

The Ten Years of the Aum Trial

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Asahara's Trial

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Section 1. Abstract of the Aum Trial

The Aum incidents were brought to light after the police began their Investigation on March 22, 1995.

Up until the investigation was started, the Kumamoto regional court handled all sorts of cases, including violations related to the use of national land, document forgery, and violations of traffic transportation laws such as illegal changes made to vehicle registration numbers. For the last few years, there were violations of medical law, forgery, and deaths resulting from beatings with a bamboo sword in the name of religious practice. This incident was related to a group called the Keroyon Club, which is a branch of Aum. However, this article will not touch on these particular topics.

Out of all the cases in which lawsuits were filed, 26 people were murdered and one person died while imprisoned. However, there are thought to be other related deaths in incidents where no lawsuit was filed. It is estimated that about 50 people died as a result of violence stemming from brutal religious practices. In national registration records, some of these people are still indicated as being alive.

Some of the survivors of the sarin and VX gas incidents still suffer from injuries sustained in those attacks. They have seizures, numbness in various areas of their bodies, sight disorders, and suffer from post-traumatic stress disorder (PTSD). Two survivors are still hospitalized and unable to walk.

Out of approximately 500 people arrested, 189 have been indicted. One was found not guilty, while another was found not guilty on certain counts. The rest of them were found guilty. Some of these people have already completed their sentence and are out of jail. Life sentence without parole was given to 3 people. 12 people including the leader, Chizuo Matsumoto, have received the death penalty. Inoue received a life sentence from a regional court, but the verdict was changed to the death penalty by the Supreme Court. Therefore, 13 people are waiting for their death penalty. The trial of the defendant, Kazuaki Miyamae (formerly named Saeki and Okazaki) has gone the furthest through the proceedings, and the final sentence is likely to be handed down by the Supreme Court on February 17, 2005.

Four prosecutions related to illegal drug manufacturing (not counting Matsumoto) were exceptionally withdrawn due to the progression of the trial. In addition, all cases other than those involving death and serious injuries resulting from the gas attacks were withdrawn. All other details can be obtained from those who were involved, including Sadao Asami, who has appeared in various courts as a witness.

Section 2. Outline of the Aum Incident and the Circumstances Surrounding It

From here the most important events will be listed in chronological order, as they are indispensable in understanding the characteristics of the Aum cult group.

1988.9. One of the cult members was drowned during an intensive religious ceremony in the gym of the Mt. Fuji headquarters. The body was burned by oil from an oil drum and abandoned in Lake Shoji.

1989.2. Shuji Taguchi was murdered in a container near the gym, and the body was illegally discarded.

1989.11.4 A lawyer, Sakamoto, and his family were murdered.

1990.2.18 The election for the House of Representatives. 25 candidates from the Aum Shinrikyo party ran for the election, but all 25 of them were not elected. There was also illegal movement of resident cards.

1990.4. The Ishigakijima Seminar was held. During this seminar and several months after it, Botulinus toxin was sprinkled around the National Diet building twice. The toxin was thought to be complete when planted, but it was not yet complete.

1990.10.22 In Kumamoto Prefecture, the prosecution against Aum continued with the violation of the National Land Use Planning Act in Namino and document forgery, as well as other illegal activities.

1990.12.7 A father whose child was living with its mother, a cult member, made a claim to take the child back from Aum. The Aum cult lost this case, which is related to the human life protection demand, in both the Osaka regional court and the Supreme Court.

1992.3 Russia relief tours were held. Asahara met with the highest conference chairman and vice president. The meeting was broadcasted for cult members in Japan.

1992. 9. The Aum takes over the company that a cult member owned and brings precise machine accessories into the cult.

1993.2. Aum members visited an automatic rifle manufacturing plant in Russia, and purchased an AK471 rifle and ammunition.

1993.6.6 Naoki Ochi was hanged to death, and the body was illegally disposed.

1993.12 The sarin attack occurred in the Soka Gakkai facility in Hachioji City, Tokyo.

1993.6-7 A nasty smell was been reported to the police twice in the Aum's Tokyo Kameido headquarters which was in the middle of the construction process. Tanso bacteria had been sprinkled in the area.

1994.5 Aum started selling PSI, a method of introducing electricity of the same wave length as the founder of cult into the heads of the cult members. There were two ways to purchase it: one million yen for one week or was 10 million yen for unlimited use.

1994.1.30 Kotaro Ochida was killed in a lynching.

1994.3 Aum abducted a property owner in Miyazaki Prefecture and took him to Kamikuishiki, Tokyo.

1994.5.9 There was a murder attempted on Taro Takimoto, a lawyer, using sarin gas.

1994.6 A large, former Soviet Union helicopter arrived at Fujinomiya.

1994.6 An initiation for new cult members involving LSD and other stimulants was begun. As many as 10 people have died during this initiation process.

1994.6.27 The sarin gas attack occurred in Matsumoto, resulting in 7 deaths.

1994.7 A nasty smell was reported twice in the seventh building, Satyam, in Kamikuishiki.

1994.7.10 Toshio Tomita died in a lynching.

1994.7.15 A male cult member was killed after immersing his body in hot water at a temperature of 50 degrees Celsius.

1994.8.24 Wiretaps were discovered in the Takeuchi house and the public halls in Kamikuishiki.

1994.9 A property owner in Miyazaki was taken back from Aum after a lawsuit was filed against the cult by the owner's family and a group of lawyers.

1994.9 A lawyer, Takimoto, reported the use of LSD and other stimulants in Aum cult to the police.

1994.9.20 The Shouko Egawa Phosgene gas incident. No prosecution took place.

1994.10.5 Egawa, Takimoto, and their families were guarded by the police 24 hours a day for one year.

1994.10 The Takimoto VX gas incident. No prosecution took place.

1994.10 Police took soil samples from Tamikuishiki for lab testing.

1994.10 A nurse escaped the cult and reported murder and illegal drug use in Aum to the police. The nurse was a victim of confinement.

1994.11.4 Takimoto was forced to drink juice containing a botulinus toxin at a hotel in Fujinomiya.

1994.11 Aum began the "New Narco" process, in which electroshocks are used to erase the memory in human brains.

1994.11 A by-product of sarin was detected in the soil from in Kamikuishiki.

1994.12.2 The Noboru Mizuno VS gas incident in Tokyo.

1994.12.5 The eldest daughter of one of the cult members was abducted from the street.

1994.12.9 A pianist who was a cult member was put in confinement. Other members were arrested for the act of confining in March, 1995.

1994.12.12 The Chuuji Hamaguchi VX gas incident in Osaka.

1994.12 There was a VX gas homicide attempt for Yoshinori Kobayashi, the cartoonist. The case was not prosecuted.

1994.12 Plans for a compulsory investigation were decided at a nationwide police conference.

1995.1.1. The Yomiuri newspaper reported the discovery of a sarin by-product in Kamikuishiki on the front page of the paper.

