

## No Nukes Rights! Lawsuit Against The Nuclear Reactor Suppliers

Dear Plaintiffs and Supporters,

We report to you here on the flow of events in the courtroom and the fourth meeting of the oral proceedings on March 23.

### Flow of the day's events

The oral proceedings were conducted from 14:35, but prior to that the Facilitators Group carried out an appeal action in front of the Tokyo District Court from 13:30 to 14:00. A banner was unfurled, speeches were made declaring the flaws in the CND Act (Compensation for Nuclear Damage Act - same as "Atomic Energy Damage Compensation Law") and the liability of the nuclear reactor suppliers, and leaflets were distributed.

Other than the roughly 70 plaintiffs who had applied in advance for gallery seats, the people who had turned up to observe the proceedings exceeded the remaining gallery capacity of 50. Lots were therefore drawn for trial observation. This indicates the high degree of interest in the plaintiffs' claims in this session, pointing out defects in the nuclear reactors that led to the nuclear accident and the questioning of the liability of the reactor suppliers, matters that touch on the very core of the nuclear power issue.

Court clerks and security personnel standing at the entrance to the court numbered more than 30 in a much more ostentatious show of security than had been seen thus far. About 30 security personnel were also standing inside and outside the large 103 courtroom once the trial was about to begin.

The oral proceedings were conducted from 14:35 to 15:45 in front of a full gallery. The plaintiffs' representatives gave a 40-minute presentation of specific flaws in nuclear reactors and other matters using PowerPoint. The significance of this case is that while nuclear

accidents are extremely serious and cause untold suffering and damage, because of the powerful barrier of the CND Act (which absolves plant manufacturers from liability) this is the first trial in the world that has brought to light the flaws of nuclear reactors in the courtroom. Observers in the gallery were listening to the proceedings with even more enthusiasm than before, but when the chief judge declared at the end, "I hereby close the oral proceedings today," the plaintiffs' representative stated, "We recuse the judges," the judges closed the court and hurried out amid angry shouting.

The legal team were scheduled to present detailed claims and evidence showing that there had been changes in the prosecutable facts for Japan's CND Act and its unconstitutionality, and therefore briefs had been prepared by constitutional and civil law researchers. To declare the end of the oral proceedings, despite the fact that these researchers were scheduled to be cross-examined in subsequent proceedings, and without allowing the defending legal team to conduct a rebuttal, is a total neglect of plaintiffs' rights, and since there is the fear that it may not now be possible to obtain a fair trial the legal team have filed a recusal document against all the judges.

The recusal document (in Japanese) can be seen at our website: <http://nonukesrights.holy.jp/>

For 25 minutes from 16:10, a press conference was held in the press club on the second floor of the court by the plaintiffs' representatives Hiroyuki Kawai, Akihiro Shima, and Nobuko Terada along with plaintiffs Kazue Morizono (Fukushima accident victim) and Masashi Goto (former Toshiba nuclear plant engineer).

A report meeting was also held from 16:30 to 18:30 in the No.1 Conference Room (BF1) in the No.2 House of Representatives Building, with about 70 people in attendance.

Attorney Kawai made the powerful statement, "Even if we lose the

first trial, we will fight the second trial. In the meantime, we will work on raising public opinion. Let's put up a very strong and tenacious fight to get rid of every one of the nuclear power plants all around Japan. We have confidence that we are tackling the most important issue in Japan today, so let us move forward with this just struggle of national salvation." Mr. Goto, a former nuclear plant engineer, praised the legal team by saying, "I have never heard such an easy-to-understand overall explanation of the flaws of nuclear power plants as the one we heard in the legal team's presentation in court today. It was wonderful."

It appears that the date for the verdict will be around July 13, but this is not certain due to the recusal against the judges. Whichever side wins, there will almost certainly be an appeal to a higher court. Power of attorney letters for the appeal will be available for download from our website at the end of April and we would like to ask you to sign and send them out to us.

Videos (in Japanese) of the appeal action, press conference, and report meeting can be seen on the homepage of the Lawsuit Against The Nuclear Reactor Suppliers.

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

Below is a (detailed) report on the events in the courtroom on March 23.

#### Overview of the Oral Proceedings

1. Date and time: Wednesday, March 23, 2016, 14:35 to 15:45
2. Place: The Tokyo District Court (Courtroom 103)
3. Attendees: Three judges (Chief Judge Yoshihide Asakura, Judge Tomoko Takebe, Judge Tatsunosuke Watanabe), stenographer, court clerk, five court security personnel, six plaintiffs' representatives, six seats for appointed representatives, 14 seats for the defendants' representatives, 64 seats for plaintiffs, 48 seats for other observers.

#### 4. Content

(Court opens: 14:35)

Chief Judge: Confirms the prepared documents and evidence submitted.

(14:40)

Plaintiffs' representatives: Statement using PowerPoint.

Attorney Iwanaga: "Structure and mechanism of nuclear power generation"

Attorney Shima: "Nuclear reactor flaws"

Attorney Kataguchi: "Gross negligence by the defendants",  
"Application of unconstitutionality"

(15:25)

Appointed party (Che): Statement using PowerPoint. 1. Claim for compensation that is not based on CND Act, 2. Request for separate trial, 3. Urging a response from the defendants to the request for clarification

(15:40)

Defendants' representatives: Request for immediate end to oral proceedings.

Appointed party (Pak): Request not to end oral proceedings.

Application to bring witnesses (Kazuki Kumamoto, Yoshikazu Sawano) before the court.

Plaintiffs' representative (Kawai): We also desire a separate trial. We will make claims and present evidence concerning prosecutable facts on unconstitutionality and are currently preparing briefs from three researchers and a former nuclear plant engineer. These will be submitted at the next or following proceedings, and we plan to present evidence after that, including witness cross-examination.

Defendants' representative (Okada from GE): The plaintiffs, since the time when the chief judge was replaced, had said that the

claims would be completed within the year.

Plaintiffs' representative (Shima): No, we did not say that.

Chief Judge: I hereby close the oral proceedings today.

(Following this, the proceedings are inaudible due to shouting.)

Plaintiffs' representative (Kawai): We recuse the judges!

Chief Judge: How many of the judges?

Plaintiffs' representative (Kawai): All three judges.

Chief Judge: You must submit the reasons in writing.

(Court closes: 15:45)

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>

We have received responses to the "postcard questionnaire in the normalization of finances" from many plaintiffs (inside Japan). We will report the result to you in the next newsletter. If you have not yet replied to the postcard (or to the email we sent out to overseas plaintiffs) we would very much like to ask that you do so as soon as possible.

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

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Lawsuit Against The Nuclear Reactor Suppliers

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