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**Suwon District Court  
Fourth Judicial Circuit  
Judgement**

**Case** 2015 No 1594 Defamation (preliminary crime offense), insult, obstruction in business, Copyright infringement  
**Defendant** Jin Yong-sik(560111-1042521), Pastor, current residence- 5 gil 40 , ansansi, dan-wongu, sincheon (chojidong) Mailing address - 171-35, Shinsa-dong, Eunpyeong-gu, Seoulsi  
**Prosecutor** Ha-chung-heon(Prosecutor), Ahn-se-jun(trial)  
**Counsel** Wooamlaw  
**Attorney** Park, Ki-Jun  
**Judgment of trail district court** - Suwon District Court Ansan branch feb 13 2015 appeal 2014 gojang 47 judgement  
**Judgment date** Dec 13, 2016

**Order**

As per judgement of summary trial at lower district court(suwon district court), defendant being indicted for defaming, insult and violation of the copyright law, illegal use of Ahnsanghong's photograph taken at passover lithurgy sermon.

Formal trial judged defendant as Notguilty from defamation, insult, obstruction in buisness, and the violation of the copyright law on the new song lyrics score sheet 1 and 2 but judged as guilty for violation of copyright of Ahnsanghong's photograph taken from internet.

During the formal trial judgment of the court, the appeal of the prosecutor's inspection of the Notguilty part of the violation of the copyright law on the photograph of the sermon preaching of Zang Gil-Jah or Jang-gil-ja is rejected.

In this judgment, a gist of grounds for Notguilty part is disclosed.

**Reason**

**1. Appeal to logic or reason**

a. Plaintiff

As for the guilty part, Ahn-sahng-Hong's April 1984 Passover Grand Ceremony's picture (the following is a non-event photo-1) cannot be viewed as a work of the victim 'World Mission Society Church of God' (hereinafter referred to as 'religious group' in this case),in addition, the religious group in this case cannot be regarded as a legitimate



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plaintiff, and the procedure for filing a complaint against this part is invalid in violation of the law and should be rejected.

Also, this photo-1 is not a photographic work that recognizes the personality and creativity of the photographer.

Also, the above photo is already a published work, the defendant is a heretical researcher who explains the doctrine of the religious group, in this case he used this photo to explain critical lecture, he cannot be punished for infringement of copyright law because it is cited fairly in conformity with fair practices for educational purposes.

## **b. Prosecutor**

- 1) On the Not-guilty part of Defamation, insult, and point of business obstruction, the defendant's remarks are not for rational criticism or raising questions about the religious group in the case, it can only be seen as an expression of despicable emotion. Therefore, it is illegal to deviate from the scope of religious criticism to defamation, insult and obstruction of business activities.
- 2) On the part of the public dismissal in connection with the violation of copyright law(copyright infringement), it is reasonable to say that the hymn of the new song made by the followers was submitted to the holy songs editorial committee under the name of the victim religious group, and underwent the review process, therefore, it is a legitimate complaint by the plaintiff that the religious group has the copyright in this case.
- 3) On the Not-guilty part of the copyright law violation(copyright infringement), the defendant can not be seen as 'Quoting this in conformity with fair practice within a reasonable scope' because he used the 'A photograph of Zang Gil-Jah or Jang-gil-ja's sermon on the New Jerusalem temple in 2000' (hereinafter referred to as the "case photo-2") to defame or insult the honor of the religious group.

## **2. Judgment**

### **a. Judgment of authority**

The prosecution is defamed in the court, ambivalent facts about the insult, have resulted to reappeal, subjected for a permission to change the business obstruction part as the following crime fact statement, because this court granted this, the object of the judgment was changed, the original judgment was no longer maintained.

However, the defendant's misconception and misapprehensification of the law are alleged, even if there is the reason for such abdication, the facts of the Not-guilty part of the prosecution's dismissal of the public prosecution and the violation of the copyright law still subject to judgment by the court.

### **b. Defendant 's misconception and misapprehensification of the law**

#### **1) This part is public fact**

The defendant used a photograph he found on the internet as an illustration during his two part sermon at 'Seosan Presbyterian Church' in Seosan-si, dongmun-dong 971-1, on sep 2 2012, and in the 'Ansan Evergreen Church' office on dec 15 2011 attended by numerous members of those churches. This photograph, which has been digitized and



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archived, is duplicated by photocopying it without permission from the religious group that owns the copyright, and composed it in PowerPoint, the picture was one slide of a PowerPoint presentation, which was used as a lecture on the heresy sermon that defined religious groups as heresies and infringed the copyright of religious groups.

