

## **Table of Contents**

- ***Abduction cases of converts to a new religious movement Human Rights Without Frontiers complains about impunity in a submission to the UN Human Rights Committee***
  - ***Kidnapping and confinement for the purpose of forceful religious de-conversion in France and in Japan: a brief comparative study***
  - ***Justice Ministry frustrated by delays in executing Aum Shinrikyo founder***
  - ***Supreme Court throws out appeal against testimony of Aum Shinrikyo members***
  - ***United States Commission on International Religious Freedom criticizes Japan for violating religious freedom***
  - ***Former Aum members may be called in Hirata lay judge trial***
  - ***Open Letter from Human Rights Organizations and NGOs***
  - ***Aum successor wins damages, apology from Tokyo government***
- 

## **Abduction cases of converts to a new religious movement *Human Rights Without Frontiers* complains about impunity in a submission to the UN Human Rights Committee**

### ***27 October: International Religious Freedom Day***

HRWF (26.10.2013) - On the eve of International Religious Freedom Day on October 27th, *Human Rights Without Frontiers* (HRWF) wishes to highlight a submission it sent to the United Nations Human Rights Committee 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).*"

In this submission, HRWF provided documentation of abductions targeting adult converts to a new religious movement by their parents and relatives with the help of some Protestant pastors, and how failure to investigate and prosecute these crimes is at variance with Japan's international legal human rights obligations. Converts to the Unification Church (UC), a peaceful new religious movement founded by the late Korean Reverend Sun Myung Moon, continue to be at risk of being abducted and forcibly confined by their relatives in order to force them to renounce their faith.

Since the first religiously-motivated abduction took place in Japan in 1966, thousands of adult converts have been locked up for weeks, months, and sometimes even years while the authorities have looked the other way. One man was even held by his relatives for over 12 years. Since 2009 there have been 11 confirmed abduction cases, but there is evidence to suggest that another 14 former UC members may also have been abducted and pressurized to recant their faith.

For example, a woman, whose identity is known to HRWF but who wishes to remain anonymous, was abducted by her relatives when she was visiting them during her fifth month of pregnancy. They confined her in an apartment that was secured with a padlock, locked all windows and guarded her around the clock. "*This experience of being confined*

*by my family while I was pregnant was extremely shocking to me. From that day on, my relatives, who had been close to me since childhood, became like scary people,"* the young woman recalled in a written account made available to HRWF. She reported that an Evangelical Protestant minister and several former UC members subjected her to unsolicited "exit-counseling" on a regular basis urging her to give up her faith in the UC. She recalled being particularly frightened when a relative told her she had found a doctor who would be prepared to perform an illegal abortion. In the eighth month of pregnancy she pretended to recant her faith and was subsequently released.

The UC has a generally negative image in Japanese society and is labeled a "sect," a derogatory term without any legal value that is not endorsed by the United Nations. As a result, the authorities have in many cases not only been supportive of the parents' aim to "rescue" their adult children from the UC, but also of measures such as abduction, forced confinement and unsolicited "exit counseling." Japanese media have only reported about these issues on rare occasions and domestic human rights groups have failed to expose it.

Extensive research conducted by HRWF since 2010 reveals that when the victims' fellow-believers and, in many cases, their fiancé/es turned to the authorities and reported the alleged religiously-motivated abduction, they have largely encountered indifference and a failure to take appropriate action. HRWF is aware of numerous cases where, although duly informed, the police did not try to establish the missing person's whereabouts, nor did they attempt to communicate with the alleged abduction victim in order to find out whether she or he was held against their will.

To HRWF's knowledge, no criminal case has ever been opened to punish alleged perpetrators of the crimes of abduction and forced confinement for the purpose of religious de-conversion in Japan. There are also indications that judgments of civil courts dealing with cases of UC members who became victims of abduction and forced "exit-counseling" reveal a discriminatory attitude towards the UC.