1993.1.4. The chairman of the victims' advocate group, Hiroyuki Nagaoka, was attacked by VX gas and seriously injured.

(The Hanshin-Awaji earthquake hit Kobe on January 17, 1995)

1995.1 The son of cult members was abducted from his elementary school.

1995.2 The daughter of cult members was drugged and confined.

1995.2.28 Kiyoshi Kariya was abducted, confined, and later killed on March 1.

1995.3.15. A briefcase filled with Botulinus toxin was found in Kasumigaseki station.

1995.3.19 The Osaka district director of Aum was arrested for the abduction of a college student.

1995.3.19 An apartment previously owned by the professor specializing in religion was bombed. Aum cult members also threw fire bombs into their own headquarters to make it appear as though they were the victims of an attack.

1995.3.20 The sarin gas attack on the Tokyo subway system, in which 12 people died.

1995.3.22. A compulsory investigation by the police began at all of the facilities throughout the entire country.

(1995.3.30 The chief of the National Police Agency was shot.)

(1995.4.23 Hideo Murai, the minister of Science and Technology Ministry at Aum, was stabbed to death.)

1995.5.5 Cyanide gas was released in an underground rest room at Shinjuku station. The same crime had been attempted twice before that.

1995.5.16. Shoukou Asahara, whose real name is Chizuo Matsumoto, was arrested

1995.5.16 A mail bomb exploded in the Tokyo government building. One secretary was seriously injured.

Section 3. Results of the Trial and the Response of Each Defendant

There were as many as 189 defendants, making it difficult to grasp the true reaction of everyone involved. However, I have some information based on my own activity as a lawyer, interviews, court appearances by witnesses, and information from the media.

17 who have received the death penalty and life sentences (except for Asahara) are documented below. Responsibility for actions and mind control are explained in section four.

1. Ikuo Hayashi

He released sarin in a train at the subway station. He was 48 years old at the time. After graduating from Keio University, he became a medical doctor specializing in open heart surgery, and was known as a first-class doctor. He moved into the Aum gym at the age of 43 with his family.

On May 26, 1998, Hayashi was given a life sentence at a regional court. He confessed that he was the one who spread sarin and that Matsumoto was related to it. Because of his confession, the details of the sarin incident's investigation were made clear. He deeply regretted his actions but ultimately received a life sentence.

On December, 1994, I found out that he and his baby lived in the gym. Because I found this situation to be insane, I tried to talk him out of it.

On the day of the meeting, he was crazy enough to make me drink botulinus toxin. He was desperate to get his parent, an ex-cult member, back to Aum. They tried to use any means necessary to stop me.

Hayashi later told he was a principal drug offender and had known about the manufacture of sarin. In addition to that, he revealed in the witness questioning after the sentence was given that he believed the Aum cult was the victim of sarin attacks by some other group.

The police detective treated Hayashi gently and called him "Sensei" (a respectful way to address someone in Japan, usually means teacher). The detective never argued about religion with him. Then, he slowly began to speak about the sarin attack at subway station

The defending lawyer for Hayashi was court-appointed. By the time the defending lawyer was appointed, Hayashi already understood the contradictions and lies of Shoukou Asahara and the belief system of the Aum Supreme Truth. His faith was destroyed. There was a possibility of a suicide attempt because of his collapsed

identity and strong self-dislike. Therefore, there were strenuous efforts made to prevent him from committing suicide in prison.

Hayashi later wrote the book "Aum and I" (the pocket edition in 1998 and 2001 by the Bungeishunju Co.), a book that is extremely valuable in understanding the Aum incidents.

2. Kazuaki Miyamae (former name, Saeki, Okazaki)

Miyamae was the perpetrator in the Sakamoto family murder. At that time he was 29 years old. He grew up in a difficult economical situation, and was raised by his stepfather who did not have a good relationship with him. He changed jobs repeatedly, doing mostly construction work after he graduated from high school. He joined Aum and started to live in the gym at the age of 25. He escaped from Aum in February, 1990, the year after the incident. The death sentence was given to him on October 23, 1998 at a district court, and it was held up by the Supreme Court on December 13, 2001.

Miyamae voluntarily contacted the police after they began a compulsory investigation in 1995. However, he partially admitted his participation in the Sakamoto family murder. He talked with a weekly magazine. He visited China to find someone to marry for a certain period of time. Although he talked about his regret in court, it seems it was far from the truth.

In the first trial, a psychological evaluation was given by the psychologist Oda and Takeshi Tsuchiya, who specializes in criminal law. They concluded that, from the religious psychological perspective, it was difficult for him to do anything other than what Asahara ordered him to do. It is assumed that he was restricted from acting of his own free will. They also noted that he was convinced that all Chizuo Matsumoto's words were the truth, and that the only way to live was by mentally integrating himself with Matsumoto. As such, he felt he was forced to commit the crime since it was what Matsumoto wished. It was discovered that he had been confined in complete darkness in an isolation cell, and was psychologically manipulated by starving for several months.

In the appeal hearing, I met with him for an interview because I was appointed as a witness. It turned out that he still had a sense of fear and obligation towards Shoukou Asahara after he had escaped. When he fled, he had about 200 million yen, including 8.3 million yen received by Asahara. He planned to rebuild a local Aum branch some time afterwards. When he was arrested, he had some religious items, such as badge called Prussia, which is believed to show one's real self, that he received from Shoukou Asahara. I sensed Miyamae's feeling for Asahara was similar to the mixed

feeling of fear and love one has toward one's parents.

3. Masahito Yokoyama

He was the primary perpetrator in the Tokyo subway sarin gas incident, although there was no fatality. He was also involved in violations related to firearm manufacturing. He was hired by a private company after graduating from the Department of Engineering at Tokai University. He was 31 years old at the time of the sarin attack. He was sentenced to death by a district court on September 30, 1999, and the same sentence was given by the Supreme Court on May 19, 2003.

Yokoyama kept silent in court. It was confirmed that he had completely lost his sense of time while working in the Aum cult. After he was arrested, he was assaulted and severely attacked by the interrogator. He did not reveal any facts that were relevant to the attack, his motive, or the details of his relationship to Asahara. However, he described in his final statement of the first trial that he was "troubled because [he was] unable to make amends for what [he had] done no matter how hard [he] tried." His voice was so low that he could not be heard very well. In the final phase of the public trial, he declared that he was no longer a member of Aum, but later he took that declaration back. He has been reading books related to physics.

By the district court, the judge concluded that "he became a criminal due to his belief that he must obey Matsumoto's instructions" and "his motive was fanatical and self-righteous." It is regrettable that the investigation was not handled more appropriately. No fatalities occurred as a result of the sarin that Yokoyama released.

4. Koichi Kitamura

Kitamura was the driver who carried the sarin gas that was used in the attack on the Tokyo subway system. He was given a life sentence by a district court on November 12, 1999. The same sentence was given by the high court on January 29, 2002 and the Supreme Court on October 14, 2004.

5. Kiyotaka Sotozaki

Sotozaki was also a driver who carried the sarin gas that was used in the attack on the Tokyo subway system. The life imprisonment was sentenced by a district court on February 17, 2000. The same sentence was given by the high court on December 26, 2001 and the Supreme Court on February 9, 2004.

