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**It Is Clear That Defendant Byun Committed Illegal Acts of Sexual Harassment
A Counterstatement Against
“Thoughts on the Appeals Court Judgment: Rev. Byun Is Innocent!!”**

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In this document, I would like to present a counterstatement against each of the ten points of argument in the document titled “Thoughts on the Appeals Court Judgment” (a document published by the International Gospel Christ Church, hereinafter “the IGCC Document”), with a particular focus on the sexual harassment trial.

Counterstatement:

- 1. It is clear that Byun committed illegal acts of sexual harassment.**
 - 2. Byun and the LSTA concocted a story that “fallacious damage was made up in an attempt to oust Byun.”**
 - 3. Based on a wide range of evidence, the civil trial proved that Byun committed the illegal acts.**
 - 4. It is a leap in logic to argue that the civil trial court should acquit Byun because the criminal trial court acquitted him. There is doubt about the credibility of the statement about Byun's alibi which was presented in the criminal trial.**
 - 5. During the appeals court trial, Byun's party deliberately argued untruths and submitted falsified evidence.**
 - 6. The court expressed doubt about Byun's argument for his alibi.**
 - 7. The victims expressed affection for Byun because they were in the same particular psychological condition as when they submitted themselves to Byun's acts of sexual harassment.**
 - 8. The mechanism of incident occurrence: a particular psychological condition developed commonly among the plaintiffs of the first trial.**
 - 9. In response to the rumors of sexual harassment damage, Byun's attitude was wavering and unnatural.**
 - 10. The court judgments are highly reasonable.**
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1. It is clear that Byun committed illegal acts of sexual harassment.

The judgment of the first trial drew its conclusion based on a detailed and specific examination of the evidence, including the statements of the litigants and the people associated with the subject matter. Therefore, we may be assured it is without error.

During the process of the appeals court trial, the appellants, including the first trial defendants Byun and the Little Shepherd Training Association (“LSTA”) (hereinafter “Byun's Party”), made essentially the same arguments they had made during the first trial. The first trial court deliberated the arguments of Byun's Party. The appeals court judgment carefully examined a large amount of evidence again, along with some newly submitted pieces of documentary evidence. As a result, the appeals court concluded that “Defendant Byun, as senior pastor of the first trial defendant LSTA, abused his position as highest spiritual leader, teaching to the effect that responding to his desires was a mystery of God and thus placing the first trial plaintiffs (all of the four sexual harassment victims) in a psychological condition that made it difficult for them to resist Defendant Byun, and committed each of his acts of sexual harassment based on sexual intent.” Thus, in a ruling based on an even more thoroughgoing examination of the evidence than that of the first trial judgment, the appeals court dismissed the appeal of Byun's Party. We believe the ruling of the appeals court is reasonable and without error.

2. Byun and the LSTA concocted a story that “fallacious damage was made up in an attempt to oust Byun.”

Neither the first trial judgment nor the appeals court judgment drew its conclusion by relying on general arguments. Rather, both the first trial and appeals courts minutely examined a large amount of evidence specific to the subject matter, and reviewed the statements of the litigants and many witnesses in terms of their coherence with each other and their objectivity, and made a comprehensive judgment. The courts then concluded that the victims' statements are reasonably credible and upheld the allegation of Byun's illegal acts of sexual harassment.

Byun's Party argues that “several people conspired to oust Rev. Byun by making up fallacious damage of sexual harassment,” an argument which is completely unfounded. We can only say that Byun's Party concocted a false story. Byun's Party failed to prove during the appeals court trial that the first trial plaintiffs made up the incidents. The appeals court never deemed the unsubstantiated allegations by Byun's Party as worthy of serious attention.

As stated by the first trial plaintiffs, around the year 2001 (Heisei 13) the sexual harassment victims each began to report the damage to the denominational ministers and people outside the denomination. When the first trial plaintiffs worked up their courage to publicly report the sexual harassment damage in May 2008 (Heisei 20), rumors gradually began to spread within the denomination, and over time, the issue grew serious.

3. Based on a wide range of evidence, the civil trial proved that Byun committed the illegal acts.

Byun's Party argues that no objective evidence exists to affirm the alleged damage of sexual harassment. The point at issue, however, is that Byun repeatedly made fallacious statements and kept on arguing deceitfully in denying acts of sexual harassment. Rather than criticizing the evaluation method of the credibility of the statements, Byun's Party should note that the civil trials have looked at a broader range of evidence, including some significant facts which the criminal trial never reviewed. Byun's Party argues that the criminal trial judgment and the civil trial judgment should match, an argument which is clearly wrong. The two civil trial courts drew their conclusion taking into consideration the nature of the subject matter, which deals with closed-door incidents and involves little physical evidence. They examined not only the statements of the first trial plaintiffs, but also a large number of other pieces of objective evidence and statements. They evaluated the credibility of each piece of evidence, examining it in detail and weighing heavily the coherence among the evidence.

