

No Nukes Newsletter March 9, 2016

(Summary - see end for details)

No Nukes Rights! Lawsuit Against The Nuclear Reactor Suppliers

Dear Plaintiffs,

This English newsletter summary is coming to you because you are a plaintiff in the Lawsuit Against The Nuclear Reactor Suppliers now being fought in the Tokyo District Court in Japan. The trial began on August 28, 2015 and the 4th session will be held on March 23, 2016. In this 4th session, the trial is about to get underway in earnest because it will be argued that the catastrophe that occurred in Fukushima was the result of flaws in the nuclear reactors.

For quite some time we have been unable to give you details in English about what has been happening in this lawsuit, but from now on we intend to send you fairly regular English updates on the plaintiffs group as well as developments both inside and outside the courtroom.

There is one very important matter that we need to communicate to all the plaintiffs now - please see 2) below. We hope you will take the time to read this and also respond to us by email or regular post. (Please see details at the end of this summary.)

1) The fourth meeting of the oral proceedings in the Lawsuit against the Nuclear Reactor Suppliers will be held at the Tokyo District Court on Wednesday, March 23, 2016 from 2:30 p.m. (Courtroom 103). The trial is open to the public and plaintiffs' seats may be reserved in advance (but the deadline was March 13 and if you are overseas it is probably not possible for you to attend). It is also possible to just turn up on the day of the meeting, but if there are more people than seats then lots are drawn to allocate seats. It's important that as many plaintiffs as possible attend the meetings to show the judge that citizens are concerned and expect a fair trial.

2) “Normalization” of the Lawsuit Finances - We demand that the money contributed by plaintiffs be used for its original purpose: to support the trial!

a) Firstly, you need to understand the organizations involved in the lawsuit. There are you, the Plaintiffs Group, the Legal Team, the Association of the Lawsuit Against The Nuclear Reactor Suppliers with its Secretariat, and the Facilitators Group. The lawsuit finances have been managed by the Lawsuit Association Secretariat (hereafter “Secretariat”) since they collected money from the plaintiffs-to-be before the Plaintiffs Group was officially set up, but a conflict has arisen between the Secretariat, on the one hand, and the Legal Team and plaintiffs who are against the Secretariat and eventually formed the Facilitators Group (hereafter “Facilitators”), on the other hand. We will try to explain here what has happened and what the current situation is.

b) The Lawsuit Association was founded in the fall of 2013 in order to put out a call for people to become the plaintiffs for the lawsuit, and there are now around 3,700 plaintiffs worldwide. The case was submitted to the court in January 2014. The conflict began around the summer of 2014, when Mr. Che, then Chief of the Secretariat, claimed that it was necessary to question the different kinds of discriminatory structures and colonialism that exist in the background to nuclear power while many plaintiffs (in Japan, at least) and the Legal Team felt that the content of the trial should be limited to the original legal claim, which is the common cause for the lawsuit among all plaintiffs. Instead of settling the conflict through discussion, Mr. Che (an ethnic Korean resident in Japan) placed material on a Facebook page and personal blog depicting the conflict as being one between the Secretariat and “the Legal Team, who are flaunting their power and forcing on everyone the notion that this is a single-issue case.” Slanderous language was used, for example, against the Legal Team and some plaintiffs on the Lawsuit Association mailing list, causing some plaintiffs to either unsubscribe from the mailing list in disgust or simply ignore posts.

Around December 2014, the Secretariat, in the name of the

Chairman of the Association, brought a charge requesting disciplinary action against the lawyer Mr. Shima (Joint Chief Attorney) at the Tokyo District Public Prosecutor's Office. This was withdrawn after a few days, only to be re-submitted a while later by another person, Mr. S. Because of these requests for disciplinary action, the legal team declined to act as representatives for Mr. S, Mr. Che and Mr. Pak (then a Secretariat member).

Because they had now lost their status as plaintiffs in the lawsuit, in August 2015 Mr. Che and Mr. Pak organized another lawsuit party within the same court, which is called "Self-Represented Litigants Group." Thus two different lawsuits exist, the original Lawsuit Against The Nuclear Reactor Suppliers with 3,700 plaintiffs and the lawsuit of the "Self-Represented Litigants Group" with its 32 plaintiffs. Unfortunately, this conflict has caused many conscientious plaintiffs to become disillusioned with the lawsuit, and quite a number of plaintiffs have not only unsubscribed from the mailing list but have resigned their status as plaintiffs.

It also appears that Mr. Che has spent Lawsuit Association money to take overseas travel in the name of "international solidarity," while he has provided overseas plaintiffs with no information about the situation in the lawsuit.

