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## **Husband and wife abducted and confined for the purpose of forced religious de-conversion**

### ***A recidivist Protestant pastor involved in the case***

By Willy Fautré, Human Rights Without Frontiers (13.10.2015) - On July 26th, 2014, two members of the Unification Church in Japan, Mr. and Mrs. Seo, both in their 40's, were kidnapped by their respective relatives under the direction of an Evangelical Minister, Mamoru Takawaza, leaving their two children behind.

This was an additional case of abduction of religious minorities' followers for the purpose of forced de-conversion in Japan. Families influenced by prejudice have resorted to Evangelical ministers over the last thirty years for advice on abducting and confining their over-age children to have them "persuaded" under constraint to recant their minority faith.

The United Nations Human Rights Committee during its sixth periodic review of Japan expressed concern, in its Concluding Observations released on 23<sup>rd</sup> July 2014, "at reports of abductions and forced confinement of converts to new religious movements by members of their families in an effort to de-convert them." The Committee recommended that Japan "should take effective measures to guarantee the right of every person not to be subject to coercion which would impair his or her freedom to have or to adopt a religion or belief" pursuant to Article 18.2 of the International Covenant on Civil and Political Rights.

In spite of the clear recommendation made by the Committee, the Japanese police did not put an end immediately to Mr. and Mrs. Seo's confinement when they were asked to take action to rescue them.

### ***The facts: A double simultaneous abduction***

Mr. Seo's parents visited his house and picked him up saying "Let's go to the hospital to see our relative." After he sat in the car, they banded his both hands with a band of cloth. They brought him to an apartment in Osaka City and confined him.

Mrs. Seo's parents invited her to their home in Hiroshima City. She visited them with her two children: a daughter (8 years old) and a son (3 years old). While her mother took her grand-daughter out for shopping, she stayed with her son asleep at home. Suddenly,

male relatives including her father attacked her. They tied her hands and ankles with bands made of a cloth and so on, wrapped her into a sleeping bag and banded the sleeping bag with bands. In spite of her frantic struggle, they conveyed her into a wagon type car and took her to Osaka City to the same apartment where husband had already been brought, and which was especially equipped for their confinement.

While taken into the flat, she screamed and the neighbors called the police. When the police came to the apartment, her father and Minister Takazawa persuaded them that this was just a "talk" between family members about her religious affiliation with the Unification Church and the police did not do anything to rescue her at this point.

### ***Confinement and lucky rescue***

Mr. and Mrs. Seo had been deprived of their mobile phones by their relatives, so they could not contact outside people. However, two days later on 28<sup>th</sup> July, Mrs. S. managed to send a distress email to members of the Unification Church (UC) in Hiroshima asking them for rescue. Those members went to the police and showed them her e-mail. The police promised to investigate but after Minister Takazawa and Mr. and Mrs. S.'s fathers gave their explanation of the situation, the police concluded that this was "not a case".

On July 31st at midnight, Mrs. Seo managed to make an emergency call to the police using her mother's mobile phone while she was asleep and asked for rescue saying she was confined with her husband by five or six persons. The police then had to act and finally five or six policemen went to the apartment. They found that the couple was actually confined and that the situation was actually a criminal case. The victims were released from the apartment and were able to go home and their children returned safely.

The couple's rescue was only due to the luck of Mrs. Seo in getting access to a mobile phone and being able to make a distress call to the police direct. All the previous cases of abduction and confinement did not have this opportunity and the Japanese police have turned a blind eye on these abuses.

### ***The long-standing inaction policy of the police and the Prosecutors' offices***

The legal provisions governing the search for missing persons in Japan are the "Rules on activities to find a missing person", which are based on the Police Act of Japan and which binds the police forces.

Chapter 2 Article 6 of the Rules states that when a person goes missing, the chief of police who has jurisdiction over the domicile or residence of the person shall receive a notification on the missing person ("missing-person report") from relatives but also from "persons who have close relationship with the missing person in social life".

In spite of these clear legal provisions, the police has consistently over the years refused to take action or even to accept a missing person report as far as Unification Church members were concerned, considering legitimate the endeavors from relatives to have their over-age children snatched from their religious affiliation. The police have justified their discriminatory policy with statements like "criminal law does not intervene in family matters" or "If the case is between parents and a child, even involving some violence, the police cannot intervene".

