

EVIDENCE FOR THE TREASURY SOLICITOR BY THE EFFECTS OF DIANETICS

1. De-skilling: People give up their jobs to join as staff members and have to rehabilitate to try and return to normal work. Professionals starting again to build a practice and sometimes retraining. Others are unemployed for long periods unless members will employ them.
2. Financial Loss: The level of this depends on income. Two people signed away £12,000 and £18,000 during an induction period. Working people who left were presented with bills beyond their boundaries of understanding, e.g. £6,000 for somebody earning £200 per week.
3. Extortion: People who owed money were followed by threatening letters and visits followed by legal proceedings. As my patients are all vulnerable this increased their mental discomfort.
4. Personality Changes: Relatives and employers usually notice a personality change. Usually the recruit is more or less preoccupied and less accessible, gradually cut off from spouse, parents, friends and family. This may be temporary, or signal a permanent change. People become poor, borrow and are bankrupted.
5. Frank Mental Illness:

<u>Dissociations</u>	<u>Total</u>	
Stress disorder	4 + 4	ran away sought help
Fugue	4	
Schizo	5	suicides 3
Schizo-affective		
Bipolar	1	
Acute psychoses	2	
Self Harm	4	

DIANETIC TECHNIQUES

1. Auditing

The subject's attention is distracted by holding E meter terminals in each hand. They are then questioned and repeated suggestions made so they fall into 'reverie,' e.g. a light stage of hypnosis. They are told the E meter has suggested various diagnoses and offered treatment according (originally) to their means. Each audit reveals more "problems" and further costly treatments. It is first suggested the subject borrows the money or mortgages their property. When that money runs out the person is advised to take a "staff job" to pay off the accrued debt plus paying for future treatment.

2. Nature of the suggestions made

Scientology is the only answer and solution to the problems of the individual. The individual's personality is defective due to the failings of their parents, not only during the subject's lifetime but also pre-natally and at conception.

The failings of the individual are due to ^{ENGRAMS} ~~enigmas~~ implanted by his forbears from outer space. They have to be eliminated by various dianetic techniques. The individual is aimed at becoming an O.T. that is, an Operating Thet^{on}, free of engrams and part of the elite. The O.T.s are in charge, having graduated through repeated auditing.

3. Detox/Purification routine

Applied if you admit to ever having taken drugs (Narcanon). Continuous saunas 5 hours a day. Restricted diet of porridge, copious vitamins and either restricted or excessive water. People are with the subject all the time, and the rest of the day is made up of auditing and lectures. This can go on for 5 weeks. It probably accounts for John Travolta's films and the ~~eclipse of~~ ~~not to mention Lord McNair.~~ Detox is so heavy and potentially dangerous to anybody with an abstinence syndrome, that the Russian authorities have banned Narcanon and anything run by Dianetics by edict.

4. Trauma Assist

This is rather like a blessing or exorcism. The other person lays their hands on your head and touches your lips, hands and heart.

5. Baby Watching

People deemed ill mentally or physically are watched night and day, even during toileting. The watchers don't speak to them, and they sleep in a barred cell or in one which has no way out and has the windows covered. This sends people up the wall as the auditing concentrates on their defects and failings.

6. Bull Baiting

The subject shouts insults at another subject or their auditor as long as possible for 1 - 2 hours. Then they have insults shouted back at them.

7. Traumatic Events

These have to be related over and over again to the auditor who finally bursts out laughing. This initially trivialises tragedy but returns as a torturing obsession.

Much of this has been borrowed from Chinese thought reform and Korean brain washing. The suggestions work for a time, and the subject may act on them for years. Once they begin to ask questions they are punished, however elevated their rank. Punishment is hard labour and short rations of food and ragged clothes and ill fitting dungarees, closely guarded and shouted at. There are also sessions of criticism from all the team working with the subject, with scoldings and a loading up of guilt. Written confessions are corrected and re-corrected. If the subject runs away he is reported to the police as having stolen something from Saints Hill, when a subject begins to find it difficult to put the bills out pay the Secretology fees, they are invited to become "staff members" and then do various jobs for a pitance while making up bills for their situation into Secretology debts and their "breakout" for their failings or even through Secretology eyes and their feelings of distress. A careful account is kept of all this plus the books and pamphlets they have acquired. If they have they are provided with a bill card etc. money is collected by members making staff members are involved not only by all the members but also by groups working of their colleagues who are encouraged to be critical.

- 1987 A. age 20 paranoid schizophrenic in-patient RPH and others undressed covered with pitch - jumped off scaffold fractured leg Sectioned
Age 18 picked up signed away £16,000 for courses in 3 weeks paid £3,000 Trying to get out F met and deprogrammed. Still paranoid 1989
- 1991 B. age 24 In Scientology 5/12 paid £2083 for courses after 3 weeks had £2000 returned.
in-patient 1989 and 1990
ill the first night worse after "ups and downs" seen by "ex" Scientologist paranoid and withdrawn chronic schizophrenia
- 1990 C. age 35 Went into Scientology for help and psychological problems in 14 years was Manic depressive. Sectioned at St. Bernard's. Scientologists tried to stop treatment - held up police station with toy gun.
- 1993 D. age 21 Recruited in the Army - Saints Hill. PTSD. In June - October told to choose between wife and organisation. Stole £2500 in a fugue to pay for courses - went to prison. Personality change depressed tempers.
- 1994 E. age 22 Courses began in April. Purification for LSD years before. In for 18/12 Told inadequate and depressed fugue found on railway line with multiple fractures, had cried out for help from family before. Mute and catatonic after drugs rundown Purif. 18 days 4-5 hours sauna, no food. Recovered degree fractured tibia and fibula and pelvis. No drugs. RPH June 1994 went to Ticehurst August 94.
- 1996 F. age ?? Joined 1977 and came out in 1982 after S/12 punishment. Worked unpaid cost £7000 - nothing back - bankrupted.
- 1992 G. Scientology from November 1990 - June 1991 bill = £6000. Reactive depression, arson, suicide attempt. Recruited working - contract - persuaded into illegal acts e.g. selling leaflets after police warning - got a criminal record. Arson on remand, case dismissed when Judge read "Dead agent". papers. There are a number of papers relating to his arrest and conviction for arson. He also has a letter from the Director of Social Services dated 1991 stating that he is a danger to himself and others. The Director of Social Services is quoted as saying "He is a danger to himself and others." The Director of Social Services is also quoted as saying "He is a danger to himself and others."

- 1994 H. Residence and contact in Family County Court. 2 young children. Father in Scientology - personality change, alienated and angry.
- 1998 I. Age 28. Heavy soft drugs cannabis etc. Personality Disorder. Purification . . .
rundown. SOS to parents to help him get away from Saints Hill.
Fixed delusional state - "Linda McCartney's child" - impossible adopted. Anger
thought disorder.
- 1999 J. age 30. Recruited aged 20. Worked in books. Acute admission with fugue
state. Wandering, starving and mute, confused ++. Purification 15 days.
Baby watched "with duvets over windows". Acute confusional psychosis, unable to
work.
- 1995 K. age 24. Chef, Joined aged 18 cannabis and LSD. Depressed when he went
in, in 2 years. Sea org. audited ++ owed £3,000 on leaving.
- 1999 L. age 30. Indoctrinated, audited etc. by an ex-recruiter age 19.
Used all techniques, staring, bull baiting. Unable to work or study, obsessed
by technique,
- 1996 M. age 34. Addict with two previous psychiatric episodes, sent to Narcanon in
March 1991 to July 1991. Baby watched 2/52 Then TR's followed by saunas,
auditing ++. Sent out of an institution over by Scientology. *abused by the
only for fast to the UK. Because of the 6 documents and
committed numerous offences while sleeping rough*
- 1993 N. age 25. Recruited in 1990 in Zimbabwe, flown over for a training course
actually short rations, hard work and Dianetics lecturer. Passport taken away.
Punishment 3 weeks, ran away - PTSD.
- 1993 O. age 25. Recruited in Bulawayo, "Scholarship" to England, worked in medical
school. Passport taken away. Bunk house with 30 people. Hard work, low or no pay.
Sea Org. training. Ran away PTSD "owed" £15,000 to Sea Org. *owed to Sea Org. money*

- 1993 P. age 22. Recruited in Zimbabwe, passport taken away. In for 18 months.
Punishment - ran away PTSD. Still ill.
- 1999 Q. age 23. Living with Scientologists - left college to join Sc. Alienated from
friends and family.
- 1995 R. age 33. Recruited audited in 1992, purification routine and T.R.
Left in 1994. Bullied by telephone calls after she left. Obsessional and unable to sleep
after she left.
- 1992 Mr. X. Builder relieved of £18,000 after intensive detox treatment. Angry ++.
Unable to work.

Report for Treasury Solicitor

1. Mind Control techniques.
 2. Promise of improvement of status of mind
- Specific promises
Treatments offered - e.g. for Drug Dependence
Delors

Methods used.

1. Hypnosis assisted by suggestive language
2. Auditing
3. Dates
4. Specific treatments for mental illness
Baby watching
5. Primitive regimes.
6. Problems with payment

Methods of charging.

1. One way contract
2. No contractual convergence with the subject.
3. Amounts arbitrary.
4. Payment in kind for services
5. No contracts of employment
6. What about N.I. PAYE.
7. Minimum Wage
8. Terms of scholarships

Not in report.

1. Lawsuits and settlements. Case references.
Put in touch with solicitor.

Interference with treatment for mental illness.

11/11/2000

From: Stadlen Godfrey
Sent: 21 October 2003 14:58
To:
Subject: FW: Note for Ms. MacLaggart from
For file.

-----Original Message-----
From:
Sent: 21 October 2003 14:44
To:
Cc: Stadlen Godfrey
Subject: RE: Note for Ms. MacLaggart from

Dear

During Fiona's conversation with yesterday they discussed the possibility of a Home Office official attending your forthcoming event on 24th October. Unfortunately, the relevant official has a prior engagement that evening and will be unable to make it. He will, however, be in touch with the church here to make arrangements to visit or an alternative occasion.