6. Yoshihiro Inoue

Inoue was the person in charge of the sarin attack on the Tokyo subway. He was 25 years old at the time. He became a member of the Aum Shinrikyo cult when he was high school freshman, as well as a believer of Aum. He is called an "expert trainer" and "expert leader." He went to live in the Aum gym during the summer vacation of his first year in college. He received a life sentence on June 6, 2000, but the death penalty was later handed down by the high court on May 28, 2004.

The lawyer assigned to this defendant was searching for a new method to defend his client. The lawyer took the defense method where the defendant was defended as opposed to defending the Criminal Procedures Law, which, from the author's point of view, is exactly the way the defending lawyer should handle the defense. The lawyer used the court room as a place to point out the extent of Shoukou Asahara's lies in an attempt to let the other cult members know the truth about the cult group so they would stop believing in it. He even visited the defendant every morning, which had a big effect on the defendant's sense of regret in regard to his actions.

However, at first the defendant did not appear to be truly remorseful, and the victims did not feel that his regret was genuine. Although the defendant was finally able separate himself from Shoukou Asahara, the only thing he had to offer was his prayers that those affected by his actions could find peace. His psychological condition is shown in the report that Director Nishida wrote in his capacity as his psychological examiner. Afterwards an interview was held with the head of the Japan Society for Cult Prevention and Recovery, Sadao Asami. During the meeting the preciousness of life was repeatedly stressed to the defendant, and he was recommended to read a book written by Shuhei Fujisawa. Slowly, he was able to feel and show real remorse.

"Think with your own self and never try to escape from the truth by blindly believing the teaching of the religion." The judge's statement at the first trial was based on the following background information. The defendant was given a life sentence, although the prosecutor had asked for capital punishment. The reason for this leniency was because he did nothing more than reporting the site situation at the sarin gas attack. The fact that he was extremely young and vulnerable when he was manipulated by the cult, in addition to the fact that he had a very difficult family situation were also taken into consideration. However, the most important fact that led to this decision was that he showed true regret and remorse for his actions.

Even so, in the appeal trial, the defendant was given the death penalty despite the fact that the prosecution did not provide enough counterevidence. They assumed that his post as a site reporter could be considered as supervising the attack. The

verdict seems to have been decided from the start of the proceedings, due to his involvement in several incidents that the Aum group was responsible for. His relatively high position in the group was apparently the main reason for the death penalty he received. The lack of sincere effort and accurate judgment are a marked difference from the first trial.

7. Ikuo Hayashi

Hayashi was the actual perpetrator of the sarin gas attacks in Matsumoto and on the Tokyo subway system. He was 37 years old at the time. After he graduated from Kogakuin University, he spent time traveling to foreign countries. The death penalty was given to him in a district court on June 29, 2000, and the same decision was made by the high court on December 5, 2003.

One thing that was very unusual was that no one spoke badly of Hayashi while most other higher posts were criticized by the cult members. Another thing was that he voluntarily took the last bag (making a total of three) of sarin to scatter in silence while the others only took two bags. At an interview with the writer, he stated, "I don't know why I did it. I really don't". In a statement from the judge, it was recognized that he was manipulated by the leaders of the group into taking it.

Hayashi described that he was told by his boss, Shigeo Murai, that Murai and Asahara made a bet regarding who would take the last bag, and they had both thought it would be Hayashi. Although he said he felt doubt about Murai's statement, he punched in a hole on three bags filled with sarin in the subway car, killing eight people. There is no other way to explain his action other than the intensity of the moment or weight of the feeling that his acts were irreversible.

After the attack, Hayashi escaped with a female cult member for a year and a half until December 3, 1996. Although he learned the truth about the cult and Asahara from the media and began having doubts in the cult's teachings, he still kept the badge of Prussia, an item that symbolizes that the "true self" equals Shoukou Asahara.

Hayashi was sentenced to death at the first trial. The following sentences were included in the closing statement from the judge. "We cannot criticize the true human nature and quality of the defendant without separating him from Asahara and the cult. The defendant is seen as one man. Doubting the group must have been the hardest thing to accept for the defendant, and from that point of view, we can also say that the defendant was unhappy and unfortunate." The expression used in the text was very unusual; therefore, we can guess how complicated and different each of the Aum

cases is.

In order to understand the nature of the the Aum incidents, it is important to take note of the following:

- They were events of extraordinary monstrosity that were committed by good people who believed that they were doing the right thing.
- Homicide based on malice is clear-cut, but homicide based on good intentions is not.
- As the expression goes, "The road to hell is paved with good intentions."

8. Kenichi Hirose

Hirose released sarin gas in the Tokyo subway system. He was 30 years old at the time. He was an honors student and earned a graduate degree in Engineering from the Physics Department of Waseda University. Although he had a job offer, he became an Aum cult member and went to live in the gym. Just like every other cult member, he went through a ritual called "Kundarini". It was believed that the energy from the lower spine rises up as heat, and that this was essential in reaching a state of zen-like consciousness in which it was even possible to levitate in mid-air.

Although his studies of physics in university went against the concept of levitation, he still believed the teachings of Aum and became one of its most enthusiastic cult members. He was sentenced to death on July 17, 2000 in a district court, a verdict that was later confirmed on July 28, 2004 in the high court. The defendant became mentally unstable for a period of six months beginning in April 1999. Therefore, they had to stop the trial during that time. After he recovered, he testified in extreme accuracy at the bar of justice, and described events with surprising detail.

9. Toru Toyota

Toyota released sarin gas in the Tokyo subway system. He was 27 years old at the time. He has a master's degree from the Department of Science at The University of Tokyo, and was ready to study for his PhD, but instead opted to live in the Aum gym. He was sentenced to death on July 17, 2000 in a district court and that verdict was confirmed on July 28, 2004 in the high court.

In his first court appearance, the defendant stated that his "awareness of [his] sins [was] becoming heavier every day" and that "the weight of the crime [was] pulling [him] down". From his statements, we can assume that he was able to escape from the cult's mind control at an early stage. The fact that he didn't go through Aum's "mysterious ritual" might have helped him escape from it.

The defendants, Toyota, Hirose, and Sugimoto, were in a group hearing. Dr.

Takayoshi, the former representative director of the Japan Society for Cult Prevention and Recovery, testified that both Toyota and Hirose showed symptoms related to emotional mental disorder and dissociative disorder.

In a district court, Toyota said in his final statement that he “apologized for his existence and felt miserable that he was still alive.” He also stated that although there were crimes committed by the group that he did not know of them at that time, and that if he had been ordered to perform an act, he would have not been able to defy the order. His statement indicated that any member of the Aum group was a potential perpetrator.

10. Toshiro Sugimoto

He released sarin gas in the Tokyo subway system. He was given a life sentence on July 17, 2000 in a district court, a verdict that was confirmed on July 28, 2004 in the Supreme Court. He was involved in the lynching of Mr. Tomita. He and another defendant, Niimi, murdered Mr. Tomita by suffocating him after Asahara accused him of being a spy, but when he was ordered to push needles into the victim’s fingernails, he could not do it. In addition, he could not press a hot iron rod against the victim’s body and was not able to tighten a rope around the victim’s neck, either.

