Japan: Update on abductions and confinement for the purpose of religious de-conversion


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INTRODUCTION

In July 2013, Human Rights Without Frontiers’ (HRWF) submitted a report, 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) - A briefing to the United Nations Human Rights Committee, 111th session (7 to 25 July 2014), in Geneva, to the United Nations (UN) Human Rights Committee in order to bring to the attention of Committee members the organization’s concerns about abductions and confinements of members of new religious movements in Japan.

The current report was prepared to provide members of the Human Rights Committee with updated information on important recent developments concerning the issue of abductions and confinement for the purpose of religious de-conversion in Japan, ahead of the 111th session of the Human Rights Committee that is set to review Japan’s sixth periodic review in July 2014.

This report is also a reaction to Japan’s response to Question No. 16 (section on “Freedom of religion, opinion and expression (arts. 18 and 19)”) of the Human Rights Committee’s List of issues, which in HRWF’s view appears to demonstrate the authorities’ failure to acknowledge that the human rights of abducted members of new religious movement have been poorly protected in Japan.

HRWF believes that the consideration of this topic at the upcoming session of the Human Rights Committee can play an important role in conveying to the authorities that abductions, confinement and attempted forced change of religion constitute human rights violations and that the lack of appropriate action by police and impunity of the perpetrators perpetuate human rights violations.

Recent abduction cases confirm failure of police to take appropriate action

Since submitting its initial briefing to the Human Rights Committee in July 2013, HRWF has been informed of three further abductions of Unification Church (UC) members, two females and one male. One of them was believed still to be confined at the time of writing. (For further information, refer to the chapter “Three UC members lost contact with fellow believers after visiting parents known to be critical of the new religious movement”.

Before 27-year old Masato Ishibashi was allegedly abducted by his parents when visiting them for New Year’s, he had been worried about a possible abduction for a long time and taken steps to prepare for such an event. He gave his lawyer a signed and stamped “Rescue Request” and carried a GPS device on him when visiting his parents at the end of December 2013. On 2 January 2014 an emergency signal was sent from his GPS device to a private security company.

In order to comply with Masato Ishibashi’s explicit wish to be rescued should he be subjected to forced confinement, HRWF repeatedly urged the police to ascertain Masato Ishibashi’s whereabouts and talk to him directly and confidentially in order to establish whether he was held against his will and wished to be rescued. On 18 February 2014, a HRWF delegation consisting of the organization’s director, Willy Fautré, and international human rights activist Aaron Rhodes, visited Chiba Prefecture Police Headquarters, along with Shunsuke Uotani, Vice-Secretary General of the Japanese branch of the Universal Peace Federation, a UC affiliate, to raise Masato Ishibashi’s case with the Public Relations Division. To follow-up from the meeting, Shunsuke Uotani, spoke by telephone to an officer at the Public Relations Division of Chiba Prefecture Police Headquarters and senior officers at Katori Police Station, on five different occasions.

The UC recorded all conversations with the police and made available transcripts to HRWF fort he drafting of this report. The police officers’ statements are revealing and provide information about reasons and justifications of police inaction that go beyond what HRWF was able to document in its July 2013 briefing to the UN Human Rights Committee (Refer to the chapter “Inadequate police response,“ in particular the section “Police are aware of Masato Ishibashi’s forced confinement, but unconcerned” on pp. 9-10).

1 The telephone conversations were held on 17 March, 1 April, 18 April, 21 April and 28 April 2014.
It is thus clear that abductions, confinement and forced de-conversion of UC members are continuing in Japan. The victims’ fellow-believers continue to encounter indifference and a failure to take appropriate action on the part of the police. The abductees have only slim chances that the police will come to their rescue. Police officers themselves apparently often have discriminatory attitudes toward the UC and show considerable understanding not only of the parents’ wish that their son or daughter leave the Church, but also of practices such as abduction, confinement and forced de-conversion.

**Civil court ruling in Toru Goto’s case on 28 January 2014**

Another recent development has been the January 2014 ruling by the civil section of Tokyo District Court in the case of Toru Goto, who was abducted by his parents in September 1995 and only released 12 years and five months later. The chapter “Civil court judgment in the case of Toru Goto” provides an analysis of the ruling.