Because of this situation, several dozen of us who believe that the Legal Team fighting against the three defendant nuclear reactor suppliers should be given the best support possible established a plaintiffs' Facilitators Group at the beginning of 2015. The Facilitators Group has been handling all the work associated with the three meetings for oral proceedings held thus far, such as devising strategies with the Legal Team, cooperating with different kinds of investigations and research, holding study meetings, producing the Japanese newsletter and email magazine, work related to observing court proceedings, holding report meetings, producing and selling campaign goods, and so on. This work has been supported by donations from plaintiffs who support the Facilitators Group's activities.

c) Structure of the “Self-Represented Litigants Group”

Currently, it is Mr. Pak Dong-sok who is the Chief Secretary of the Secretariat. Although it did not exist at the outset, Mr. Pak has included the “Self-Represented Litigants Group” into the original “Lawsuit Association.” Thus Mr. Pak, now no longer a plaintiff in the original lawsuit, is now the chief of the “Lawsuit Association” Secretariat. Several plaintiffs have objected to this problematical situation, but Mr. Pak has ignored and failed to respond to these objections.

Legally, it is not permissible to be both a plaintiff in the original lawsuit and a plaintiff in the “Self-Represented Litigants Group” simultaneously. Although the three suppliers, GE, Toshiba and Hitachi, who are the defendants, are the same in both cases, there are differences in the content of the claim, the legal grounds and the number of plaintiffs between the two. Both parties have requested a separate trial, but the three defendants have opposed this and at present the deliberations are being carried out together in the same courtroom.

If you are observing the trial, you will see that the Legal Team and plaintiffs group and the “Self-Represented Litigants Group” are both within the bar, but it is important to remember that these are two different cases. Mr. Che Seung-koo is now Chief Secretary to the “Self-Represented Litigants Group” which consists of 32 members (as of January 26, 2016) with their own finances raised by subscriptions from among themselves. The “Self-Represented Litigants Group” consists of nine appointed parties, two of whom are Mr. Che and Mr. Pak and 23 appointing parties. This is hard to understand because the trial is taking place in the same courtroom, but they are completely separate lawsuits and therefore the two groups of plaintiffs cannot share the same court verdict.

However, there are, naturally, several problems with the two different lawsuits having one support organization. Especially financially, the plaintiffs inside Japan (roughly 1,300 people) have thus far contributed more than five million yen to support the Legal

Team, but this is actually not being used for this purpose since the Secretariat, which is in conflict with the Legal Team, is responsible for the management of the funds. Since late 2014, the Lawsuit Association has been unable to use the funds for their original purpose of supporting the Legal Team and the funds are apparently being used for the purposes of the “Self-Represented Litigants Group.”

d) The reality of “We will work together with and cooperate with the legal team”

As there was to be an Annual General Meeting (AGM) of the Lawsuit Association in February this year (2016), from November of last year the “Self-represented litigants group” suddenly began to say “We will cooperate with the Legal Team.” but we can only assume that this is a strategy to deceive the plaintiffs.

The request for disciplinary action against Mr. Shima, brought by Mr. S, was turned down by the Disciplinary Committee of the Tokyo Lawyers Association, but even recently Mr. Che has been coaxing people to re-submit the request. One was in fact re-submitted by 17 persons including Mr. Che and Mr. Pak, the former and current Chief Secretaries, in February 2016, when they learned of the claim to transfer the plaintiffs’ funds filed by the Facilitators Group. However many times the request is submitted, the result will always be the same, but in the meantime the busy Legal Team is also having to deal with the paperwork for the disciplinary action and therefore these moves can only be interpreted as obstructive (sabotage) behavior on the part of Mr. Che, Mr. Pak and the “Self-Represented Litigants Group.”

e) Reality of the February 13 AGM and the vague financial report

The AGM was held on February 13, 2016, and it is clear from the financial report and the budget that the Secretariat has little intention of supporting the Legal Team. The AGM itself was given little prior publicity and overseas plaintiffs were not informed. The protocol was not publicized, and persistent inquiries from several

plaintiffs about the quorate, the agenda and the voting process received no response.

In the end, only 14 people were present at the AGM and it was claimed 30 people from different parts of Japan participated by Skype. In the financial report, only five expenditure items and their amounts were listed, but with no details. It seems that about 1,890,000 yen was spent over the year, but none of it was used to support the work for your lawsuit.

f) Content of the “Lawsuit Association” FY2016 budget

In the budget (revealed at the AGM) 600,000 yen is allotted to the Legal Team (representing 3,700 plaintiffs) and 300,000 yen to the 30 or so persons of the “Self-Represented Litigants Group.” No mention is made of the funds collected by the “Self-Represented Litigants Group” despite the fact that the two lawsuits are supposed, “not be separate lawsuits” by the “Self-Represented Litigants Group.” A further 800,000 yen is allotted to office expenses, overseas travel costs and accounting costs, and no balance is shown to be held over to the following year. So it seems that the intention is to use up all the roughly 3,000,000 yen on hand. Does this mean that they intend to engage in no activities next year?

g) Importance of the Lawsuit Against The Nuclear Reactor Suppliers

We wish to repeat here that the Lawsuit Against The Nuclear Reactor Suppliers is a groundbreaking lawsuit that questions the constitutionality of Japan’s Atomic Energy Damage Compensation Law and pursues the responsibility of the nuclear plant/reactor suppliers/makers. It’s really necessary for the Legal Team to be properly supported financially to fight this case right to the Supreme Court. It is therefore imperative that the funds provided by the plaintiffs be used for the original purpose of supporting the legal struggle.

h) Will you please become a “client” of the lawyer who will negotiate for the normalization of the finances?