2) Judgment of lower trial court

The judgement is based on evidence collected at court, evidence statement in the courtroom by Yoon Jeong sun, the Second Police Statement by Jung Hwan-gyo, who have taken Ahn-sahng-hong's photos 1, 2, on the basis of this evidence, defendant pleaded guilty to this charge.

3) Judgement of supreme court

a) First of all, whether this photo-1 is a business work, in this case, we see whether a religious group is a legitimate superpower, According to evidence that has been legitimately collected by lower court and supreme court, in the case of Ahn-sahng-Hong's photo-1 at the time of shooting the photo in 1984, Yoon Jung-soo received a certain amount of compensation from the religious group in this case as the photographing team, the fact is that he took charge of photography, storage & management, Yoon Jung-soo filmed Ahn-sahng-Hong as religious group in this case, who is involved in religious affairs, and that there is no special contract or working rule between Yoon Jung-soo and the religious group to assign the copyright of the photo-1 to Yoon Jung-soo , if a person engaged in the business of a corporation or the like, it involves only work created by corporation allotted to him and unless there is no other pre-determination in the contract or working rules, the corporation becomes a copyright holder, in this case, photo-1 is a work created by Yoon Jung-soo for religious organization, and it is very likely that the religious group in this case becomes a copyright holder, therefore, the accusation of religious groups is legitimate, the defendant alleges that the religious group in question was not the same religious group that followed Ahn-sahng-Hong at that time in 1984, the religious group in this case is Ahn-sahng-Hong as Second Advent Jesus Christ and a faith church as the Holy Spirit, in this case, the photo-1 is a picture of the last sacramental ceremony of the Ahn-sahng-Hong, which was conducted before Ahn-sahng-Hong's death, it is clear that the religious group in question was the same organization as the religious group that followed Ahn-sahng-Hong at that time in 1984.

b) Next, whether this case photo-1 corresponds to a photographic work protected by copyright law, in order to be eligible for copyrighted works under copyright law, it must be a work belonging to literary & academic or artistic scope in the case of photographs, Moreover, in the case of copyrighting images, selecting a subject, the composition, direction and the amount of light, angle of the camera, shutter speed, capturing shutter chance, other shooting methods, the process of developing and printing, photographer's personality and creativity should be recognized in order to qualify as a copyrighted subject,(See Supreme Court Decision on 8 Dec 2006, 2005 do 3130),According to evidence that has been legitimately collected by lower court and supreme court, the photo-1 claimed as taken in April 1984 was actually taken by Ahn-sahng-Hong in Seoul in 1984 for the first time in Seoul, it seems that the photographer photographed the composition of the photograph, the setting of the background, the amount of light and the angle of the camera artificially, in the above photo, it can be seen that the personality and



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- creativity of the photographer who is trying to alter the natural and dignified appearance of Ahn-sahng-Hong, this case photo-1 corresponds to a work protected by copyright law.
- c) Finally, whether the citation of the above picture of the defendant is permitted under Article 28 of the Copyright Act as the work in which the case photo-1 is published.
  - d) Regarding whether or not to publish the above photo, the following circumstances, which are recognized by the evidence that has been legitimately collected and investigated by lower court and supreme court, ① Kim cheong un, who worked as a journalist in the monthly 'Modern Religion', visited the religious group on 5 oct 1985 regarding this case, interviewed, photographed, and gathered various materials including photo-1, based on this, he wrote an article titled 'the comforter sent by God' in December 1985 and posted the above photo together, ② Jeong Yoon-suk, a journalist in the internet newspaper 'Church and Faith', on aug 26 2010 wrote article titled "Ahn-sahng-Hong man god, woman god jeong gil ja" in this case he posted a picture of the case with an article on a religious organization, the above picture can still be retrieved from internet without being deleted, ③ the defendant copied the lecture about the religious group of the case and found a picture of Ahn-sahng-Hong on the Internet, if you put together, the point of being allowed to use it from the reporter of the internet newspaper 'Church and Faith' which posted above picture, this case photo-1 is a work published to the public, and it is significant as a "published work".

