

FFWPU Europe and the Middle East: FFWPU Japan Press Release on Supreme Court Ruling

Knut Holdhus
July 15, 2024



Press release on Supreme Court ruling that echoes views of anti-religious lawyers group exploiting donations to religious organisations

 **世界平和統一家庭連合**
Header of ffwpu.jp, the official homepage of the [Family Federation of Japan](#)

Official statement regarding the Supreme Court ruling dated 11th July 2024 in an appeal case

Press release 12th July 2024, by the Public Relations Department of the [Family Federation for World Peace and Unification](#) of Japan, translated

from Japanese. See [Japanese original version](#).

Regarding the Supreme Court's ruling on the appeal yesterday, 11th July 2024, we are posting the views of the [Family Federation](#) of Japan.

Yesterday, the Supreme Court handed down its ruling in a case about claims for damages related to donations. In the current three-tier judicial system, we take the Supreme Court's decision seriously. However, we also believe that there are problems with the content of the ruling in the following areas:

This ruling:

Invalidates the portion of the notarized memorandum (念書) from the notary office that indicates an agreement not to prosecute.

Requires the High Court, which is the second instance, to reconsider whether the donations made by the believer constitute "damage" due to an unlawful act, as the criteria used by the High Court were deemed unreasonable by the Supreme Court.

Regarding this Supreme Court ruling, we consider it unjust for the following reasons. Below, we present our organization's views on the two main points of contention.



1. The validity of the memorandum

Regarding the validity of the memorandum, the Supreme Court made the following judgment:

(Believer A), for about ten years, faithfully followed the teachings, made substantial donations exceeding 100 million yen, traveled to South Korea numerous times to participate in ancestor liberation ceremonies, and was under the psychological influence of the defendant, the [Family Federation](#). Thus, it can be argued that Believer A was in a situation where objectively assessing the pros and cons of the proposal from the [Family Federation](#) was difficult.

However, adhering to religious teachings and making donations, as well as participating in religious rituals, are acts based on faith. Labeling

this as being "under the psychological influence of the [Family Federation](#)" denies the individual's genuine faith and implies a form of "mind control" by the [religious organization](#). The concept of "mind control" has been thoroughly debunked as unscientific by academic circles and courts in Western countries.

Although the Supreme Court avoided explicitly stating this, adopting such a perspective is extremely unjust.

Additionally, as a reason for invalidating the memorandum, the Supreme Court stated:

The content of the non-prosecution agreement in this case stipulates that Believer A will not pursue any claims for damages based on unlawful acts, despite making substantial donations exceeding 100 million yen. This results in blocking the means to recover damages from the solicitation activities, and considering the amount of the donations, the degree of disadvantage to Believer A is significant.



However, at the time of creating the memorandum, Believer A had no awareness that making donations constituted a form of harm. What exactly do "damage" and "disadvantage" mean in this context? The case has been remanded to the High Court, and the determination of whether there were unlawful acts and whether there was any "damage" is left to the retrial. Yet, the Supreme Court, without waiting for this, invalidated the memorandum on the assumption that "damage" had occurred. This is nothing short of "putting the cart before the horse".

Additionally, despite being bound by the factual findings of the lower courts (1st and 2nd instances), the Supreme Court's ruling contradicts these findings. The factual determination - the fact that Believer A wrote the written agreement and its content reflected Believer A's intent - was

disregarded. Instead, the Supreme Court indicated that the creation and content of the written agreement were proposals from the [Family Federation](#) and that the non-prosecution agreement was concluded under the leadership of the [Family Federation's](#) believers. This deviation from the factual findings constitutes a violation of civil procedure law.

2. Unlawfulness of the donation solicitation activities

Secondly, regarding the original court's judgment that the donation solicitation activities in question were lawful, the Supreme Court ruled that only some of the circumstances to be considered were addressed and thus judged that the "trial was insufficient."

However, the considerations highlighted by the Supreme Court include not only the circumstances of the donor at the time of making the donation but also events occurring years after the donation. Determining the unlawfulness of accepting donations based on circumstances that the recipient was unaware of or could not have known presents significant issues.