The ruling followed a pattern established by several earlier civil cases filed by UC members and the Jehovah’s Witnesses, and was likewise deeply flawed from the perspective of Japan’s obligations under Article 18 of the Covenant, as well as other Articles. The Court provided no adequate financial compensation to Toru Goto, thus belittling and casting doubt on his experiences. The court did not unequivocally condemn attempts of forced change of religion and found only limited liability with regard to one of the two “deprogrammers” involved in Toru Goto’s case.

As a consequence, like earlier civil court decisions, it will likely provide no disincentive or deterrent of future abductions. Still, no criminal case has ever been opened in Japan to punish alleged perpetrators of the crimes of abduction and confinement for the purpose of forced religious de-conversion.
JAPAN’S RESPONSE TO THE UN HUMAN RIGHTS COMMITTEE’S LIST OF ISSUES IS NOT CREDIBLE

In its List of issues in relation to Japan’s sixth periodic report, the UN Human Rights Committee asked the authorities of Japan to “Please comment on reports of cases of abduction, forced conversion and forced de-conversion, which were not investigated and prosecuted by the State party.”

In its response, dated 6 March 2014, the authorities of Japan stated that “We do not know of any cases as those described.” They added that “[g]enerally, when any act violating the criminal laws and regulations is discovered, the investigative authorities deal with the case appropriately based on evidence and the laws covering such cases” and that the “Human Rights Organs of the Ministry of Justice conduct all necessary investigations following claims of human rights infringements, including discrimination on the grounds of religion or creed, based on the Human Rights Volunteers Act and the Regulations on Investigation and Resolution of Human Rights Infringement Cases, and to take appropriate measures depending on the cases.”

HRWF considers Japan’s claim not to know of any cases involving reported abductions, forced conversion and forced de-conversion, which were not investigated and prosecuted in Japan, as not credible. In recent years, the following domestic and international institutions have been among those that have addressed the issue and UC representatives informed police in Japan of scores of alleged abduction cases. Regrettably, in their response to the List of Issues, the Japanese authorities chose not to provide any details on what measures they took or did not take in response to the allegations.

- To HRWF’s knowledge, civil courts in Japan have dealt with a total of seven cases dealing with compensation claims by former abduction victims. In all these cases the civil courts acknowledged that the converts had been placed under conditions restricting them in their freedom of movement, against their will. In some of these cases the courts stated that the acts carried out by the defendants amounted to “kidnapping,” “imprisonment,” or “restraint of physical freedom” and considered them unlawful.
- The United States Department of State has regularly monitored and documented such cases in its annual reports about freedom of religion and belief around the world.
- The United States Commission on International Religious Freedom (USCIRF) drew attention to the issue in its Annual Report, issued on 30 April 2013, and pointed out that although “Japan is a thriving democracy with an advanced judicial system, both of which have generally promoted and protected the freedom of religion and belief [...] over the past several decades, thousands of individuals belonging to [...] new religious movements (NRMs) have been kidnapped by their families in an effort to force them to renounce their chosen beliefs.”
- On 4 April 2012, US Congressman Danny Davis visited Japan for a fact-finding mission on religious freedom. He met with Hon. Koki Kobayashi, then Chairman of the Judicial Affairs Committee of the Lower House of Parliament, Tadao Ishii, Chief of the Civil Liberties Bureau of the Ministry of Justice, and Kiyoko Yokota, Chief of the Investigation and Rescue Department of the Ministry of Justice. Kiyomi Miyama, a UC member and former abduction victim, also attended and recounted her personal experience. However, reportedly, all officials of the Ministry of Justice stated there was no discrimination on religious grounds in Japan.
- In December 2011, HRWF issued a report, entitled Japan: Abduction and Deprivation of Freedom for the Purpose of Religious De-conversion. Hideki Tanaka, Director of the Office of International Affairs at the Ministry of Justice, told a HRWF delegation at a meeting on 20 February 2014 that he had read the 2011 HRWF report and that he was aware the topic of abductions, confinement and unsolicited “exit counseling” was included in the UN Human Rights Committee’s List of issues.
- HRWF’s July 2013 submission to the Human Rights Committee is available through the UN website.
- A HRWF delegation visited Japan in February 2014 and raised cases and issues concerning abductions, confinement and unsolicited “exit counseling” at meetings with Diet members