According to his defending lawyer, he had already been released from the cult’s mind control when he was prosecuted. It seems that those who faced the reality of the incident and were given detailed information about what happened to the victims were more likely to be able to free themselves from the mind control.

For instance, Niimi is the only defendant who still believed that the Sakamoto family’s murder was carried out for a good reason; he also confessed his involvement in it. On the other hand, Endo and other defendants, who had actually been involved in producing sarin gas, have still not fully confessed. Tsuchiya is even convinced that the sarin released in the Tokyo subway system was not indeed what they produced.

Therefore, it can be concluded that those who actually committed crimes and witnessed the murders with their own eyes are more likely to be able to come to grips with the reality of the situation.

11. Satoru Hashimoto

Hashimoto was the perpetrator in the Sakamoto family murder. He released sarin gas in Matsumoto and is responsible for other incidents. He was 22 years old at the time. He studied law at Waseda University, but dropped out during his junior year. He was sentenced to death on July 25, 2000 in a district court, a verdict that was later

confirmed on September 18, 2003 in a Supreme Court.

One year after Hashimoto went to live in the Aum gym, he won first place at martial arts competition; therefore, he was assigned to physically attack the lawyer, Sakamoto. He ended up murdering all three members of the Sakamoto family at their apartment, but those murders did not have enough of an impact on him to stop him from taking part in the Matsumoto sarin attack.

In order to understand his intentions and actions, we need to know that all of his instructions were handed down to him by Asahara, and most of them ended up in failure. He indeed became a perpetrator in the Sakamoto family murder. However, Aum later released botulinus toxin around the Diet building in April of the next year, and it did not have any effects. Additionally, he almost died while he became a subject for an experimental underwater world Asahara was trying to create for the future. He was inside a submarine made from oil drums while keeping a bucket on his head to give him some oxygen. I believe him when he confessed that he never thought they would be successful in the Matsumoto sarin attack.

Aum tried to create all sorts of things such as a flying cushion, an airplane, a miniature black hole, an underwater world, and laser weapons. They also tried to make an atomic weapon out of uranium and manufactured substances, but most of them ended in failure. Therefore, we can assume that top members of Aum could not easily believe they were capable of complicated terrorist acts. Hashimoto had feelings of suspicion and doubt towards Shoko Asahara at the early stages.

The question is, why he did not leave Aum then? At the very least he could have refrained from taking part in further criminal activities after the Sakamoto family murder. He spoke with his mother in the spring of 1990 during a campaign, where families of the cult members tried to take their family members who are believers back from the Aum headquarters near Mt. Fuji. He later mentioned that he actually came close to going home several times, but he thought "it was too late." It seems that after taking part in the Sakamoto family murder, he felt he had passed a point of no return.

12. Kiyohide Hayakawa

Hayakawa was a perpetrator in the Sakamoto family murder and other crimes. He was 40 years old at the time. He got a job at a company after he graduated from the Department of Agriculture at Kobe University, then he went to live in the Aum gym. The death sentence was given on July 28, 2000 in the district court, and it was confirmed in the Supreme Court on May 14, 2004.

Because Hayakawa was the only senior to the defendant Matsumoto in Aum and went back and forth between Russia and Japan many times, he was referred to as the "person most responsible for illegal activities." However, just like the other Aum believers, he believed the defendant, Matsumoto, was the only person who had reached a zen-like religious stage. He gave up all his personal properties such as real estate, believing in the Aum teaching that "one should consider one's own suffering as pleasure, and the suffering of others should be considered as one's own suffering".

Hayakawa left Aum on the day the defendant, Matsumoto, was arrested, May 16, 1995. After half a year, he testified in the court that "the active Aum believers should face the crimes committed by Aum as reality". However, he was not completely confident until he saw with his own eyes that the so-called Armageddon on July, 1999 did not occur as planned. (Armageddon: the final world war that Tsutomu Goto wrote about in a book in Japan.) As I listened to Hayakawa face to face, I recalled that I used to believe I was going to die at the age of 43 in 1990 from Armageddon.

Some people had suspicions that Hayakawa had gone to North Korea several times because "Aum cult acted as soldier for North Korea" etc. He testified in the court that that was a misunderstanding and not true at all. When I interviewed him, he said "Mr. Takimoto, don't believe what they said about me and North Korea. There is no reason for me to lie now."

When Hayakawa was arrested, it was assumed that he would receive the death sentence because he was involved in a number of crimes, and he was also the oldest. The defending lawyer questioned him freely in court. Hayakawa was embarrassed when it was revealed that he often wore disguises when participating in Aum incidents in order to hide his identity, and that he also disguised himself as a woman when he escaped.

When the defendant, Matsumoto, refused to testify and left the court, Hayakawa cried bitterly. This symbolized the viewpoints of all the other defendants of the Aum incidents.

13. Noboru Nakamura

Nakamura released sarin gas in Matsumoto and was responsible for other Aum incidents. He was given a life sentence on May 30, 2001 in a district court, and it was confirmed on September 25, 2004 in the Supreme Court.

14. Hiromitsu Nimi

Nimi was the main perpetrator in the lynching murder of a fellow Aum cult member. He was also a perpetrator in the Sakamoto family murder and in the sarin subway attack. He was 25 years old at the time of the Sakamoto incident. He went into Aum when he was a senior at Aichi Gakuin University, majoring in law. He left home to live in the Aum gym six months after he got a job. A life sentence was handed down on June 26, 2002 in a regional court.

Miyamae, who was the head of production of Aum books and magazines, described Nimi as “a Doberman that could talk.” However, Aum members were not always afraid of him or looked at him with disdain. In fact, he was even known to have told jokes on occasion. In his writings, he talked about how he was healed by Asahara. He had a complex about his cleft palate and scars from surgery. He was accidentally victimized during a Sarin attack at the Soukagakkai facility in Hachiouji and was in critical condition. Despite this, he was still committed to taking part in both the Matsumoto and Tokyo subway sarin attacks.

During the long trial, Nimi kept his silence, but after a while, he admitted that Asahara ordered the attack. He even admitted that the murder was a religious practice called “vagerayana,” resigning his soul to “Shoko Asahara”. From the legal point of view, his statement was extremely important in proving Asahara guilty.

After the defending lawyer presented the evidence, Nimi testified in the district court: “I was ready to give myself up for the sake of the world. Therefore, I have nothing to regret even if I get the death penalty. Also, I feel I owe an apology to my parents, relatives, acquaintances, friends, victims, Samana, and Aum believers, religious related people, and all Japanese citizens because I failed to carry out the Shambalization plan.”

Nimi was assigned a private lawyer paid for by Aum. With the defending policy, all the incidents were treated as “rebellious crimes”; as such, the death penalty should be given only to the leaders. The fact that he was brainwashed or was just following Asahara’s orders was never even discussed or proved in the trial.

15 Seiichi Endou

Endou manufactured sarin and was connected with other criminal activities. He was 34 years old at the time of the sarin attack. He earned his bachelor’s and master’s degree in veterinary medicine from Obihiro Stockbreeding University, then started his PhD in medical research at Kyoto University. However, he left school before graduation and became an Aum member. He was given the death sentence in a

district court on October 11th, 2002.