However, international human rights law makes it very clear that religious freedom is not limited to "traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions." The United Nations Human Rights Committee further pointed out that it "views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community." In addition, the United Nations Special Rapporteur on freedom of religion or belief stated in his 2012 interim report to the UN Secretary General that "states are obliged to protect the right to conversion against possible third-party infringements, such as violence or harassment against converts by their previous communities or their social environment."

Japan committed itself to protect religious freedom by ratifying the International Covenant on Civil and Political Rights in 1979. HRWF is calling on the authorities of Japan to live up to the country's obligations under international human rights law by promptly developing and implementing strategies on how to provide effective protection to members of peaceful new religious movements from religiously-motivated abduction and unsolicited "exit-counseling" by non-state actors in the future.

### **HRWF Footnote**

See HRWF's recent submission to the United Nations Human Rights Committee, 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*) on the website of the UN Office of the High Commissioner for Human Rights:

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=JPN&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=JPN&Lang=EN)

The full report "Abduction and deprivation of freedom for the purpose of religious de-conversion" is available on the homepage of the website of HRWF: <http://www.hrwf.net>

---

## **Kidnapping and confinement for the purpose of forceful religious de-conversion in France and in Japan: a brief comparative study**

HRWF (05.08.2013) - In late August 2011, Marie Truong, a 24-year old woman, was kidnapped in Auriol (France) and taken to Corsica Island by her parents because they wanted to "rescue" her from a so-called "cult" and to prevent her from getting married with one of its members. The mother, Danielle Truong, received a two-year suspended prison sentence along with an order for a mental health evaluation. Her husband Jacques and son Joseph, both absent during the trial while remaining in Polynesia, got a one-year suspended sentence. The decisions came with a ban on all contact with the victim.

### ***The facts***

Marie Truong's then boyfriend (who became her husband in 2012), José Abba, and his parents were devotees of Father Antoine (1846-1912), the founder of a new religious movement in Belgium in the 19<sup>th</sup> century[i] which mainly expanded in France in the 20<sup>th</sup> century.

In late August 2011, the father and his son waited for Marie in a street of Auriol, grabbed her by her arm and then drove her away shackled in a car. The young woman was obliged to swallow tranquillisers. Direction Nice then Bastia, where the family took the ferry with the girl in a wheelchair. Once on the island, the Truongs went to Cargèse, a Corsican city. On the other side of the Mediterranean, her boyfriend reported her disappearance and it's finally at Ajaccio that Marie was able to free herself from the influence of her parents and to go to the police to lodge a complaint.

### ***France-Japan: Some elements of comparison and UN norms***

Several freedoms and rights guaranteed by UN instruments were violated in French and Japanese cases of abduction, confinement for the purpose of forceful religious de-conversion. However, the treatment of such cases was very different in France and in Japan.

### ***Freedom of religion or belief for all***

Freedom of religion or belief is guaranteed by Article 18 of the ICCPR to all citizens whatever their beliefs or lack of it. In its General Comment n°22, the UN Human Rights Committee says:

2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly

established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.

In the French case, the law enforcement forces and the judiciary have taken the necessary steps to protect the right of Marie Truong to adhere to a new religious movement and have initiated criminal proceedings against her abducting parents. The sentencing of the perpetrators by the French court is sending a strong and deterrent signal to other possible candidates to abduction or so-called "rescue operations" for the purpose of religious de-conversion.

In Japan, the law enforcement forces have systematically failed to protect the rights of members of the Unification Church or Jehovah's Witnesses because of their prejudice towards these new religious movements, have sympathized with the parents' concerns and in some cases have even been instrumental in the abduction. Prosecutors have refused to prosecute the perpetrators and courts have failed to give appropriate dissuading sentences. Hence, this illegal practice has been lasting for decades.

### ***Freedom of movement***

In the case of Marie Truong, France has protected her freedom of movement guaranteed by Article 12 of the ICCPR.