Unlawful acts require subjective intent on the part of the actor, and assessing deviations from social acceptability regarding facts unknown to the actor goes beyond the framework of tort law [Editor's note: Tort law is the branch of law that addresses the majority of civil lawsuits. Its purpose is to remedy wrongs committed against individuals and offer relief from others' wrongful actions, typically through monetary compensation. The primary goal of tort law is to fully compensate for proven harms.]

Holding someone liable for consequences resulting from facts they were unaware of would be unjust.

Furthermore, despite the fact that the lower courts (1st and 2nd instances) did not establish specific details of the solicitation for donations (such as when, by whom, and how), the Supreme Court stated that "each donation was made in response to solicitation by believers of the [Family Federation](#)." This assertion contradicts civil procedure law and is clearly unreasonable.

In summary, this judgment appears to prioritize a predetermined conclusion over principles such as private autonomy and respect for factual findings made by the lower courts.

July 11, 2024

Legal Affairs Bureau, Headquarters of the [Family Federation for World Peace and Unification](#)

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Lawyer Exposes Dirty Leftwing Plot

February 1, 2024 • Knut Holdhus

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Attorney gives detailed insights about ugly leftwing plot against the Family Federation in Japan

Why the Family Federation in Japan Should Not Be Dissolved

A special pre-recorded message presented 31st January at the International Religious Freedom Summit 2024 in Washington DC, by Japanese lawyer Tatsuki Nakayama (aka. Tatsu Nakayama). He delivered his presentation during a conference luncheon sponsored by The Washington Times Foundation and the Universal Peace Federation on the last day of the summit. Slightly edited.

Ladies and gentlemen, I'm Tatsu Nakayama, a Japanese lawyer. I'm highly honoured to be given this precious opportunity to speak at the IRF Summit.

I have been representing Family Federation, although I am not a highly honoured to be given this precious opportunity to speak at the IRF Summit.

I have been representing Family Federation – although I am not a believer – since the assassination of former Prime Minister Abe. With my experience, I learnt a lot, and today I'm going to share with you in three points why the Family Federation in Japan should not be dissolved.

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1. It's a **political fight**, which is going on beneath the legal issues pending in Japan,
2. **Deprogramming**, which is also hidden underneath.
3. I will conclude that there is **no requirement for dissolution** of the **Family Federation**.

Point number one: **A political and ideological fight has been going on in Japan from way back in 1978** when

Japan Communist Party declared war on anti-communist Unification Church. Evidence of this: A couple of months

after the Abe assassination, a famous journalist [Soichiro Tahara] commented that

"This conflict should be a final war against the **Unification Church**."

Then, in response to this, Communist Party Chairperson Kazuo Shii admitted that final war and added that,

"This time we will do whatever it takes until we get it done."

With such strong words, **leftwing parties have aggressively fought against the Family Federation**. Along with this political movement in Japan, **leftwing lawyers** [National Network of Lawyers Against Spiritual Sales – NNLASS] have been very aggressive and had a lot of **influence on the mass media and also the Japanese government**.

Those lawyers are anti-religious. Many are communists and started a dissolution campaign in 1987 in order to dissolve the Japanese **Family Federation**, true to Shii's words "We will do whatever!" They **worked with notorious deprogrammers** who deprogrammed – you may not believe it – as many as 4,300 poor **Family Federation** believers and broke the faith of many.

NNLASS : anti-religious lawyers



Hiroshi YAMAGUCHI Masaki KITO

There were no "victims"

NNLASS worked to create "Victims" and lawsuits

The top two gentlemen of these leftwing lawyers are Hiroshi Yamaguchi (to the left) and Masaki Kito, the current leader (to the right). They are lawyers, but they **could be called political figures or political activists**

because they even knew that at the time of the commencement of this political fight there were no victims.

That means that even though there were no legal victims, they continued to **argue in order to create "victims"**. They made many lawsuits representing apostates for the refund of donations made when they were believers.

