that have been described are not considered a danger to the health and development of the children.

## USA

**Los Angeles, California: July 1993**

Several ex-Family members maliciously alleged to law enforcement and social service officials that children were being abused in the Family’s residence in Los Angeles. This triggered several months of investigations by numerous local government agencies. After inviting dialogue with the local government officials, the Family received a letter dated July 8, 1993 from Deane Dana, Supervisor of the 4th District, County of Los Angeles, in which he stated:

I am very sorry your community has fallen victim to such strenuous and continual evaluations. It appears there is an overwhelming effort to defame your group and its existence, and I cannot explain why this continues. I am, therefore, by copy of this letter, asking for further information as to the purpose of these investigations by government agencies involved.

The sheriff subsequently informed the Family that all investigations concerning them were closed. References were made to the “unnecessary intrusion due to false allegations by several disgruntled ex-members.”

## VENEZUELA

**Zulia: February 26, 1992–May 27, 1992**

Fifteen adults of a Family community in Venezuela were charged with trafficking children and abuse of minors, and placed under house arrest for two months. The case was officially closed on May 27, 1992, when the judge of the Fifth Superior Court of the State of Zulia in the final verdict concluded:

After a detailed and intensive study of the documents that make up this indictment investigation, this Superior Court affirms that all of the necessary procedures have been carried out in accordance with the law, as though there was a crime, when in fact there was no evidence

<sup>27</sup> Judges: Enrique Ruiz Vadillo, Jose Antonio Martin Pallin, and Justo Carrero Ramos, Appeal number: 3032/93, Verdict number 1669/94, October 30, 1994.

of any crime found after visiting the residence where lived [21 children, members of the Family]. [It] was proved that the aforementioned minors lived with their respective parents in a community constituted by families that chose this particular

way of life with their own standard of education, health, work, and social and spiritual ideology inspired in a way of life taken from the New Testament. [This Court] declares this present investigation closed for finding no grounds for prosecution.<sup>28</sup>

(“Religious Freedom on Trial,” first published November 1993 as “The Test of Religious Freedom,” was updated August 2004.)

<sup>28</sup> Fifth Superior Court of the State of Zulia, Case numbers 133 and 192.

## What Is the Family International?

The Family International (formerly known as the Children of God) is a fellowship of Christian communities with members in over 100 countries. Our current membership numbers about 8,500 full-time members and 7,000 associates.

The Family has four main objectives:

1. To share with others the life-giving message of love, hope, and salvation found in God’s Word, conveying the joys of knowing Jesus as a personal Savior.
2. To ensure that each of our children receives a godly upbringing in the best possible environment we can provide.
3. To produce and distribute a wide selection of devotional, inspirational, and educational materials.
4. To actively assist the needy through producing and performing inspirational, dramatic, and musical benefits; serving as volunteers in disaster relief; and seeking ways to provide comfort and material assistance for the disadvantaged.

If you have any questions or comments, we invite you to contact us at one of the following addresses:

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Washington, D.C. 20006-1846  
USA

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1 (202) 298-0838  
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