Best wishes

-----Original Message-----
From:
Sent: 17 October 2003 16:16
To: I
Subject: Re: Note for Ms. MacLaggart from

Dear :

I got your e-mail Thank you. Monday sounds good. I will relay this to

Sincerely,

From: Faith Communities Unit

Tel:

cc. Home Secretary
John Gieve
Beverley Hughes
Martin Narey
Mark Carroll
Peter Wrench
Godfrey Stadlen

22 October 2003

Jim O'Meara

Pat Baskerville

Richard Weatherill

Brian Caffarey

Paul Goggins
Fiona MacTaggart

**JUDICIAL REVIEW CASE: RECOGNITION OF SCIENTOLOGY AS A RELIGION
IN PRISON (Scientology Religious Education College) and the Church of**

Issue

To notify you of the withdrawal of the application for judicial review from the Church of Scientology.

Timing

2. Routine

Summary

3. Further to the submission of 15 October, the permission hearing for the judicial review took place yesterday. The Claimants withdrew their application, on the basis set out in paragraph 8 below. The withdrawal undoubtedly strengthens the department's ability to adhere to its current approach towards Scientology, not only in prisons but also in other contexts.

Recommendation

4. That you note the contents of this submission and agree the line to take set out in Annex A for use by press office.

Consideration

5. (a prisoner at Ford Prison), (his Scientology Minister) and the Church of Scientology requested a judicial review of the Prison Service's policy not to recognise Scientology as a religion for the purposes of facilitating religious ministry in prisons. The Claimants argued that the withholding of recognition breached rights under articles 9 and 14 of the ECHR which relate to freedom of religion or belief and freedom from discrimination on the basis of religion.
6. agreed in August that the Prison Service should continue to withhold recognition of scientology as a religion, principally on the grounds that there are significant concerns about harmful practices and the impact on adherents, and that the judicial review should therefore be defended. The permission hearing for the judicial review took place yesterday.
7. Yesterday morning, before the permission hearing, the Claimants contacted Treasury Solicitor to withdraw their request for judicial review - this was accepted.
8. During the permission hearing (in which the judge was informed of this decision) QC, Counsel for the Claimants, stated that the Claimants were withdrawing this application because they were persuaded by the recent Witness Statement from the Home Office's Godfrey Stadlen that there was now no significant distinction between visits by to and what the position would be if Scientology were treated in the same way as any recognised religion. The judge commented that this was a sensible resolution.
9. Treasury Solicitors speculate that the Claimants may have withdrawn from the judicial review on the basis that we had struck a reasonable and ECHR-compliant balance between allowing the prisoner to manifest his beliefs whilst not granting official recognition to scientology because of the concerns that exist about it. It is also possible that after having read the Witness Statement over the weekend, the Church may been reluctant to have the concerns and allegations raised in this dossier publicly aired in court. Furthermore, we understand that by withdrawing from the judicial review, the Witness Statement will remain a private document free from public scrutiny.
10. This is a clear 'win' for the Home Office and will ensure no significant loss of public confidence in the Home Office and will ensure no significant loss of public confidence in the Home Office and will ensure no significant loss of public confidence in the Home Office.

also strengthen IND's hand in maintaining non-recognition for the purposes of the 'ministers of religion' category in the Immigration Rules. There are no implications for the current review of charity law.

11. Further to your (Fiona MacTaggart's) telephone call with on
Monday 20 October, during which he complained that the Home Office's
policy on Scientology had been formulated without anybody going to see
what they do, Godfrey Stadlen and I are making arrangements to visit the
Church's HQ in east Grinstead, along with a member of the Charities Unit.

Handling/Presentational Issues

12. Press lines had been prepared in the event that we either won or lost the preliminary hearing to decide whether the case should go to judicial review. Press office have been informed of the withdrawal from the Church and will advise journalists accordingly – updated press lines are attached at Annex A. However, it is unlikely that the Church will wish to draw press or public attention to the result of this case.

Subject: Judicial Review Case: Recognition of Scientology as a religion in prison

Tuesday 21 October - date of permissions hearing for a judicial review on HRA grounds of Prison Service policy not to recognise Scientology as a religion for the purpose of facilitating religious ministry in prisons.

Background

Prisoner and the Church of Scientology have made an application for judicial review of this policy.

Lines to take

The applicants, having seen our witness statement and outline argument, have offered to withdraw their case, with no order as to costs. This means that the non-recognition policy being followed by prison service is reasonable and secure.

It has been our long-standing policy to withhold recognition of scientology as a religion. However, in order to meet the needs of individual prisoners, the Prison Service allows any prisoner registered as a Scientologist to have access to a representative of the Church of Scientology if he wishes to receive its ministry. This is the approach which was followed in the case of .

The Home Office considers that its policy respects the rights of Mr Heaton under the ECHR and is reasonable in view of concerns of which the department is aware about some of the practices of the Church.

If asked

Q: Does the Prison Service's policy in fact grant recognition in practice?

A: We do not accept that interpretation .. we have granted access but not recognition

SCIENTOLOGY

Annex B

Where did Scientology come from?

The source and founder of the Scientology belief is L. Ron Hubbard, who devoted his life to finding answers to questions that have troubled mankind throughout time. In 1950 Hubbard published 'Dianetics: The Modern Science of Mental Health' which quickly gained interest through its claim to be the 'common peoples science of life and betterment'. Hubbard's response to the popularity of his work was to add a more religious and spiritual aspect to Dianetics thereby creating Scientology in the early 1950s as 'an applied religious philosophy and technology'. The Church of Scientology was founded in 1954 and is the main organisation responsible for promoting and marketing the philosophy and spiritual programme of Scientology.

What is Scientology?

The word Scientology literally means "knowing how to know". Scientology itself is defined as "the study and handling of the spirit in relationship to itself, universes and other self". Hubbard claimed to have discovered the conditions which either promote the soul's (or Thetan's) survival and realisation of full potential or make it succumb and wither. It is these principles that Scientologists use to directly encourage awareness and ability to overcome the negative factors that impair their 'spiritual being'. Scientology is a combination of training the mind and of applying the gains in self-understanding and effectiveness to everyday life. It claims to be a religion because it emphasises the spiritual nature of humans and the immortal life of the soul. There are Ministers of Scientology, prayers, Sunday Services and rites of passage. However, the majority of members choose only to attend courses and counselling which instruct and train members in the principles of Scientology.

Practices

'Auditing' is the process whereby Scientology train themselves to respond to probing questions about their past life without losing their composure, thereby demonstrating that the Thetan can eventually 'go clear' of the physical world and become 'at cause' in any situation, i.e. it can accept total responsibility for its own actions.

Further courses of counselling and training, of progressively higher levels and prices, are designed to cultivate even more elevated spiritual states. 'The enhanced power of human potential is supposed to lead to greater freedom in thinking'. Indeed Scientology believes...

Criticisms

Serious concerns have been raised about the operation of the Church of Scientology. The practice of charging fees which escalate sharply with the ascending levels of training, often resulting in members incurring large debts, is a source of particular criticism. Some former staff members have also complained about high levels of psychological pressure on them to work excessively hard for little or no payment. Others have said that personal information they disclosed during auditing sessions was later used by the Church to blackmail them. The alleged harassment of former members is also a common complaint and the organisation's hostility to psychiatry has led to complaints of neglect. Some of these allegations are also made about the activities of other cult organisations. But of the number of complaints and concerns made to the Home Office (and INFORM) about cults, Scientology usually features near the top of the list (though the actual numbers remain small).

Although the allegations against Scientology tend to have similarities world-wide, the difficulty lies in obtaining supporting evidence to sustain them. In the UK there have been one or two notable cases where legal proceedings against the organisation - most recently for libel - have been successful. There have been a few other successful cases in the United States and Europe, but Scientology has won many of the legal battles in which it has been engaged and has succeeded in overturning a number of decisions which have gone against it. Scientology's readiness to retaliate and its harassment of critics can be traced back to L Ron Hubbard's policy of 'Fair Game' which taught that the enemies of the Church could be tricked, sued, lied to or destroyed. The Church maintains that it no longer advocates 'Fair Game' although its actions sometimes suggest otherwise.

A search on the internet produces many horror stories of Scientology and the effect it has had on families. This includes allegations of brainwashing, break up and exploitation. However many of these stories are some years old, and the Scientologists do appear to have cleaned up their act significantly.

It is thought that one reason that the Church of Scientology did not appeal against the decision of the Charity Commissioners is because the case would have been very public, and many people who felt they had suffered would have come forward.

UK and international position

The UK has no definition of what constitutes a religion. We have tended to take the line that Scientologists, along with members of other minority religions, are free to follow their own practices and beliefs provided they remain within the law.

The Charity Commission raised questions as to whether (in 1998) on the grounds that it is not a religion for the purposes of the 1993 Act.

Commissioners) did not accept that the practices of auditing and training constituted "worship". And that the public benefit had not been established and could not be presumed.

Scientology though is accepted as a religion in many countries. In Australia the basis for the Government definition of a religion (according to charity law) was a court case involving Scientology. This led to the following recommendation:

That the definition of religion be based on principles established in the Scientology case, namely:

- belief in a super natural Being, Thing or Principle; and*
- acceptance and observance of canons of conduct in order to give effect to that belief.*

In the US, Scientology has been recognised as a religion under charity law since 1993. This followed an extensive examination under the Internal Revenue Code.

France and some states in Germany have passed laws that make it impossible for a person to be a Scientology and a public servant. There appears to be discrimination against Scientologists in both these countries, and the UN Human Rights Committee has criticised Germany in this context.

From:
 Sent: 08 October 2003 18:55
 To:
 Cc:
 Subject: RE: Church of Scientology

A short note from our Embassy in Berlin:

Scientology is not recognised as a church in Germany. Which means

a) they do not enjoy the tax-exempt status of a church (nor as a charity)

b) they cannot teach religious education in schools

c) chaplains in prisons, hospitals, and the military is a slightly more complex matter. Permission to offer spiritual counselling in said institutions does not formally depend on recognition as a religion or the organisational form of an "institution under to public law" (the formal status of the Catholic and Protestant Churches) but is granted by the responsible departments of government. For example, there is no formal Islamic "church" (in the above sense) in Germany, but the defence Secretary is considering to allow Islamic counsel in the armed forces.

It is safe to assume that any application by Scientology to formally provide spiritual counsel would not be granted; after all, Scientology is considered 1) a commercial enterprise and 2) an organisation working to undermine the German system of government (the home secretaries of Bund and Länder agree that Scientology's activities are directed against the liberal-democratic constitution. Consequently, the organisation is under observation by the Constitutional Protection Agency).