According to Article 28 (Quotations from Works Made Public) It shall be permissible to make quotations from a work already being made public provided that they are within a reasonable limit for news reporting, criticism, education and research, etc. and compatible with fair practice is the purpose of the quote, nature of the work, quoted content and quantity, method and form in which the lower crop size are recorded, the reader's general notion, and whether or not it replaces the demand for the original work, while this is not necessarily a non-profit use, the use for commercial purposes is much lower than the free use for non-profit purposes, (See Supreme Court 26 aug 2014 sentence 2012 do 10786 judgement), the following facts can be found by the above evidence, in other words, the defendant explains the doctrine of the religious group in this case, in the lecture of the criticism, this event photo-1 is attached to the lecture materials for the purpose of showing the image of Ahn-sahng-Hong, who is the object of faith, in the above lecture, the proportion of the case photo-1 is not large, the objects of the above lecture are the followers of the church who belonged to the same denomination as the defendant who invited the defendant for lecture, in addition to the cost of the lecture, the defendant did not gain any special profit from the use of this photo-1, in view of the fact that the defendant 's lecture needs to be widely protected as part of freedom of religious criticism, the defendant's use of this photo-1 criticism, for the purpose of education, it can be regarded as quoted in conformity with fair practices within a reasonable scope, it is important to note that you cannot be punished for violating copyright laws.

- e) Therefore, even if this part of the complaint is not a crime, the defendant must be guilty of the offense under section 325 of the Criminal Procedure Code, the defendant is found guilty of this allegation, in the judgment of the court, there is a law that misunderstood



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the facts or misunderstood the judiciary and influenced the judgment, the defendant's claim to this point is for a reason.

E. On the factual misconception and misapprehensification of the juristic misconception about the rejection part of the prosecution

1) This part is public fact

The defendant, on dec 15 2011 in the 'Ansan Evergreen Church' office, created the score of the fourth edition (aug 16 2005 publication) of the new song (hymn number) 1 book (registration nov 3 2000 15-488 ho) Chapter 1 "Ahn-sahng-Hong God My new Soul " and Chapter 2 "Our Desired Prayer"(Hereinafter referred to as "this incidental note") is reproduced without permission from the victim religious group that owns the copyright of the work, and inserted into PowerPoint. As mentioned above, the victim religious group was referred as heresy in the seminar lecture of defendant, he used above to define the heresy, the defendant infringed the copyright of the victim religious group.

2) Judgment of lower court

It can be admitted that at the end of the "new song" hymn, the Centrist mentions that the religious group, in this case, owns copyright, we cannot equate copyright and reserved rights. In the case of Jung Hwan Kyo, it is not enough that the religious group in this case is the copyright holder of the incident, the reason for this is that there is no evidence that the religious group received the copyright of the incident from the believers, it is hard to see the religious group in this case as the copyright holder of this incidental musical score, this subpoenaement shall be considered invalid in violation of the provisions of the Act, and have dismissed this part of the appeal pursuant to Section 327 (2) of the Penal Procedure Code(PPC).

3) The judgment of supreme court

However, the following circumstances, which are recognized by the evidence which has been legitimately adopted and investigated at the supreme court① The Song "Ahn-sahng-Hong God My New Soul" & Simhyeonhee the composer stated that "I want to serve the church with my musical talent, so I wrote new song, submitted for compilation to holy songs compilation committee of the church of God, i submitted full new song i composed, All rights related to the new song copyright was submitted, at the time of submission, i transferred rights to the church of God".② From 1987 to dec 2006, the new holy song compilation committee who worked as a editing committee stated that it is esophagus 'Because the new song is a praise by the members of God's Church, the saints who wrote the song at the time of the first edition of the new song, wrote the song on the premise so that they would transfer the copyright to the church of God, therefore, the new holy song compilation committee corrected the lyrics and melody of the original song without the consent of the original author, i have been a member of church of God from around 1987 to around 2007, i wrote 'New Song' and composed the song in the premises so that it would be transferred to the church of God, Chapter 2 'Our Desired Prayer' is a prayer which was written by Ahn-sahng-Hong, the founder of Church of god and composed by Yang Aryei on May 25, 1994, who also worked in the premises of