4. It is a leap in logic to argue that the civil trial court should acquit Byun because the criminal trial court acquitted him. There is doubt about the credibility of the statement about Byun's alibi which was presented in the criminal trial.

Byun's Party argues to the effect that the criminal trial, to which one of the first trial plaintiffs was party, acquitted Byun, proving the falsity of the allegations for adultery damage and thus rendering all the other allegations of sexual harassment damage untrustworthy. We believe such an argument is outrageous and involves a leap in logic. The criminal trial deliberated one specific adultery damage which took place on a specific date and time. On the other hand, the four victims brought up in the civil trial a total of 70 incidents (the number written in the complaint) of sexual harassment damage which were outside the scope of the criminal trial.

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. We regret that the court did not affirm the adultery damage. We consider, however, that it is extremely significant that both the first and second civil trial judgments upheld without diminishment the core of the credibility of the statement by the said first trial plaintiff concerning the sexual harassment damage.

During the criminal trial process of deliberation on the important issue of alibi, the piece of evidence which led directly to discrediting the victim's statement was the data of a photo image taken by a digital camera. The criminal trial judgment states that the defendants' alibi may be

corroborated objectively on the assumption that the date and time information on the digital camera is authentic. In other words, if the assumption fails, then the authenticity of the judgment will waver.

Reference: The judgment about photo data taken by a digital camera

Byun filed another civil suit against the state (hereinafter “the State Compensation Litigation”) alleging that he was illegally prosecuted in the criminal trial mentioned above, but he lost the case. The judgment of the State Compensation Litigation states that “at the time of the prosecution, the victim's statement was deemed as reasonably credible as it was, and there was other evidence supportive of its credibility, while no objective evidence was available that definitively contradicted it. It is true that the alibi statement contradicted the victim's statement. The alibi statement, however, was not supported by other evidence sufficiently to be deemed credible, and there were reasons to doubt its credibility.” The judgment went on to rule “the court does not deem the prosecution illegal because it cannot be said that the prosecutors made an unreasonable judgment,” and thus dismissed Byun's allegations. The judgment of the State Compensation Litigation observes regarding the photo data on a digital camera that “electronic data is generally susceptible to manipulation. It is possible to falsify the time and date of a photo taken by a digital camera through manipulating the setting.” The judgment rules “therefore, the date information on a digital photo is deemed to neither directly affirm the plaintiff's alibi, nor directly deny the credibility of the victim's statement.” The judgment also questions “the unnatural circumstances in which the photo data was submitted.” Byun filed complaints against the judgment and appealed the ruling. The court, however, dismissed the appeal. (Click [here](#) to view the details of the action for damages under the Act Concerning State Liability for Compensation.) → http://www.mordecai.jp/trial_kokubai.html

5. During the appeals court trial, Byun's party deliberately argued untruths and submitted falsified evidence.

One of the first trial plaintiffs made a statement to the effect that Byun apologized to her on April 20, 2003 (Heisei 15) for committing acts of sexual harassment against her. This statement aligns with those made by the three persons examined as witnesses. The email message submitted to support the statement about Byun's apology is important in verifying Byun's illegal acts of sexual harassment. According to the said plaintiff's statement, on the aforementioned date, Byun stopped by the LSTA administrative office on the fourth floor [note: the roof floor] of the Central Chapel, and then went to the senior pastor's office on the third floor, where he made an apology.

During the appeals court trial, Byun's Party submitted fabricated pieces of evidence and

purposefully argued falsity with regard to the layout of the rooms on the third and fourth floors of the Central Chapel, with the intent of injuring the credibility of the said plaintiff's statement.

Byun's Party claimed during the appeals court trial that, among other things, "at the time of the said date of April 20, 2003 (Heisei 15), the fourth floor of the Central Chapel housed only a decrepit storage room, and no office. The third floor was an open space. There was no dedicated pastor's office, and therefore there was no key to any room on the third floor. The layout drawing (the evidence Otsu-A-20) is submitted as evidence." Thus Byun's Party denied the existence of the LSTA administrative office and the pastor's office. During the appeals court trial, Byun's Party newly submitted a falsified piece of evidence (the evidence Otsu-A-20: the layout drawing of the third floor). In the drawing, the third floor was presented as an open space by erasing most of the structural objects, including doors and walls along the corridor.

The argument by Byun's Party does not align with the objective evidence, including the fact that the weekly bulletins of the defendant denomination published by the Central Chapel around the time in question mention that "The work on the roof floor is almost complete. The administrative office of the LSTA moved to the roof floor last week," and that "We began to invite newcomers to the senior pastor's office on the third floor following the worship service last week." Therefore, it is clear that the argument by Byun's Party is false.