Currently, 32 plaintiffs along with 22 lawyers from the Legal Team have become “clients” of the lawyer Mr. Akihito Kubota, who has sent a written demand to the “Lawsuit Association Secretariat” to temporarily hand over the funds they are managing to the Legal Team. The secretariat has replied stating its claims and Mr. Kubota is engaged in consultations with the plaintiffs, the facilitators and the legal team on how to proceed, e.g. by freezing the managed funds, and so on.

A postcard was sent out with the Japanese version of this newsletter asking plaintiffs, many of whom we believe share our concerns about the funds and the circumstances mentioned above, to become “clients” to Mr. Kubota in his negotiating efforts. We hope that overseas plaintiffs will also consider this, but please read the section below before making your decision.

i) “Client” and “Supporter”

There is a possibility that the “normalization of funds” case will be submitted to the court and that “clients” will become “plaintiffs” in the case. (A letter of proxy would be sent to you beforehand if that should actually happen.) Alternatively, if you do not wish to become a “client” in this case, but you agree with the reasons for the negotiations, you could become a “supporter.”

It is possible that if the case goes to trial it will be very difficult to maintain the privacy of plaintiffs, since it is not expected that Mr. Che will respect personal data. If you have any misgivings about this, please consider becoming a “supporter” to this case. We guarantee that your name will not be made public if you decide to become a “supporter”.

The Facilitators Group believes that it is crucial to have some idea of how plaintiffs (including, of course, overseas plaintiffs) feel about this problem and would very much like to get an idea of how many people will support the negotiation for normalization of funds by becoming a “client” or “supporter”.

j) Costs for the normalization of funds

The costs associated with the negotiation for the normalization of funds are not being taken from contributions for the main lawsuit. Although the Facilitators Group has only one bank account, the funds will be accounted for separately, and we ask that contributions for this negotiation (and possible court case) be marked appropriately so that the money can be used for the correct purpose.

This ends the summary of the Japanese newsletter. This is not a complete translation of the (very complex) Japanese newsletter, but is a fairly detailed and faithful representation of the content of the newsletter and of the situation as it stands at present.

PLEASE do not give up on this case because of these problems! In legal battles like this one (and in all citizens' efforts against nuclear power) problems like this are almost certain to arise. The important thing is not to give in to this kind of sabotage and to try to get as many supporters on board so that the trial can go ahead in the proper manner for a free and democratic country.

PLEASE can we ask you to do the following?

Will you please send email to the email address below expressing your willingness to be a "client" or a "supporter" in the negotiations for the normalization of funds of the Lawsuit Against The Nuclear Reactor Suppliers?

We would appreciate it if you would do the following:

- 1) Please include your name and address/country so that we can identify you as one of the plaintiffs in the main lawsuit.
- 2) Please keep your messages short. If only some of you respond,

it will still mean that we will receive several hundred emails! (We will try to send you a confirmation of receipt of your email message.)

3) Please can you write either in English or Japanese; that would be appreciated, but we also have people who can read French, German, Indonesian, Chinese, Korean and Thai if it will save you time by writing in one of these languages.

Email address: information_overseas@nonukesrights.holy.jp

Postal address: Overseas Plaintiffs Manager, Facilitators Group for the Lawsuit against the Nuclear Reactor Suppliers

C/O R-Rights Law Office, 3rd Floor, 3-9-10 Ginza, Chuo-ku, Tokyo, 104-0045 Japan

We look forward very much to hearing from you! If you have read this far, PLEASE take five minutes to send us an email message. This is crucial for us in order to proceed with the original lawsuit.

We also promise that if there is a substantial response from you, the overseas plaintiffs, we will do our very best from now on to keep you informed in English of developments in the lawsuit by sending you summaries or translations of newsletters and other important documents.

Please see more information in English by clicking the “English” tab at

<http://nonukesrights.holy.jp/>

Also see the Facebook

page: <https://www.facebook.com/nonukesrights2>

Please let us hear your voice in this groundbreaking lawsuit against the nuclear reactor suppliers!

Overseas Plaintiffs Manager, Facilitators Group for the Lawsuit
against the Nuclear Reactor Suppliers