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2 For further information on the civil cases, refer to HRWF’s 2013 briefing to the Human Rights Committee and to the chapter “Civil court judgment in the case of Toru Goto” in this briefing.
Tsukasa Akimoto, Masahara Nakagawa and Okiharu Yasuoka; with Hideki Tanaka, Director of the Office of International Affairs at the Ministry of Justice; and with officials at the Public Relations Division of Chiba Prefecture Police Headquarters. They also met with representatives of the embassies of Norway, Canada and the United States, and publicized their concerns at a press conference at the International Press Club.

- HRWF sent letters on behalf of two alleged abduction victims to the authorities, including the Chairman of the National Public Safety Commission, the Chief of the National Police Agency and the Minister of Justice, in April 2013 and March 2014 respectively.
THREE RECENT SUSPECTED ABDUCTION CASES

HRWF learnt of three new alleged abduction cases since the organization submitted its first briefing to the UN Human Rights Committee in July 2013. In two separate incidents, a female and a male UC member were reportedly abducted by their parents at the end of December 2013. Another woman was believed to have been abducted in March 2014. The man may still be forcibly confined as no information has been received from him since he went missing.

This chapter provides a summary of the circumstances in which the three UC members lost contact with their fellow believers. The chapter "Inadequate police response" features information on how police responded to requests by HRWF and the UC members to search for the missing person and establish whether or not they were being held against their will and rescue them should they require such assistance.

Three UC members lost contact with fellow believers after visiting parents known to be critical of the new religions movement

CASE 1: A female UC member, who had been with the Church for almost a decade, disappeared at the end of December 2013. Fellow UC members knew she had gone to visit her parents and was planning to talk to them about her affiliation with the Church, which she knew they were critical of. On 31 December, her fiancé, who attended the February 2013 UC Marriage Blessing Ceremony in South Korea with her, went to her parents' house to look for her, but he found no one at home. Another UC member went to the family's house again on the following two days, but no one appeared to be there.

On 24 January 2014, the UC received a letter from her that she had recanted her faith in the doctrine of the UC and left the Church.

The UC has recorded many cases in the last few years where UC members lost contact with their fellow believers after they went to visit their parents, who were known to be critical of the Church, and later informed the Church that they recanted their faith in the UC and left the organization. Considering that these people typically have no interest in providing information about the circumstances of their de-conversion, HRWF cannot verify whether these people had indeed been subjected to abduction and forced "exit counselling." The UC estimates that in only one third of all abduction cases people have remained with the UC despite forced confinement and attempts to forced change of religion or later returned to it.

CASE 2: Masato Ishibashi, born in 1987, started learning the doctrine of the UC in 2005 when he was studying at the Aoyama Gakuin University in Tokyo. In 2006, he officially joined the Church and started communal life with other members.

In 2008, his parents learnt about his conversion and urged him to leave the UC. They reportedly forced him to drop out of university and live at home with them in Chiba Prefecture, which is located to the East of Tokyo. He complied, but he later started working in Tokyo and resumed attending the religious services of the Church despite his parents’ opposition.

In 2009, Masato Ishibashi left his parents' house to go and live in the dormitory of the factory where he was working. After six months, he entered an industrial training school and then got a job as electrician in Hachioji, a city in the Greater Tokyo Area. Away from his parents' control he started communal life at the Church again.

In 2010, he rented an apartment in Tokyo and faithfully continued to participate in the life of his religious congregation until his parents found out about it. Fearing to be deprived of his freedom by his parents at his next visit home, he wrote and signed a statement saying that if he went missing one day, it would be because he would have been abducted by his family. He further said that the police should try to find him and release him from his confinement.

4 The name is known to HRWF, but is withheld to protect her identity.
At New Year’s 2011, his parents tried to hold him back for a discussion about his faith but he managed to run away. However, his parents did not give up their fight. They moved to a relative’s house in Tokyo in order to keep control over their son.