In addition, the first trial plaintiffs submitted anew during the appeals court trial, photos of the roof floor of the Central Chapel as of March 2003 (Heisei 15) (the renovated LSTA administrative office is shown in the photos), and photos of the interior of the third floor of the Central Chapel taken in May 2001 (Heisei 13) (the photos show several rooms, each with a door and a lock, on both sides of the corridor). The argument by Byun's Party does not align with the evidence of these photos, either. These photos have shown even more clearly the falsity of the argument by Byun's Party. These photos demonstrate that around the time in question, there was an administrative office on the fourth floor and a pastor's office on the third floor, and that both were being used. The photos serve as objective proof which directly damages the credibility of the argument by Byun's Party.

6. The court expressed doubt about Byun's argument for his alibi.

The first trial judgment pointed out the fragility of Byun's argument for his alibi, which was based on, among other things, the entry in his secretary's datebook. The judgment also allowed the potential inability of identifying a specific date when the damage in question occurred, due to the nature of the subject matter. As a result, the judgment clearly ruled that the alibi presented by Byun's Party does not detract from the credibility of the plaintiff's statement.

In civil trials such as this one, it is generally allowed that victims state the time of damage occurrence as a certain period of time, considering that years have already lapsed since the

occurrence, and that illegal acts were committed on an ongoing basis in a closed-door environment with very little objective evidence. One of the first trial plaintiffs herself openly admitted that, while claiming damage, she could be mistaken about the specific time and date of the occurrence. The party at fault (Byun's Party) argues that no offense was committed. Byun's Party, therefore, only needs to repudiate the damage which was claimed to have been afflicted on or around the specific dates. In fact, Byun's Party tries to question the credibility of all of the first trial plaintiffs' statements as a whole.

7. The victims expressed affection for Byun because they were in the same particular psychological condition as when they submitted themselves to Byun's acts of sexual harassment.

The first trial plaintiffs expressed affection on the surface for Byun in their behavior, even while they suffered continuing damage at his hands. This demonstrates in a typical manner that the victims were in the same particular psychological condition as when they submitted themselves to Byun's acts of sexual harassment.

8. The mechanism of incident occurrence: a particular psychological condition developed commonly among the plaintiffs of the first trial.

The first trial judgment offers an explanation of the environment where a particular psychological condition was developed among the first trial plaintiffs, to the extent that they submitted themselves to Byun's acts of sexual harassment, as follows. "Byun, as senior pastor, practiced authoritarian leadership in the LSTA. The LSTA members were trained to regard him as a religious authority figure and to pay him high respect and adoration. They were taught to be absolutely obedient to his teachings. Many members led their daily lives surrounded by other members who also were, at least on the surface, obedient to Byun's teachings and paid him high respect and adoration. In other words, they led lives heavily dependent on the LSTA. Considering the circumstances, the court deems it reasonably likely that LSTA members were prone to be psychologically unable to oppose Byun's teachings. Thus, the court concluded that when Defendant Byun sermonized to the plaintiffs that the acts of sexual harassment were legitimate, the plaintiffs rationalized or attempted to rationalize these acts as legitimate, and submitted themselves to the acts of sexual harassment in an attempt to be obedient to their spiritual leader and the teachings of God, even while doubting Defendant Byun's teachings and feeling instinctive disgust at the acts of sexual harassment."

Byun's Party argues as if the first trial plaintiffs claimed they were under mind control by Byun. However, none of the first trial plaintiffs ever specifically stated in court that they were under mind control by Byun. Rather, it was the first trial judgment that recognized "The court

deems it reasonably possible that the plaintiffs experienced a form of mind control, and therefore were subject to sexual harassment wherein they were misled to believe the acts of sexual intent to be legitimate, and thus were induced to believe that they had no choice but be subject to the acts of sexual harassment by Defendant Byun.”

Considering their particular psychological condition described above, it is rather natural that the first trial plaintiffs continued to write letters and email messages to Byun expressing affection, even while he was inflicting sexual harassment damage on them. Therefore, the first trial plaintiffs' statements remain credible. Byun's Party argues that the first trial plaintiffs were not obedient to Byun's commands or instructions on a daily basis. But the said disobedience occurred as part of resistance and confrontation during the process of breaking away from the psychological condition described above. Byun's Party is in error in selecting the period of time to review the behavior of the first trial plaintiffs. Byun's Party should ask if the first trial plaintiffs were disobedient while they were being subjected to sexual harassment damage by Byun on an ongoing basis.

The IGCC Document states, “the criminal trial judgment in which Rev. Byun was acquitted also recognizes that our denomination is not a so-called cult group.” The criminal trial, however, deliberated only the case of incapacitated rape. It never discussed whether the defendant denomination was a cult group or not, nor did it make any ruling on this matter.

