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THE TORU GOTO CASE IN JAPAN

ABDUCTED AND CONFINED FOR OVER 12 YEARS

- **Toru Goto confined by relatives for 12 years and five months for religious 'deprogramming' by an Evangelical pastor and another person**
- **Brother, sister-in-law and sister to pay about 150,000 €**
- **Deprogrammer Takashi Miyamura to pay about 75,000 €**
- **Evangelical pastor Yasutomo Matsunaga to pay about 30,000 €**
- **UN Human Rights Committee denounced the persistent impunity of a cultural practice in Japan**



On 13th November 2014, the Tokyo High Court issued a ruling ordering five people (three close relatives of the victim, an Evangelical pastor and another person) to pay damages to Toru Goto, a victim of abduction and attempts of forceful religious deconversion in confinement conditions from September 1995 to February 2008.

The first three trial defendants (his brother, sister-in-law and younger sister) were ordered to pay a total amount of 150,000 €.

Pastor Yasutomo Matsunaga of the Niitsu Evangelical Christian Church (Niigata City) was ordered to pay 30,000 € and another professional deprogrammer, Mr. Takashi Miyamura, 75,000 €.

Until now, Japanese courts have dismissed the illegal nature of abduction and attempted forceful religious deconversion in confinement conditions. They have routinely ruled that such cases were not criminal but “mere talks between parents and children.” More women than men are victims of this practice. In Japanese culture, parents consider children to be under their authority regardless of age.

Toru Goto's case was also dismissed as a criminal case but exceptionally not as a civil case.

ABDUCTION AND CONFINEMENT

In 1986, Mr. Goto, then 23, became a member of the Unification Church. In 1987, there was a first attempt of kidnapping and confinement by his father and other relatives but he managed to escape about a month later. In order to avoid another similar experience, he cut off all the links with his family.

Eight years later, in September 1995, the parents of the plaintiff, his elder brother and wife, and younger sister, kidnapped

him from their home in Hoya City (Tokyo) according to instructions from deprogrammer Takashi Miyamura and Yasutomo Matsunaga, a Christian minister. For about 12 years, he was detained by his family in various apartments which had been technically equipped for confinement conditions. Pastor Matsunaga regularly visited him to urge him to leave the Church, knowing he was deprived of his freedom by his family.

During his confinement, Mr. Goto attempted to escape several times but he was caught every time. Even when he had influenza and developed a high fever, he was not allowed to visit a clinic.

In November 2007, it seems as though family members started arguing about whether to go on with the confinement or not, due to the financial burdens it imposed. In February 2008, his brother, his sister-in-law, his mother and his sister suddenly ordered him to leave the apartment. He was then emaciated and suffering from a serious state of starvation. He was hospitalized and diagnosed with malnutrition. For a while, he could barely stand on his feet.

THE LEGAL FIGHT

In April 2008, Mr. Goto submitted a criminal complaint to the Ogikubo Police Station. However, the police did not



conduct any serious criminal investigation and turned the case over to the Tokyo District Public Prosecutor's Office.

On 9th December 2009, the prosecution decided to waive the indictment of the criminal complaint on the grounds of insufficient evidence.

On 23rd June 2010, Mr. Goto appealed to the Tokyo Committee for the Inquest of Prosecution with the hope of reopening the criminal case.

On 6th October 2010, Mr. Goto's appeal was rejected on the ground that there were too many doubts to consider the case as an attempt of compulsion, capture, confinement and injury.

On 31st January 2011, he filed a civil lawsuit against his family members and the deprogrammers.

The 13th November 2014 ruling was a landmark victory for Toru Goto and for the members of his *Japanese Association of Victims of Abduction and Forced Religious De-Conversion*.

In 2013, the annual reports of the U.S. Commission on International Religious Freedom and the U.S. State Department cited Japan's judicial system for turning

a blind eye to the kidnapping and forced deprogramming of people in the Unification Church and other new religious movements over the past decades.

UN HUMAN RIGHTS COMMITTEE DENOUNCES TOKYO'S POLICY OF TURNING A DEAF EAR

In July 2013, *Human Rights Without Frontiers* submitted a report on the general issue of attempts of forceful change of religion in Japan to the Human Rights Committee in order to bring to their attention its concerns about the total impunity of non-state actors who abducted and confined converts to new religious movements until they recanted their new religious faith.

On 14th November 2013, the problem was raised by the Human Rights Committee in its list of issues addressed to Japan in the following terms: "Please comment on reports of cases of abduction, forced conversion and forced de-conversion, which were not investigated and prosecuted by the State party."



On 15-16th July 2014, Japan's human rights record was reviewed in the framework

of the 111th session of the UN Human Rights Committee.

On 20th August 2014, the UN Human Rights Committee wrote in its Concluding Observations:

"Abduction and forced de-conversion

The Committee is concerned at reports of abductions and forced confinement of converts to new religious movements by members of their families in an effort to de-convert them (arts. 2, 9, 18, 26).

The State party should take effective measures to guarantee the right of every person not to be subject to coercion that would impair his or her freedom to have or to adopt a religion or belief."

In the last 40 years, hundreds of adult members of new religious movements - mainly the Unification Church and Jehovah's Witnesses - were kidnapped and confined by their family to be de-converted.

On 7th November 2014, a couple living in Hiroshima City submitted a criminal charge against their family, a pastor and other kidnappers for being abducted, confined for six days until their escape and subjected to attempted forcible de-conversion.

For more than one year, Masato Ishibashi has been missing from his church and his job when visiting his family at New Year. Although he had sent a call for help to a fellow believer and had left a written statement to his lawyer asking for to be rescued in case of disappearance, the police refused to summon his parents.

**Willy Fautré, director
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