In some cases, the police inaction turned into active support.

A striking example of the police behavior and precedent was given in Kozue Terada's case, a married woman who was confined for two months in 2001 at the age of thirty. Kozue was abducted under the direction of the same Evangelical Minister Takazawa (as

the recently kidnapped couple), who visited her regularly during her confinement to coercively have her renounce her faith.

At the beginning of her confinement, Minister Takazawa, bragged to her about his connections with the police stating "Even if a policeman comes, as soon as he finds it is about the Divine Principle (main belief of the Unification Church), he will collaborate with me, saying 'Keep on your good work!'. This actually showed to be true. Once Kozue Terada succeeded to get a message out calling for help and a policeman knocked on the front door. Minister Takazawa showed up and followed the policeman to the police station. He returned by himself an hour later and said "The police know me. They understood our situation and told me to be careful not to disturb the neighbors".

Minister Takazawa had already been sentenced in 2000 to damages in a similar case where another woman believer, Ms. Hiroko T., was confined for 1 year and three months and coerced by Minister Takazawa to leave the Church. But in 2001, the Prosecutor's Office dismissed her criminal complaint.

Encouraged by this lack of prosecution to continue his activities, Minister Takazawa bragged in a taped conversation with Kozue Terada to have organized hundreds of confinements and that he would continue because he wanted "everybody to believe in the true Jesus".

Kozue Terada filed a civil suit against him and wan symbolic damages in January 2004.

However, a few months later, the Prosecutor dismissed her criminal accusation and decided a "suspension of prosecution" which, per the internal rule of the Ministry of Justice, *Kunrei*, means that the Prosecutor found that the criminal acts were established but he deemed prosecution "unnecessary" owing to the "circumstances" of the offense.

### ***Carte blanche from the Japanese authorities***

This policy of the Japanese authorities amounts to giving carte blanche to these Ministers to continue their criminal activities.

Kozue Terada has finally filed in 2013 an allegation letter with the UN Special Rapporteur on Freedom of Religion or Belief, together with a dozen of other victims of these practices.

On the other hand the UN Human Rights Committee experts asked very sharp questions on this issue to the Japanese Ministry of Justice during their review on 16 July 2014.

However, the Japanese police when requested to rescue new victims refused to take action on 28 July. The only reason why these victims were finally released was that they managed to call the police directly. Another missing young man, Masato I., follower of the Unification Church, has not had this chance and has been missing since 2 January 2014 on the occasion of a family visit. In spite of the power-of-attorney he wrote to his lawyer to search him in case he disappeared, and the distress signal he sent, the police has to this day refused to rescue him.

Japan thereby does not honor its international human rights commitments and violates the provisions of Article 18 of the International Covenant of Civil and Political Rights.

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## **Toru Goto's case: the legal saga**

- **Toru Goto confined by relatives for 12 years and 5 months for 'deprogramming' by an Evangelical pastor and another person**
- **Brother, sister-in-law and sister to pay 22 million yen (1 EUR=145 yen)**
- **Deprogrammer Takashi Miyamura to pay 11 million yen**
- **Evangelical pastor Yasutomo Matsunaga to pay 4.4 million yen**
- **Japanese media totally silent as usual about such cases**
- **HRWF Int'l report "Japan: Abduction & deprivation of freedom for the purpose of religious de-conversion" available on Amazon**  
(<http://www.amazon.fr/Abduction-Deprivation-Freedom-Religious-De-conversion/dp/147763911X>)

By Willy Fautré, Human Rights Without Frontiers (07.10.2015) - On 13 November, the Tokyo High Court issued a ruling ordering five people (three close relatives of the victim, an Evangelical pastor and another person) to pay damages to a victim of abduction and attempts of forceful religious de-conversion in confinement conditions from September 1995 to February 2008.

In the civil suit filed by Toru Goto (51) against three members of his family and professional 'deprogrammers' involved in the case, Judge Noriaki Sudo of Tokyo High Court acknowledged the reality of the facts. Until now, courts massively dismissed the illegal nature of abduction and attempted forceful religious de-conversion in confinement conditions and ruled that such cases were "mere talks between parents and children."

The first three trial defendants: his brother, sister-in-law and younger sister, were ordered to pay a total amount of 22 million yen.

The first trial defendant, a professional deprogrammer, Mr. Takashi Miyamura, was ordered to pay 11 million yen.

