

FFWPU Europe and the Middle East: Special Appeal Filed to Japan's Supreme Court to Stop Religious Bigotry

Knut Holdhus
September 7, 2024



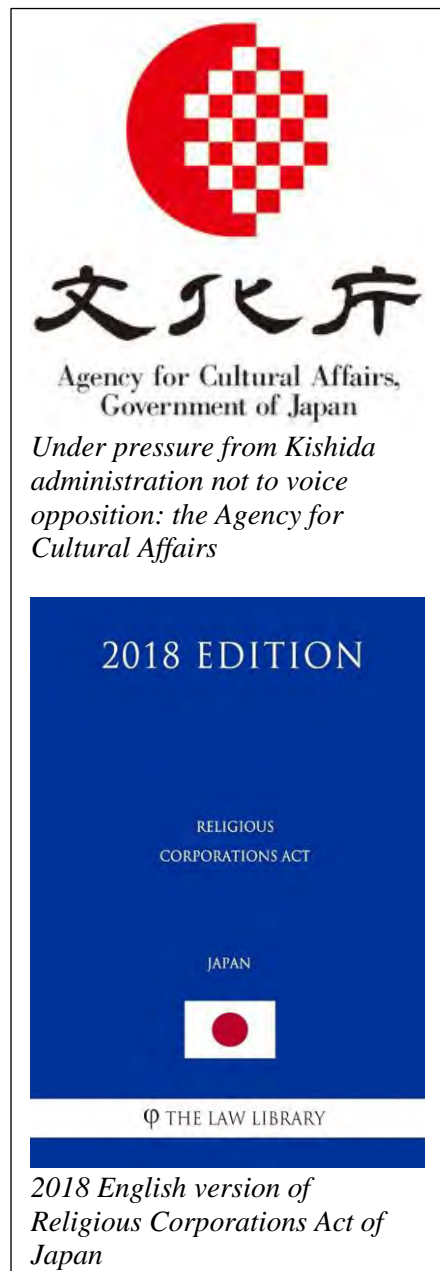
Special appeal to Supreme Court over imposition of "most unjust fine"



Tokyo, 6th September 2024 - Published as an article in the Japanese newspaper [Sekai Nippo](#). Republished with permission. Translated from Japanese. [Original article](#)

MEXT's unjust questions to the [Family Federation](#) in the fines lawsuit over "no response", including "overseas remittances" and other matters that had already been reported.

The Agency for Cultural Affairs of the Ministry of Education, Culture, Sports, Science and Technology (MEXT) filed a lawsuit against the [Family Federation for World Peace and Unification](#) (formerly the Unification Church) seeking an administrative fine for the [federation](#) failing to respond to some of the questions MEXT had asked based on the "reports and questions" section of the Religious Corporations Act. It has come to light that there are around 10 unreasonable questions that the court does not consider problematic despite the [Family Federation's](#) lack of response.



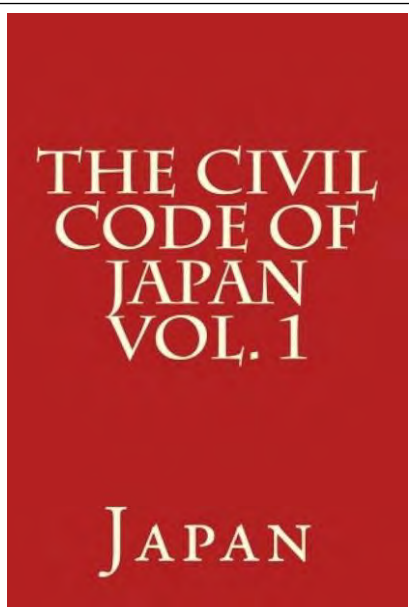
In the lawsuit where the Ministry of Education, Culture, Sports, Science and Technology (MEXT) sought a fine of 100,000 yen, the Tokyo District Court in March and the Tokyo High Court on the 27th August ordered the payment. However, the [Family Federation](#) filed a special appeal to the Supreme Court on 2nd September.

The Religious Corporations Act stipulates the exercise of the right to question when there is suspicion of a dissolution order for religious corporations, especially for acts that "violate laws and regulations and are clearly recognized as significantly harming public welfare." Since the 1995 ruling related to the Aum Shinrikyo incident, the interpretation of "violation of laws and regulations" has been based on the precedent that such violations refer to "acts that contravene prohibitions or orders as defined by substantive laws such as the Penal Code" (the general criminal law). Based on this precedent, the government responded on 14th October 2022, that the [Family Federation](#) would not be subject to a dissolution order request.