Yours,

From:
Sent: 10 October 2003 10:38
To:

Cc:
Subject: RE: Church of Scientology
Importance: High

Please find attached some telegrams that were received from Paris in 2001 reporting on new French legislation on cults.

France has the toughest anti-cult legislation in the EU. The "mission interministerielle et de lutte contre les derives sectaires" still exists and reports directly to the Prime Minister. It has classed the Church of Scientology as a sect, not a religion. This classification caused a lot of problems with the US Government who classify the Church of Scientology as a religion.

Hope this is of some use.

www.fco.gov.uk

-----Original Message-----

From:
Sent: 08 October 2003 10:30
To:
Cc:
Subject: RE: Church of Scientology
Importance: High

Helk

Thank you for getting back to us. [redacted] is away on a course today and given that we have to prepare a draft written statement by 4 pm this Friday for the Treasury solicitor and counsel, I am taking the liberty of progressing this a little further.

16/10/03

RESTRICTED
FM PARIS
TO TELELETTER FCO
TELELETTER NFR
OF 061640Z JUNE 01
AND TO TELELETTER HONG KONG
AND TO TELELETTER OTHER EU POSTS, PEKING, WASHINGTON, OTTAWA
AND TO TELELETTER CANBERRA, CABINET OFFICE, ACTON, WHIRL
FCO TELNO 164, PARIS TELNOS 343 AND 389, HONG KONG TELNOS 115 AND
122

FROM .

TO :

cc: Chanceries as above

SUBJECT: FRENCH ANTI-CULT LEGISLATION: MORE DETAILS

SUMMARY

1. Summary of main points of anti-cult legislation voted on 30 May. Some opposition from heads of Protestant and Catholic churches but little comment in the press. No sign of legal challenges to the new law. The French seem relaxed.

DETAIL

2. Following FCO telno 164, Hong Kong telno 122 and our conversation on 5 June I enclose further details of the new French law.

2. After two readings in the Senate (November 1998 and early May 2001) and two in the National Assembly (June 2000 and late May 2001) France voted its new anti-cult legislation on 30 May. The new law addresses four main issues:

- Legal dissolution of sects;

4. French court will now be able to order the dissolution of a sect if it or its leaders have been found guilty of harming people, of illegally practising pharmacy or medicine, of misleading advertising or fraud. In this context a sect is defined as an organisation

fine and one year imprisonment).

5. If adopted in its present form the bill would give France the toughest anti-sect legislation in Europe. The draft was supposed to return to the Senate early this year, but was removed from the timetable in January through lack of time before municipal elections. The date of the Senate's second reading will be known after a meeting on 5 April.

SUBJECT: FRANCE: LEGISLATION AGAINST CULTS

SUMMARY

1. Information on the French government's legislation against cults.

DETAIL

2. Public hostility towards sects has been growing in France for the past twenty years and has been reinforced by a wider anti-US movement. Cases involving sects being brought to court have increased since 1994 when French law was changed making it possible to prosecute corporate bodies (personnes morales) in the same way as individuals. The MILS (Interministerial action group on Sects) is the Government body most actively involved. It was set up in 1998 and reports straight to the Prime Minister.
3. The Senate decided in 1999 to update a law from 1936 aimed at dissolving groups possessing "military or surveillance teams". In practice, the law had proved inadequate for prosecuting sects, especially since it could only be invoked after a decision taken in the Council of Ministers. New draft legislation was voted through the Senate in December 1999.
4. The National Assembly modified the Senate's draft bill quite considerably in June 2000 before voting it unanimously. The draft legislation as it now stands proposes:
 - the creation of a crime of "mental manipulation" (FF300,000 fine and 3 years in prison). This is the most significant and controversial proposal in legislative terms and provoked an outcry, including from the Protestant Church. The text criminalises "a group pursuing activities with the aim or effect of exploiting the psychological or physical dependence of persons participating in its activities, putting severe pressure on those persons and reiterating or using techniques designed to alter their judgement in order to make them, with or without their consent, commit an act which causes harm". The National Consultative Commission for Human Rights was consulted on the acceptability of the proposal and gave its green light;
 - that sects committing more than two offences should be forcibly dissolved. Existing offenders would be forbidden from operating in the neighbourhood of schools, hospitals, rest homes and areas housing "vulnerable people". The legislation would enable local authorities to refuse planning permission to sects already having committed an offence. There would also be a fine (FF50,000) for previously convicted sects distributing promotional material to young people;
 - that the legal responsibility of corporate bodies be extended, enabling them to be prosecuted for: fraud and misleading advertising; voluntary damage to a person's life; acts of torture and barbarity; violence; threats; rape and other sexual attacks; failing to help a person in danger; provoking a suicide; degrading the image of the dead; abandoning a family; endangering the life of a minor and the illegal practice of medicine or pharmacy (FF100,000

which "creates" or "exploits" the "physical or psychological dependence" of its members.

- Fraudulent abuse of a state of ignorance or weakness;

This offence will now be punishable by a FF 2 500 000 fine and three years imprisonment. It will facilitate the prosecution of "charismatic leaders" accused of forcing vulnerable people to "an act or absence of an act". "Vulnerable" people are minors or those "in a state of physical or psychological dependence resulting from "pressure" or "judgement-altering techniques". Parliament finally rejected the idea of the creation of an offence of "mental manipulation" which the deputies had favoured during the bill's first reading in the Assembly.

- Promotion of sects;

The promotion to young people of a sect which has previously been found guilty in a court will be punishable by a FF 50 000 fine.

- Prosecution of sects;

Officially recognised anti-cult associations will now be able to take sects to court.

OPPOSITION

3. There has been some opposition to the legislation although it has not received much press coverage:

- The International Federation of Helsinki for Human Rights criticised the new legislation on 31 May for "endangering religious tolerance and the fundamental freedom at the heart of French political values";

- The Catholic and Protestant churches in France also continue to have reservations, although recognising that the text has been altered significantly since 1998. On 15 May the President of the Conference of French bishops and the head of the French Protestant Federation wrote to the Prime Minister. In their opinion the new law ran the risk of "damaging fundamental freedoms";

- The Church of Scientology (CoS) held an informal press conference on 30 May. It denounced the new legislation as a "law of exception" and said that it was the product of a handful of extremists aiming

to enforce state atheism. On 29 May the CoS demonstrated in front of the French Embassy in London. Under the new legislation, the CoS will be liable for dissolution following the prosecution of several of its members for fraud.

4. There has been no sign in the press that any of the organisations mentioned above are intending to mount a legal challenge to the new law. It might be useful to check with Legal Advisers whether they would be entitled to take a case to the European Court of Human Rights. The law was scrutinised by the National Consultative Committee on Human Rights as part of the usual legislative process. It was the Consultative Committee which advised against the use of the term "mental manipulation" before the bill's second reading in the Senate.

MEDIA REACTIONS

5. *Liberation* (centre-left) and *Figaro* (centre-right) published articles on 31 May. Both papers commented that it had been a "consensual" bill voted by all political groups with the exception of one centre-right deputy (the text having been prepared and presented by a right wing Senator and a left-wing deputy). Both papers picked up on the reservations of the Catholic and Protestant churches. The tone of both articles was positive: the French parliament had voted through a tough and ground-breaking law putting France at the forefront of anti-sect legislators.

COMMENT

6. Public opinion appears generally relaxed about its new, tough legislation. The French media did most of its soul-searching a year ago when the text was shuttling between Senate and National Assembly and Catholic and Protestant churches were at their most vocal. Noises of dissent from traditional church representatives as well as the Church of Scientology were expected and left parliamentarians unmoved. Early consensus between Left and Right helped to give the bill an easy ride once the problematic "mental manipulation" term was removed. Socialist deputy Philippe Vuilque commented during the final reading "we are disturbing sects and stopping them from developing their lucrative business; they are furious and we are delighted that they are furious!"

Spined.

Subject: FW: Church of Scientology
Importance: High

Hello

returned email indicated that you might be able to deal with my query. I need to talk to someone regarding the problems around Scientology (outlined below), as we are aware that IND have dealt with this issue recently. My apologies if I have incorrectly assumed it might be you; if not, please could you indicate who is the right person to talk to about this matter within IND.

Many thanks

-----Original Message-----

From:
Sent: 07 October 2003 17:39
To:
Cc:
Subject: Church of Scientology
Importance: High

Hello,

I was given your name as the contact at IND on the issue relating to ministers of religion. We (HO) are facing a possible judicial review regarding whether Scientology can be recognised as a religion and also about the status of the minister, who is unable to claim reimbursement for his ministrations or conduct them in private.

We are gathering information about Scientology, and wondered whether:

- you have any information about Scientology and reasons why IND may or may not consider it a religion in the context of allowing such ministers to come from abroad to practise in the UK.
- Do you know or have information about the practice of Scientology and its effects on converts re psychological or social welfare of the convert (either here or abroad)
- Should the matter go to judicial review is there any material or evidence that you could indicate/provide which would help support our case.

We have a short deadline on this (I seem to write this rather too often when having to ask for help from colleagues, so please accept my apologies!) as the written statement has to be with the HS early next week and the preliminary hearing is scheduled for 21st October. I would be grateful for any help you could provide, or alternatively, if you are not the person whom I should be addressing, please could you let me know who is.

Many thanks

The "Spiritual Association of the Church of Scientology for the Ile de France region" (Asesif) was born from the ashes of the Church of Scientology in 1995 after it was put in compulsory liquidation by the French State for unpaid taxes. This was the conclusion of a 14 year battle during which the Church of Scientology maintained that it should be exempt from paying tax since it was officially a "Religion". The Church of Scientology had obtained official "Religion" status in the USA in 1993 and had shortly thereafter begun to campaign throughout the world for the same status and accompanying privileges. In its annual report on religious liberty (I do not have the year) the State department accused several European countries, including France and Germany, of "religious descrimination" against the Scientologists.

Source for the above information: Agence France Press from May 2002.

I hope this is useful for your submission. Please do not hesitate to come back to me with any other questions.