From 1990 onwards, Endou was involved in behind-the-scenes tasks such as removing the toxin from botulinum. However, he was not successful due to his lack of ability. A defendant, Tsuchiya, who became a member of Aum after Endou, was successful in manufacturing sarin, soman, tabun, mustard gas, LSD, stimulants, thiopental sodium, etc. He created a plan for the mass production of sarin, material which was later used by the defense.

However, Endou, in attempt to obtain the “salvation” which Asahara had taught, manufactured the sarin used for the sarin gas attack on the Tokyo subway system, an act which was guided by defendant Tsuchiya.

At first, Endou admitted his guilt per his privately appointed lawyer’s instructions. However, he later dismissed his lawyer, kept his silence, and then began to retell his story from the beginning. I am curious to know whether his lawyer viewed Endou as most other defendants, whose only concern is avoiding the death penalty, and did not do anything to address the mind control issues, characteristics of Aum, etc.

Endou stated in the last defendant question in the district court, “Throughout my life as an Aum believer, I had considered my religious experiences and training as extremely valuable. Those experiences were made possible because of Mr. Asahara, and that makes me his follower. However, I do not feel any devotion to him now.” It is clear that the trial ended without addressing the problems that ensued as result of the experiences to which Endou referred.

16. Tomomasa Nakagawa

He was the main perpetrator in the Sakamaoto family murders and took a role in producing sarin gas. He was 27 years old at the time. When he was in his 6th year at a medical school in Kyoto he tried to stop a friend from becoming an Aum member, but instead he was strongly influenced by Asahara’s teachings and became a member himself. He moved into the Aum gym with his girlfriend after he became a medical doctor in August, 1989. He was sentenced to death at a regional court on October 29, 2003.

This defendant took part in Sakamoto family murders less than 2 months after joining Aum. What was interesting about him was that he took part in various “mysterious rituals” as he grew up. He was still in a state of unease about these experiences when he met Asahara. According to Nakagawa, he could actually see himself in his previous life, and could also he see Asahara’s shining aura. He claimed these visions made him feel complete and utter happiness.

Some people view this condition as the kind seen in those who have experienced a religious phenomenon. If this is the case, it must have been easy for Asahara to take him in. Nakagawa had a badge called "Prussia" which represents the idea that the universe, the real self, and Asahara are all one and the same. He was apparently wearing the badge at the time of the Sakamoto family murders, and dropped it at the Sakamoto family residence. Even though the badge was found by the police, the fact that the police did not start an immediate investigation made him believe in the power of Asahara even more. This strongly influenced him at the hearing in court. The defendant testified that he wanted to "disappear", yet when he saw Asahara, he claimed that he could see his aura.

"Mysterious rituals" play a very important role in religion, and especially in cults, where they are used effectively to control the believers as if they were robots.

I was also at the court, testifying for the prosecution as a victim of the sarin attack. I made the following statement, hoping he would realize what he had done: "Show me your hands. Those hands have committed many crimes. On November 4, 1989, you pressed your hands against Takihiko Sakamoto's nose and mouth and killed him." I will never forget the sight of his small, trembling hands.

Nakagawa was the one of the believers the lawyer, Sakamoto, wanted to help.

17. Masami Tsuchiya

Tsuchiya was responsible for producing sarin gas and various other incidents caused by the Aum members. He was 30 years old at the time of the sarin attack on the Tokyo subway system. He became an Aum believer at the age of 24 when he was a graduate student studying chemical engineering at Tsukuba University. He was sentenced to death on January 30, 2004.

He was assigned a lawyer paid by Aum throughout the trial just like they did for Niimi. Not only did he insist that he did not realize the sarin they produced was used in the attack on Tokyo subway system, but they also appealed that the Aum believers acted without Asahara's orders.

Tsuchiya testified for Matsumoto at the trial and stated, "Please lead us till all our souls can reach Maha-Nirvana. I eternally devote myself to you, my great teacher. I pray that my contribution helps all spirits reach the higher world".

All of the Aum incidents were, according to the Aum believers (and Matsumoto in particular), committed in good faith, and were clearly "religious" murders.

Section 4. Mind control, Responsibility, and Possible Expectations

1. Regarding constituent elements, illegality, and responsibility.

In criminal law theory, three of the above-mentioned are necessary to prove guilt. As homicide must be committed in a homicide case, the act of the theft is necessary to have a theft case. There must be a cause/effect relationship between the execution and the result (assuming a condition causal relation is a judicial precedent), and this is referred to as constituent elements. Therefore, if someone were to embezzle his or her own belongings, thinking it was someone else's, it would not be considered as a crime because no theft was committed. If someone tried to kill a person but only injured them, and there was a fire at the hospital where the victim was being treated that caused him or her to die, it is assumed that there is a break in the causal relation chain, and the crime is considered as attempted murder.

Illegality is necessary to prove guilt. For example, even if bodily injury in a boxing match results in death, as long as the defendant acted properly and obeyed the orders of the referee, there is no illegality and the defendant is innocent. If someone kills another person in an act of self-defense, he or she remains innocent. However, if he or she goes to extremes when defending him or herself, it will result in a reduced sentence. If a ship were to sink leaving one plank that could only support one person, and one of two survivors kicked away another resulting in his or her death, he or she is considered innocent (Karneades plank)

Responsibility is also necessary to prove guilt. In modern criminal law, responsibility is considered as "possible criticism", and at the time of the execution of a crime, the one who actually commits the crime has to be punished. The reason for the punishment is not to remove the perpetrator from the society, or remove the "risk" of the perpetrator, but rather to give punishment as one form of criticism for the act.

The system of "punishment for security" that isolates a "dangerous person" beforehand would essentially be no different from the penalty if one assumes that the penalty is for defense from society without considering the responsibility principle explained above.

In the case of theft between family members living in the same residence, there cannot be punishment, and even though it is an offense subject to prosecution only upon complaint, it is not possible to carry out a punishment if there is no accusation. This is only a special cause in which the perpetrator is considered guilty, but no punishment is given.

2. Responsibility and possible expectations

In current criminal law, in order to prove responsibility, it is necessary that both the ability to be responsible and the expected possibility for the such as the content, the level, the form of the crime, the defendant's level of involvement, the motive, and the circumstances of the crime are considered in order to determine the degree of responsibility.

The ability for responsibility in Article 39 of the criminal law states that "the act committed by one who is legally insane shall not be punished. A punishment shall be reduced when an act is committed by a person of diminished mental capacity." If a person is in a mental condition where he/she could not understand the actions taken, or control his/her actions in any way even though he/she understood what was going on in his/her mind at the time of the crime, the person cannot be blamed for the action, and is considered innocent.

As an example experienced by the author, a case was dropped because the person who committed the crime was considered as legally insane at the time of the act; however, when they examined him, they found that his frontal lobe was widely damaged, and as a result he fell into a state of complex drunkenness and was considered as having diminished mental capacity.