In Japan, the authorities have not ensured the freedom of movement of all the over age women who were abducted in various circumstances by their parents and relatives and confined at an address unknown until they would recant their faith. These facts remained unpunished.

In its General Comment n°27, the UN Human Rights Committee stated:

6. The State party must ensure that the rights guaranteed in article 12 are protected not only from public but also from private interference. In the case of women, this obligation to protect is particularly pertinent. For example, it is incompatible with article 12, paragraph 1, that the right of a woman to move freely and to choose her residence be made subject, by law or practice, to the decision of another person, including a relative.

In its General Comment n°28 about Article 9 (Right to Liberty and Security of the Person), the UN Human Rights Committee also stated:

16. With regard to article 9, State parties should provide information on any legal provision or any practice which restricts women's right to freedom of movement, for example the exercise of marital powers over the wife or of parental powers over adult daughters.

### ***Right to marriage***

In France, the judicial authorities recognized the right of Marie Truong to live with the man of her choice whatever his beliefs and denied her parents any form of legitimacy to interfere in her choice and separate her from her beloved.

In Japan, many abductions took place when adult children belonging to the Unification Church were about to get engaged or married to another member of the Church. In some cases, they tried or managed to extort from them the annulment of their marriages. Toru Goto was abducted after getting engaged with a Unification Church female follower and confined for over 12 years. These violations of the right to marriage remained unpunished.

In General Comment n°19, the UN Human Rights Committee found:

5. The right to found a family implies, in principle, the possibility to procreate and live together.

### ***Declaring the disappearance of the kidnapped person***

In the French case, the informant was not married to the missing person but was then her boy-friend she was living with, and the police duly registered and validated his declaration.

In Japan, the police have systematically disregarded requests for investigation coming from fiancés who belonged to the same new religious movement. In one case known to *Human Rights Without Frontiers*, the declaration of disappearance of Emiko Motoki made by Tushik Kim, her South Korean husband, was ignored by the law enforcement forces despite his insistence. When Tushik Kim involved the Korean embassy in Tokyo in the issue, the police rushed to the place of confinement and released the victim of abduction. More recently, Ms. M.M. disappeared on March 28, 2013. Apparently she had been confined by her parents who opposed her faith in the Unification Church. Her fiance, Mr. S.O. asked the police to search for and rescue her. However, the police just contacted her parents and rejected Mr. S.O.' request to find her whereabouts without confirming M.M.'s will. On April 13, *Human Rights Without Frontiers* sent a letter to urge the police to act on the case of M.M. as a matter of priority. It requested the police to take all appropriate measures to establish M.M.'s whereabouts and take all steps within its power to ensure that no pressure is put on her to renounce her faith. However, the police did not respond to this request.

### ***Judicial proceedings***

In France, the victim of abduction could rely on a fully fledged trial to have her rights respected. The presiding judge Marie-Josèphe Muracciole recalled that the Antoinist movement was not sectarian according to French standards. Furthermore, the procurator Julie Colin, who did not believe the "repenting show" performed by the kidnapping mother, asked for two years in prison against her (therefore 18 months suspended): "Today the masks must fall: they put shackles on Marie, they drugged her and brought her by force in a delirious state of mind: this is very serious." Working up a case where the mother wanted to "control everything", the attorney recalled that the young woman only wanted to be independent of her family. "This family is like a sect, it is not an act of love," she concluded with panache and asked for 18 months with 10 suspended against the father and the son.

In Japan, all known complaints filed jointly against abducting parents and deprogrammers involved in the forced change of religious affiliation have been declared ineligible for criminal proceedings by prosecutors. *Human Rights Without Frontiers* knows 24 cases for which there were criminal complaints between 1980 and 2008<sup>[ii]</sup>.

### ***The European Court of Human Rights***

The European Court of Human Rights, which enforces the European Convention on Human Rights and Fundamental Freedoms that 47 countries have signed and ratified and which contains strikingly similar freedom of religion or conscience provisions to the ICCPR, has ruled that the State cannot participate or endorse such abductions for forced de-conversions by private actors.