The [Family Federation](#) strongly argues that the exercise of the right to question and the request for a dissolution order based on the government's unjust change in interpretation, and the imposition of fines by the district and high courts, is a violation of Article 31 of the Constitution (violation of the definition of a crime according to criminal law) as it applies acts that are wrongful according to article 709 of the Civil Code to the grounds for dissolution, which is an administrative punishment comparable to the death penalty for a religious corporation.

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) exercised its right to question the [Family Federation](#) seven times from 22nd November 2022 to 22nd August last year. The [Family Federation](#) did not respond to about 100 of the approximately 500 questions, and MEXT notified the Tokyo

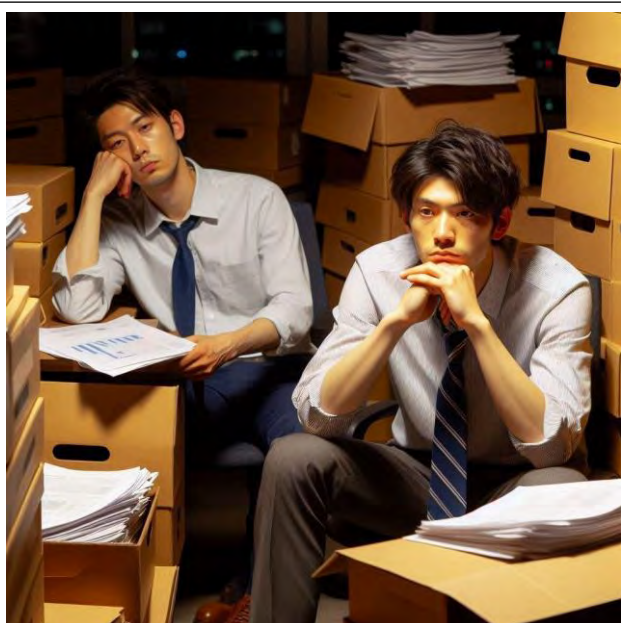
District Court of the fine on 7th September of the same year. The [religious organization](#) appealed the decision, but both the district court and high court ruled in favor of the payment. In those rulings, the court classified the unanswered questions into 45 items and determined whether or not to impose punishment for each item.



English exact reproduction of The Civil Code of Japan, vol. 1, 4th edition, first published 1906

According to interviews conducted by this newspaper with officials of the [religious organization](#), out of the 45 items, the court concluded that 10 items were "not recognized as non-reporting" or "would not be subject to punishment", and 2 items were categorized as "not taken up for punishment". On the other hand, 32 items were classified as "subject to punishment", and 1 item was classified as "partly punishable and partly not punishable".

An example of a question from MEXT that the court decided "not to punish" for non-reporting was, "Regarding overseas remittances, please report with attached materials that show the content of the report based on Article 55 of the Foreign Exchange and Foreign Trade Act." An official of the [religious organization](#) stated, "The [Family Federation](#) has been properly reporting overseas remittances to the relevant ministries and agencies based on the Foreign Exchange Act and other laws. In this case, the relevant ministry is the Ministry of Finance, but the government is asking questions that can be understood by investigating within the government." The court also recognized that the [religious organization](#) had properly reported to the relevant ministries and agencies.



Japanese authorities asking for impossible amount of documents

However, for items such as detailed reports on the salaries, retirement payments, withholding taxes, and year-end adjustments for all employees - information that could be determined by investigating within government agencies like the tax office or the Social Insurance Agency - the court ruled, "This constitutes non-reporting and will be punished."

Additionally, an official of the [religious organization](#) explained,

"They asked for copies of all receipts and invoices for the accounting of about 300 churches nationwide, as well as the general ledger since 2006. It would take several boxes of documents for one church alone, making it impossible to comply within the deadline for 300 churches."

The court also acknowledged that "it was extremely difficult to respond within a short period" and decided "not to punish". It can be said that the court effectively recognized that the Agency for Cultural Affairs' exercise of the right to question was excessively forceful.

Staff member of the [religious organization](#) unable to sleep at night after excessive requests for personal information when the right to question was exercised

Suspected abuse [by the Agency for Cultural Affairs], needs to be investigated

There were various contractual matters among the items where no response was given, particularly due to concerns over privacy. A representative of the [religious organization](#) said,

"Contracts always include the names and addresses of the other party. It is natural to consider the privacy of not only believers but also those who are not part of the [organization](#)."