-----Original Message-----

From:

Sent: 14 October 2003 14:05

To:

Subject: RE: Church of Scientology

Importance: High

Hello , I have a further query for you, please could you help. We have identified a case - reported by Jon Henley in the Guardian (21st February, 2002) where Scientology was being taken to court by the French government as a legal entity in its own right. Is it possible to find out the outcome of that court case, it would be exceedingly valuable for our defence against the possible judicial review. As always, deadlines are tight. I will need this information by tomorrow morning in order to clear it with counsel and then include in Fiona MacTaggart's box by 4 pm. Would be grateful for a response, but I do understand if the timescale is too short.

Many thanks

I think
withheld
the letter
to the
review
my case
...

2nd half
of year
...

IND

Release?

(N)

From:
Sent: 07 October 2003 17:39
To:
Cc:
Subject: Church of Scientology
Importance: High

Hello

I was given your name as the contact at IND on the issue relating to ministers of religion. We (HO) are facing a possible judicial review regarding whether Scientology can be recognised as a religion and also about the status of the minister, who is unable to claim reimbursement for his ministrations or conduct them in private.

We are gathering information about Scientology, and wondered whether:

- you have any information about Scientology and reasons why IND may or may not consider it a religion in the context of allowing such ministers to come from abroad to practise in the UK.
-) Do you know or have information about the practice of Scientology and its effects on converts re psychological or social welfare of the convert (either here or abroad)
- Should the matter go to judicial review is there any material or evidence that you could indicate/provide which would help support our case.

We have a short deadline on this (I seem to write this rather too often when having to ask for help from colleagues, so please accept my apologies!) as the written statement has to be with the HS early next week and the preliminary hearing is scheduled for 21st October. I would be grateful for any help you could provide, or alternatively, if you are not the person whom I should be addressing, please could you let me know who is.

Many thanks

Tel: 020-7035-5426

Release?

(2)

From:
Sent: 08 October 2003 14:16
To: 'kenneth.dibble@charitycommission.gsi.gov.uk'
Cc:
Subject: church of scientology
Importance: High

Hello Kenneth,

I was given your contact by my colleague in the Home Office charities division. He suggested that you may be able to give me some information about the reason why the Charity Commission rebutted the Church of Scientology application on the grounds of 'public and judicial concern expressed'. Do you have specific examples or evidence that you would be able to share with the Home Office please?

Sorry to importune you like this - the Faith Communities Unit has been tasked with writing the statement to be submitted for a possible judicial review and the preliminary hearing is on 21st October, so we are working to very tight deadlines and the final document has to be with counsel on Friday 17th, so I would be grateful for any response that you may be able to provide.

Many thanks for your help

From:
Sent: 08 October 2003 12:14
To:
Cc:
Subject: Church of Scientology in Germany
Importance: High

The Home Office have requested any information that we have on the status of the Church of Scientology in Germany. Have the German authorities expressed any suspicions about the Church and its practices? I can find nothing in our files. Do you have anything available? One or two paragraphs would be fine given the tight deadline (cop today).

If you find anything, please send your reply direct to all copy addressees as I may be out of the office later this afternoon.

) Thanks,



Date 20/06/2001
NMW Ref:1908143653/TJM

) Dear

Church Of Scientology & National Minimum Wage.

Following on from our meeting at Saint Hill on 25 April 2001, I am finally in a position to write to you to explain that I have reached a conclusion concerning the National Minimum Wage and how it affects the Church Of Scientology Religious Order known as the "Sea Organisation" members of whom, have signed the "Pledge Of Religious Commitment".

Based upon the information given to my colleague and myself, by the Church and Church Members, the opinion has been formed that members of the "Sea Organisation" are not workers as defined by Section 54 (3) NMW Act 1998 and that the National Minimum Wage Act does not appear to apply in this case.

I am sorry that this case has taken a long time to settle. As with all NMW cases the issues raised have to be looked at seriously and with care and attention and this unique case has not been easy to review. I am very aware of the timescale involved in this case and your own efforts in trying to help resolve matters, therefore would you please accept my thanks and would you please also convey to my apology on behalf of the Department for the delay in settling this case.

Yours Sincerely

From: Faith Communities Unit

Tel: 020 7035 5426

cc. Home Secretary
John Gieve
Beverley Hughes
Martin Narey
Mark Carroll
Peter Wrench
Godfrey Stadlen

15 October 2003

Pat Baskerville

Richard Weatherill
Brian Caffarey

To: Paul Goggins and Fiona MacTaggart

**JUDICIAL REVIEW CASE: RECOGNITION OF SCIENTOLOGY AS A
RELIGION IN PRISON (Church of Scientology Religious Education College) and the**

Issue

To seek your agreement on the attached Witness Statement outlining the Home Office's arguments for resisting the judicial review.

Timing

2. Urgent. The preliminary hearing for the judicial review is due to take place on Tuesday 21 October – this statement needs to be submitted to counsel by Friday 17 October.

Recommendation

3. That you confirm Paul Goggins's earlier decision to resist the JR application and continue to withhold recognition from the Church of Scientology in prisons.
4. That you approve the witness statement

Summary

4. wishes to receive ministry from the Church of Scientology. The Prison Service has allowed this but does not recognise scientology as a religion, which means that a Scientology minister cannot be accorded the status of a prison chaplain. That in turn means that the visits take place within sight (though not hearing) of the prison chaplain, and the minister cannot have his expenses reimbursed. The Prison Service argues that this compromise fully meets rights and faith needs
5. The action is being brought under the Human Rights Act jointly by (his Scientology minister) and the Church of Scientology, who argue that the withholding of recognition breaches rights under articles 9 and 14 of the ECHR.
6. agreed in August that the Prison Service should continue to withhold recognition of scientology as a religion, principally on the grounds that there are significant concerns about harmful practices and the impact on adherents, and that the judicial review should therefore be defended.
7. In recommending this to Ministers, the Prison Service made clear (as it did in a previous case last year, which did not reach court because the prisoner was discharged) that it would have no difficulty in recognising scientology as a religion in prisons and that a policy of continuing to withhold recognition is based on the need to avoid undermining the position being taken by other parts of the Home Office and other departments. The earlier submission is attached, together with last year's fuller submission in the case of Thompson. The latter made clear that there could be no certainty of a successful outcome.
8. Because the handling of the current case is being driven by wider faith-related considerations, FCU has taken over the lead.
9. We are currently updating our knowledge of the positions adopted by other government departments. Certain departments have accorded scientology a degree of recognition e.g. the Navy and Inland Revenue. However
IND do not recognise scientology for the purposes of admission of people under the Immigration Rules as ministers of religion
In 1999, the Charity Commission refused the Church of Scientology registration as a charity on the grounds that it is not a religion for the purposes of English Charity Law.
10. It is also relevant to note that Jobcentre Plus take a very strict line in refusing to carry job advertisements from the church of scientology, or other employers linked to the Church, because of their concerns about harmful practices toward adherents taken on as staff.

11. The hearing on Tuesday will decide whether the applicants should be granted permission to seek judicial review. The purpose of the attached witness statement is to support the Home Office in arguing that permission should not be granted. The applicants only need to establish a good arguable case and legal advisors think that permission is quite likely to be granted.

Consideration

Background

12. Under section 10(5) of the Prison Act 1952, prison Governors are required to record the declared religious denomination of each prisoner on reception to prison. This is in order that the Prison Service may facilitate religious ministry, including providing access to religious ministers (who may also be paid), allowing time for weekly corporate worship, providing access to key religious texts and allowing prisoners to retain key religious artefacts. Ministers normally visit only prisoners of their faith and proselytising is expressly forbidden.
13. It is Prison Service policy not to recognise three belief systems (Scientology, Nation of Islam and Rastafarianism) as religions for the purposes of facilitating religious ministry. Prisoners who are members of these groups are, however, free to register their adherence and to manifest their beliefs consistent with good order and discipline in prisons. As far as Scientology is concerned, the policy is based on a 1970 Court of Appeal decision that their chapels do not qualify as places of worship and a more recent decision of a similar kind by the Charity Commission.
14. Ministers agreed last October that the Prison Service could offer the Scientologists a pragmatic solution which would allow prisoners to receive visits from Scientology Ministers without actually recognising it as a religion. Mr Heaton has since received two visits on this basis. However, the Church is arguing that even under this compromise the discrimination against Scientologists remains. This is because the visits are discreetly observed by the prison chaplain which prevents the ministrations from being effective, and expenses/fees are not paid to the Scientology Minister. Therefore, the failure to formally recognise Scientology still victimises Scientology prisoners. This they claim is inconsistent with the treatment of adherents to other religious groups and have engaged leading human rights silk, to argue their case for them.
15. Whilst the Scientologists are being treated differently by the Prison Service, the difference is slight. is still able to manifest his beliefs and the Scientology Minister is able to conduct religious ministrations without interference or interruption from the (who in her own statement

commented that both _____ and the Minister did not appear distracted by her presence). With regard to the issue of fees, fees would only be paid to those formally appointed to the prison as a minister of religion. As Scientology has not been afforded recognition in the Prison Service then only home minister status can be offered to the Scientologists at this time.

Is Scientology a religion?

16. Because we have no definition of a religion it is difficult to say that Scientology is or isn't one. It claims to be one, because it emphasises the spiritual nature of humans and the immortal life of the Thetan (the soul). It has the trappings of established religion such as having Ministers of Scientology, prayers, Sunday services and rites of passage. It is believed by some that these religious trappings have been cynically accreted to the original expressly non-religious basis of the Scientology business simply to try to secure for the business the financial and other benefits which flow from the religious status, but the High Court of Australia has held that this is irrelevant to the question whether Scientology as practised by its general adherents qualifies as a religion.

17. The Charity Commission refused the Church of Scientology registration as a charity (in 1999) on the grounds that it is not a religion for the purposes of charity law as they (the Commissioners) did not accept that its practices of "auditing" and training for which escalating fees are charged (see Annex A) constituted "worship". And that the public benefit had not been established and could not be presumed. For similar reasons the US Internal Revenue treated Scientology as a business (and it undoubtedly has many of the features of a successful business) but Scientologists won a challenge in the US courts to be treated as a religion.

Is Scientology harmful?

