

Civil Court Finds in Favor of Plaintiffs in Sexual Harassment Case
Defendant Byun and *Shobokusha Kunrenkai* Ordered to Pay Damages
Byun's Defamation Claim Dismissed

May 27, 2014

Statement

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The Mordecai Group

A support group formed to seek relief and restitution for damages
inflicted by the Little Shepherd Training Association (*Shobokusha Kunrenkai*)

On May 27, 2014, the 45th Civil Division of the Tokyo District Court, Presiding Judge, Akira Yamada (hereinafter “the Court”), affirmed the complaints of four female plaintiffs as victims of sexual harassment, and ordered the defending party, Jae Chang Byun (hereinafter “Defendant Byun”) and the religious corporation Little Shepherd Training Association (hereinafter “LSTA”) to pay damages totaling 15.4 million yen (3.3 million yen each to two plaintiffs and 4.4 million yen each to two plaintiffs). We regret, however, that the Court dismissed the male plaintiff’s complaint of power harassment.

While Defendant Byun and the LSTA had argued that all of the plaintiffs’ allegations of damage in the sexual and power harassment suits were without merit and that the Defendants’ reputations had been tainted by the publicity of such allegations, the Court dismissed all of said Defendants’ arguments.

Looking back, we found deeply regrettable the May 20, 2011 verdict in the criminal case brought against Defendant Byun on the charge of incapacitated rape. As that verdict was for a criminal case brought with regard to one female plaintiff, and as the issue contested had to do with whether a single incapacitated rape actually occurred on February 17, 2007, the amount of evidence we were able to submit was limited.

Today, however, in the civil case brought against Defendant Byun, the Court has issued a favorable decision for the four female plaintiffs who alleged long-term sexual harassment. We applaud this decision in which the Court has largely affirmed the Plaintiffs’ claims and granted their demands. We are sincerely pleased that the human rights of the Plaintiffs have been upheld and will be protected, now that the Court has

acknowledged sexual harassment took place and ordered the defending party to pay damages. We believe today's decision will greatly help in healing the emotional damage inflicted upon the Plaintiffs.

The civil suit alleging sexual and power harassment pertains to abhorrent incidents that occurred within the LSTA. The following common points may be observed in these incidents:

- (1) Defendant Byun, as Senior Pastor, practiced authoritarian leadership in his church by presenting himself as a spiritual leader with authority that could not be questioned. As a result, the victims experienced a form of mind control that led them to blindly obey their Senior Pastor and other senior leaders, being unable to express criticism even if they observed an apparent mistake or failure.
- (2) The Senior Pastor and senior leadership took advantage of their unquestioned authority to practice unlawful behavior.
- (3) The Senior Pastor and senior leadership manipulated victims such that they would believe criticism of their Senior Pastor and senior leadership constituted sin. Moreover, the Senior Pastor and senior leadership tried to conceal their unlawful behavior by cultivating a church culture that attacked any internal criticism.

From the above, one may be able to see that both sexual harassment and power harassment originated and continued within the LSTA culture.

Today's Court decision is significant in that it assigns liability not only to Defendant Byun but also to the LSTA. This means that the Association also has been found culpable in its practices. We earnestly hope that Defendant Byun and the LSTA will not appeal, but acknowledge their wrongdoing, hasten to apologize, and take full responsibility for their actions. In so doing, we believe they will contribute to the healing of wounds and the restoration of human rights on the part of the victims and their families, who have been suffering for many years.

We deeply appreciate that the Court has handed down an extremely fair decision, as a result of extensive research into the background of the incidents at issue. We also express our heartfelt gratitude to our defense team, which has endeavored to advocate in court for the Plaintiffs' human rights with sincerity and tenacity. Our deep thanks also go to numerous supporters and pastors of many denominations, who have supported us with their prayers and donations during the past several years.

In the meantime, it is deeply regrettable that the Court dismissed the complaint of power harassment. We intend to closely review the Court decision in order to

determine whether we will choose to appeal.

We hope today's Court decision will set a precedent among churches in Japan, in which we see similarly tragic incidents in some churches as a result of putting too much emphasis on pastoral authority. We pray that help will be offered to victims in other cases, so their human rights will be restored. We hope our case will serve as a wake-up call.

Finally, we call to those remaining in the LSTA who are victims of similar harassment, and as yet are unable to recognize the damage they have experienced. We appeal to them to take this Court decision seriously and to come to their senses. We strongly encourage them to leave the LSTA soon of their own free will.