Despite such a political campaign, as a lawyer, legally speaking, I do not think there is a requirement for dissolution because in Japan the **legal requirement for dissolution of a religious corporation is very high**.

Article 81 of the *Religious Corporations Act (RCA)* says that a religious corporation can only be dissolved only if it commits an act which is clearly found to harm public welfare extremely – which is a very high criterion – in violation of laws and regulations.

Article 81 of the Religious Corporations Act ("RCA")

A religious corporation commits an act which is clearly found to harm public welfare **extremely** in violation of **laws** and regulations

"A CRIMINAL LAW MUST BE BROKEN"

This has been debated so much after the Abe assassination because according to case law [common law – law based on precedents] in Japan, **"laws" here have been limited to criminal laws only**. That means that in order to dissolve a religious cooperation, **a criminal law must be broken**.

On the other hand, in the present case of the **Family Federation**, since its foundation about 60 years ago, no criminal law has been broken. That means there is **no legal reason to dissolve** the **Family Federation**.

PM Kishida changed in ONE day



Indeed, our Prime Minister Kishida admitted that case law and said in the

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On Oct 18th 2022, PM Kishida said that the only **CRIMINAL** laws can be included in "laws" of Article 81 of the RCA.

On the next day of Oct 19th, he said that **CIVIL** suits can be included.

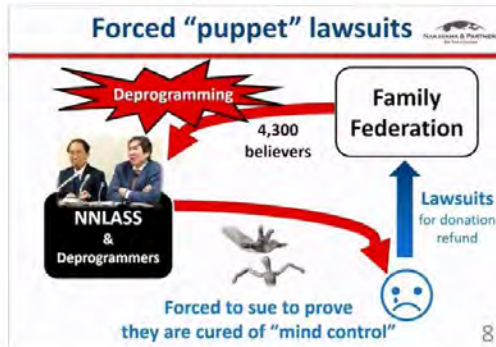
1971 and 2022 in the Diet on 18th October 2022 that only criminal laws should be included. That means that at that time the government did not intend to file a

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dissolution suit against the [Family Federation](#).

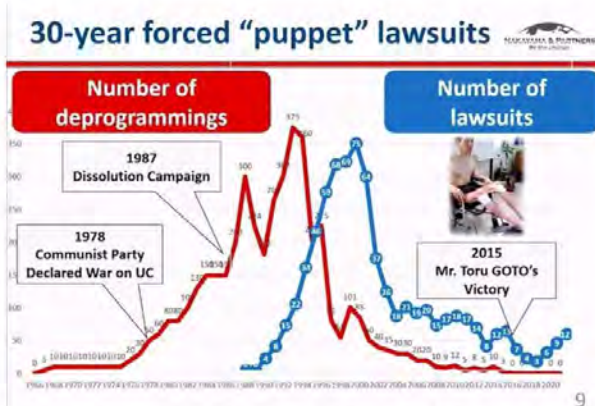
However, very surprisingly and very strangely enough, he did a 180 degree turn. He **changed his mind completely overnight** and said the next day that civil laws can be included. That means that civil lawsuits filed against the [Family Federation](#) – and they lost some – could be another reason for dissolution of the [Family Federation](#). That became the starting point to proceed toward a dissolution suit of the [Federation](#).

However, legally speaking, in many of such lawsuits against the [Family Federation](#), we see "puppet" connections. We can call it "forced 'puppet' lawsuits". What happened is like this:



Deprogrammers in consultation with leftwing lawyers deprogrammed as many as more than 4,000 believers and **forced those poor believers to file a lawsuit** against the [Family Federation](#) for donation refunds. The lawyers said something like this, **"Unless you file a lawsuit, we continue to take you as mind-controlled by the Family Federation. So do file an action against the Family Federation. Otherwise, we will continue to confine you and imprison you for deprogramming."**

In order to make money for legal fees, the leftwing lawyers continued this cycle as an "ecosystem". We can find this "ecosystem" in the graph here.