18. The Home Office and anti-cult organisations receive allegations of harm caused by Scientology and there are many references in published sources including on the internet to such allegations. However these are difficult to substantiate – there have been fewer successful legal actions against the Church of Scientology than allegations. Scientology is quick to defend itself in court but ready to settle a case rather than receive an adverse ruling. There have been cases in the US which have established that Scientology has caused harm, these have involved instances of medical neglect, and mental and physical abuse, but recognised religions have been guilty of similar abuses.

19. Criticism in the UK includes the practice of charging fees which escalate sharply with the ascending levels of training, often resulting in members

incurring large debts. Some former staff members have also complained about high levels of psychological pressure on them to work excessively hard for little or no payment. Others have said that personal information they disclosed during auditing sessions was later used by the Church to blackmail them. The alleged harassment of former members is also a common complaint and the organisation's hostility to psychiatry has led to complaints of neglect.

Policy perspective

20. The Prison Service's perspective is that they would have no particular difficulty in recognising Scientology as a religion in prisons for the purpose of facilitating religious ministry. However they recognise that this would have wider implications for other areas of Home Office policy and possibly for other Government departments. It is also likely that adverse media attention may ensue.
21. In general terms the Home Office's approach to the Church has been rational and cautious. We do not recognise Scientology as a religion on the basis that numerous concerns have been raised about the group from current and ex-members, their families, the media and from Governments within other countries which draw attention to various harmful mental, social and economic affects on an individual.
22. Furthermore, there seems to be a concerted world-wide strategy of 'picking off' individual countries, perhaps taking advantage of the way individual statutes are worded, and then relying on the consequent court recognition of Scientology as a precedent elsewhere. There is a real possibility that if we were to recognise the Church, they would use the recognition afforded to them to as another 'badge' to endorse the group and its beliefs.
23. At this stage, the main grounds for resistance are that we have concerns about the harmful affects of Scientology and its organisation, and therefore will not recognise it as a religion. But at the same time do accept the genuinely held beliefs of individual prisoners and will seek to meet their needs as far as possible. We will argue that we can justify the minimal differences in treatment between these visits and those of appointed Chaplains and that these differences do not infringe the right to manifest one's beliefs.

Handling/Presentational Issues

24. This case could attract media attention; particularly from those who are concerned about the activities of the Church. We will provide advice on a line to take in advance of the 21 October hearing.

From:
Sent: 07 October 2003 10:13
To:
Cc:
Subject: Stadlen Godfrey, I
 scientology
Importance: High

Just received a call from who was seeking assurances that we would not disclose any info about people who may be prepared to share some of their experiences re scientology - specifically their names or alluding to cases that could allow traceability. Some fear of persecution of said individuals this were to happen e.g doorstepping, poison pen letters etc.

I explained that we were just looking for general comments, rather than statements, at the moment - although the latter may be needed if the case were to proceed to judicial review; however, we would take every care to anonymise personal stories.

One further point has suggested that may not be correct spelling of (name) a psychiatrist has had much dealings with people who have tried to come out of scientology/ and have suffered because of their adherence. could be a possible 'expert witness' for us if needed.

Stadlen Godfrey - thanks

From:



2 October 2003

cc Pat Baskerville
Godfrey Stadlen

Mark Carroll

NON RECOGNISED RELIGIONS: SCIENTOLOGY

As you may be aware, there has been an application for judicial review of the Prison Service policy not to recognise Scientology as a religion, for the purposes of facilitating religious ministry in prisons. This policy arises from a decision by the then Home Secretary in 1980, which also applies in IND, where Scientology is not regarded as a religion for the purposes of the Immigration Rules.

2. The Prison Service would have no difficulty in recognising Scientology for the purposes of facilitating religious ministry. (There are very few prisoners registered as Scientologists, and there is no evidence to suggest that Scientology presents any threat to good order and discipline.) The JR challenge is being resisted, following direction from Ministers, because of the wider implications of recognition for other Government policies. To minimise the likelihood of losing a JR last year, and with Ministers' agreement, we have been facilitating visits by Scientology Ministers, without formally recognising it as a religion. At that time the Home Secretary's view was that we should go no further than this, and "certainly not in terms of the existing IND rules or ministers of religion coming into the country".

3. The preliminary hearing is set for 21 October - we believe permission is likely to be granted. Swift action will then be necessary to collate evidence of Home Office thinking on why we think Scientology is not a religion, and even if it is a religion, why our policy (not just in the prison context) is not to recognise it. We will need to put that evidence to Ministers to be clear on exactly what their position is. As part of this, we believe Ministers will need a more comprehensive update on Scientology, including the different positions adopted by various Government Departments, and internationally. They would also want to be aware of the implications arising from any decision in the Scientologist's favour - LAB has mentioned that there might be read-across to a wide range of policies, including in areas as diverse as tax, faith education in schools and adoption.

4. Both Pat Baskerville and the Chaplain General have discussed with I
the handling of this case. Whilst view is that the Prison Service should
continue to lead on this, it is our view, at this broader level, and given the Home
Office's lead role across Government on faith and cults, that it would be much more
appropriate for the Home Office to take forward this broader consultation with
Ministers.

5. Are you content that the HO lead on these aspects please? We would of
course expect to contribute on prison specific issues.

PRISONER ADMINISTRATION GROUP

From: Pat Baskerville
Head of Prisoner Administration Group
Room 710
Cleland House

cc

Tel:

Fax:

Date: 27 August 2003

Ref: AugPB27

To:

RE: SCIENTOLOGY

submission of 21 August to indicated that if permission to apply for judicial review were granted, Ministers would need to be asked for their views on the wider issues associated with either conceding or resisting the case. In order to provide a steer, Ministers will need a more comprehensive update on Scientology, including the different positions adopted by various Government Departments, and internationally. They would also want to be aware of the implications arising from any decision in the Scientologist's favour. You may be aware of other issues.

In the light of the wider context, they would then need to give a steer on the extent to which they want to resist this particular challenge.

At this broader level, it is clearly more appropriate for the Home Office to lead. I would be grateful for confirmation that you are content to do so. My purpose in writing to you again is to avoid last minute handling difficulties if permission is granted. You may wish to consider any preliminary work that can be done, for example, it would probably be necessary to set out in more detail the concerns about Scientology (mentioned briefly in the summary grounds for resistance) and the possible need for an expert witness. We would, of course, expect to contribute to any submission put forward by the Home Office with input on the specific case.

PAT BASKERVILLE

PAT BASKERVILLE

AugPB27

PRISONER ADMINISTRATION GROUP

From: ---

cc Home Secretary
Fiona Mc Taggart
Beverley Hughes
Martin Narey
Phil Wheatley
Peter Wrench

Tel:

Fax:

Date: 21 August 2003

Pat Baskerville

Ref:

To: **Paul Goggins**

JUDICIAL REVIEW CASE: RECOGNITION OF SCIENTOLOGY AS A RELIGION IN PRISON ()

Issue

To notify you of an application for judicial review, on HRA grounds, of Prison Service policy not to recognise Scientology as a religion for the purpose of facilitating religious ministry in prisons, and to seek your agreement to continuing to resist the challenge.

Timing

2. Urgent. Counsel are required to put forward summary grounds for resistance, by close today. (I apologise for the lateness in putting this forward; earlier information indicated there would not be a need to seek further Ministerial agreement to the approach.)

Summary

3. The background and detailed arguments remain as set out in the letter of 2 October 2002, (copy attached) in the case of the application for judicial review in which the Prison Service is the respondent. The application is for a declaration that the Prison Service's policy of not recognising Scientology as a religion for the purpose of facilitating religious ministry in prisons is unlawful and for an order requiring the Prison Service to recognise Scientology as a religion for the purpose of facilitating religious ministry in prisons.

received one such visit on that basis, and it is planned will continue to receive such visits on a regular basis. The Church are arguing that some discrimination remains because the visits are discreetly observed (in the same way that visits from home clergy - clergy from the prisoner's home parish - are observed), and fees are not paid. We would only pay fees to those formally appointed to the prison as a minister of religion; in the same way we would only allow visits in complete privacy to those who had been through the standard clearance procedures.

5. As before, from the Prison Service perspective, we would have no particular difficulty in recognising Scientology as a religion in prisons. But we recognise there could be consequences from such a move for other parts of the Home Office (particularly IND in relation to entry under the overseas Minister of Religion category), and possibly for other Government departments.

6. At this stage, the main grounds for resistance are that we have concerns about the harmful effects of Scientology and its organisation, and therefore will not recognise it as a religion, but at the same time do accept the genuinely held beliefs of individual prisoners and will seek to meet their needs as far as we can. We will argue that we can justify the minimal differences in treatment between these visits and those of appointed Chaplains. If permission to apply for judicial review is granted, we will need to come back to Ministers seeking a further steer on the handling of this case, as it will raise the question of the broader position on Scientology.

7. Given that the Church of Scientology are not satisfied with the compromise option agreed last time, the only alternative is to concede the JR. As set out in the previous submission this would have a read across to the defensibility of the line taken by IND and perhaps other Government departments, and would be likely to attract some adverse media publicity.

Recommendation

8. On the basis of Ministers' response to the submission last October, we are proposing to resist the challenge in the light of the wider concerns.

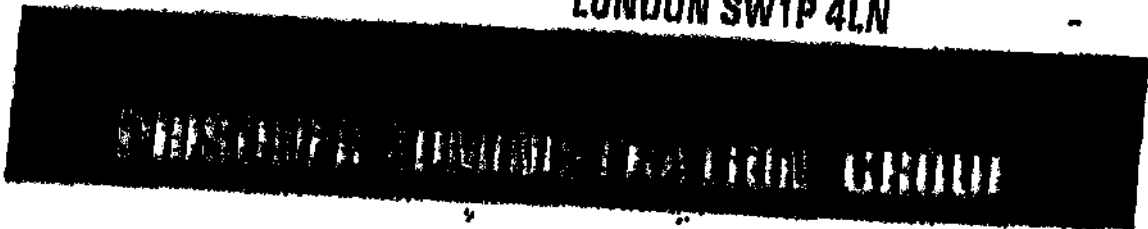
Consideration

Charity Law

9. The only real developments in this area since last October are in relation to the current review of Charity law but these are unlikely to change the present position. The Scientology is not a religion under charity law.