Pastor Yasutomo Matsunaga of the Niitsu Evangelical Christian Church (Niigata City) was ordered to pay 4.4 million yen. It was indeed determined that he not only gave 'tacit consent' and 'encouragement' to Mr. Goto's family's unlawful actions, but he 'aided and abetted in restricting his freedom and persuading him to change his religion.'

The charges made against the Japan Alliance Christ Church to which Pastor Matsunaga belongs were dismissed.

In the first trial ruling of January last, the Tokyo District Court had ordered the three defendant members of the family to pay 4.83 million yen in damages, and Mr. Miyamura was to jointly pay 960,000 yen. The charges against Mr. Matsunaga and the Japan Alliance Christ Church to which he belongs had then been dismissed. Both the plaintiffs and the defendants had appealed this ruling.

### **Background Information**

#### **Abduction and confinement**

In 1986, Mr. Goto, then 23, became a member of the Unification Church. In 1987, there was a first attempt of kidnapping and confinement by his father and other relatives but he managed to escape about a month later. In order to avoid another similar experience, he cut off all the links with his family.

Eight years later, in September 1995, the parents of the plaintiff, his elder brother and wife, and younger sister, kidnapped him from their home in Hoya City, Tokyo (currently West Tokyo City) according to instructions from deprogrammer Takashi Miyamura and

Yasutomo Matsunaga, a Christian minister. He was then confined in an apartment in Niigata City for approximately one year and nine months. Matsunaga came to this apartment to urge him to leave the Church.

In June of 1997, the plaintiff was taken to a first apartment in Ogikubo (Tokyo) where he was confined for five months. Then, he was transferred to another apartment (Flower Home) in Ogikubo where he was detained for about ten years, Miyamura regularly visited this last confinement site together with former members of the Unification Church (UC) in order to convince him to leave the Church.

During his confinement, Mr. Goto attempted to escape several times but he was every time caught and held by his family members. Even when he had influenza and developed a high fever, he was not allowed to visit a clinic.

Fearing that he would not be released from his long-term confinement in his lifetime, Mr. Goto held three hunger strikes of 21 days, 21 days, and 30 days.

Around November 2007, it looked like the family members had started arguing about whether to go on with the confinement or not due to the financial burdens it imposed.

On 10 February 2008, at around 4:00 PM, his brother, his sister-in-law, his mother and his sister suddenly ordered him to leave the apartment. He was then emaciated and suffering from a serious state of starvation. Dressed in his lounge wear, he was thrown down on the concrete corridor in front of the entrance door without any belongings or ID document.

On his way to the Unification Church headquarters, he came across a member of his church who gave him some money so that he could take a taxi to reach a safe haven.

That evening, he was diagnosed with malnutrition and admitted to a hospital. For a while, he could barely stand on his feet.

"I can never pardon their actions. They deprived me of my fundamental human dignity as well as the most precious period of my life. Yet, my family members and Miyamura have not yet shown any remorse or offered an apology. Miyamura even tried to divert the blame from himself by saying that he never knew that the entrance door of the Ogikubo Flower Home was padlocked," he said to *Human Rights Without Frontiers* in 2011.

### ***The legal fight***

In April 2008, Mr. Goto submitted a criminal complaint to the Ogikubo Police Station. However, the police did not conduct any serious criminal investigation and turned the case over to the Tokyo District Public Prosecutors Office in February 2009.

On 9 December 2009, the prosecution decided to waive the indictment of the criminal complaint on the grounds of insufficient evidence.

On 23 June 2010, Mr. Goto appealed to the Tokyo Committee for the Inquest of Prosecution with the hope of reopening the criminal case.

On 6 October 2010, Mr. Goto's appeal was rejected by the Tokyo Committee for the Inquest of Prosecution on the ground that there were too many doubts to consider the case as an attempt of compulsion, capture, confinement and injury.

On 31 January 2011, he filed a civil lawsuit against his family members and the deprogrammers.

At a press conference held in the evening of 28 January 2014, Mr Goto, who has established the Japanese Victims' Association Against Religious Kidnapping, Confinement & Forced Conversion, said:

We can commend to an extent the fact that the ruling recognized the liability of my brother and sister and the defendant Miyamura. However, I regret very much that the responsibility of the defendant Matsunaga was not recognized.

