

## **Statement upon the final decision of the civil trials**

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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)

The Third Petty Bench of the Supreme Court (hereinafter “the Court”), Judge Takehiko Otani presiding, rendered its judgment on June 14, 2016 to dismiss each of the appeals in the three civil trials with regard to sexual harassment, defamation, and power harassment. The decision renders as final and binding the first trial judgment by the Tokyo District Court.

### Significance of the Supreme Court decision and the first trial judgment

It is significant that the Court affirmed the complaints of the four plaintiffs, who had claimed to be victims of repeated illegal acts of sexual harassment, committed and continued over an extended period of time by defendant Jae Chang BYUN (hereinafter “BYUN”), Senior Pastor of International Gospel Christ Church (IGCC) and Director of the religious corporation Little Shepherd Training Association (LSTA). The Court has rendered as final and binding the first trial judgment, which ordered BYUN and the LSTA to pay compensatory damages.

Based on a number of objective evidences, the first trial court ruled that allegations of sexual harassment by BYUN were in fact illegal acts and violations of the sexual freedom and personal rights of the plaintiffs. The first trial judgment stated that “BYUN practiced authoritarian leadership in the LSTA. BYUN exploited his position as Senior Pastor in an environment in which church members were obligated to be absolutely obedient to him. Under the pretense of teaching the Bible, BYUN committed numerous acts of sexual harassment. . . The court deems BYUN’s acts as extremely contemptible.” The judgment also pointed out that “In the LSTA, if a spiritual leader has committed an error or a sin, the members must not discuss it with anyone else, but must go directly to the leader to ask him to repent. In such an environment, the court deems it not entirely unnatural that the plaintiffs were unable to openly claim they were being subjected to sexual harassment.” Thus the first trial court identified the authoritarian nature of the church’s structure as a system that allowed such incidents to occur.

The court clearly faulted the culture of the church as a significant contributing factor.

The first trial judgment described the common nature of the psychological condition the plaintiffs were in while they were being subjected to acts of sexual harassment, to wit: “Even though the plaintiffs were half in doubt about BYUN's teachings and were psychologically repulsed by BYUN's acts of sexual harassment, they still tried to be obedient to their spiritual leader in accordance with the teachings of God. The court observes that the plaintiffs felt they had no choice but to be subject to sexual harassment, by rationalizing, or trying to rationalize, BYUN’s acts.... The plaintiffs were misled to believe that what were in fact sexually motivated acts were legitimate, and thus were led to believe that they had no choice but to be subject to BYUN's sexual harassment. In this regard, it may be said that the plaintiffs experienced a form of mind control, which rendered them vulnerable to sexual harassment,” the court concludes.

The first trial judgment also noted perpetrator BYUN's proclivities in its observation that “BYUN tended to engage in unusually close physical contact with female church members,” in which regular physical contact (kissing on the lips, and hugging, etc.) went beyond the limits of what is commonly permissible in society.

Note: The double quotation marks indicate quotes from the first trial judgment.

#### Acknowledgement to supporters

More than eight years have passed since the incidents were made public, and seven long years since the civil case was filed. We express our profound appreciation to supporters and pastors from many denominations. They kept standing by the women in their vulnerable condition, who often felt alone. Our thanks also go to the lawyers who tenaciously defended the rights of the plaintiffs in court.

None of the plaintiffs in the civil case quit halfway. Everyone fought through the prolonged process of trials. This was made possible by all the encouragement and prayers offered by so many people. We will never forget the many precious donations given in large amounts, so that the plaintiffs, who were at an economic disadvantage, would have sufficient funds for the lawsuit. We want to take this opportunity to express once again our gratitude to all of our innumerable supporters. We sincerely thank each one.