FAX COVER SHEET
Prison Service Headquarters
Cleland House
Page Street
LONDON SW1P 4LN



To: _____

From: _____

Date: 15/8/03

Room: _____

☎ _____

SUBJECT:

Message:

please see attached papers on

Number of sheets
including cover sheet

Urgent

Please reply



THE TREASURY SOLICITOR

Queen Anne's Chambers, 25 Broadway, London SW1H 9JS
 DX 123242 St James's Park

Direct Fax: 020 7210 3410. Switchboard 020 7210 3000 (EXTN 210).
 E-mail:

FACSIMILE TRANSMISSION COVER PAGE

To:

C.C

Fax No: 7217 6492
 7273 3629

From:

Our Ref: LT2/0135E/DMM/D1

Date: 31 July 2003

Total number of pages including this cover page: 23

RE:

There follows a copy of the judicial review claim form served on us today. I have not yet read the document.

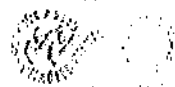
There is also an application for urgent consideration which I also attach. I will initially give some thought as to how to respond to this.

Regards.

ff (signed and sent in absence)

This fax transmission is intended only for the use of the recipient named above. It contains confidential information that is legally privileged. If you are not the intended recipient, you are hereby notified that you have received this document in error and that any copying, distribution, alteration or other use of the information contained in this fax is strictly prohibited. If you have received this fax in error please notify us immediately by telephone so that we can make arrangements for the return of the documents to us. Your cooperation is requested.

If you do not receive this fax completely, please telephone the above number.



Judicial Review

Application for urgent consideration

This form must be completed by the Claimant or the Claimant's advocate if exceptional urgency is being claimed and the application needs to be determined within a certain time scale.

The claimant, or the claimant's solicitors must serve this form on the defendant(s) and any interested parties with the VAB1 Judicial review claim form.

To the Defendant(s) and interested party(ies) representations as to the urgency of the claim may be made by defendants or interested parties to the Administrative Court Office by fax: 020 7947 8802

In the High Court of Justice Administrative Court	
Claim No.	
Claimant(s) (including ref.)	(1) Church of Scientology RSC
Defendant(s)	The Secretary of State for the Home Department
Interested Parties	

SECTION 1 Reasons for urgency

The case is not exceptionally urgent, but, for the reasons set out below, it does need to be considered with expedition.

This case concerns the rights of access of a serving prisoner to a minister of religion of his own church, the Church of Scientology.

By a decision of the Home Office declining to recognize Scientology as a religion, the prisoner is denied benefits accorded to prisoners of other faiths, such as private confessional visits and payment by the Prison Service of the visiting minister's expenses.

The case requires expedited consideration because of the continuing daily detriment suffered by the prisoner as a result of his lack of access to a minister. The prisoner will be eligible for release on parole from March 2004 and unless the application is heard early next term, he will be denied any effective relief which will benefit him during his sentence.

SECTION 2 Proposed timetable (tick the boxes and complete the following statements that apply)

- ☒ a) The N401 application for permission should be considered within 28 days
- ☒ b) Abrogation of time is sought for the lodging of acknowledgements of service
- ☒ c) If permission for judicial review is granted, a substantive hearing is sought by 21 October 2003

(Date)

SECTION 3 Interim relief (state what interim relief is sought and why in the box below)
A draft order must be attached.

Not applicable

SECTION 4 Service

A copy of this form of application will be served on the defendant(s) and interested parties as follows:

Defendant

- ☐ by fax machine to [] time sent []
[]
- ☒ by handing it to or leaving it with []
[] The Treasury Solicitor
- ☐ by e-mail to []

Date served
[]
21 July 2003

Interested party

- ☐ by fax machine to [] time sent []
[]
- ☐ by handing it to or leaving it with []
[]
- ☐ by e-mail to []
[] e-mail address []

Date served
[]
[]

Name of claimant & address

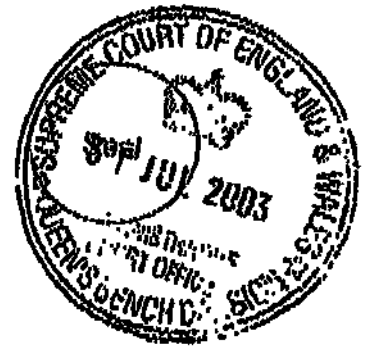
Claimant (claimant's advocate)
Signed []

Judicial Review Claim Form

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

in the High Court of Justice
Administrative Court

For Court use only	
Administrative Court Reference No.	3648/03
Date filed	



SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

1st Claimant: **St Benedict's Religious Education College Inc.** (3) Church

Address: [Redacted]

Telephone no. [Redacted] FAX no. [Redacted]

E-mail address [Redacted]

Claimant's or claimant's solicitors' address to which documents should be sent.

Address: [Redacted]

Telephone no. [Redacted] FAX no. [Redacted]

E-mail address [Redacted]

Claimant's Counsel's details

Address: [Redacted]

Telephone no. [Redacted] FAX no. [Redacted]

E-mail address [Redacted]

1st Defendant

The Secretary of State for the Home Department

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

The Treasury Solicitor

Address: **Queen Anne's Chambers
20 Broadway
Westminster
London W1M 0JS
CX 123242 5th JAMES'S PARK**

Telephone no. [Redacted] FAX no. [Redacted]

E-mail address [Redacted]

2nd Defendant

[Redacted]

Defendant's or (where known) Defendant's solicitors' address to which documents should be sent.

Address: [Redacted]

Telephone no. [Redacted] FAX no. [Redacted]

E-mail address [Redacted]

SECTION 2 Details of other interested parties

Include name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

Name:
Address:
Telephone no.:
Fax no.:
E-mail address:

Name:
Address:
Telephone no.:
Fax no.:
E-mail address:

SECTION 3 Details of the decision to be judicially reviewed

Decision:
Decision of the Secretary of State for the Home Department confirming a policy not to recognise Scientology as a religion and refusing to appoint the Second Claimant as a visiting minister for the First Claimant

Date of decision:
8 July 2003

Name and address of the court, tribunal, person or body who made the decision to be reviewed.

Name:
The Secretary of State for the Home Department

Address:
Home Office
80 Queen Anne's Gate
London SW1H 9BT

SECTION 4 Permission to proceed with a claim for judicial review

I am seeking permission to proceed with my claim for Judicial Review.

Are you making any other applications? If Yes, complete Section 7.

☐ Yes ☒ No

Is the claimant in receipt of a Community Legal Service Fund (CLSIF) certificate?

☐ Yes ☒ No

Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Form N463 and file this with your application.

☒ Yes ☐ No

Have you complied with the pre-action protocol? If No, give reasons for non-compliance in the space below

☒ Yes ☐ No

Does the claim raise any issues arising from the Human Rights Act 1998? (Yes, state the articles which you contend have been breached in the space below)

☒ Yes ☐ No

Article 8
Article 14

SECTION 8 Detailed statement of grounds
for treatment referred to in section 8

☐ set out below

☒ attached

SECTION 6 Details of remedy (including any interim remedy) being sought

1. A declaration that the Prison Service policy which declines to recognise Scientology as a religion is ultra vires.
2. An order quashing the said policy.
3. An order quashing the refusal to allow

visit

as his Minister of Religion.

SECTION 7 Other applications

Wish to make an application for:-

SECTION 9 Statement of facts relied on

Statement of Truth

I believe (The claimant believes) that the facts stated in this claim form are true.

Full name

Name of claimant

Signed

(Signature of claimant)

Position of office held

(If signing on behalf of firm, state name of firm)

SECTION 8 Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.

- | | | |
|---|-----------------------------------|--|
| <input checked="" type="checkbox"/> Statement of grounds | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Statement of the facts relied on | <input type="checkbox"/> included | <input checked="" type="checkbox"/> attached |
| <input type="checkbox"/> Application to extend the time limit for filing the claim form | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input type="checkbox"/> Application for disclosure | <input type="checkbox"/> included | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Any written evidence in support of the claim or application to extend time | | |
| <input type="checkbox"/> Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision | | |
| <input checked="" type="checkbox"/> Copies of any documents on which the claimant proposes to rely | | |
| <input type="checkbox"/> A copy of the legal aid or CILE certificate (if legally represented) | | |
| <input checked="" type="checkbox"/> Copies of any relevant statutory material | | |
| <input checked="" type="checkbox"/> A list of essential documents for advance reading by the court (with page references to the passages relied upon) | | |

Reasons why you have not supplied a document and date when you expect it to be available:-

Signed...

Claimant (or Solicitor)

(3) CHURCH OF SCIENTOLOGY RELIGIOUS EDUCATION COLLEGE INC
v

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

SECTION 5 - Detailed statement of grounds
SECTION 8 - Statement of facts relied on

A Factual Background

1. This Claim for judicial review concerns the legality of HM Prison Services policy ("the Policy") not to recognise Scientology as a religion, and the consequent discrimination suffered by prisoners of that faith by their inability (unlike the followers of other faiths) to receive ministerial visits in UK prisons from Scientology Ministers. This Policy was confirmed in a letter dated 3 July 2003 from the Treasury Solicitor to the solicitors for the Claimants. The Prison Service has also refused to consider changing its policy, and has not provided any explanation as to why it will not consider changing its policy, and has not provided any explanation for maintaining the Policy in the light of the Human Rights Act 1998 and the new material now provided to it. It is the Claimants' case that the policy creates inequality, hardship and injustice. By this Claim the Claimants ("the Church of Scientology") seek a judicial resolution of this issue. The third Claimant is the legal body constituting the Church of Scientology in England, and is joined as a party to this claim in its own capacity as a religious organization and on behalf of all members of the Scientology community in England.

2

I has registered his religion with the Prison as Scientology. The present policy of the Defendant was set out in a letter dated 3 January 2002 from the then Director General of the Prison Service to the Church of Scientology (Annex C page 1). In that letter the Director General stated:

"The Prison Service does not consider Scientology as a religion for the purpose of facilitating visits by ministers. Scientology prisoners are free to register their adherence and to manifest their beliefs, consistent with good order and discipline."