In its decision *Riera Blume and Others v. Spain* of 14 October 1999, the European Court found a violation of the European Convention by the Spanish State even though the

abduction and "deprogramming" had been performed by the parents and an anti-sect association, *Pro Juventud*.

Furthermore, the European Court has also ruled that the right to religious freedom has to be protected no matter the hostility expressed by relatives towards one's religious choice<sup>[iii]</sup>.

---

<sup>[i]</sup>Antoinism is a healing Christian-oriented religious movement founded in 1910 by Louis-Joseph Antoine (1846-1912) in Belgium. With a total of 64 temples, over forty reading rooms across the world and thousands of members, it remains the only religion established in Belgium whose notoriety and success went outside the country. Mainly active in France, the religious movement is characterized by a decentralized structure, simple rites, discretion and tolerance towards other faiths.

Raised a Catholic, Antoine worked as a coal miner in his youth and then as a steelworker. Deeply influenced by Allan Kardec's writings, he organized a spiritualist group in the 1890s. In 1893, the death of his son marked the definitive loss of his faith in Catholicism. In 1896, he explained his Spiritist views in a book, then discovered the gifts of healing. Quickly known as a healer, he gathered many followers, mainly among workers disappointed by Catholicism or medicine. In 1906, he broke with Spiritism and started a religion, then published three books outlining his doctrine and consecrated the first Antoinist temple. After his death in 1912, his wife ensured the continuity of the religion, promoting a centralized worship around the person of her husband and providing additional rules in the organization. When she died in 1940, some differences happened between the French and the Belgian temples.

<sup>[ii]</sup>For full details about the cases in Japan, see *Human Rights Without Frontiers* Report "Japan: Abduction and Deprivation of Freedom for the Purpose of Religious De-Conversion" (See website address below).

<sup>[iii]</sup>In its landmark decision of 10 June 2010 *Jehovah's Witnesses of Moscow v. Russia*, the European Court reasserted the right to conduct one's life in a manner of one's own choosing and in particular the right of self-dedication to religious matters.

---

## **Justice Ministry frustrated by delays in executing Aum Shinrikyo founder**

The Asahi Shimbun (31.07.2013) - Justice Ministry officials are growing increasingly irritated over moves that have delayed the execution of a man held responsible for 27 murders and fears that gripped the nation in the 1990s.

Defense lawyers have filed yet another appeal for a retrial of Chizuo Matsumoto, the founder of the Aum Shinrikyo cult that spread nerve gas in public and killed its opponents during its reign of terror.

Matsumoto, 58, the blind and bearded guru who went by the name of Shoko Asahara when he led the doomsday cult, was sentenced to death by the Tokyo District Court in February 2004.

He was convicted of masterminding more than 10 crimes that killed a total of 27 people, including 12 in the sarin nerve gas attack on the Tokyo subway system in March 1995 and eight in a sarin attack on a residential area in Matsumoto, Nagano Prefecture, in June 1994.

Three victims--an anti-Aum lawyer, his wife and their child--were murdered in November 1989.

The Supreme Court finalized Matsumoto's death sentence in September 2006.

A senior ministry official said the public is demanding justice, given the high death toll from Aum's crimes that were ordered by Matsumoto.

"The people will not support his escape from the death penalty," the official said. "As long as the (capital punishment) system exists, the execution of his death sentence is unavoidable 'homework.'"

Matsumoto's defense team submitted its first appeal for a retrial in November 2008. Four days after that appeal was rejected in September 2010, the defense team submitted a second appeal.

On May 8 this year, the Supreme Court rejected the second appeal, saying there is no reason to start a retrial. The next day, the defense submitted its third appeal for a retrial to the Tokyo District Court.

Under the Criminal Procedure Law, courts can grant retrials under certain circumstances, including the discovery of new evidence.