In particular, we highly appreciate the fact that the liability of the deprogrammer defendant Miyamura was recognized. When we think about the numerous Unification Church members who were kidnapped, confined and suffered under the instructions of defendant Miyamura, I believe that they would also be happy. Kidnapping and confinement, forcible conversion continues. My heartfelt wish is that the victory this time will be of help in eradicating kidnapping, confinement and forcible conversion.

And his lawyer, Mr. Nobuya Fukumoto, commented, "The fact that the court recognized the liability of Mr. Miyamura is a huge step forward. Nevertheless, it is very regrettable that the liability of Mr. Yasutomo Matsunaga was not recognized and this is unjustified. We are now considering to appeal the ruling."

### ***International reports about abduction, confinement and de-conversion***

In 2013, the U.S. Commission on International Religious Freedom cited Japan's judicial system for turning a blind eye to the kidnapping and forced deprogramming of people in the Unification Church and other "new religious movements" over the past several decades.

The U.S. State Department also cited Japan for inaction in religious oppression cases such as Mr. Goto's in its 2010 International Religious Freedom Report: "In 2008, an adult member of the Unification Church was released after reportedly being held against his will by family members and a professional deprogrammer for over 12 years. Prosecutors did not pursue the case citing insufficient evidence. The case was on appeal at the end of the reporting period."

*Human Rights Without Frontiers* interviewed victims of deprogramming attempts of two new religious movements in Tokyo in 2011 and published a general report about the global issue entitled "Abduction and Deprivation of Freedom for the Purpose of Religious De-conversion" and available on Amazon.

### ***Human Rights Without Frontiers campaign for Toru Goto***

In July 2013, Human Rights Without Frontiers' (HRWF) submitted a report, entitled *Japan: Abductions and confinement for the purpose of religious de-conversion (Violations of Articles 7, 9, 12, 18, 23 and 26 of the ICCPR)* to the Human Rights Committee in order to bring to the attention of Committee members its concerns about the total impunity of non-state actors who abducted and confined converts to new religious movements until they recanted their new religious faith. See text of the submission at <http://bit.ly/1LAUb6Q>.

On 14 November 2013, the problem was raised by the Human Rights Committee in its list of issues addressed to Japan (See <http://bit.ly/1jembRt>).

Issue 16 stated: "Please comment on reports of cases of abduction, forced conversion and forced de-conversion, which were not investigated and prosecuted by the State party."

In its reply, the Japanese government flatly denied the existence of such an issue, merely stating "We do not know of any cases as those described" although on 28 January 2014, a Japanese man, Toru Goto, who had been kidnapped by family members, confined for 12 years (from September 1995 to February 2008) and subjected to violent attempts to force him to renounce his new religious affiliation, won a court ruling against his captors and the deprogrammer in a civil lawsuit.

### ***UN Human Rights Committee denounces Tokyo's policy of turning a deaf ear***

On 15-16 July 2014, Japan's human rights record was reviewed in the framework of the 111th session of the United Nations Human Rights Committee. During Japan's sixth periodic review, the right to freedom of religion or belief and the right not to be coerced to change religion was raised in detailed reports provided to the Committee by *Human Rights Without Frontiers* (Brussels) and by the *Japanese Association of Victims of Abduction and Forced Religious De-Conversion*.

During the review, the German expert of the Committee, Ms. Seibert-Fohr, raised the issue of abductions and so-called "deprogramming" as she said. She explained that the Committee came to know about cases of abductions and forced religious de-conversions of members of the Unification Church and Jehovah's Witnesses, that adults were abducted and confined by their families for up to six months or more, and that there was a lack of investigation and police search, under the justification that they were "with their families". She explained that civil cases were brought but no injunction had been pronounced to her knowledge. She asked the Japanese government which steps it was going to take to remedy this situation.

The Japanese Government merely denied the existence of a problem by answering: "The examples cited, we are not aware of. When reports are received, we deal with this appropriately. The Ministry of Justice dealing with human rights, based on regulations, indicates that investigations should be made on cases and that is exactly what we do."

Still, the Committee, in its Concluding Observations of July 24 said that it was "concerned at reports of abductions and forced confinement of converts to new religious movements by members of their families in an effort to de-convert them (arts. 2, 9, 18, 26)" and it urged Tokyo to "take effective measures to guarantee the right of every person not to be subject to coercion which would impair his or her freedom to have or to adopt a religion or belief."

