

Dear Overseas Plaintiffs and Supporters,

This is a translation of "No Nukes Newsletter: July 23, 2016," which is sent to all the plaintiffs living in Japan.

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1. We report to you here on the latest situation in the lawsuit. (By Nobuko Terada, Legal Team Secretariat)

The verdict in the first trial in the lawsuit was handed down at 4 p.m. on July 13, 2016, in Courtroom 103 of the Tokyo District Court. The plaintiffs' claims were rejected (rejection of the creditors' right of subrogation to demand compensation). Looking at the reasons for the verdict, it is clear that the court did not allow sufficient time for deliberation of the issues, and as stated in the recusal against the judges, the legal team for the plaintiffs was not even allowed to complete its claims. In order to demand a further judgment in an appeal trial, the legal team is now preparing documents for the appeal. (The claim for recusal of the judges was rejected on April 21, but the legal team made an immediate appeal to the Tokyo High Court on May 2. Although this recusal is still pending, it does not cause the trial procedure to be suspended and therefore the verdict was handed down on July 23.)

We very much hope that we can count on the continued cooperation of all the plaintiffs. We intend to thoroughly and doggedly pursue and expose the irrationality of the concentration of liability under the Compensation for Nuclear Damage (CND) Act and struggle for recognition of the liability for compensation by the nuclear reactor suppliers!

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2. Summary of the July 23 verdict (By Legal Team)

I. Regarding unconstitutionality of the concentration of liability under the CND Act

1) Regarding No Nukes Rights

The no nukes rights claimed by the plaintiffs is, in effect, understood as specific rights under personal rights and environmental rights guaranteed by the constitution that might be pertinent in the case of a nuclear accident.

Certainly, an injunction may be recognized in the case that there is some specific danger, but over and above that, in the case that a nuclear accident has occurred, it cannot be understood that the immediate right has arisen, as claimed by the plaintiffs, to make a full and direct claim for damage compensation against the nuclear reactor suppliers with reference to personal rights or environmental rights.

Regarding the claim of moral hazard, nothing more than policy arguments are made concerning the rights and wrongs of the Compensation for Nuclear Damage (CND) Act.

It is not recognized that the concentration of liability violates no nukes rights and the concentration of liability is therefore not unconstitutional.

2) Regarding Property Rights

To what extent and against whom people who have suffered some damage are able to exercise their right of claim to receive damage compensation, provided there are no special circumstances that make it impossible to say that the restitution of the damage is rational, is, as a rule, within the scope of the discretion of the law.

According to the CND Act, regulations to completely compensate for damage are fully provided for.

Compensation is currently being paid for damages and it is expected that support by the support agency will continue.

Therefore, it cannot be said that the concentration of liability under the CND Act is not rational regarding the restitution of damage, and it is within the scope of the law. The concentration of liability does not violate property rights.

3) Regarding Equality Rights

As the fact that the concentration of liability cannot be judged to be irrational is as stated above, there is no discrimination based on an irrational reason.

4) Regarding right to receive a trial

Even if the claims of people cannot be recognized because they are deemed not to hold the right to receive a trial as a result of the application of a law, provided that law is not invalid due to unconstitutionality, it cannot be said that that fact of itself violates the right to receive a trial.

II. Concerning the applicability of abuse of rights with regard to exemption of liability due to the concentration of liability under the CND Act as claimed by the plaintiffs

According to the CND Act, the defendants bear no responsibility (for this), and since the defendants are exercising no right, due to the fact that the plaintiffs cannot exercise the right to claim damage compensation from the defendants, the claim itself is irrelevant.

III. The applicability of nuclear damages – omitted.

IV. The plaintiffs' claim is therefore rejected due to the above reasons.

V. The exercise of the creditors' right of subrogation to demand compensation

The Support Organization is continuing to supply funding to TEPCO.

The financial statements consistently show positive assets.

The profits-and-losses sheet also shows profits.

Therefore, there is no sign that TEPCO will fall into a situation of excess debt, and thus TEPCO will not fall into a position where it is bereft of funds.

