

## Tokyo High Court Dismisses All Three Appeals

July 29, 2015

### **Statement**

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

On July 29, 2015, First Civil Division of the Tokyo High Court, Presiding Judge, Tadao Ishii, dismissed the appeals of Jae Chang Byun (hereinafter “Byun”), representative of the Little Shepherd Training Association (*Shobuokusa Kunrenkai*, a.k.a. International Gospel Christ Church, hereinafter “LSTA”) involving sexual harassment (First Action), power harassment (Second Action) and character defamation (Third Action).

#### **First Action: Sexual Harassment**

In response to the appeal of Byun and the religious corporation, LSTA, the court recognized the illegal behavior of Byun (sexual harassment) and the responsibility of Byun and the LSTA to pay damages, upholding the decision of the first court and dismissing Byun’s appeal. (The result was a victory for the four plaintiffs in the first sexual harassment trial (Plaintiffs A, B, C, and D).)

#### **Second Action: Power Harassment**

The court dismissed the appeal of Appellant E (Plaintiff E in the first trial). (The result was a loss for Plaintiff E of the first power harassment trial.)

#### **Third Action: Character Defamation**

The court failed to recognize the claims of Byun and the LSTA “that the charges of the plaintiffs of sexual harassment and power harassment in the first trial were all false, and that making these charges public resulted in

character defamation,” so dismissing the appeal of Byun and the LSTA. (The result was a loss for Byun and the LSTA.)

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### **Sexual Harassment Trial**

We regard most highly the decisions made by the court in both the first trial and the second (appeals) trials. Despite the lack of direct evidence in the trial for sexual harassment, the court recognized the damage suffered by the four first trial plaintiffs through first trial defendant Byun’s repeated illegal acts of sexual harassment that continued over an extended period of time, and recognized the responsibility of Byun and the LSTA to pay compensatory damages. The decision of the court of appeals pointed out further and in more depth than did the first trial the repugnant nature of Byun’s illegal actions, recognizing anew “how Defendant Byun’s illegal actions violated the sexual freedom and human rights of the plaintiffs.” Also, the appeals trial made clear again, based on much objective evidence, the authoritarian operation of the LSTA with Byun at its center, wherein Byun misused his position of authority to repeatedly sexually harass the first trial plaintiffs, so that not only Byun, but also the LSTA has responsibility, as in the first trial, to pay compensatory damages. This has significance in that the LSTA’s way of functioning as an organization is also censured.

We thus highly esteem the decision this time, which just as in the first trial, makes clear that the particularly authoritarian nature of the LSTA and Byun himself creates a mechanism causing such incidents to occur. The court decision clearly censures the LSTA for this culture. In addition, as the ruling in the first trial criticized in regards to perpetrator Byun’s sexual harassment, “Defendant Byun’s unnaturally close physical relations with female church members can be seen,” where regular physical contact (kissing on the lips, hugging, etc.) went beyond the limits of what is commonly permissible in society.

Frankly, what we applaud most in this decision is that Byun’s illegal actions (sexual harassment) have once again been recognized, and that the first trial’s plaintiffs’ human rights have been protected. We believe that this ruling will aid in healing the emotional wounds suffered by the plaintiffs.

### **Power Harassment Trial**

In regards to the power harassment trial, we are deeply disappointed that the claims of the plaintiff were considered to be without grounds and dismissed. We are now carefully analyzing the content of the decision as we deliberate whether or not to appeal this decision in the future.

### **Character Defamation**

We find reasonable the decision to dismiss as having no grounds the appeal of Byun and the LSTA that “in the sexual harassment and power harassment trials, the claims of the first trial plaintiffs that they had received damage were false, and that making these claims public defamed the character of Byun and the LSTA.”

Six years have already passed since the first civil case was filed. We would like to see Byun and the LSTA accept with all sincerity their defeat through the decision of the appeals court in both the sexual harassment trial (the first action) and the defamation trial (the third action), and accepting responsibility for their wrongdoing, to promptly apologize and fulfill their responsibility to make atonement. This is the act that can help the victims who for so long suffered sexual harassment, as well as their families, to find healing for their hearts and the recovery of their rights.

We express our profound appreciation to the lawyers who so sincerely and tenaciously defended the rights of the plaintiffs in court, and to the supporters and pastors from many denominations, who through the long series of trials, stood by us with their prayers and offerings.

With this court decision as a precedent, we will continue to sound the alarm against pastors in those churches in Japan who over-assert their authority and invite the same sort of tragedy, so that many victims of this kind of incident may be rescued and have their human rights restored.