For decades, Japanese authorities have turned a deaf ear to the complaints of numerous victims of abduction, confinement and attempts of change of religion under physical and psychological coercion. For decades, Japanese police have protected the perpetrators from prosecution letting such crimes continue and thus violating the victims' human rights.

On 30 June 2013, the Japanese Association of Victims of Abduction and Forced Religious De-Conversion submitted a detailed report on the abuses.

On 14 November 2013, the problem was raised by the Human Rights Committee in its list of issues addressed to Japan.

Issue 16 stated: "Please comment on reports of cases of abduction, forced conversion and forced de-conversion, which were not investigated and prosecuted by the State party."

### ***Additional updated reports to the UN Human Rights Committee***



In June 2014, Human Rights Without Frontiers provided the members of the Human Rights Committee with updated information on important recent developments concerning the issue of abductions and confinement for the purpose of forceful religious de-conversion in Japan. This report was also a reaction to Japan's response to Question No. 16 (section on "Freedom of religion, opinion and expression (arts. 18 and 19)") of the Human Rights Committee's List of issues, which in HRWF's view demonstrated the authorities' failure to acknowledge that the human rights of abducted members of new religious movement are poorly protected in Japan.

The Japanese Association of Victims of Abduction and Forced Religious De-Conversion also reacted to Tokyo's denial of any problem by sending an updated and detailed answer to the Japanese government's reply to the UN Human Rights Committee.

HRWF believes that the Concluding Observations by the UN Human Rights Committee can play an important role in conveying to the authorities a strong message: abductions, confinement and attempted forced change of religion constitute human rights violations and the lack of appropriate action by police and impunity of the perpetrators cannot be tolerated. Effective measures have to be taken by the Japanese government to ensure the right of believers are fully respected.



*Toru Goto in front of the Tokyo High Court on 13 November 2014*

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## **Japan's highest court dismissed the final appeal by deprogrammers in a civil case over 149-month-long confinement**

National Association of Victims of Abduction (01.10.2015) - In a lawsuit originally filed by 51-year-old Mr. Toru GOTO demanding the damage compensation for the deprogramming attempts allegedly forcing him to renounce his membership in the Family Federation for World Peace and Unification (formerly the Holy Spirit Association for the Unification of the World Christianity) by his own relatives and professional deprogrammers through abduction and 149-month-long confinement in apartments in Tokyo and elsewhere, Japan's highest court, the Supreme Court (the third petty bench with Mr. Masaharu Ohashi as its chief judge), on September 29<sup>th</sup> dismissed the final



appeal by the relatives and professional deprogrammers. In the decision in favor of Mr. Goto, the court effectively endorsed the ruling at the appeals court which had ordered his relatives and the professional deprogrammers to pay the compensation amounting to 22 million yen.

Against the appellants' claims that: (1) the appellate court's ruling was unconstitutional; (2) the reasons of the appellate court's ruling were inadequate, the third petty bench of the Supreme Court dismissed their claims, judging that the appellants' claims 'essentially referred to certain factual errors or mere law violation' and did not constitute a ground for the final appeal.

Earlier, on November 13<sup>th</sup> 2014, the Tokyo High Court (Mr. Noriaki Sudo as its chief judge) accepted most of Mr. Goto's claims on the facts about the abduction and confinement, ordering the three accused individuals, namely; Goto's own elder brother's couple and his younger sister to pay a total amount of 22 million yen, while ordering a professional deprogrammer Mr. Takashi MIYAMURA to share responsibility of the above compensation payment up to 11 million yen as well as ordering Pastor Yasutomo MATSUNAGA of the Niitsu Church of Gospel to share responsibility of the above compensation payment up to 4.4 million yen.

### ***Outline of the case***

Mr. Goto's parents, his elder brother's couple and his younger sister, under the instructions of Mr. Miyamura and Pastor Matsunaga, abducted Mr. Goto in September 1995 from his parents' house in Hoya city (now Nishi Tokyo city), Tokyo, to an apartment in Niigata city, where Mr. Goto was confined for the next 21 months and was deprogrammed by Pastor Matsunaga.

In June 1997 Mr. Goto was taken to an apartment in Ogikubo, Tokyo, where he was further deprogrammed for over ten years under the circumstances of detention. Mr. Miyamura visited the site of his confinement together with former members of the HSA-UWC and enforced the deprogramming methods to Mr. Goto.