In May 2011, Masato Ishibashi moved to Yamagata Prefecture for job training and his parents went back to Chiba Prefecture.

One year later, the young man met a childhood friend, who had joined the Church together with his parents. The three told Masato Ishibashi that his father and mother were in contact with an evangelical pastor who “advises” parents on how “to rescue” young UC members from the Church. After that, when visiting his parents, Masato Ishibashi always carried on him a GPS device that provided location information to a private security company.

In October 2012, Ishibashi’s parents visited the Church in order to observe the religious church service. After that, they stopped criticizing the UC when he met with them.

On 31 December 2013, Masato Ishibashi left Tokyo to visit his parents in their home in Kozaki Town, located in the Katori District of Chiba Prefecture on the occasion of the New Year. Masato Ishibashi was to return to Tokyo from the visit on 2 January 2014, but failed to appear. Instead, the security company’s branch office in Narita City of Chiba Prefecture received an emergency signal through the GPS device and informed the UC. Due to a technical problem, the security company was unable to identify the exact origin of the signal. The company reportedly told the UC that the signal originated from a building not far from their office in Narita City.

Masato Ishibashi’s current whereabouts are unknown and no information has been received from him since the end of December 2013.

CASE 3: In 2013, a female UC member in her late thirties told other Church members that her parents were highly critical of her affiliation with the UC. Despite their opposition, she took part in the Marriage Blessing Ceremony held in South Korea in February 2013.

In March 2014 she attended a workshop organized by the UC in South Korea. Since she returned home to Japan in the second half of the month she has been out of touch from her fellow Church members. Worried that she may have been abducted by her parents, other UC members started looking for her. At the end of March they went to her house and to the house of her parents, but no one appeared to be there.

On 3 June, the UC received a letter from her, dated 31 May, announcing that she had left the UC. She reportedly wrote that her parents and relatives had begged her to have a discussion about her faith. Reportedly, she had talked with a Christian minister and came to understand that the teachings of the UC are wrong and contradict the Bible.

Inadequate police response
In all three cases outlined above, UC representatives informed the police that a Church member had gone missing and that they suspected the person to have been abducted by family members to force him or her to recant their faith. They urged the police to search for the missing person, meet and speak to him or her directly and ascertain whether or not he or she was held against their will and wished to be rescued.

However, in all these cases the police reaction has been inadequate, as will be shown in this chapter. Thus, the recent cases demonstrate that the pattern of inadequate police response to abductions of members of peaceful new religious movements, as documented in HRWF’s initial briefing to the UN Human Rights Committee in July 2013, persists.

Police refuse to file missing person’s report
In CASE 3 an official of the Japanese branch of the UC informed HRWF that shortly after the young woman lost contact with the UC in March 2014, a member of staff of the UC went to the local police station to file a missing person’s report. However, police reportedly refused to accept the report.

5 The name is known to HRWF, but is withheld to protect her identity.
In CASE 2, on 2 January 2014, immediately after receiving an emergency signal from Masato Ishibashi’s GPS device, the private security company informed the UC. On 10 January, UC representatives informed officers at Takao Police Station in Tokyo, which is close to where the young man used to live, and on 14 February, they informed Narita Police Station and Katori Police Station in Chiba Prefecture, of his disappearance. However, police reportedly refused to search for him, insisting that missing person’s reports had to be submitted by family members. A HRWF delegate pointed out that the officer’s reply contradicted the “Rules on activities to find a missing person”, which are part of the “Rules of The National Public Safety Commission.” These rules instruct police to accept applications to search for missing persons from a wide range of people, including parents, spouses, a person who is in a de facto state of marriage with the missing person, other relatives and employers, as well as other people who live with the missing person and those that have a close relationship with the missing person in social life.

HRWF has documented many cases in recent years where police responded they were unable to act on missing person reports submitted by a UC member. Police typically claimed they were only empowered to get involved when a close family member or the missing person's employer filed such a report.

At HRWF’s meeting with the Public Relations Division at Chiba Prefecture Police Headquarters on 18 February 2014, a Public Relations Officer said that his colleagues at Katori Police Station in Chiba Prefecture were aware of Masato Ishibashi's case and had confirmed that a UC official had asked them to file a missing person’s report in his capacity as Masato Ishibashi’s friend. The Public Relations Officer went on to say that the request was refused because “there is a rule in the police and [the missing person's report] is supposed to be filed by parents or the guardian of minors or, generally, by family members.”