However, Justice Ministry officials say Matsumoto's lawyers are simply nitpicking at the procedures in his trial to prevent him from being sent to the gallows.

The ministry official emphasized that executions are possible even after the defense applies for a retrial.

"In the case of a death-row inmate repeatedly submitting appeals that have little substance, we can carry out the death sentence," the official said.

In 1999, a death-row inmate was executed even though a court was examining his seventh appeal for a retrial.

However, the Justice Ministry customarily does not execute criminals during their appeals for retrials. It has shown more caution since the 1980s, when four death-row inmates were acquitted after their retrials were granted.

Another custom in the ministry is to refrain from executing prisoners when the trials of their accomplices are continuing because the death-row inmate could be summoned to testify.

The trials of three former Aum members, including Katsuya Takahashi, 55, who was arrested and indicted on murder charges in 2012 after years on the run, have yet to start.

"If it is decided that Matsumoto's testimony is unnecessary in the trials for the three, there will be no obstacle in executing him even if a court is examining his appeal for a retrial," the ministry official said.

However, some legal experts are calling on the ministry to show restraint during the appeal process.



"Under the current system, the only way to oppose a ruling after a death sentence is finalized is to appeal for a retrial," said Shinichi Ishizuka, a professor of criminal law and procedure at Ryukoku University's Graduate School of Law.

Ishizuka also said Matsumoto's defense team is simply doing its job.

"The defense lawyers' biggest mission is to protect the rights of death-row inmates," the professor said. "What the defense team (for Matsumoto) is doing is a legitimate act."

One other issue concerning Matsumoto's death sentence is his mental health.

The Criminal Procedure Law stipulates that executions must be suspended for "insane" inmates who cannot understand the meaning of their death sentences.

Defense lawyers say Matsumoto falls under this category.

Matsumoto last appeared in public when the Tokyo District Court handed down its ruling in February 2004.

During his trial, he wore diapers, muttered to himself and sometimes burst out laughing for no apparent reason.

One source said of Matsumoto: "He uses a wheelchair to go to the yard. Even if I ask him something, he does not respond at all. He has become thinner than before, and his physical health condition is good."

Author and psychiatrist Otohiko Kaga, who interviewed Matsumoto in 2006, recalled: "I was immediately aware that he is not pretending to be suffering from a mental disease. He was suffering from an emotional breakdown that resulted from his confinement. His (mental) condition was not one that makes it possible to carry out the death sentence."

The Justice Ministry official, however, said Matsumoto is faking it.

"Matsumoto is acting abnormally to pretend that he is suffering from a mental disease. This poses no problem in executing his death sentence," the official said.

In recent years, Matsumoto has refused to meet people, even his defense lawyers. His self-imposed isolation makes it difficult to confirm if he actually has psychiatric problems.

---

## **Supreme Court throws out appeal against testimony of Aum Shinrikyo members**

Ida Torres (05.07.2013) - The highest court in the land has upheld the decision by the Tokyo District Court, allowing three former Aum Shinrikyo cult members on death row to testify in open court. The Supreme Court rejected the complaint filed by the Tokyo District Public Prosecutors Office, seeking the three testify in a detention center instead of in a courtroom.

Presiding judge Kiyoko Okabe rejected the appeal of the prosecutors, who wanted the ex-members questioned in the Tokyo Detention House to prevent any psychological effect on the three for being in open court. They are giving their testimony in the trial of



Makoto Hirata, a former member of the cult who is believed to have served as the lookout during the kidnapping of the clerk in conspiracy with their founder Shoko Asahara, whose real name is Chizuo Matsumoto. Two of the three death row inmates to be questioned were directly involved in the crime, while the third was convicted for a separate incident, but where Hirata was also indicted in.

The three will become the first death row inmates who will give their testimony in open court in a lay judge trial. The panel will consist of six citizen judges plus three professional ones. No trial date has been set yet by the Tokyo District Court.