Although a psychiatrist is consulted in cases involving insanity and/or diminished mental capacity, it is still a legal issue and the court must make the final decision. According to judicial precedent, it is assumed that "criminal insanity is interpreted as a condition where the ability to differentiate between right and wrong is lost due to mental disorder, which results in a person not being able to act accordingly. Diminished mental capacity is where ability to understand and act declines drastically." Mental disorder includes not only certain conditions of schizophrenia, but also pathological drunkenness and conditions where the ability to recognize is completely lost due to stimulant drug usage.

However, there is a criticism that only presence, the level of ability to recognize the situation, and the ability to control one's action are of importance. If the essence of responsibility is understood as the ability to take action and the awareness of the possibility for legal punishment, there is no reason to determine a medical mental incapacity.

On the other hand, the concept of the "expectation of the possibility of a legal act" is not in the text, but became necessary in common judicial precedent. Acts committed under coercion or in following with a superior officer's illegal instructions in the military forces are traditional used as examples. The scene from "Les Miserables"

where the main character steals food to avoid starvation is also an example of the problem of “expected possibility.”

However, when only the presence/level of the ability to control oneself are viewed as important, the difference between the existence/level of the ability to be responsible and the problems associated with expected possibility becomes negligible.

Incidentally, when "religious homicide" is committed under the belief that the victim will be led to heaven, the court never takes “lack of ability to be responsible” or “unawareness of expected possibility” as its viewpoint. A similar example would be stealing a gun for a revolution. Both would result in a conviction. Additionally, the punishment for the crime would be severe because there is a possibility of repetition of the crime, and therefore there is no reason to reduce or eliminate the punishment. There are some defense attorneys who appear to misunderstand this concept.

3. Mind control

Mind control is when a person’s belief system is changed through the use of various psychological techniques under conditions such as lack of sleep, nutrition, and information.

In the case of the Toitukyokai cult, this resulted in the cult members believing a zen-like stage could be reached by purchasing expensive pottery and paintings. The fear they experienced when they did not purchase those items is similar to what Aum did to its believers. Aum made its members believe they should be “Poa” which means being killed by the cult, so that they would not have to go to hell.

However, they realized that they were violating criminal law, so we cannot say that they were insane when the crimes were committed; even so, we cannot easily say they acted on their own will, either. Many people, including the author, have interviewed the defendants with detailed information and concluded that they were in a mental state where they could not think coherently and were like robots. Even robots try to avoid doing damage. However, the court would not easily understand this concept.

From the stance of previous court cases, mind control is considered a matter of possible expectation. However, if we assume that a physical state of “mental disability” is not absolutely clear, it could be considered a matter of responsibility.

Let us look at the way the court treated this psychological technique in the Aum trial, and how mind control is evaluated. There are no court cases where a defendant was found not guilty because there was no responsibility or possible expectation due to

mind control, nor did it affect the length of the sentence.

However, as we can see from the final sentencing of Inoue on June 6, 2000 by the Tokyo regional court, the court recognized mind control and other conditions related to it, and Inoue did not receive the death penalty. This sentencing is similar to what Masahiro Tominaga received on July 22, 1999 in the Tokyo regional court. The court said “he joined the cult with a pure mind, but Matsumoto and Inoue manipulated his mind to commit the crime.” Therefore, the sentence was affected. However, we can also look in the judge’s final statement for Hayashi, where it is stated that even though he ended up killing 8 people with the Sarin gas he released, and that even though it was indeed a very serious crime he committed, the judge sentenced him to death with some doubt in his mind.

For Inoue, the following final statement was given. (The Supreme Court failed to provide its own judgment.) We can consider the outcome of this trial to represent the Japanese court system’s understanding of mind control.

“However, the defendant joined the Aum cult when he was a sophomore in high school at the age of 16, and after he graduated high school, he went to live in the gym. Before the summer of his freshman year at university, he commuted to school from the gym, and after the summer, he remained in the Aum gym. He never led a life as an independent individual in regular society. He was determined to reach a zen-like stage as quickly as possible in order to save the world as required by the teachings of D.

When he first joined the Aum cult, it was not yet an armed, anti-social group. Therefore, we cannot strongly blame him for believing and following D. When the Aum cult started arming themselves and became anti-social, he had questions and conflicted feelings toward the work he was given and the way the teachings had become different from what he believed; even so, he could not go against D. This was due to the fact that he had no experience in society as an independent individual, and when compared to those who have had a job or established themselves in a certain position in society or within a family, it was difficult for him to make the decision to go against D. For Inoue, after he left home to join Aum right after he graduated high school, Aum was the place where he learned to be an independent individual and grew as a person.

Therefore, we can conclude that denying D and the time he spent in Aum would be denying everything he had done for himself and others as an individual, and it was not easy. In conclusion, he was not easily able to separate himself from the influence of D compared to other people, yet it does not change the existence of responsibility or expected possibility. The condition he was in at the time of the crime should not be

treated as huge influence, but should still be considered for evaluation”.

In addition, one must say that the influence of LSD and other stimulant drugs used in the Aum cult after June 1994 was never discussed enough in the trial. It is widely known that American soldiers were given stimulant drugs in the Vietnam war. Stimulant drugs were also developed for the treatment of asthma in Japan. Japanese soldiers also used stimulant drugs when they got on airplanes, and uncontrolled usage of the drug was triggered by abuse of the drug by soldiers.

In order to make them commit otherwise unthinkable acts, even an organization as rigid as the army forced its soldiers to use drugs. In addition, LSD causes powerful phantasmagoric hallucinations. Aum posted a picture of “Shoko Asahara” in the room which helped members under the influence to believe that Asahara was “the savior.” As a result, Aum’s religious concepts were solidified in the minds of its believers and the cult’s control over them was strengthened.

What has been discussed here is extremely important when deciding whether the defendants should receive a life sentence or a death penalty. Without precise examination and thorough judgment on the effects of mind control and the influence of stimulant drugs, how can the system truly come to the most appropriate decision?

Section 5. The Attorneys for the Victims of the Aum Incidents

After the police investigation on Aum began, a group of attorneys for the victims of the Aum incidents had to choose which position to take.

On one hand, we had filed lawsuit against Aum for their crimes, and provided the necessary information on Aum so that the people in Japan could understand what kind of cult Aum was and what they were doing. The victims of the sarin attack came to us for advice. However, the group of attorneys originally started as the legal advisors for the "Victims of Aum" group. "Victims" were not just the families of the Aum members who lived in the dorm, but also the Aum members themselves.

In an unusual turn of events, the group of attorneys was founded by Sakamoto, whose family was killed by the sons of the family members in the "Victims of Aum" group. Sakamoto and the other attorneys had started a mission to save those who had been brainwashed as Aum members. There may never have been a group of lawyers who had faced a more conflicting situation.

When I found myself the victim of an attempted sarin attack, I debated on whether I should take the role of lawyer to defend the other victims. After a long discussion, I decided to take the role only after the following three conditions were fulfilled. First, the case should not be a murder trial. Second, the defendants must separate themselves from the cult. Third, the defendants must not include any of the top people in the cult.