The left line here is the number of 4,000

deprogrammings. It came to a peak after the Communist Party's declaration of war against the [Unification Church](#) and the leftwing lawyers' political campaign.

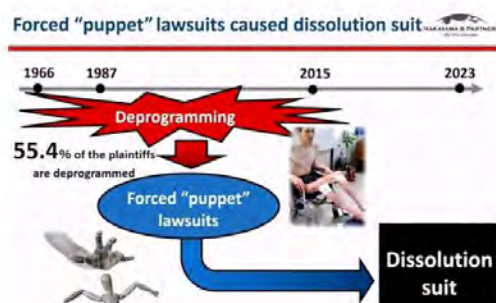
What follows is the blue line here – the number of lawsuits filed against the [Family Federation](#). From this visible intimate correlation between the red and the blue lines, you can note many of the lawsuits against the [Family Federation](#) are **"forced 'puppet' lawsuits"** using deprogramming.

This correlation came to an end in 2015 when Toru Goto, the skinny gentleman here, who suffered a very long confinement of more than 12 years, and who filed a lawsuit against the deprogrammer and won a victory in the *Supreme Court of Japan*.

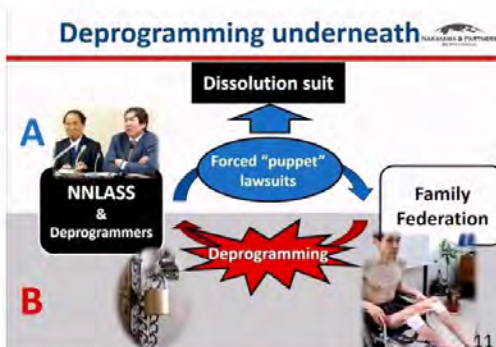
Indeed, very unfortunately, such "forced 'puppet' lawsuits" caused the dissolution suit now pending in Japan.

Historically speaking, deprogramming lasted 50 years in Japan. Some of the victims of deprogramming were used for "forced 'puppet' lawsuits". That could be said to be one of the main reasons for the dissolution suit pending in Japan.

After a careful legal analysis, we found that more than half, **55,4 percent of the plaintiffs were poor deprogramming victims**. With this in mind, I don't believe that the [Family Federation](#) should be dissolved.



What is going on now in Japan is a dissolution suit against the **Family Federation**. The main reason is the many lawsuits filed against **Family Federation** initiated by leftwing lawyers.



But what lies underneath, is another framework (B) which consists of 4,000 inhumane deprogramming cases.

Indeed, **Japan has rejected dissolution so many times.**

Demanding leftwing

lawyers have requested many times that the government dissolve the **Family Federation**.

30 years ago, the government rejected it twice, and recently Tokyo District Court also rejected to dissolve the **Family Federation**.

Meanwhile, the **Family Federation** issued a declaration of compliance

intended to improve their internal operations. And it actually worked.



Evidencing this, during the last seven seven years, **no single lawsuit has been filed against the Family Federation.**

No requirement for dissolution

Family Federation in Japan has:

1. **NOT** committed any crimes;
2. Lost in **CIVIL** lawsuits for refund donation; but
3. Half of the plaintiffs were **DEPROGRAMMED**; and
4. Improved compliance in these **15** years.

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plaintiffs had been deprogrammed. Also, the **Family Federation** has improved its compliance during the last 15 years.

With this, I hope you will be convinced that there is **no requirement for dissolution**. The **Family Federation** in Japan has not committed any crimes during its 60 years.

There have been some civil lawsuits for refunds of donations, but **half of the**

Most of what I shared is written in my booklet published last year in Japan and English translation of which you can find on **Bitter Winter**.

Lastly, I strongly hope that with this kind attention and support from you distinguished guests and honourable minds at this IRF Summit, religious freedom in Japan should be protected at any cost.

Thank you very much.

Featured image above: Tatsu Nakayama delivering his message at International Religious Freedom Summit 2024 in Washington DC, USA 31st January. Photo: Screenshot from live transmission.

All illustrations by Nakayama & Partners.

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