While in detention, Mr. Goto attempted numerous escapes but was prevented by his relatives. Even when he caught influenza and suffered high fever, he was not allowed to visit a hospital.

Out of anxiety for very protracted confinement, Mr. Goto carried out hunger strikes three times including two 21-day fasting and one 30-day fasting. Frustrated by his resilience, the elder brother's couple provided only liquid foods, pushing Mr. Goto on the verge of starvation. Even after normal dietary was resumed, his relatives imposed 'meal sanctions' with meager foods. When Mr. Goto was finally liberated in February 2008, his physical body was very skinny, visibly suffering from conditions of extreme malnutrition.

### ***Comments by Mr. Toru Goto***

I would like to express my sincere gratitude to everyone concerned about my civil case, in which the Supreme Court has dismissed the appeal in my favor.

Since February 10<sup>th</sup> 2008 when I was finally released from the unlawful confinement, I have carried out a total of almost seven-year-long legal battles, first criminal then civil cases. The battles were not just personal but on behalf of nearly 4,300 victims of the abduction and confinement cases in the past 50 years.

This ultimate verdict effectively exposed what should be called 'the pastors opposed to the HSA-UWC' who instigated and instructed the acts of abduction and confinement but eluded justice acting behind the church members' kin who put the acts into reality as well

as 'professional deprogrammers' who received monetary benefits for their deprogramming activities. Their unlawful practices have been finally punished in the court of justice.

The verdict also clearly denounced, as illegal and never permissible, the deprogramming practices which employ physical confinement even by the hands of the victims' parents or siblings. This is a very important achievement.

Presumably because of this court case, we have seen only two cases of abduction, confinement and forced deprogramming in the past year. (Or should we say we still have two such cases!?) We have even seen a few unconventional cases in which confined church members exerted so fierce protests and resistances that their kin released the victims from the confinement. (Until now, they would never be released from confinement unless they pledged to quit the church!) These developments seem to indicate the final phase of the malicious practices of abduction, confinement and forced deprogramming.

Nonetheless, let me draw your attention to Mr. Masato ISHIBASHI of the Hachioji Church who is apparently still under 21-month-long detention after going into missing in January last year. Please see the following link:

<http://kidnapping.jp/news/150321.html>

We must liberate Mr. Ishibashi at the earliest. Your continuous attention and assistance in eliminating the abduction, confinement and forced deprogramming are highly appreciated.

- Toru GOTO

*National Association of Victims from Abduction, Confinement and Forced Deprogramming*

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## **The married couple abduction: the prosecutor about to drop the case!**

- ***The accusers' lawyer questions the prosecutor's argument "I cannot decide whether the compulsion of leaving the religion is good or evil, whether their purpose deserves criminal punishment by the state or not"***
- ***Human Rights Without Frontiers urges the judicial authorities of Japan to prosecute the 16 perpetrators of the abduction and confinement of the married couple***

### **Case of arresting and attempted duress**

Accuser: Yuko Seo and another victim

Accused: Mamoru Takazawa and 15 others

### ***Requesting Letter***

17 September 2015

Chief Prosecutor Kazuhiro Ishida  
Hiroshima District Prosecutor's Office

Representative lawyer of accusers Nobuya Fukumoto

My request for the case which your office is investigating, as below:

## 1. Details from Prosecutor Kurita:

Accuser Yuko Seo was summoned to your office on September 15th, 2015 and met Prosecutor Kurita. The prosecutor did not conduct a hearing on the case and mainly discussed the reasons if he were to drop the case.

According to the accuser, the explanation of the prosecutor follows:

"When the police brings a criminal case to the prosecutor's office, there are three kind of requests: (1) strict decision, (2) reasonable decision, and (3) discretion disposition. This time, the police requested reasonable decision. It means that the police entrusts a decision made from the prosecutor's office.

All relatives admitted to the criminal acts in which they had conducted and there are no doubts for the kidnapping and confinement. This is criminal intent. However, I cannot decide whether the compulsion of leaving the religion is good or evil, whether their purpose deserves criminal punishment by the state or not. For example, if parents conduct kidnapping, confinement and imposes their sons and daughters to leave "Furikome-sagi" groups (an infamous fraud group spreading in Japan which cheat senior people by telephone and convinces them to transfer money to the group's bank account), this is a right compulsion and for good purpose. The nation should not punish them, and we have found the same issue.