One of the biggest jobs I had was to find ways to help defendants think about who and what Asahara Shoko really was, and to bring them back to reality. As an example, I have already succeeded in helping a nurse who joined Aum with Ikuo Hayashi realize what Aum really is. The lawyers in this group had a great deal of knowledge regarding how people were controlled by the cult; as such, we already had ideas of how to deal with it. We knew what points we needed to argue. Most of the points dealt with whether the defendants were aware of the crimes and whether there was criminal intent. In the Aum incidents, believers were separated into various groups; therefore, some may have not had any idea what acts the others had committed. Therefore, they did not understand the entire process of the crime itself.

Later on, approximately ten lawyers from the court-appointed defending lawyers for the Aum trials who had handled crucial cases asked for our advice to understand the truth about the Aum cult and mental state of its believers. We were able to help them with a certain level of success.

However, we would never know if our actions were for the best. This is because we were ultimately unable to help the defendants who later received life sentences and death penalties, people we had defined as “victims”. From the beginning, Sakamoto had wanted to help each and every young person who went on to become a perpetrator. Some people debate that the victims of the sarin attack should have had other lawyers, but we disagreed. We should have worked harder for those who had been brainwashed and became perpetrators.

A group of attorneys was formed for the Tokyo subway sarin attack victims, and two of them, who were friends of Sakamoto, listed their names as proxies for future opportunities to stand as witnesses. After heated discussion, the author was allowed to stand as a witness for the defense at regional and Supreme Courts. The reason the author was able to interview defendants of important incidents was because the author’s name was not listed as proxy. This information is given for future reference.

Section 6. Asahara's Trial

1. Chizuo Matsumoto in the court room.

The trials of the defendant Chizuo Matsumoto, a.k.a. Shokou Asahara, would appear to have little direction. However, the author would like to mention it for future purposes.

Matsumoto was arrested on May 16, 1995. He was found hiding in a secret room in the ceiling of the third floor of the sixth building, Satyam, with close to 8.3 million yen in cash. He used to claim that he had cancer or Q-fever, but he was in perfectly good health.

He was supposed to have his first trial at the beginning of October in 1995. Before that, he tried to hire Makoto Endo, a famous criminal lawyer, but because Asahara refused any responsibility for his actions, the lawyer denied the offer. Then, Asahara paid 20 million yen to hire another lawyer, Yokoyama, who was later expelled from the attorneys' committee. Asahara requested to make his case not guilty due to legal insanity, but fired Yokoyama on the advice of other lawyers. However, Asahara once again hired Yokoyama, but this time the trial was extended because Yokoyama was injured and could not appeal. His injury was the result of a suspicious car accident involving a vehicle driven by one of the Aum believers.

The first trial was held on April 24, 1996, and while all twelve court-appointed lawyers suspended the trial, Asahara continued to preach about the four sublime stages. One important point is that when the judge asked Asahara whether he actually committed the acts as "actions of mercy, sorrow, and admiration," Asahara did not react to the question. Then, the chief lawyer, Yasuda, broke protocol and asked Asahara, "Do you have anything else to say?" as if he was trying to help Asahara. The judge interrupted to clarify whether he was speaking to the defendant. However, because of Yasuda's statement, the judge was never able to get an answer from Asahara. The right to keep silent was already explained to the defendant before the trial began. The author concluded that the statement from Yasuda was the start of every mistake in this and the following trials for Asahara.

Asahara made a statement as the head of a group that was considered to have violated Subversive Activities Prevention Act. However, he never admitted to directing the incidents carried out by the Aum members. In addition, he started threatening those who stood at the court against him, starting with Inoue, by saying "You will go to hell." The court had to repeatedly order Asahara to leave the court room for that action.

He made a statement about the incidents on April 24, 1997, after the violation of the

Prevention of Destruction Act was denied. In this statement, he surprised everyone by giving an account of all the incidents he was accused of in the chronological order in which they occurred. However, during these statements he behaved strangely, insisting that the trial was being held in the “enterprise aircraft.” He also attempted to speak in poor English (which was considered as an evil language according to the Aum teachings). However, from a criminal law perspective, he admitted that both the sarin attack in Matsumoto and in the Tokyo subway system, as well as the attempted sarin attack on the author were carried out by Aum. His threats to the witnesses made the defendants question their trust in Asahara.

As the trials went on, Asahara began to refuse to speak. He wrote a statement for the trial of Hirose, but other than that he kept his silence. In the end, he refused to even see his own attorney.

The trials ended and Asahara’s sentence was handed down without him ever having established any relationship whatsoever with his attorney. Asahara never spoke a word in his final presentation and was given the death penalty on February 27, 2004.

At an appeal hearing, he refused the court-appointed lawyer. He later accepted a lawyer who became the legal counsel for his daughters, but still continued to refuse to see his new lawyer.

2. Presentation from the Prosecutor

On April 24, 2003, the prosecutor stated in a 285-page concluding speech that “Asahara was the most responsible” and was “the worst criminal ever in Japanese history.” However, the one most important point was not included. The statement included Asahara’s comments to the defendants, such as “If you kill three, you’re sure to get a life sentence,” or “They (the victims) were lucky to get poa (killed by Aum).” However, the reason why Asahara was able to make the defendants actually follow his orders was never mentioned. There was no reference to the psychological aspect of the case.

I assume they would have had to discuss psychological techniques and LSD/stimulant drug-induced mind control in order to explain why the defendants followed Asahara’s orders. If they had argued this, it would have worked on the side of the defendants, which is why the author assumes they did not touch on it.

The fact that the most important point was not discussed in the presentation will not stand up to future criticism.

In early summer of 1995, the Tokyo region public prosecutor stated in a press

conference that "the effects of mind control made the investigation extremely difficult, but we were able to finally get a testimony". It later became clear that during the investigation of the suspect they used "reminders" that the author offered in February, 1995. I am fairly certain that investigators had the same impression regarding the suspects' psychological condition. Knowing that mind control had a powerful influence on the suspects made Matsumoto even more responsible for the actions taken.

However, throughout the trial until the final speech, the prosecution never mentioned the effects of mind control. One could only assume that this was a self-serving strategy.

3. The Court-Appointed Defense Lawyers' Argument

Meanwhile, the defending lawyers prepared an argument of 814 pages, but as the author expected, it stated that all the incidents were executed by Asahara's followers without consulting him, and was far from persuasive. When I stood as a witness, the lawyers asked me what I thought about a scholar's statement that "Asahara was highly spiritual". It is a shame that they attempted to bring up religion in the trial. A criminal trial is meant to judge whether there was a crime or not. It is not a place to discuss religious arguments. The author believes that religion is about believing blindly, and that the word "spirituality" should be considered as a religious word. In the trial, those who have nothing to say should keep silent.

Therefore, the author should have said, "Present this spirituality here in the courtroom and I'll be the judge." However, the author responded, "What are you talking about? Are you trying to make the actor sitting behind you feel good about himself?" This is indeed regretful.

They stated in the final presentation that the defendant Matsumoto was highly respected by domestic and international religious scholars, despite the fact that the scholars later withdrew their statements. They insisted that a "genuine religious person" would not give such orders. On the other hand, followers who had become perpetrators, they argued, had taken the defendant's words and twisted them around to fit their own purposes. As such, the crimes were committed recklessly and voluntarily by these followers without the consent of the defendant.