To this remark, the Public Relations Officer responded that “we checked with the Community Safety Administration Division of the Chiba Prefectural Police Headquarters whether responses of the police stations were wrong or not. The position of Headquarters is that the judgments of the police stations were correct.”

**Police refuse to get involved in “family matters”**

In CASE 1 a UC representative called the local police on 6 January 2014 urging them to search for the young woman. However, the police reportedly refused to get involved, saying it was a “matter between parents and child,” neglecting that the UC convert was an adult.

HRWF is aware of many cases in the last few years where police claimed they were not able to intervene in a “family matter,” although the law does not prevent them from carrying out a search for a missing person and an investigation into allegations of abduction and forced confinement for the purpose of de-conversion even when family members are involved.

**Police reluctance to speak to the alleged abduction victim directly and confirm his or her will**

HRWF and the UC repeatedly contacted the Public Relations Division of Chiba Prefecture Police Headquarters and Katori Police Station, urging them to establish Masato Ishibashi’s whereabouts. They also repeatedly called on police to meet with the young man, speak to him under conditions of confidentiality, ascertain whether or not he is confined against his will, and rescue him, should he request them to do so.

**Police insist Masato Ishibashi is “safe”**

Police told HRWF and Shunsuke Uotani of the UC during their visit to the Public Relations Division of Chiba Prefecture Police Headquarters on 18 February 2014 that although police were not obliged to act on missing person’s reports submitted by people other than family members, police had taken measures to confirm Masato Ishibashi’s safety and so the organizations need not worry. In all other subsequent conversations Shunsuke Uotani had with Chiba Prefecture Police Headquarters and Katori Police Station in March and April, the officers reiterated that Masato Ishibashi was “safe.”

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6 Refer to the section “When police were reluctant to act” in HRWF’s July 2013 submission to the UN Human Rights Committee.
7 For further information, also refer to the section “When police were reluctant to act” in HRWF’s July 2013 submission to the UN Human Rights Committee.
At the 18 February meeting an Officer of the Public Relations Division of Chiba Prefecture Police Headquarters stated that police had requested Masato Ishibashi’s uncle to ask his nephew to call the police so that police could speak to him directly. The Officer promised to inform the UC immediately after receipt of the said phone call. To HRWF’s knowledge, police had not spoken to Masato Ishibashi by the time of writing, i.e. more than three-and-a half months later.

At the same meeting the Public Relations Officer of Chiba Prefecture Police Headquarters told HRWF and the UC representative that police had gone to the house of Masato Ishibashi’s parents and grandparents. The grandparents allegedly told them that when Masato Ishibashi visited his parents for New Year’s, they initially had a family discussion in his parents’ house and then moved to another location together. According to the Officer, Masato Ishibashi’s uncle visited him and his parents in that location on a regular basis, most recently on 15 February, and told police that Masato Ishibashi “was living quite a normal life.” On 17 March, the same Public Relations Officer of Chiba Prefecture Police Headquarters told Shunsuke Uotani that Masato Ishibashi’s “uncle says that [his nephew] is very well, conversing normally as well as sharing small talk, so we feel reassured.”

On 1 April, Shunsuke Uotani again talked to the Public Relations Officer at Chiba Prefecture Police Headquarters to request update information on steps the police had taken regarding the case of Masato Ishibashi. The Officer said that Masato Ishibashi had not contacted the police, but the police had “confirmed [his safety] through a separate route.” The official refused to disclose his source, but urged the UC representative to “please be reassured” that Masato Ishibashi was safe. “Isn’t it enough that there is someone who saw him? Our assessment is that there is no problem.”

A senior officer of Katori Police Station told Shunsuke Uotani on 18 April that “confirming safety, from the police perspective, is that he is with his parents, and therefore not considered to be missing.”