Moreover, regarding other unanswered questions, an official explained, "Even though we provided thorough explanations, those were marked as non-reporting because they refused to understand." He also stated, "We did not submit answers to questions that had nothing to do with the 'unlawful acts' cited as grounds for dissolution."



Could hardly sleep at night. At the desk late to meet short deadlines decided by Japanese authorities

The Religious Affairs Division of the Agency for Cultural Affairs increased its staff from 8 to about 40 and exercised the right to question seven times, with a response deadline of approximately one month. The staff of the [religious organization](#), numbering less than 10, had such a workload that they could barely sleep at night.

The Religious Corporations Act stipulates that the authority to question "must not be interpreted as being granted for the purpose of criminal investigation." Questions are to be asked when there is suspicion of "acts that violate laws and regulations and are clearly recognized as significantly harming public welfare" or "acts that significantly deviate from the purposes of the religious organization."

The standards for exercising the right to question, as determined by the Agency for

Cultural Affairs of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), include the following provisions:

The presence or absence of "suspicion" should not be determined based solely on rumors or the claims of one party.

It is appropriate to base such determination on objective materials and evidence, such as judgments by public institutions that recognizes violations of laws and regulations by officers belonging to the religious corporation in question and the legal responsibility of the corporation.

However, as reported by media, on the first occasion of the exercise of the right to question on 9th December 2022, an official from the Agency for Cultural Affairs told former believers,

"We need to gather solid evidence, so that it will not be overturned in court."



Discussing behind closed doors: Japanese government officials

This suggests that the questioning, which was conducted behind closed doors, deviated from the principle of fairness and impartiality expected from administrative procedures and was pursued with the intention of ultimately seeking a dissolution order.

The court even acknowledged that some of the questions imposed an excessive burden, demonstrating that the questioning included unreasonable demands. The fact that this was persistently carried out by a major administrative authority on a "private" religious corporation could leave an extremely serious problem in the history of postwar religious administration. [Editor's note: Religious corporations in Japan are private organizations in the sense that they are independently managed and not part of the government. Religious corporations manage their own internal affairs, finances, and religious

activities without direct interference from the government. This autonomy positions them within the private sphere.]

The increase in unanswered questions can be attributed to the overwhelming volume of the questions, which made it impossible to respond by the deadline. The increase in non-responses is also due to questions about employees withholding tax, their year-end adjustments, and other matters unrelated to the "organizational nature, maliciousness, and continuity of unlawful acts" cited as reasons for dissolution. According to the [religious organization](#), these questions did not conform to the standards for exercising the right to question as defined by the Agency for Cultural Affairs.

Given the non-public nature of the questioning process and the request for a dissolution order, it is imperative to fully disclose all information and rigorously investigate whether these actions were carried out under proper standards and whether there was any abuse of administrative power.

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Appeal Dismissed In Case About Most Unjust Fine

August 28, 2024 • Knut Holdhus

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Ordered to pay fine for the **Family Federation**: Tomihiro Tanaka, here at press conference 7th Nov. 2023. Photo: Screenshot from transmission by **FFWPU**

fine for the **Family Federation for World Peace and Unification** (formerly known as the **Unification Church**) for refusing to answer some of its questions, the **Tokyo High Court** on the 27th August upheld the **Tokyo District Court's** verdict ordering the **religious organization's** president Tomihiro Tanaka (田中富広) to pay a fine of 100,000 yen and **dismissed the Family Federation's prompt appeal**.

Since November 2022, the Ministry has exercised its right to question the **Family Federation** seven times, seeking answers to over 500 items, including donation practices and examples of legal settlements.

The **religious organization** refused to respond to more than 100 of these questions, prompting the district court to impose fines. The details of the items the **organization** did not respond to and the content of their responses have not been disclosed.

The **religious organization** argued that the exercise of the right to question itself was illegal and claimed that some responses were withheld to protect the privacy of its members. On 8th April of this year, the **federation** filed a prompt appeal with the **Tokyo High Court** against the **Tokyo District Court's** decision.



Still waving in Japan: the flag of the **Family Federation**. Photo: **FFWPU**

The **Family Federation** commented,

"Like the **Tokyo District Court**, the **Tokyo High Court's** ruling to impose the fine is unconstitutional and violates past **Supreme Court** precedents, making it extremely unjust. We will review the detailed content of the ruling and consider a special appeal."

Featured image above: Japanese court issuing verdict. Illustration: Microsoft Designer Image Creator, 28th August 2024.

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