These arguments made by the defending lawyers are based on the assumption that a "religious person" does not commit crimes; however, they contradicted even the testimony of defendant Niimi, who still believed the defendant Matsumoto to be his Guru, not to mention various testimonies given by other defendants.

Certainly, in 1995 when Aum incidents became well known throughout society, some religious people said that "Aum is not a religion." Therefore, some may feel it necessary to argue whether Aum is indeed a religion or not.

However, it is clear that Aum is a religion because it believes in the supernatural and in superhuman existence, and it reveres and it worships it. It is similar to the belief system of Toitsukyokai, which engaged in various illegal acts and believed that their leader was even greater than Jesus Christ.

The problem is whether it is a cult that engages in destructive acts or not. A destructive cult is one whose "cult members' or member candidates' ability to think is controlled or minimized in order to follow the orders of the cult leader. As a result, the members repeatedly engage in illegal acts (on criminal and civil affairs) for the purpose." Destructive cults and religions are not mutually exclusive. For example, determining whether an organization is religion or not is like determining whether something is 1 meter or 10 meters; determining whether the same organization is a destructive cult or not is like determining whether something is 1 kg or 10 kg.

In addition, even traditional religions that are approved by society have a history of engaging in various cruel acts when there were no rules regarding freedom of religion or principles to divide religion from politics.

If one considers this common sense, it should be apparent that it is not feasible to argue that "because the defendant was a truly religious person, he would not organize such crimes." This will surely remain as one of the more absurd arguments in legal history.

4. The First Verdict and the Future

The first verdict was handed down on February 27, 2004. When the judge ordered the defendant Matsumoto to stand as the sentence was given, he refused to stand. When a number of correctional officers took both his arms and tried to make him stand, he still resisted. He was finally dragged by the officers to stand in the front of the judge.

During the sentence, detailed findings were presented. They did not touch on whether the defendant was a truly religious person or not; however, the incidents were described as having been "brought about by cruel and vicious thinking" and that they were the most "contemptible, shameful, and horrible acts ever".

However, the fact that Matsumoto was able to make his followers take his orders was explained as simple as being the result of a relationship between the founder of a

religion and its followers. This finding was insufficient, and did not demonstrate an important aspect of the events.

In the appeal hearing, a new private lawyer was assigned, but the defendant never tried to meet him. It was assumed that the defendant did not have the ability to take part in the trial because he could not even speak; therefore, it was requested that the trial be stopped for the defendant to receive appropriate testing. However, the Supreme Court did not accept this request, and the deadline for submission of the appeal was merely extended from January 11 to August 31, 2005.

One could assume from the defendant's attitude in the court room as described above that it is possible that Matsumoto was just pretending to be in such a mental condition. However, there is also a possibility that the decision was made without a substantial argument, and, if so, it would be inconceivable in Japanese legal history and some sort of corresponding action would be necessary.

7. Conclusion

There are other trials other than the Aum trial which focused on destructive cults. In the case of the Toitsuikyokai cult, there were personnel lawsuits against annulled combination marriages, civil fraud trials, and compensation money claims for unjustified solicitations. The court recognized the abnormality of its actions and solicitation, and the psychological manipulation techniques used. Moreover, the absoluteness of the religious leader is occasionally recognized in the criminal trials related to the so-called "corpse cults", which involve large groups of cult members who murder their victims and then abandon the bodies according to their religious leader's instructions.

In the United States, there was the Hearst case which involved a 19-year-old girl, the granddaughter of the owner of a large newspaper company, who committed burglary voluntarily after being kidnapped and brainwashed. In another example from the Manson family case, the perpetrator committed repeated homicides driven by the delusion that they were part of the "final war between caucasians and blacks".

However, because trials in the United States are decided by a jury, they could not extend the duration of these trials long enough to thoroughly process them. Additionally, they were held to determine a verdict of either "guilty" or "not guilty". Therefore, there wasn't enough examination of the brainwashing and the mind control aspects, and the record of the realities of the events and the groups behind them are lacking.

The Aum trials are the first in the world to focus on whether religious followers should receive the death penalty. Therefore, in the appeal of the Aum trial, they should reexamine “why Asahara was able to make not a few followers commit the acts they committed” and then make the final decision based on the findings.

The results would allow us to understand the mechanism and the realities of destructive cults and their methods of psychological manipulation. Then, we would be able to establish a way to observe their actions and take preventive measures before they commit acts such as the releasing of sarin gas.

The verdicts have been handed down for perpetrators charged with felonies one after another, including the three defendants who already received a life sentence. The court should get back to the basics and try the Aum trials so that they have meaning. Most importantly, no defendant should receive the death penalty before Chizuo Matsumoto (a.k.a. Shoukou Asahara), who is the absolute existence in the Aum cult.

Translation: Yuko Kurashige, Jeremy Clark

Proofreading: Isabel Moskowitz

Supplement to The Ten Years of the Aum Trial

on June 22 2006

1. Introduction of the author, Taro Takimoto

Born on January 17, 1957. After graduating from the Department of Law at Waseda University, Mr. Takimoto became a lawyer for the Yokohama bar association in April, 1983. He joined a team of lawyers specializing in Aum-related incidents following the disappearance of his friend and fellow lawyer, Sakamoto, who, along with his wife and child, went missing before dawn on November 4, 1989. (It was discovered in September, 1995 that they were murdered.)

In addition to this, Mr. Takimoto became involved in secession counseling in August, 1993, which resulted in several successful withdrawals from Aum. He also took the infamous "levitation" photograph. As a result, he has drawn harsh criticism from the defendant, Matsumoto, and is frequently attacked. On May 9, 1994, sarin was planted near the air inlet duct of his car, but he escaped with only myosis.

Mr. Takimoto has served as the JSCPR director and secretariat since November, 1995. He has collaborated on various books, such as "Escape from Mind Control", "911 for Religious Problems", "We Who Left Aum", and "Objection! The Miraculous Poet – The Truth Regarding the Dorman Method and the FC".

2. Related Links

The Japan Society for Cult Prevention and Recovery

<http://www.cnet-sc.ne.jp/jdcc/>

Endless Corridor – Contains outline of the incidents and defendants, as well as the trial results:

<http://www.alpha-net.ne.jp/users2/knight9/aum.htm>

Canary's Poetry – The homepage of the Canary Club, a group of people who have left Aum (sponsored by Mr. Takimoto):

<http://www.cnet-sc.ne.jp/canarium/>

3. Supplement to the Text

Miyamae (from section 3-2) received a death sentence from the supreme court on April 7, 2005, but it has not yet been carried out. Niimi (from section 3-14) received a death sentence from the high court on March 15, 2006; this decision is currently pending in the supreme court. The high court dismissed an appeal from Matsumoto on March 27, 2006 due to lack of documents which were supposed to have been submitted by August 31, 2005. The defense claimed that Matsumoto was unable to stand trial, but this was refuted by the court after an analysis. That trial is currently underway, but there is a high possibility that a death sentence will be handed down sometime before the end of 2006.