Thus, the eligibility of the plaintiffs (necessity for full repayment of debts) is not recognized, and is rejected.

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3. Let's prepare! (By Akihiro Shima / Joint Representative of the Legal Team)

The verdict in the Lawsuit against the Nuclear Suppliers handed down on July 13 at the Tokyo District Court was effectively completed in 10 seconds.

In spite of the fact that at the 4th oral proceedings we stated the schedule for ~~the~~ further presentation of evidence and clearly stated our response to the defendants' rebuttals, we were not given the opportunity to make further presentations in court due to the sudden declaration of the conclusion of the proceedings by the judges. We were not therefore anticipating that there would be a proper and serious verdict forthcoming.

Even so, the Courtroom 103 was packed by people who would not allow a simple implementation of "pre-established harmony" (affirmation of the status quo regarding nuclear issues)... just to hear the 10-second empty declaration of the chief judge.

Everyone knows the meaning of this trial, the importance of packing out the courtroom, and the necessity to encourage the legal team.

This was the only possible forum for questioning before the judiciary the irrationality of the concentration of liability that allows the nuclear reactor suppliers to be promised that they will not have to bear any liability whatsoever, and that they would be assured of massive profits.

It is quite obvious that the fullest possible arguments that will stand up to historical investigation be put forth.

However, we refuse to be discouraged by being confronted with an extremely sloppy verdict based on immature legal arguments that do not even include a proper understanding of the distinction between personal and environmental rights.

This is not the end.

Let's now begin preparations that will force the defendants and the courts into a position from which there is no escape.

With everyone who fills the courtrooms with their passionate feelings and with all our friends around the world, we will continue to struggle for No Nukes Rights!

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4. Regarding the plaintiffs' organization in the Lawsuit against the Nuclear Reactor Suppliers

At the meeting after the judgment, Japanese plaintiffs brought up the issue of the need for a proper organization of the plaintiffs for the lawsuit in order to support our legal team, and a draft charter has been drawn up to stipulate the regulations of the organization. The main points of the charter are:

- i) Members are the plaintiffs who have concluded a contract that commissions the legal team as their representatives in the lawsuit.
- ii) Up to three of the joint representatives of the facilitators group and one accountant facilitator will act as officers of the plaintiffs' organization.
- iii) The income of the organization will be from donations given by plaintiffs or by supporters.

iv) The highest decision-making body of the plaintiffs' organization will be the annual general meeting, and extraordinary general meetings that are to be held when necessary.

v) A "facilitators group" will be appointed to manage the organization. This group will consist of officers and facilitators. Facilitators are plaintiffs who have been freely involved with planning, management and concrete duties of the lawsuit and are not limited to specific persons. (This basically approves the current form of the Facilitators Group that has been the core of the legal team support activities for some time.)

We will give you more details about the plaintiffs' organization charter when the charter is finalized.

Dear plaintiffs living overseas,

Thank you very much for your continued support and for sending us your power of attorney letters!

If you have not yet sent us your power of attorney letters (not in digital form, but using the paper form) and wish to continue to support the efforts of this lawsuit, we would be very happy indeed if you would fill out and sign *two* power of attorney letters, one for the High Court appeal and one for the Supreme Court appeal, and post them to us at the address given below as soon as possible (if you have not already done so). It is necessary to have these power of attorney letters posted to us because the court will only accept the *original* signed letter, not faxed, copied or scanned letters. We ask for your cooperation on this and thank you deeply for bearing with us during this complex court procedure.

The power of attorney form can be downloaded from the following page:

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

The top page for the website of the No Nukes Rights! Lawsuit against the Nuclear Reactor Suppliers is:

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

Our email address for inquiries from overseas

is: information_overseas@nonukesrights.holy.jp

The postal address to send power of attorney letters and other communications is:

Overseas Plaintiffs Manager, Facilitators Group
C/O R-Rights Law Office,
3rd Floor, 3-9-10 Tsukiji, Chuo-ku, Tokyo,

JAPAN 104-0045

Please feel free to contact us at anytime if you have comments on the lawsuit or wish to ask questions. We look forward very much to hearing from you!