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church, so that it would be transferred to the Church of God', ③ In this case, the religious group members wrote their own song to compile in the "New Song" hymn, the compositions were submitted to the new song editing committee, the holy songs editorial committee receives a variety of songs, reviews, corrects and selects them, and then compiles them into new song hymns and publishes them in books, these publications are writings of followers for their religious organizations, given the fact that it was composed and submitted, if the religious body that interprets the fact that the copyright of this incidental musical score has been received, it may be interpreted in accordance with the parties' will, in this case, it can be recognized that the religious group has transferred the copyright of the incident music from the believers, therefore, the accusations of religious groups in this case are appropriate, there is a reason for the assertion of the attorney.

In addition, it will be examined by direct authority. The musical score of this event should be regarded as 'published work' which is published as 'new song' hymnbook and released to the public, the following circumstances, which are recognized by the evidence that has been legitimately adopted and investigated at the Supreme court, in other words, the defendant explained the doctrine of the religious group in this case and gave a lecture on criticism, and attached it in the lecture data while quoting the incident music, in the above lecture of the defendant, the proportion of the song in this incident is not large, objects of the above lecture are the followers of the church who belonged to the same denomination as the defendant, who invited the defendant for lecture, in addition to the cost of the lecture, the defendant did not gain any special profit from the use of the incidental music, in view of the fact that the defendant's lecture needs to be widely protected as part of freedom of religious criticism, the use of the victim's incidental score is critical, even for the purposes of education, to be fair and consistent with fair practices, it is important to note that he can not be punished for violating copyright laws.

F. On the misrepresentation of the facts by the Prosecutor of the Notguilty part under violation of the Copyright Act,

1) This part is public fact

The defendant at the 'Seosan Presbyterian Church' in Seosan-si, dongmun-dong 971-1, on sep 2 2012, and in the 'Ansan Evergreen Church' office on dec 15 2011 held a two-part seminar attended by numerous members of these churches. He used a photograph of Ahnsanghong in his lecture, which has been digitized and archived on internet, and duplicated it, by photocopying it without permission from the religious group that owns its copyright, and after inserted it in PowerPoint, it is a slide of powerpoint, and was used as a lecture on the heresy seminar that defined religious groups as heresies and infringed the copyright of religious groups.

1) Judgment of supreme court

The sentenced person was found guilty of an offense under section 325 of the Penal Procedure Code(PPC), considering the fact that the charge was not an offense for the following reasons.

a) First, according to this case record, at the time of shooting the photo-2 event in sep 2000, Park Dae-soo received a certain amount of compensation from the religious group in this



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case represented as photo team within the religious group, the fact is that he took charge of photography, storage and management, it can admit that Park Dae-soo has taken two photos during the job, if a person engaged in the business of a corporation or the like for the work created by that business and there is no other determination in the contract or working rules, the corporation becomes the copyright holder of the above photograph, the photo-2 taken by Park Dae-soo shows that the religious group in this case is a copyright holder, therefore, the accusation of religious groups, in this case, is legitimate.

- b) According to this case record, the photo-2 of this event is a picture of a sermon by Zang Gil-Jah or Jang-gil-ja while preaching at the New Jerusalem Conservative worship on sep 2000. The photographer composed the composition of the photo & setting of the background. It seems to have been photographed by artificially manipulating the angle of the camera, in the above picture, it can be recognized that the personality and creativity of the photographer who intends to alter the natural and dignified appearance of the Zang Gil-Jah or Jang-gil-ja who is the object of faith in the religious group, the above photograph corresponds to a work protected by copyright law.
- c) This case is seen as a 'publicized work' as the photos are released to the public by the religious organization, i.e. via posting on the Internet homepage.

However, the following circumstances, which can also be seen by this case record are: in other words, the defendant explained the doctrine of the religious group in this case and made a lecture on the criticism. For purpose of showing the figure of the person who is faithful to the religious group in this case to the believers, defendant added this photo to his lecture. The proportion of this photo-2 is not large, the objects of the above lecture are the followers of the church who belonged to the same denomination as the defendant who invited the defendant for lecture. In addition to the cost of the lecture, the defendant did not gain any special profit from the use of this photo. In view of the fact that the defendant's lecture needs to be widely protected as part of freedom of religious criticism, the defendant's use of this photo-2 for criticism and educational purposes, can be regarded as quoted in conformity with fair practices within a reasonable scope, it is important to note that you can not be punished for violating copyright laws.