Of course, the prosecutor will indict any murder case.

The prosecutor's office considers the possibility of recurrence. In this case, I do not think there is a possibility. They may use other means.

In some cases, the prosecutor drops a case without calling the accused, but I am going to summon the main suspect and conduct a brief hearing.

As for the recommendation from the United Nations to Japan, the prosecutor's office is studying it.

I will decide to indict or drop, and inform you the results in September."

I assume the prosecutor is going to drop the case, but the reasons he explained are obviously unconstitutional as mentioned below:

## 2. Unconstitutional Violation of Religious Freedom (Article 20) by the State:

Accusers live a peaceful life with religious beliefs as Unification Church members (Unification Church changed the name to Family Federation for World Peace and Unification). No crimes or illegal conducts has been committed. However, the accusers have committed crimes for purposes of destroying their faith. These are vicious violation of religious freedom! It seems that the prosecutor wants to drop the case saying "destroying the faith of Unification Church by duress is the right thing."

The prosecutor says that he cannot decide whether the purpose of the compulsion was good or evil. I doubt his judgment as a lawyer. As for compulsion, the criminal code rules "forcing the other to perform an act which the other person has no obligation to perform," and it does not matter whether the content of the act is good or evil. How do you find justice by imposing others to give up their religion, by use of vicious assault, kidnapping, and confinement. It is unacceptable that the criminal actions of this case are justified and free of punishments based on incomprehensible thinking by the prosecutor. More importantly is the violation of the constitution by the prosecutor himself. If the prosecutor drops the case and thinks vicious acts that forces the members to leave the Unification Church is justified, that is a violation of the constitution (article 20) which guarantees religious freedom and the separation between religion and state. Saying, "I

cannot judge whether it is good or evil," is an excuse to pretend neutrality towards religion. If the prosecutor cannot conclude a proper decision based on what is right or wrong, he should focus on the illegal restraint committed and the apparent violation of freedom of religion. Dropping the case is omission of duty.

### 3. Necessity of District Punishment

Accusers, absolutely, demand indictment and district punishment for the accused.

If the prosecutor drops the case, I will make a public explanation of the prosecutor above and request assistance from human rights organizations.

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## **Ex-Aum Shinrikyo member Katsuya Takahashi gets life in prison over 1995 sarin attack**

Tokyo Times (30.04.2015) - The Tokyo District Court handed former Aum Shinrikyo member Katsuya Takahashi life in prison on Thursday for his role in the doomsday cult's 1995 sarin attack on the Tokyo subway system that killed 13 people and sickened thousands.

Takahashi, 57, was also accused of involvement in three other attacks orchestrated by Aum during its heyday in the early 1990s.

Each crime he was involved in was "egregious and extremely inconsiderate of the importance of human lives," presiding Judge Tomomi Nakazato said.

The defendant participated in these events to "realize his own religious goal of achieving enlightenment as is recommended by guru Shoko Asahara" (whose real name is Chizuo Matsumoto) and "to secure himself a place in the cult," Nakazato said. As a result of those motivations, it is hard to see Takahashi as the victim of any extenuating circumstances, Nakazato said.

The 1995 sarin attack was perpetrated by Asahara's disciples in what the guru had described to them as a "holy" attempt to spare mankind the planet's impending destruction.

During the past four months of his trial, Takahashi had shown little sign of repentance and the court "could not find in his attitude the slightest hope that he might be able to rehabilitate," the ruling said, apparently acknowledging past claims by prosecutors that he still remained loyal to Asahara.

Takahashi was arrested in June 2012 after 17 years on the run. His months-long trial, which started in January, marked the first time the subway attack had come under the scrutiny of the lay judge system, which debuted in 2009.

The charges against Takahashi included murder, attempted murder, kidnapping and solitary confinement resulting in death. Other charges included the destruction of corpses and violating the explosives control law. Takahashi pleaded not guilty to almost all of the charges, mainly citing a lack of advanced knowledge about the crime.

While admitting to being the driver for a senior cultist who released the deadly nerve gas on one of the subway trains, he argued that he was innocent of indiscriminate killing, saying he had not known his fellow cultists were going to release the gas.