Police are aware of Masato Ishibashi’s forced confinement, but unconcerned

While insisting they had confirmed Masato Ishibashi’s safety, police at the same time disclosed information indicating that Masato Ishibashi may indeed be forcibly confined. In addition, some statements by police appear to indicate considerable understanding not only of the parents’ aim to “rescue” their children from the UC, but also of measures such as abduction, forced confinement and unsolicited “exit counseling.” These statements suggest that police behaviour in Masato Ishibashi’s case and possibly other cases involving new religious movements, may have been guided by a discriminatory attitude towards the UC.

For example, during the 18 February meeting at Chiba Prefecture Police Headquarters, a HRWF delegate told police he had tried to call Masato Ishibashi on his phone and sent him an email, but had received no response. The Public Relations Officer responded that “I hesitate to say this in front of Mr Uotani, but the parents are living outside of their own house because they want their son to quit the organization; it makes no sense to be connected by cellphone, does it? In the course of nature, if I am in the position of parents, I would confiscate it or would not let him use his cellphone.” When the HRWF delegation pointed out that Masato Ishibashi was not a child anymore, but an adult the officer responded: “Do these two gentlemen understand the feeling of parents?” In a conversation with Shunsuke Uotani on 17 March, the Public Relations Officer at Chiba Prefecture Police Headquarters stated that Masato Ishibashi had still not called them explaining that “perhaps [Masato Ishibashi] is living under conditions in which there is no communication with the outside world. Perhaps they think that it’s still a bit early for him to give you a call.” On 1 April, Shunsuke Uotani told the Public Relations Officer at Chiba Prefecture Police Headquarters that he had tried to call Masato Ishibashi on his mobile phone, but could not reach him. The Officer responded that “that’s because it seems it’s been blocked from contacting others.”

On 18 February, a Public Relations Officer at Chiba Prefecture Police Headquarters reported that, based on information submitted to him from Katori Police Station, “Masato is living quite a normal life ... his parents want him to leave the organization and are now persuading him. But the situation is not like abduction and confinement. They go outside in a normal way and have a meeting. That’s not a crime at all.” However, on 18 April, a senior officer at Katori Police Station, the police station that had conducted all inquiries relating to the case of Masato Ishibashi, told Shunsuke Uotani that he was not aware of any meetings Masato Ishibashi had had with his family outside the location where they were believed to be living together.
Several police officers had told the UC that they based their conclusion of Masato Ishibashi’s safety on regular phone calls and assurances to Katori Police Station by Masato Ishibashi’s uncle. On 21 April, Shunsuke Uotani asked a senior officer of Katori Police Station, who was the uncle’s contact point in the police, whether he “had asked the uncle under what kind of circumstances he visits [Masato Ishibashi].” The officer responded: “No. He must have been with him or something, but I haven’t asked him in particular.” He stated that he did not know whether Masato Ishibashi had left the location where he was staying, since he was taken there by his parents at the beginning of January. When asked whether he “was able to confirm that [Masato Ishibashi] has freedom of movement” the officer stated that “From my position, as I’m not sure of how to understand “freedom of movement,” I’m not able to say clearly … I haven’t heard about this directly from the uncle.”

Police take no steps that could jeopardize the parents’ confinement scheme
Generally, police showed very little interest in confirming the will of Masato Ishibashi. As mentioned above, according to police, on 17 February, Katori police had requested Masato Ishibashi’s uncle to ask his nephew to call the police.

When asked by the HRWF delegation on 18 February what police would do if Masato Ishibashi does not call them, the Public Relations Officer stated that “if there is no fear of harm to Masato’s life, body and property, the police cannot intervene … What I can promise now related to this case is, we will not directly meet him. We will make him call the police station and confirm his own will.”

In his conversations with the Public Relations Division of Chiba Prefecture Police Headquarters and the Community Safety Section of Katori Police Station on 17 March and 21 April 2014 respectively, Shunsuke Uotani of the UC referred to statements made by Hiroshi Nakai, then Chairman of the National Public Safety Commission, at an Upper House hearing of the Committee on Audit and Oversight of Administration on 14 May 2010. At the time, Tsukasa Akimoto, a member of the Liberal Democratic Party of Japan, brought up the issue of abductions, forced confinement and de-conversion of members of new religious groups and asked the Commissioner what steps police ought to take when parents or other relatives forcibly confined their adult child. The Commissioner replied that “if a person’s physical freedom is being restricted, or if acts of violence are involved, then I think involvement by the police will be necessary, even if it is between parents and children.” He also stated that “as long as a report has been made, our thinking is that the most important thing is to go to the scene and listen to what each side has to say. The situation of the police today is that it is very difficult for them to involve themselves in issues of religion and in familial relationships, but in any case, we would like to make judgments after having listened, and then take action based on this.”