#### Differences between the civil case and the criminal case

The LSTA argued to the effect that because the criminal trial (to which one of the plaintiffs in the first civil trial was party) acquitted BYUN, that verdict rendered the

entire judgment of the civil trial unjustified. Such an argument, however, requires a leap in logic and is totally unwarranted. The criminal trial acquitted BYUN because there was a possibility that Defendant Byun had an alibi. In other words, the court applied the principle of innocent until proven guilty. In addition, the criminal trial deliberations involved one specific adultery charge which was alleged to have taken place on a specific date and at a specific time. On the other hand, the four victims in the civil trial brought up a total of 70 sexual harassment incidents (the actual number included in the complaint) that were outside the scope of the criminal trial. (For more details, read Counterstatement No.4 [http://www.mordecai.jp/doc/comment20150912\\_en.pdf](http://www.mordecai.jp/doc/comment20150912_en.pdf) ).

### Disappointing tactics

BYUN and the LSTA continually engaged in contemptible court tactics. During the appeals court trial, they submitted highly dubious pieces of evidence with the intent of injuring the credibility of the statement of a plaintiff from the first trial. They also argued during the Supreme Court trial for the falsity of the charges, based on the same doubtful pieces of evidence.

The LSTA recently launched a totally false and deceptive campaign called “Pastor Byun is innocent and not guilty.” Moreover, upon reception of the final Supreme Court decision, the LSTA published on its website “Statement of the LSTA lawyers upon the Supreme Court decision to dismiss the appeals.” In the statement, they argue for innocence, again by completely ignoring the differences between the criminal trial for the alleged incapacitated rape, and the civil trials. We are deeply disappointed that the LSTA is openly criticizing the final court decision in the civil trials.

### Appeals to IGCC

Even now, after the loss has been finalized in the sexual harassment trial, BYUN remains Senior Pastor of IGCC, preaching at the Sunday worship services. This is quite beyond our comprehension. We urge IGCC to take seriously the Supreme Court decision which finalized the first trial judgment, to frankly acknowledge the facts, to make an official apology, and to dismiss BYUN in order to make a fresh start as a church. If IGCC is able to exercise its self-policing function and fulfill its responsibility within the Christian community, we believe it can help bring healing to the hearts of the plaintiffs who for so long suffered sexual harassment, as well as healing to their families.

We call on the ministers who have been with IGCC. Now is the time for them to voice their thoughts, and as responsible persons to make clear where they stand.

### Significance of the sexual harassment trials in today's society

A Christian church can be an insular community, isolated from society in general. Pastoral authority is often strongly emphasized. In such a context, when women fall victim, against their will, to sexual harassment by their pastor or minister, they are rendered completely powerless to retain their personal right to sexual self-determination.

We have seen unlawful acts similar to those presented in this trial that have been committed by pastors and ministers in a few other Christian churches in Japan. The victims in such incidents often withdraw, suffer from loneliness, and face unjust victimization, causing them to keep silent. Some victims even have been driven to take their own lives. We deeply regret such happenings.

We must note here that the Church is not a sanctuary outside the bounds of the law. As shown by the outcome of this civil trial, if a pastor commits an illegal act, he or she shall certainly be brought to justice. In the meantime, victims can receive legal remedy by telling the truth, thereby restoring their honor. If anyone reading this has fallen victim to illegal acts by a pastoral leader, here is our message: "Never give up. Don't just accept what happened. By all means, choose to live."

### Defamation trial

We find quite reasonable and appropriate the Supreme Court decision, which renders as final and binding the first trial judgment and dismisses the appeal of BYUN and the LSTA in which they unsuccessfully argued that: "...In the sexual harassment and power harassment trials, the claims of the first trial plaintiffs that they had experienced damage were false, and that by publicly making these claims they had defamed the character of Byun and the LSTA."

### Power harassment trial

In regards to the power harassment trial, we are deeply disappointed with the Supreme Court decision, which renders as final and binding the first trial judgment that the claims of the plaintiff were considered to be without grounds and dismissed. Even though the same authoritarian system was at work both in the power harassment and the sexual harassment, the court failed to acknowledge illegal acts of power harassment by BYUN and the LSTA. The court also failed to acknowledge the causal association between the defendants' acts and the plaintiff's mental illness. We believe that the failure to acknowledge those associations by the Court are distinctly against social

justice.

#### Our challenges and hopes for the future

We hope the Supreme 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 out to those who remain at IGCC and could be victims of similar harassment, yet are unable to recognize the damage they have experienced. We appeal to them to take the Supreme Court decision seriously and to make a fresh start immediately.