## 2) Judgment

If you look closely at the evidence of these events in light of your records. Based on the above judgments of the evidence, the court can accept that the action judged to be Notguilty by this section is legitimate. There is no illegal act that has misled the facts and has affected the judgment. Therefore, this partial assertion has no reason.

## 3. Conclusion

If so, the defendant's appeal for the guilty part of the original judgment is for good reason, there are reasons for the appeal of the inspection of the rejected part of the original judgment, and there is also a reason for business obstruction, Defamation and insult, in the judgment of the court in accordance with Article 364 (2) and (6) of the Penal Procedure Code(PPC), the rest of the matters other than the Notguilty part of the violation of the copyright law on the photograph of the sermon of ahnsahnghong's witness association shall be destroyed, because the appeal of the inspection of the infringement of the copyright law on the photograph of Zang Gil-Jah or Jang-gil-ja's



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preaching is Notguilty and has no reason, so it shall be dismissed pursuant to Article 364 (4) of the Criminal Procedure Act.

[The court ruled that the re-writing of the rest of the case except for the Notguilty part of the violation of the copyright law on the case photo-2]

## 1. Changed public fact

[Related facts]

The defendant is the pastor of 'Ansan Evergreen Church' in ansan-si, danwon-gu, cho-jidong 701-5, the Head of Korea Christian Counseling Center for Cult Victims and the Vice-chairman of the Christian Council of Korea Heresy Countermeasure Committee[CCKHCC], in this case, he claimed that the religious group considers Ahn-sahng-Hong as Second Advent Jesus Christ and the Holy Spirit, it is a church that believes in Zang Gil-Jah or Jang-gil-ja as the mother of the god.

He discussed in meetings that, Ahn-sahng-Hong suddenly died while eating noodles at a restaurant on feb 24 1985, but infact after lunch is found unconcious with massive stroke in the church of God premise at Gwangan-ri, Busan, and died in the hospital the next day,it is not true that he is immortal and holy spirit, the religious group has also constructed a headquarters building in Bundang between 1999 and 2000 claiming the end of the world(third world war), and has asked the believers to offer their property, but in fact the victim religious group is a patriarch, so the families of churchwomen are not broken and divorced, but the defendant instigated family conflict, family violence, and family breakdown by forcing some members of the church to convert as well as aiding and abetting his members in confining them in his church.

- a) The defendant held a two-part seminar attended by 500 members of the 'Seosan Presbyterian Church' in seosan-si, dongmundong 971-1, on March 14, 2012, mentioned victim group as heresy by saying , 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly got stroke and died, Zang Gil-Jah or Jang-gil-ja is acting on behalf as a female god, when this lady(Zang Gil-Jah or Jang-gil-ja) arrives, all church members bows down calling god with their faces towards ground and can't lift their heads until she leaves, why? because she is god!! no, then who is she, if she is not a preacher? do the heretics must pretend to know?', and defamed the victim group with false facts undermining the honor of group and insulted with a gesture that 'If you fall into heresy, you will be cursed, run away, divorce, drop out of school, and become tragic'. and 'If you cannot come out of this heresy, you can be vaccinated. Today all the saints who attended got vaccinated here. It is your responsibility, Zang Gil-Jah or Jang-gil-ja' and that even the victim group should be vaccinated against virus, followers should also be vaccinated'.
- b) The defendant held a two-part seminar on june 3 2012 attended by many membersof the 'hyundae church' at 932-30, Bangbae-dong 1-dong, Seocho-gu, Seoul, mentioned victim group as heresy by saying, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down unconcious and died enroute to hospital, Zang Gil-Jah or Jang-gil-ja is acting on behalf as a female god, when this lady(Zang Gil-Jah or Jang-gil-ja) arrives, all church members calling god