3.

case was briefly referred to in the earlier proceedings of [2002] EWHC2653 Admin, where permission to bring Judicial Review proceedings was refused by Mrs Justice Hallett in a judgment dated 26 November 2002 (see copy of Judgment Annex E). In that case I was also a Scientologist seeking the right to be visited by a minister of his religion. However by the time the matter came to court I had already left prison and the Judge found the question to be "entirely academic". At Paragraph 24 of the judgment, Hallett J stated:

"If and when another Scientologist finds himself remanded in custody and unable to practice his religion as he would wish and as he claims is reasonable, the matter may then be tested on its merits."

Neither the Judge nor the Home Office suggested that there was no arguable case on the merits of whether Scientology is a religion in the prison context.

4. The first letter, written to the Defendant on behalf by his solicitors on 19 November 2002, (Annexe C page 2) sought an urgent revision of Prison Service Policy so that members of the Church of Scientology could enjoy the same rights afforded to the followers of other religions in prison. At that time he was given a leaflet (Annexe A page 5) by the Chaplain, the , who asked him to get his minister to contact her. On 19 March 2003 , a minister in the Church of Scientology, wrote to applying for an appointment as a visiting minister for 3). A reply was received on 8 April 2003 from stated that:

"It is not prison service policy to recognise Scientology as a religion. Scientology prisoners are however free to manifest their beliefs consistent with good order and discipline.

The Governor would be prepared however to allow to receive visits from a Scientology minister under the provisions of paragraph 3 of Standing Order 5A, on the basis that: "this is necessary for the welfare of the inmate". Such a visit would not count against 1 allowance for visits and would, in normal circumstances, take place in our Visits Room, within sight but out of hearing of officers."

5. Following this reply, the solicitors for wrote to the Treasury Solicitor on 11 April 2003 (Annex C pages 5-6). They stated (at page 6):

"It is anomalous that the Prison Service should be willing to allow a Scientology minister to visit regularly on the basis that "this is necessary for the welfare of the inmate" and simultaneously to deny that minister the facilities and wherewithal necessary to perform this task. In our view there is no justification for permitting the followers of other religions to confess and participate in religious services in a private space and to deny this right to Scientologists. This constitutes an unequivocal breach of Article 14 of the European Convention on Human Rights.

We note that Ford Prison already has a Pagan visiting minister, a Spiritualist visiting minister and a Buddhist visiting minister. It may be assumed from this that the Prison Service does recognise Paganism, Spiritualism and Buddhism as religions. There is absolutely no reason why Scientologists should be discriminated against. In this regard, we would refer you to page 119 of the Court Bundia in the case where we provided you with the expert opinion of (see now Annexe D page 36).

It is not at all clear to us whether in fact the Prison Service have carried out a review in the light of the information provided. We are very concerned at the lack of response to our previous letters. In the circumstances, please treat this as a Letter before Claim in accordance with the Pre-Action Protocol for Judicial Review.

For the avoidance of doubt, it is our Client's contention that the prison Prison Service Policy of denying a Scientologist prisoner who has registered his religion as Scientology the right to be visited by a minister of his religion, is a breach of the European Convention on Human Rights.

and unlawful under the Human Rights Act 1998. Our client seeks the abolition of that policy and requires that he be afforded the same rights as the followers of other religions."

6. Further letters were written by [redacted] to Ford Prison on 11 and 23 April 2003. (Annexe C pages 7 and 8). A reply was received on 28 April 2003 requesting that correspondence be directed through the solicitors (Annexe C page 9).

7. On 20 May 2003 the Treasury Solicitor replied on behalf of the first Defendant (Annexe C page 10). He refused any suggestion that they would propose considering altering their policy concerning Scientology and stated:

"Our clients do not accept that their policy is discriminatory or unlawful in any way."

He stated that they were prepared to allow [redacted] to be visited by [redacted], but only in the part of the prison's Visits Room used for professional visits. [redacted] solicitors replied on 3 June 2003 (Annexe C pages 11-12), and asked why the Prison Service was not willing to even consider changing its policy, and asking how their treatment of [redacted] was in conformity with their own rules, quoting from the Prison Order on Religion which had now replaced Standing Order 7A. They also pointed out that the professional visits room at Ford Prison was an entirely unsuitable space for religious confessionals and other religious services and that no other prisoner was expected to manifest their beliefs with the use of this facility. Every other prisoner was granted proper respect and dignity with respect to their religious practices. They further pointed out that the [redacted] did not have the wherewithal to cover the costs of visits. If he were a minister of any other religion than he would be paid ministerial fees to enable him to provide this service. Therefore he was also being discriminated against in respect of the facilities being afforded to him in comparison to ministers of other religions.

8. The Treasury Solicitor replied on 12 June 2003 (Annexe C page 13), refusing to provide a justification of the Policy or the treatment of [redacted] in accordance with the Policy. The failure to provide a reasoned decision created unnecessary distress to [redacted] In that letter the Treasury Solicitor reiterated the offer of the use of the professional visits room, but refused any expenses to cover the costs of visits, stating that only officially appointed chaplains received such payment. [redacted] solicitors replied on 19 June 2003 (Annexe C page 14) stating:

"As we understand your client's position from the correspondence, it is simply that they are not prepared to consider the material that we have provided you on behalf of our client. Notwithstanding your client's obligations under the Pre Action Protocol for Judicial Review, we do not believe that our client has ever been provided with a full explanation as to why this is."

They further reiterated the unsuitability of the professional visits room, and pointed out that no specific answer had been given to [redacted] request to be appointed as a visiting minister.

On 3 July 2003 the Treasury Solicitor responded (Annexe C page 15) and stated that he was now instructed that visits may take place in the Chapel, but "subject to observation by the Chaplain who would be within sight but out of hearing". He also stated:

"Our client does not consider it appropriate to appoint [redacted] as a chaplain, given that the Prison Service's policy remains not to recognise Scientology as a religion."

9. In support of their request that the Prison Service change its policy with regard to Scientology the Claimants have provided the Defendant with a number of documents (Annexe D):

(1-11) **SCIENTOLOGY A MODERN RELIGION**
by Dr Bryan Wilson

This is a report by Dr Wilson of Oxford University who is an expert on minority religious movements. Following a detailed analysis he concludes that Scientology constitutes a religion, and also states in his final paragraph: "The clear consensus among sociologists of religion is that Scientology is indeed a religion".

(12-23) **SCIENTOLOGY: THE MARKS OF RELIGION**
by Professor Frank Plim

In this report by Professor Plim of Washington University he compares the teachings and beliefs of Scientology with other religions.

(24-26) **A LIST OF RELIGIOUS BODIES AND ORGANISATIONS DECLARED AS RECOGNISED DENOMINATIONS UNDER SECTION 26 OF THE MARRIAGE ACT 1961.**

This is a list of recognised religious denominations in Australia proclaimed by the Governor General of Australia on 22 September 1999. The list includes the Church of Scientology.

(27) **Letter to F from New South Wales Attorney General's Department**

This is a letter confirming the registration of a Scientologist minister to solemnise marriages at any place in Australia.

(28-29) **Letter from the United States Department of Treasury**

This letter confirms that all Church of Scientology organisations in the United States are tax exempt and that they are organised and operated exclusively for religious and charitable purposes.

(30-31) **Ordination by the National Judicial Board for Public Lands and Funds, Sweden**

This document confers on a Scientologist minister the right to perform marriages within the Church of Scientology of Sweden.

(32) **Letter from Department of Home Affairs South Africa**

This letter confirms that ministers of Scientology may perform marriages in South Africa.

(33) **Letter from the Ministry of Defence**

This letter confirms that Scientology is an officially recognised religion in the Royal Navy.

(34) **Letter from the Inland Revenue to the Church of Scientology**

This is a letter from the Inland Revenue confirming that members of the Church of Scientology religious order serve out of a religious commitment and are not workers as defined by the National Minimum Wage Act.

(35) **HM Customs & Excise certificate**

This is a certificate from HM Customs & Excise which classifies the Church of Scientology as a religious organization.

(36-43) **CONGREGATIONAL SERVICES OF THE CHURCH OF SCIENTOLOGY**
by Dr Bryan Wilson

This further report by Dr Wilson reviews the way in which congregational services are today conducted in the Church of Scientology, and evaluates these

services in the light of the Court of Appeal ruling of 1979 in the case of *R v Registrar General ex parte Segerdhal*, and also with reference to the same criteria compares the Scientology religious services to those of other religious denominations. He concludes that Scientology services today do meet the narrow criteria for religious worship laid down in the case of *Segerdhal*, although a number of major universally accepted religions do not meet these criteria.

(46-90)

**THE CHURCH OF SCIENTOLOGY
AND THE HUMAN RIGHTS ACT
1998. Joint Opinion of Lord Lester of
Horne Hill QC and Pushpinder Saini**

This is an opinion by Lord Lester QC and Mr Saini on the impact of the Human Rights Act 1998 on the current treatment of the adherents of the Church of Scientology and Scientology ministers. They concluded that if the Home Office continued its policy following the coming into force of the Human Rights Act, then it would be acting contrary to Section 6 of the Act.

(91-92)

**Extracts from RELIGION IN PRISON
by James Beckford and Sophie Gifflet**

This is an extract from the book *RELIGIONS IN PRISON*, providing a breakdown of the different religious registrations of prisoners in England and Wales from 1991-1997.

10.

/ has provided a short description of the Scientology religion in his statement (Annexe B). He states (at paragraph 8):

"The Scientology religion acknowledges the existence of a Supreme Creator; seeks to enable its adherents to appreciate and aspire to eventually unite with that Creator through spiritual practices; reveres its founder; fosters a sense of community and mutual support among its adherents; encourages its adherents and others to behave ethically and responsibly as individuals and members of society; and instigates and supports charitable activities for the benefit of the community."