---

## **United States Commission on International Religious Freedom criticizes Japan for violating religious freedom**

HRWF (06.05.2013) - In its Annual Report on the State of International Religious Freedom, issued on 30 April 2013, the United States Commission on International Religious Freedom (USCIRF) drew attention to the plight of thousands of members of new religious movements in Japan, particularly Jehovah's Witnesses and members of the Unification Church, who have been subjected to abduction by their families over the past decades in order to force them to renounce their chosen beliefs. According to the USCIRF, those abducted described "psychological harassment and physical abuse by both family members and 'professional deprogrammers'." The USCIRF drew particular attention to the case of Unification Church member Toru Goto, who was confined against his will for twelve years and five months, until his release in 2008.

The USCIRF pointed out that while "Japan is a thriving democracy with an advanced judicial system, both of which have generally promoted and protected the freedom of religion and belief," the abductions for the purpose of religious de-conversion have been a worrying exception. It added that "[p]olice and judicial authorities have neither investigated nor indicted those responsible for [abductions and forced de-conversions of members of new religious movements], often citing lack of evidence." It added that "Japanese authorities continue to see these cases as family matters in which they will not intervene."

The USCIRF is a bi-partisan federal advisory body created by the International Religious Freedom Act (IRFA) to monitor religious freedom abuses abroad. Its commissioners are appointed by the President and the leadership of both political parties in Congress. In its Annual Report the USCIRF looks into the status of religious freedom worldwide and focuses on the worst violators. In addition, it includes a section on thematic issues, where Japan's failure to protect the religious freedom of abduction victims was featured.

### ***Members of new religious movements in Japan continue to be subjected to abductions***

While the number of abductions has declined significantly in recent years, several cases have continued to be reported each year. The whereabouts of two Unification Church members, who "disappeared" at the end of March and at the end of April 2013 respectively, are currently unknown. There are allegations that they have been abducted by their family and that police have not taken adequate measures to find them and to establish whether they are being held against their will.

*Human Rights Without Frontiers* (HRWF) is the only international human rights organization to have conducted in-depth research and advocacy on this issue. To HRWF's knowledge, thousands of adult converts to the Unification Church were subjected to abduction, forced confinement and unsolicited exit counseling between 1966 and 2013,

with a peak in the years 1987 to 1995. According to the Japanese branch of the Watch Tower Bible and Tract Society, between 1992 and 2001, between 150 and 180 adult Jehovah's Witnesses were subjected to similar treatment.

The victim's close friends and, in many cases, his or her fiancé/e, have encountered indifference and a failure to take appropriate action on the part of the police and prosecutors. The abductee cannot reasonably hope that the police will come to his or her rescue. When victims have been released from their abductors or managed to escape and wanted the perpetrators to be punished in criminal proceedings, their complaints have gone nowhere. To HRWF's knowledge, no criminal case has ever been opened to punish alleged perpetrators of abductions and forced confinement for the purpose of religious de-conversion in Japan.

### ***Freedom of religion or belief of members of new religious movements***

Japan is a state party to the International Covenant on Civil and Political Rights and has thus committed itself to guarantee freedom of religion, freedom of movement and the right to liberty and security of person. The United Nations (UN) Human Rights Committee has pointed out that freedom of religion or belief "is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community."

In his 2012 interim report to the UN Secretary General, the Special Rapporteur on freedom of religion or belief stressed that "[s]tates are obliged to protect the right to conversion against possible third-party infringements, such as violence or harassment against converts by their previous communities or their social environment."

However, Japanese society and authorities have been deeply suspicious of new religious movements and have frequently disregarded their members' human rights when they were subjected to abductions for the purpose of religious de-conversion.

***HRWF is an international non-governmental human rights organization based in Belgium. It promotes the principles of human rights by advocating for the implementation of international human rights standards and obligations by all countries around the world. It is a non-partisan and non-religious organization that seeks to defend human rights, including freedom of religion for all.***

For further information, refer to HRWF's 2012 report, entitled *Japan: Abduction & Deprivation of Freedom for the Purpose of Religious De-conversion* (<http://www.hrwf.org/images/reports/2012/1231%20report%20final%20eng.pdf>).