The ruling partly acknowledged Takahashi's argument, saying no testimony given by former Aum cultists who appeared as witnesses during his trial was trustworthy enough to "establish that the defendant had absolutely been aware the cultists were going to release sarin."

But noting the defendant scrambled to open the windows on his vehicle when the senior cultist returned from releasing sarin, the ruling pointed out that Takahashi at least had some knowledge that the gas was "something toxic and volatile enough to require ventilation."

"Thus it is reasonable to determine that the defendant knew in advance that he was going to participate in an extremely dangerous act in which a person might die," the ruling said, adding his "dutiful" obedience to his assigned duties suggested he had performed a fairly "active" role in the coordinated terrorist attack.

Aside from the subway attack, Takahashi was also involved in the 1995 kidnapping and fatal drugging of Tokyo notary Kiyoshi Kariya and the purported parcel bomb attack of then Tokyo Gov. Yukio Aoshima. Despite his denials, Thursday's ruling found that Takahashi was guilty of willful complicity in both attacks.

After the ruling, family members of Aum victims expressed disappointment that Takahashi's trial ended without him ever apologizing to them.

At the same time, Shizue Takahashi, who was widowed by the subway attack, told reporters the life sentence was "exactly what I wanted" for the defendant.

"I believe the ruling showed the united understanding among the lay judges that what the cult did was unforgivable," Takahashi said, adding she was also satisfied that the court had taken into consideration the angst felt by her and the kin of other victims during the 17 years that Takahashi was on the run.

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## **Family abductions for forceful change of religion continue in Japan**

### ***Toshiaki Asano released after over two months of confinement***

HRWF (23.03.2015) - On 31<sup>st</sup> December 2014, Toshiaki Asano (32), a convert to the Unification Church, called his fiancée to tell her he was going to visit his parents for New Year. His parents had been opposed to his conversion ten years ago and to get married in March to a woman from his church.

During the first few days of January, there was no communication despite emails from his fiancée. He was scheduled to meet her on 3<sup>rd</sup> January but he did not show up. A member of his church went to his parents' home in Hatano City but no one seemed to be there.

The fiancée and church staff consulted a person in charge at the Community Safety, Crime Prevention Section of the Hatano Police Station. When she reported, "I'm suddenly unable to reach my fiancé and I am worried," the Hatano Police member called the Asano's home, and left a phone message saying, "Please contact us as your fiancée is here to consult us." The police then asked, "Why are the parents against the marriage?" and the church staff explained about the issue of the abduction and confinement of Unification Church members. The police said, "We will notify you when the parents call us," and so they left the police station.

However, nothing happened on the police side until Toshiaki Asano was released by his abductors...

### ***Abducted and confined***

In the evening of 1<sup>st</sup> January, Toshiaki Asano and his parents were having dinner at their home in Hatano City of Kanagawa Prefecture, when his two elder brothers and an uncle suddenly appeared. His family said, "We'd like to discuss about your faith at another place," but Mr. Asano refused, saying, "We can talk about it here at home." After repeated arguments continued for about an hour, family members forcibly brought him outside of the house and pushed him into an 8-seat van with the help of two men unknown to him. Toshiaki Asano continued to resist but in vain.

Toshiaki Asano was made to sit in the middle of the back seat while his father sat to his right and his mother to his left. The second son drove the vehicle. He asked where they were going, but no one told him.

Three vehicles including the van travelled together from his parents' home. The other two cars stayed very close in front and behind the van. They took an express way and headed for Tokorozawa City of Saitama Prefecture.

When they arrived at an apartment called Parkside Hills Tokorozawa, located close to the Kokuu Koen Station on the Seibu Shinjuku Line, Toshiaki Asano was taken by elevator to a room on the seventh floor, his place of confinement. As there were two men unknown to him in the apartment, Toshiaki Asano protested vehemently against his family, and told his family to send them away.

His parents stayed with him all the time at the apartment. About a week after the confinement had begun, he asked if he could send a postcard to his fiancée so that she does not worry." He was given permission but at the end of the day, he was not permitted to do it.

From 4<sup>th</sup> to 6<sup>th</sup> March, Toshiaki Asano protested strongly against his confinement, banging on the walls and pillars, saying, "When shall I be able to leave?" There was then a family meeting, and as a result of the discussions, it was decided that he would be released.

Toshiaki Asano was freed on 7<sup>th</sup> March.

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