Shunsuke Uotani asked representatives of the Public Relations Division of Chiba Prefecture Police Headquarters and of Katori Police Station to comment on the discrepancy between the way police had handled Masato Ishibashi’s case and the views of the Chairman of the National Public Safety Commission. The Public Relations Officer of Chiba Prefecture Police Headquarters responded that he was not aware of the Commissioner’s statement, reiterated that “the police are dealing with [the case] appropriately” and that he was unable to further comment on the question. Shunsuke Uotani faxed the Commissioner’s statement to the Chief of the Community Safety Section of Katori Police Station in advance of their conversation, but when asked to comment, the officer refused to do so.

On 6 March 2014, HRWF sent letters to the Chief of the National Police Agency, the Chairman of the National Public Safety Commission and the Commissioner of Tokyo Metropolitan Police by express mail, urging them “to ensure that police confirm directly and confidentially with [Masato Ishibashi] whether he is held against his will and free him from forced confinement should the allegation of his forced confinement be confirmed.” By the time of writing the officials had not responded to HRWF’s request to be provided with detailed information on steps they were taking in relation to this case.

HRWF is aware of similar cases in recent years where police did not simply refuse to look into the matter, but promised to make inquiries. Sometimes police officers explained they would contact the missing person’s parents and later informed the UC that there was no need to worry anymore as the parents had confirmed the person was not missing and everything was in good order. There were also cases where police refused to specify whether they had confirmed the will of the alleged abduction victim or whether they had only talked to his or her relatives. Typically police then stopped investigating.
Police refuse to facilitate lawyer’s access to Masato Ishibashi

As mentioned above, Masato Ishibashi had already been worried for several years that his parents may abduct him and had taken steps to prepare for this eventuality. On 17 December 2010, Masato Ishibashi signed and stamped a “Rescue Request” appointing Nobuya Fukumoto, a lawyer and member of the Daini Tokyo Bar Association, to act on his behalf should there be grounds to believe that he has been abducted.

In a letter to the Community Safety Section of Katori Police Station, dated 22 May 2014, Nobuya Fukumoto pointed out that it “has been more than four months since direct contact with Mr. Ishibashi was lost, and an abnormal situation in which he appears to be confined against his will has continued for an extended period.” He urged to “arrange for a visit between [himself] and Mr. Ishibashi in person” and to respond to him within three days of receiving his petition.

On 26 May, the Head of the Community Safety Section of Katori Police station called lawyer Nobuya Fukumoto by phone and informed him that “we have received your letter. We have read and confirmed the contents, and I’m calling to let you know our response, that with due respect, we cannot respond to your request.” When asked to explain the reasons of the refusal, the officer stated: “The reason is that this is not a matter for which the police should arrange a meeting, and so our response is that the police will not be able to do this.”
CIVIL COURT JUDGMENT IN THE CASE OF TORU GOTO

On 28 January 2014, Civil Division No. 12 of Tokyo District Court rendered a decision in a civil case brought by Toru Goto, whose confinement for over 12 years constitutes perhaps the most egregious known example of abduction and confinement for the purpose of religious de-conversion in Japan. The court's ruling has been appealed by both Toru Goto and the defendants.

Compensation disproportionate to the damages suffered

The Court confirmed that Toru Goto’s “freedom of movement” had been “greatly restrained against his clearly expressed will. He was placed in an environment in which contact with those outside the residence was not allowed, his mind and body were unfairly constrained and he was coerced to renounce his faith.”

The Court affirmed that Toru Goto's confinement by his relatives was a tort for the explicit purpose of forcing him to renounce his faith.

