

## **No Nukes Newsletter: November 30, 2016**

### **No Nukes Rights! Lawsuit against The Nuclear Reactor Suppliers**

#### **Dear Plaintiffs and Supporters,**

The Founding General Meeting of the Plaintiffs' Association for the Lawsuit against the Nuclear Reactor Suppliers was held in Tokyo on October 23, 2016. While making clear our dissatisfaction with the verdict of the first trial, it was confirmed that we would stand together in solidarity to fight the appeal trial. This newsletter contains information on 1) the current state of the lawsuit, 2) a brief overview of the Founding General Meeting of the Plaintiffs' Association.

As we move toward the high court (appeal) trial, we very much hope we can continue to count on your strong support.

#### **1) Current state of the Lawsuit against The Nuclear Reactor Suppliers**

The legal team has already submitted the appeal claim and the statement of the reasons for the appeal to the court, but because these documents have not yet been put in order, they are still at 24<sup>th</sup> Branch of Civil Affairs of the Tokyo District Court, which handled the first trial. As soon as the section of the High Court that is designated to hear the trial is determined, the legal team will make approaches to the court concerning consultations on the trial procedure. The designation of the date for oral proceedings will probably occur in the new year.

As we mentioned in the previous newsletter, the statement of the reasons for the appeal begins with the criticism that the verdict of the first trial was extremely weak in content and was tantamount to an abdication of the role of the judiciary. The statement then proceeds to give robust and deeper arguments for the appellants' claims concerning the points of contention, including the no-nukes right and its violation, the unconstitutionality of the system of concentration of liability, the abuse of rights, the liability of nuclear reactor suppliers, and the creditors' right of subrogation. An English summary of the statement of the reasons for the appeal is being prepared and will be published on the lawsuit website, although that may not happen until all the Japanese documents are also published, which may be at the start of the oral proceedings of the appeal trial.

## **2) A brief overview of the Founding General Meeting of the Plaintiffs' Association for the Lawsuit against The Nuclear Reactor Suppliers**

### **i) Background**

Originally, the power of attorney letters that all the plaintiffs have submitted should have been valid for the appeal trial (in the High Court) and the appeal hearing (in the Supreme Court) but the High Court has demanded submission of appeal power of attorney letters “to clarify the power of attorney of the lawyers” (to clarify the dissatisfaction of the plaintiffs with the verdict of the first trial).

The legal team is taking the stance of opposing this demand by the High Court, but in the case that this becomes impossible it will be necessary to ask everyone (1,300 plaintiffs in Japan and 2,400 plaintiffs overseas) to submit appeal power of attorney letters. In order to allow the trial to move ahead smoothly (in the first trial it took a year and several months to read all the letters of attorney carefully) we would like to ask everyone to submit power of attorney letters for the appeal trial to show your dissatisfaction with the verdict of the first trial. If you have not sent us your power of attorney for the appeal trial, we very much hope that you will do so soon and that it will be possible to have every single plaintiff who wishes to be involved with this trial send in their power of attorney. (Please see the end of this newsletter for details on how to send in your power of attorney letter.)

### **ii) Publicity**

To announce the founding of the Plaintiffs' Association for the Lawsuit against The Nuclear Reactor Suppliers, the Plaintiffs Facilitators Group sent out postcards to all plaintiffs, including postcards translated into English, Korean, Chinese, and Indonesian. An English version of the Charter of the Plaintiffs Association was also prepared.

iii) The founding meeting was attended by 33 people, and 228 letters of authorization (which count as attendance at the meeting) were sent in. (Thus far 596 people have sent in powers of attorney, 28 from overseas.)

### **iv)**

The two Joint Representatives of the lawsuit legal team, Mr. Akihiro Shima and Mr. Kawai Hiroyuki, as well as Mr. Daisuke Sato of the No Nukes Asia Forum and Mr. Masashi Goto, Chairperson of the Board of Directors of NPO the Union for Alternative

Pathways in Science & Technology (APAST) gave greetings speeches. The lawyer Mr. Akihiro Shima can be seen giving a detailed explanation of the appeal at the founding meeting at:

<https://www.youtube.com/watch?v=4UyMmgsWPzc&feature=youtu.be>

Of course, in Japanese, but at least you can see what is happening. (Just over 13 mins)

Mr. Daisuke Sato can be seen speaking at:

[https://www.youtube.com/watch?v=UpA\\_QlhDwTQ](https://www.youtube.com/watch?v=UpA_QlhDwTQ)

Of course, in Japanese. (Just under 6 mins)

#### v) Resolutions

Resolution 1: The Plaintiffs' Association Charter was approved with a number of amendments. The amended version of the English translation will be available soon. The Charter having been approved, it was then possible to confirm that the Founding Meeting was quorate (more than one-fifth of the plaintiffs present, including authorization letters).

Resolution 2: The budget proposal, was deliberated and approved after a few questions.

Resolution 3: The demand for the transfer of assets from the "Lawsuit Association" was approved after many opinions had been voiced and a vote taken.

Resolution 4: Detailed regulations for the election procedures was approved without amendments.

Resolution 5: The election of the facilitators' representatives and the accounts facilitator was completed with the election of Mr. Nozoe and Mr. Okubo as the representatives. Later, Mr. Oikawa was elected as the accounts facilitator.

Resolution 6: Approval of the minutes was not debated due to lack of time, and was passed over to the Plaintiffs' Facilitators to approve at a later date.

### **3) Other notes for overseas plaintiffs**

As mentioned above, the statement of the reasons for the appeal is now being summarized in English and will be ready soon, but will not be published on the website until it is decided that the original Japanese version can be published, and that may be when the oral proceedings for the appeal are about to start, sometime in the new year, 2017.

In addition, statements of opinion for the appeal trial by Mr. Masashi Goto (nuclear reactor flaws and safety), Honorary Professor Terumitsu Honma (Compensation for Nuclear Damage (CND) Act and protection of victims) and Professor Nozomi Yamada (requirements for the creditors' right of subrogation) will also be summarized in English,

and this work is ongoing now. An English version of the amended Charter of the Plaintiffs Association is also being prepared and will be available soon.

We are very hopeful that you will stay with us during the appeal trial and beyond. The fight is not yet over by any means, and needs to be fought so that the defects of nuclear power stations and the terrible effects of radiation are given a full airing in public. We urge you to send in your power of attorney letter if you have not done so already and to ask other interested people (we should all be interested in this!) to become plaintiffs. Any publicity you can give to this trial so that people around you know what is happening here, will be extremely welcome to us. Please feel free to email us at anytime with your questions and comments. We look forward very much to hearing from you!

-----  
**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](mailto: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,**

**3<sup>rd</sup> Floor, 3-9-10 Tsukiji,**

**Chuo-ku,**

**Tokyo,**

**JAPAN 104-0045**

**We look forward very much to hearing from you!**