9. In response to the rumors of sexual harassment damage, Byun's attitude was wavering and unnatural.

Byun's Party argues “Rev. Byun categorically denied committing any acts of sexual harassment in the initial period when rumors of sexual harassment damage spread.” The argument, however, contradicts the fact. Byun was not consistent in denying his acts of sexual harassment. Instead, he acted in an irrational and unnatural manner as described in (1) through (6) below. In turn, Byun apologized, claimed loss of memory, made a victim sign a written pledge, remained ambiguous, implied his guilt, and kneeled down on the ground during a meeting of apology.

(1) Byun actually apologized to one of the first trial plaintiffs for his sexual harassment acts on April 20, 2003 (Heisei 15). The event and the content of his apology were acknowledged in the first trial judgment. Moreover, during the appeals court trial, the credibility of the said plaintiff's statement about the event increased (see Item 5 above).

(2) Byun's Party argues relying in part on the policies, the verified matters, and the conclusions of the committee named “Fact Finding Committee,” which met from June to August 2008 (Heisei 20) that Byun never committed acts of sexual harassment. But none of the materials that Byun's Party bases their argument on are trustworthy. According to the official

document of the defendant denomination, the Fact Finding Committee was set up on December 22, 2008 (Heisei 20). We cannot but deem that any conclusions of the Fact Finding Committee dated before the official date of launch were fabricated afterward.

(3) Byun made one of the first trial plaintiffs sign a written pledge to the effect that she had never been sexually harassed by Byun, whom she respects. Regarding the written pledge, the appeals court judgment newly acknowledged as follows. “Byun made the first trial plaintiff write the pledge at the time when she had yet to report the sexual harassment damage she had suffered. This suggests that as rumors of Byun's sexual harassment acts had begun to spread within the denomination from around May 2008 (Heisei 20), Byun attempted to impose silence on the first trial plaintiff, who was in a psychological condition where she was unable to resist Byun's commands.”

(4) Byun sent to one of the first trial plaintiffs in November 2008 (Heisei 20) an email message to the effect that “I will be more careful about my words and physical contact. However good my motives for physical contact may be, and even in western style greetings, I will refrain from giving hugs from now on.” In this email message, Byun distinguished hugs as western style greetings from physical contact made with good motives. He effectively wrote that the latter was a kind of physical contact different from hugs as western style greetings, and which he had to be careful about.

The first trial judgment points out, “It is natural to deduce [from the email message] that Byun was aware of the fact that he committed acts which the Bible condemns as the sin of adultery.” Byun effectively admitted in the email message to the fact that he committed acts of sexual harassment.

(5) On December 17, 2008 (Heisei 20), when a few church members asked Byun to repent of his acts of sexual harassment, he remained vague about whether or not he had committed such acts. He said at the time, among other things, “Humanly speaking, I believe I am deeply at fault...,” and “The phrase ‘I love you’ can be, in some cases, a sublime expression of love, or, in other cases, the disgusting remark of a sexual molester.” By saying these things, he implied he was at fault.

(6) On December 20, 2008 (Heisei 20), a meeting of apology was held (note: the IGCC Document calls it an “explanation meeting about resignation”). As for this meeting, the first trial judgment observes, “The meeting of apology was organized by Byun himself with the primary purpose of apologizing to those who claimed damage. Considering this, the court deems it reasonable that Defendant Byun was well aware of his acts of sexual harassment or acts which were construed as sexual harassment against some of the female church members, and thus he considered it necessary to apologize to those who claimed damage.” The judgment also points out, “Defendant Byun not only remained vague about whether or not the claims were true, but

also kept on giving equivocal responses as if he was trying to avoid the subject. Further, Defendant Byun eventually kneeled down on the ground in front of the meeting attendees, and declared that he would resign as Senior Pastor of the LSTA. This suggests that Defendant Byun felt so deeply responsible for the allegations of his acts of sexual harassment that he felt he had to kneel down on the ground and resign from his position.”

10. The court judgments are highly reasonable.

As we have seen so far, the argument by Byun's Party does not align with the objective evidence submitted by the first trial plaintiffs and much other evidence, revealing in every instance the fallacious nature of their argument. Moreover, Byun's Party acted maliciously, submitting falsified evidence during the appeals court trial in an attempt to purposefully injure the credibility of the statements of the first trial plaintiffs.

The first trial judgment and the appeals court judgment drew their conclusions after having minutely and specifically examined the statements of the litigants and the people associated with the subject matter, along with a broad range of evidence. Beyond the shadow of a doubt, Byun committed illegal acts of sexual harassment. Both the first trial judgment and the appeals court judgment ruled that Byun as an individual and the LSTA are liable for damage compensation. We believe that the findings of the court and their judgments are without error, and their decisions highly reasonable.