---

## **Former Aum members may be called in Hirata lay judge trial**

Daily Yomiuri Online (22.03.2013) - Former senior members of the Aum Supreme Truth cult could be the first death-row inmates to appear as witnesses in front of lay judges.

Makoto Hirata, 47, is a former Aum member indicted for his alleged involvement in the 1995 abduction and confinement of the chief clerk of the Meguro public notary office in Tokyo and other offenses.

During pretrial conference procedures, the Tokyo District Public Prosecutors Office applied to the Tokyo District Court to call three former Aum members on death row as witnesses against Hirata, it has been learned.

The court will decide whether to allow the requested prisoners-- Yoshihiro Inoue, 43; Tomomasa Nakagawa, 50; and Yasuo Hayashi, 55--to testify.

According to a finalized ruling, Inoue directly supervised three incidents including the abduction of the chief clerk in February 1995. Hirata is said to have taken part, as a lookout and in other roles.

The other two incidents were a bombing of an apartment building in Suginami Ward, Tokyo, and the firebombing at Aum's Tokyo headquarters in Minato Ward, both in March 1995.

Nakagawa injected the chief clerk, Kiyoshi Kariya, 68, with anesthetic after abducting him, and Hayashi instructed Hirata on how to disappear around August 1995, according to the final rulings.

Pretrial procedures started in July behind closed doors and prosecutors initially planned to use the interrogation records of the three inmates as evidence.

However, they apparently deemed it necessary to call the three as witnesses after the defense indicated it may challenge the contents of the records. Calling death-row inmates as witnesses is extremely rare.

Prosecutors are believed to have asked to question the witnesses in the Tokyo Detention House, and the court decision is attracting public attention. Prosecutors are reportedly considering questioning other former Aum members currently serving sentences.

The district court is likely to make a decision on the request soon and the trial may begin as early as this year.

Under the lay judge system, lay judges can directly listen to exchanges between prosecutors or the defense and witnesses in principle. "It's a basic promise that this takes place at court and there must be a good reason to conduct the examinations in a detention house," an experienced criminal judge said.

---

## **Open Letter from Human Rights Organizations and NGOs**

**to the Prime Minister, Members of the Parliament, the Minister of Justice and Prosecutor and the National Police Agency.**

**Call for Hearings about Japanese Citizens Abducted and Forced to Change Their Religion: 80% are Women**

HRWF (06.03.2013) - We, the undersigned independent human rights organizations and NGOs, are writing to express our shock that Japanese authorities do nothing while over the past decades thousands of citizens-primarily women-have been forcibly abducted, held against their will in private detention places, denied their freedom for months, sometimes years, physically abused and in some cases starved and tortured, in order to force them to change their religious belief.

The failure to protect citizens from such crimes is a grave violation of their constitutionally guaranteed rights and their international human rights based on Japan's legal obligation under the International Covenant on Civil and Political Rights. Moreover, as 80% of victims are women, Japan is also in violation of its obligations under the Declaration on the Elimination of Violence Against Women, and the Convention on the Elimination of All Forms of Discrimination Against Women signed and ratified by Japan. This matter has been raised with United Nations officials and by the United States government, and can seriously damage Japan's reputation.

***Human Rights Without Frontiers International***, an independent NGO based in Brussels, Belgium, has published a scientific study of this problem, proving beyond any doubt that human rights violations have occurred and continue to take place (\*).

In its report, "**Abduction and Deprivation of Freedom for the Purpose of Religious De-conversion**," ***Human Rights Without Frontiers*** documented that members of minority religions are being forcibly detained by their family members and subjected to coercion by their families and professional 'deprogrammers.' The victims are usually young, educated women who have joined religions like the Unification Church or the Jehovah's Witnesses.