"Like all religions, Scientology addresses the ultimate questions of life and death, and sets out a path to spiritual enlightenment. Scientology is not authoritarian. There is no enforced belief. Rather a maxim of Scientology is that only those things which one finds true for oneself are true. In Scientology you learn to think for yourself - it is a voyage of self discovery. The word Scientology is taken from the Latin scio which means 'knowing in the fullest sense of the word'. Scientology is a vast theological subject with teachings on many aspects of life. Its founder, L. Ron Hubbard, spent a lifetime intensively researching the nature of man and existence, and sought not only to codify the basic principles of life, but also to apply those principles to improve conditions and enable man to reach higher states. Scientology holds that man is basically good, and as one advances towards a full understanding of oneself and one's past existence, one becomes more able and one's true nature more and more apparent. One becomes honest and ethical, and wants to help others. It is a further maxim of Scientology that one is as valuable as one is able to help others. In furtherance of this maxim, Churches of Scientology engage in extensive public benefit programmes in the United Kingdom and throughout the world. The scope of these activities by the Church and its parishioners range from such activities as disaster relief, literacy programmes,

drug and crime prevention and rehabilitation programmes, caring for the elderly, as well as a wide range of other community and charitable activities. There is exhibited hereto marked "RJP" (pages 1 to 22) an extract from a recent paper provided by the Church to the government's Strategy Unit which gives a fuller description of these public benefit programmes. Mr Hubbard said the following are the aims of the Scientology religion: "A civilisation without insanity, without criminals and without war; where the able can prosper and honest beings can have rights, and where man is free to rise to greater heights."

"The Scientology religion holds that one is a spiritual being, denoted by the term thetan, and that reality has three components which may be drawn as a triangle. The Supreme Being, or Creator is at one corner, the physical universe at another and the theta (or spiritual) universe at the third. This spirit, or thetan, in its native state had limitless ability to exert a controlling influence over anything and everything, and to create. However as it became enmeshed with the physical universe it has essentially become entrapped. The ultimate goal of Scientology is to return one to one's native state, and to free the spirit. This is achieved through religious studies and a process known as "auditing". The process of auditing simply involves getting a person to look at his own existence. In particular he examines times of turbulence and trauma, and it is through unravelling these that he regains his ability and freedom as a spiritual being. Auditing is sometimes referred to as "spiritual counselling", although this description is somewhat inaccurate, since the person is not "counselled" or told what to believe, but discovers the answers for himself from within himself. In general terms auditing has similar aims to Buddhist meditation."

"It is a principle of Scientology that one can only make spiritual advancement if one is honest and decent and does not permit transgressions against others. Confessional counselling and practices are absolutely vital within the Scientology religion. One cannot grow spiritually or achieve true rehabilitation without these."

11. The has also exhibited brief descriptions of Buddhism (Annexe B page 23), Jainism (Annexe B page 27), Paganism (Annexe B page 28) and Spiritualism (Annexe B page 32), which he has collected from authoritative sources. The Prison Service accepts visiting ministers from all of these religions but creates inequality, hardship and injustice by refusing to accept visiting ministers from the Church of Scientology.

12. has also provided a statement in support of this application (Annexe A). At paragraph 5, he explains how he will benefit from visits by a minister of his religion:

"The religious service that I am most anxious to receive is Scientology spiritual counselling or spiritual exercises, known in Scientology as "auditing". In particular, I need the confessional procedures and other auditing that will enable me to deal with the spiritual travail caused by my experiences and put me on the road to redemption and renewed spiritual growth. This is not something I can possibly do in a glass cage with people looking in on me. It requires quiet and privacy."

13. The of

also describes the benefits of Scientology religious services, and the effect being denied those, at paragraph 14 of his statement (Annexe B page 7):
"The Prison Service has allowed
register his religion as Scientologist."

but refuses to afford him the rights that according to statute, and their own rules, should flow from that registration. The Prison Service recognizes that it is highly beneficial to both the prisoner, and society, for prisoners to be able to practice their religion in prison. The reasons for this are obvious. Someone who is able to participate in religious confession, is not only starting to take responsibility for the things that they have done, but also address the spiritual trauma which is wrecking their lives. Through other spiritual counseling and practices one generates a true love for one's fellow man and restores self respect. In many cases the practice of religion will be the most crucial part of rehabilitation. These are exactly the services which I wish to minister to but am being prevented from doing so. The present policy of the Prison Service is not only irrational and unfair, but destroys freedom and makes people hurt."

Grounds of Challenge

14. Those prisoners whose religions are recognized by the Prison Service have, as one would expect, extensive rights to practice their religions and to manifest their beliefs:

i Rule 15(3) of the Prison Rules 1999 (Annexe E page 2) provides:

"Where a Prisoner belongs to a denomination to which no prison minister has been appointed, the Governor shall do what he reasonably can, if requested by the prisoner, to arrange for him to be visited regularly by a minister of that denomination."

ii Prison Service Order: Religion provides at paragraph 1.6 (Annexe E page 7) that:

"On being received into a Prison Service establishment, prisoners must be asked to state their religion and/or denomination, or to register as "nil religion". Prisoner's religion must be recorded on LIDS and F205C. Prison staff should ensure that this information is obtained accurately and respectfully."

iii Prison Service Order: Religion provides at paragraph 1.18 (Annexe E page 8) that:

"A prisoner must be treated as belonging to the religion entered on LIDS and the F205C and should have the right to practice this religion as detailed in the subsequent chapters of this Order."

iv Prison Service Order: Religion provides at paragraph 1.24 (Annexe E page 9) that:

"Prisoners must have access to the minister of their declared faith by application."

15. Visiting ministers are entitled to be paid expenses and fees for prison visits (see Sample Appointment Letter (Annexe E page 33) and Notes for the Guidance of Visiting Ministers of Religion Appointed under the Prison Act 1952 (Annexe E pages 34-36), extracted from the Prison Service Chaplaincy Handbook).

16. As appears from the facts summarised in section A above, although the Prison Service have registered a religion as Scientology, he has not been afforded the right to be visited by a minister of his religion in the same basis as other prisoners. The assistance and guidance of Scientology ministers is an essential aspect (as it is in other religions) of the manifestation and practice of Scientology.
17. Section 6(1) of the HRA 1998 imposes a duty on the Prison Service (part of the Home Office), as a public authority, to act in a manner compatible with Convention rights. The HRA 1998 does not define "religion" or "religious organization" as these terms appear in section 13(1). The Home Secretary, Mr Jack Straw MP, explained during the committee stage of the Human Rights Bill (313 HC Official Report (6th Series), col 1021) that this was because: "no definition is readily available, at home or in Strasbourg". The present application for judicial review does not require the Court to develop a definition. Rather the Court will be invited to hold, on the basis of the evidence put before the Defendant, particularly the independent reports of Dr Bryan Wilson and Professor Frank Flihn (Annexe D page 1 and 12), and the decisions of higher Commonwealth Courts that Scientology is clearly a religion within Article 9 of the Convention. The Court will also note that state bodies in other jurisdictions (for example Australia, USA, Sweden and South Africa) as well as in the UK have recognised Scientology as a religion. In the UK, the Navy recognises Scientology as a religion (Annexe E page 33), and it is categorised as a religious organisation by both the Inland Revenue and HM Customs & Excise. The provisions of the Convention are now set out.
18. Article 9 of the Convention provides:
- "1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."
19. Article 14 of the Convention provides as follows:
- "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."
20. Neither the European Court of Human Rights nor the Commission has yet had to determine whether a set of beliefs and practices is a "religion" for the purposes of Article 9. In the cases which have come before the Commission on this issue, at the admissibility stage, the Commission has been able to reject the applications on bases which did not require it to engage in definitional issues. In *X and Church of Scientology v Sweden* 16 DR 68 (EcomHR), and *Church of Scientology and Members v Sweden* 21 DR 109 (EcomHR), the Commission proceeded on the basis that Scientology was a religion within Article 9, although that issue does not appear to have been disputed by the Swedish Government in either of those cases, which were decided against the Church on other grounds. Although those cases do not decide that Scientology is a religion for the purposes of Article 9, it is unlikely, however, that the

European Commission of Human Rights would have recognised the standing of the Church of Scientology to complain as a "church organisation" of breaches of Article 9 if it had considered Scientology itself to fall outside the scope of Article 9.

21. The broad and inclusive approach of the European Court of Human Rights and its related organs to the definition of religion is best exemplified by the detailed study regarding Article 9 of European Convention on Human Rights by the Human Rights Information Centres of the Directorate of Human Rights of the Council of Europe on the treatment of religion by the European Court. The Directorate explained that the concept of religion under Article 9 is:
"Not confined to widespread and globally recognized religions but also applies to rare and virtually unknown faiths. Religion is thus understood in a broad sense."
22. This expansive approach is consistent with the European Court of Human Rights' application of a fundamental human rights policy of the European Community to religious freedom issues in *Manoussakis Others v. Greece* (10006) 23 EHRR 387 (Annexe II) - "...the need to secure true religious pluralism, an inherent feature of the notion of a democratic society". (para 44)
23. In furtherance of this policy of "true religious pluralism", the Strasbourg Court has cautioned governments of Contracting States "to remain neutral and impartial" and has been loathe to accept any restrictions on religion, viewing any contested measures with "strict scrutiny". (para 44, *Manoussakis*). The Court has also criticized and struck down measures that vest officials with "very wide discretion" on matters relating to religion. (para 45) In criticizing broad discretion, the Court held that "the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate." (para 45)
24. Instead, the Court determined that officials should be limited to verifying, "whether the formal conditions laid down are satisfied". It stressed that seemingly innocuous administrative action restricting the rights of minority religions operated as a "lethal weapon against the right to freedom of religion." (para 41, 50-51) The Court has also emphasized, "in exercising its regulatory power in this sphere and in its relations with various religions, denominations and beliefs, the State has a duty to remain neutral and impartial"; this duty of neutrality "is incompatible with any power on the State's part to assess the legitimacy of religious beliefs."
25. Reference is made to Dr Wilson's report at Annexe D page 1. Dr Wilson summarises the principal characteristics of Scientology. His conclusions, from an academic and sociological perspective, are that Scientology is a religion as that concept is understood in the field of modern comparative religion. Professor Fijn, as a comparative scholar of religion, has also studied the Church in depth and concluded without hesitation that the Church constitutes a religion. The Defendant did not address or seek to challenge these conclusions in any way.
26. Dr Wilson sets out the essential features of Scientology by reference to those elements which are accepted as integral to the character of religion. In particular, Dr Wilson returns the theistic definition which was suggested obiter dicta in the *Segerdal* decision (see paragraph 29 below) which dicta is apparently still relied upon by the Home Office as support for its refusal to recognise the Church. Dr Wilson's analysis is well supported in the comparative case law, particularly the decision of the High Court of Australia in the case *Church of the New Faith v The Commissioner for Payroll Tax* (1983) 154 C.L.R. (Annexe C) which is a case strongly relied upon by the Claimants in this application.