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contents are submitted as affidavit to the court, and Evidence 2- Kim Chang-hyun, who was a member of the religious group in this case, wrote 'All the religious members of the religious group had a big bow when the bunch of preachers passed' prepared as affidavit. In accordance with the contents of the affidavit submitted, the defendant believes in Kang Jeong wook's statement and have made this remark, concluded whole point of this part of the defendant's remarks that, from the perspective of the defendant's faith, the offender can not be an object of faith as god, Nevertheless, defendant gave extreme statement on religious group, 'i want to tell you facts on Zang Gil-Jah or Jang-gil-ja you believe' through a lecture. Also, the lecture in which the defendant made the above statement before members of the same denomination as the defendant, who invited the defendant as a heretic expert. The people who attended the lecture were the church members, and the lecture locations were the churches of the above church members, the defendant's comments on this part of the lecture are not only on the religious group of the case but also on savior, 'I can see the Shinchonji church as heresy', 'those who attended the lecture know exactly what these religious groups are', 'it is the point that we need to be alert'. In this way, the statement that there is a certain degree of heresy in any religion or sect is fundamentally a religious criticism and needs to be widely protected. Even if there is some exaggeration & distortions or inappropriate expressions in the statement, the fact that the defendant finally stated is that it matches the truth is the important part. At least we can suppose that there is no proof that prove that his claims are false. If this is not the case, this statement will reveal the feelings of hatred of religious group members in this case, or be assaulted by itself. It does not seem to induce intimidation. It should be seen that the illegality is engraved in the scope of freedom of religious criticism.

c) In this case, the religious group claimed the end of the world

Jung Hwan-gyo and Do Young-suk testified in favour of religious group that 'In this case, the religious group did not claim the 'world end(third world war)' in the courtroom, the following articles, which are related to this case record: ① Some of the publications, such as "A Study on the Status of Religious freedom in Korea" issued by the International Research Council for Religious Affairs on June 13, 2000 under the research service contract with the Ministry of Culture and Tourism according to dec 2000. In 1988 and 1999, there were details that could be construed as asserting the so-called end of world doctrines to believers.② Ahn-sahng-Hong's book, "*The Bridegroom was a Long Time in Coming and They All Became Drowsy and Fell Asleep*" published by a religious organization in this case, 1) also refers to the end of the world in 1988 several times. In this case, the brochure of the religious organization (Article No. 9 of the certificate No. 2) also has a description of '1988 is the end of the world !! Trust in God'. ③The 'In this case, the religious group called for the end of the world in 1999 or 2012, and the end of the world(third world war) is argued' written by kiminsuk, choewonhui, kimchanghyeon, ohyeongju, joinsuk, oh-jin-yeong, kimhyeyeong and park sun-yeong, who are the members of the religious group, also has a statement of purpose (from 39-1 to 39-8 of the certificate No. 7). ④ The criticism of heresy can be seen as a public interest, at least for a range of established Christian denominations, including Christians or defendants, in addition to the expressions of freedom of religious criticism included in



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the freedom of mission, especially those that need to be highly guaranteed, the facts that the defendant put in place are those that match the truth in important parts, at least it cannot be said that it is proved as false.

- d) This case is related to the fact that the churchwomen's family is broken or divorced because the religious group is a pseudo religion.

"Timely fact" is a concept that replaces the expression of opinion with content of value judgments or evaluations as a concept to punish defamation. It is a time or space to report or make a statement about specific past or current facts. It means that the expression can be proved by evidence. Whether the statement to be judged is true or false, as per usual meaning and usage of the language, the possibility of proving, the context in which the question is used, it should be judged in consideration of the whole context, such as the social context in which the expression is performed(See Supreme Court Decision 2000, Feb. 25, 2000, Decision 98, No. 2188.) Freedom to criticize other religions or groups of religions should also be granted to the greatest extent in view of the freedom of religion in the Constitution.(See Supreme Court 6 Sep 1996 sentence 96, 19246, 19253, etc.).

In the light of these judgments, the defendant refers the religious group as heresy in this case, and the statement of intention of the defendant is 'If you fall into heresy, your family will be broken, your life will be ruined, you will drop out of school, run away, divorce, lose your money and many tragic things will happen.' in the context of the whole, it is difficult to see that this is a timely presentation of past or present facts.