However, consistent with a number of other civil cases brought by the victims of similar abductions in recent years, the Court showed sympathy with Toru Goto’s relatives who had illegally confined and deprived him of liberty. The Court pointed out that they had acted on the basis of their “love” and “concern” for Toru Goto, thus in a sense exonerating the defendants and signaling to other families that coercive actions likewise based on lofty motives would be forgiven by the authorities. At the same time, characterizing the motives of the perpetrators in a positive way also justifies low financial compensation to the victims.

The Court granted Toru Goto a sum of 4,839,110 Japanese Yen (JPY), or approx. 34,800 EUR, which includes 839,110 JPY (approx. 6,000 EUR) for medical costs and legal fees, as well as 4,000,000 JPY, or approx. 28,800 EUR, for mental suffering, which comes to only 2,333 EUR for each year Toru Goto was illegally confined in an effort to force him to recant his faith.

While the Court acknowledged “tremendous” mental strain as well as severe physical problems resulting from Toru Goto’s deprivation of liberty, HRWF believed the remedy offered to be inconsistent with these determinations, and thus with Article 2.3 of the Covenant, which mandates effective remedies. The compensation as determined by the Court puts a very low price not only on his liberty as an individual, but also the “opportunity cost” of being denied the ability to work, build a financial foundation for a family, or contribute to society.

“Deprogrammers” get away lightly

As detailed in HRWF’s July 2013 submission to the UN Human Rights Committee, Toru Goto’s abduction was organized by Pastor Matsunaga and an associate, Takashi Miyamura. The Court’s decision accurately describes how both Pastor Matsunaga and Takashi Miyamura had been engaged for approximately 30 years in unsolicited “exit counseling” for members of other faiths, focusing largely on converts to the UC. The Court referred to evidence in the form of written memoranda detailing methods for abducting targeted individuals, and for applying coercive psychological and physical pressures. The methods were used by Pastor Matsunaga, but also shared with his clients, i.e. families of victims.

Although the Court confirmed that the treatment to which Toru Goto was subjected was generally consistent with the practices established by these documents, the Court absolved Pastor Matsunaga on the basis that he had not been involved in major segments of the Goto confinement, nor could it be established that the abuse suffered by Toru Goto resulted from supervision of the process by Pastor Matsunaga. Thus, neither Pastor Matsunaga, nor his church, was found to share any of the tort liability.

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8 For further information on Toru Goto’s years of confinement and his efforts to obtain justice, refer to the chapter “Abduction, forced confinement and unsolicited “exit counseling” in HRWF’s July 2013 submission to the UN Human Rights Committee.

9 For further information on all known civil court rulings in cases involving abduction, forced confinement and unsolicited “exit counseling”, refer to the chapter “Impunity persists” in the HRWF July 2013 submission to the UN Human Rights Committee.
in the case. As regards the role of Takashi Miyamura, the Court found he had been involved in coercive actions against other members of new religious groups, and that he shared limited tort liability with Toru Goto’s relatives. The Court ordered Takashi Miyamura to pay damages of 967,822 JPY, or approx. 7,000 EUR.

In finding only limited liability in only one of the “deprogrammers”, the Goto decision thus perpetuates a highly problematic judicial approach found in most other similar cases in Japan. To date, civil courts have only in two cases considered attempts to force someone to change their religion unlawful. In all other cases the courts either did not examine whether the plaintiffs had suffered harm from being subjected to unsolicited “exit counseling” or they found that unsolicited “exit counseling” was legitimate under certain circumstances. HRWF is concerned that the failure to unequivocally condemn this practice may originate from a discriminatory attitude towards the UC.

Regrettably, despite having validated many of the central claims of the victims of abductions for the purpose of forced religious de-conversion, the decision fell far short of fully acknowledging the culpability of either Toru Goto’s relatives or the “deprogrammers,” and served to belittle the gravity of the injustice he suffered. The decision does not alter the conclusion that Japan is seriously in violation of the Covenant in respect to protecting freedom of religion. On the contrary, the decision gave legitimacy to the illegal actions of Toru Goto’s family, and for the most part exonerated those outside his family who participated depriving him of his freedom and subjecting him to coercion. The decision can thus be taken as promoting the climate of impunity that has allowed similar abductions to continue.