Over many years, victims have sought to bring the perpetrators of these crimes to justice. **To date, prosecutors have ignored clear evidence of crimes, and have not pursued a single criminal case. The result is continuing impunity for perpetrators and more crimes being committed.**

We ask you, authorities responsible for the protection of all Japanese, to take needed actions to stop the kidnappings and to address past crimes. We ask the Diet to hold public hearings to bring out the truth. We ask the Judiciary and National Police Agency to conduct an independent internal review, to follow up on cases that have been neglected. We ask that Police and Judicial authorities inform the public of what steps can and cannot be taken regarding the religious beliefs of children, based on the law and international human rights standards.

Willy Fautré, Director of Human Rights Without Frontiers Int'l (Belgium)

Peter Zoehrer, Director of Forum for Religious Freedom (Austria)

Jura Nanuk, Founder of Central European Religious Freedom Institute (Hungary)

Hans Noodt, Director of the Gerard Noodt Foundation for Freedom of Religion or Belief (Netherlands)

Antonio Stango, Director of the Italian Helsinki Committee (Italy)

Dr Aaron Rhodes, Former Director of the International Helsinki Federation (Germany)

Ion Manole, Executive Director of Promo-Lex (Moldova)

Joe Grieboski, Director of the Institute on Religion & Public Policy (USA)

Ichiko Sudo, Human Rights & Women's Dignity Representative for Women's Federation for World Peace (USA)

Kathryn Cameron Porter, President of the Leadership Council for Human Rights (USA)

(\*). The report was published on Amazon (<http://www.amazon.com/Abduction-Deprivation-Freedom-Religious-De-conversion/dp/147763911X>) but is also accessible at <http://www.hrwf.org>

---

## **Aum successor wins damages, apology from Tokyo government**

The Japan Times (16.01.2013) - The Tokyo District Court ordered the Tokyo Metropolitan Government on Tuesday to pay damages and apologize to the Aleph religious group, previously known as Aum Shinrikyo, for releasing an investigative report about the 1995 attempted murder of the national police chief that suggested the cult was behind the attack.

The court ordered the metropolitan government to pay ¥1 million in damages and to offer a written apology to Aleph, which had sought ¥50 million.

The court turned down Aleph's demand that Katsuhiko Ikeda, head of the Metropolitan Police Department in 2010 when the report was issued, also be ordered to pay damages and apologize.

The report was about the shooting of National Police Agency Commissioner General Takaji Kunimatsu in March 1995. No one was ever indicted for the attack. Kunimatsu survived and later served as ambassador to Switzerland from 1999 to 2002.

The Tokyo police released the investigative report on March 30, 2010, after the statute of limitation on the attack ran out. It said the attack was an act of terrorism by Aum members. The police put an outline of the report on its website for about one month.

In Tuesday's decision, presiding Judge Hiroshi Ishii said the report was illegal and criticized it for running counter to the principle of innocent until proven guilty.

The Tokyo police argued during the trial that the report did not defame Aleph because it is a different group from Aum. The court ruled, however, that Aleph continues to be generally regarded as Aum and that the report was damaging to the group.

The trial did not address whether the content of the report was factual or whether there was sufficient cause to suspect Aum's involvement.

Aleph spokesman Hiroshi Araki said the group wants the Tokyo police to reflect on the verdict. Police officials said they will decide whether to appeal after reviewing the verdict.

Numerous court cases have established that Aum Shinrikyo carried out the sarin nerve gas attacks on the Tokyo subway system in 1995 and in a residential neighborhood in Matsumoto, Nagano Prefecture, in 1994.

Cult founder Shoko Asahara, whose real name is Chizuo Matsumoto, and a number of his followers have been convicted for those crimes.

Thirteen Aum members are on death row, including Asahara.

The cult renamed itself Aleph in 2000. In 2007, a senior member and some followers left to launch a splinter group called Hikari no Wa (Circle of Rainbow Light).

---