- e) About insult part

- 1) Related jurisprudence

By expressing abstract abstinence or disdainful feelings that would not detract from the fact that it is an insult and would undermine a person's social evaluation, if a defendant's speech contains any expressions of judgment or opinion, including particularly offensive expressions, in the light of the sound sociological myth of the time, if the expression can be regarded as an act which is conducted in accordance with Acts and subordinate statutes, or in pursuance of accepted business practices or other action which does not violate the social rules shall not be punishable according to Article 20- Justifiable Act of the Criminal Act (See Supreme Court July 10 2008 sentence 2008 no 1433 judgment)

- 2) Specific judgment

The defendant, in the course of each of these events, referred the religious group in this case as 'heresy', as the religious group itself asserts, the usual meaning of the heresy is the church in other words, it means that it is a doctrine or system rejected by the authority of a particular denomination. Therefore, it can not be said that it is wrong in itself, nor is it a detriment to social evaluation.

Also, during the lectures of the defendant, the point where defendant compared religious group to the disease requiring vaccination, is the insult that it reveals the value judgment or the despicable feeling which may degrade the social evaluation of the religious group. However, this is a description with aim and purpose of the lecture in the context of the



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group as heresy by saying that church of god has claimed false facts and compared them to virus, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down unconscious and died. Currently there is a more terrible heresy than Sinchonji, which is Church of god in this town. Ahn-sahng-Hong died of stroke, after three days of Ahn-sahng-Hong's death his body got rotted. Then second lord namely Zang Gil-Jah or Jang-gil-ja has arrived and taught in teachings that even god has gender i.e male and female god. Zang Gil-Jah or Jang-gil-ja knows nothing but heresy. I hereby introduce two vaccines, You need to get vaccinated. First vaccine is this lecture, for the second vaccine, purchase book written by me, and try to read. currently, there are three things that are the most deceiving as big three, Shinchonji, Ahn-sahng-Hong, and Salvation sect. In order to prevent students from this, we have to distribute these books to them as prevention. Referred Ahn-sahng-Hong's death as 'rotten' and called Ahn-sahng-Hong and Zang Gil-Jah or Jang-gil-ja as male and female.

- f) The defendant held a two-part seminar on July 29 2012 attended by many members of the 'Dongmyung Church' at Seoul, Seochogu, Bangbaedong 785-5, referred victim group as heresy by saying that church of god has claimed false facts and undermined the honor of the victim group 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day. As male god died, Zang Gil-Jah or Jang-gil-ja started acting on behalf as a female god, when this lady (Zang Gil-Jah or Jang-gil-ja) arrives, all church members bows down calling god with their faces towards ground and can't lift their heads until she leaves. Insulted with 'There is a terrible heresy here. What is this church is for? Ahn-sahng-Hong is considered as holy spirit i.e. god here. But Ahn-sahng-Hong died of stroke. After three days of Ahn-sahng-Hong's death due to stroke, his body rotted. As successor, lady Zang Gil-Jah or Jang-gil-ja came and taught that even god has gender i.e. male and female god. If i go for Heresy then what should i do? As they are saying that Ahn-sahng-Hong is God and Zang Gil-Jah or Jang-gil-ja is god too, you need to be vaccinated to avoid falling into heresy. There is a vaccine for heretics too. So i introduce two vaccines one is this prevention rally, i came for prevention here and second one is the book'. Insulted by comparing with virus 'If we have to refer to big heresy in our country, Sincheonji, Ahn-sahng-Hong and salvation sect are the most salvific books of the three organizations. Also Ahn-sahng-Hong book. This book is vaccine.' Referred Ahn-sahng-Hong's death as 'rotten' and called Ahn-sahng-Hong and Zang Gil-Jah or Jang-gil-ja as male and female.
- g) The defendant held a two-part seminar on August 22, 2012 attended by many members of the 'Pangyo Love Church' at Seongnamsi, Bundang-gu, Unjungdong, referred victim group as heresy by saying that church of god has claimed false facts and undermined the honor of the victim group by comparing with virus 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day. There is a heresy that is not great compared to back days, it is church of God. Ahn-sahng-Hong died due to stroke, after three days of Ahn-sahng-Hong's death his body got rotted. Then second lord namely Zang Gil-Jah or Jang-gil-ja has arrived and taught in teachings that even god has gender i.e male and female god, and 'If you fall into



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heresy, you will be cursed, run away, divorce, drop out of school, and become tragic'. Prevention is important to avoid falling into heresy, but there is a vaccine also. I hereby introduce two vaccines, one is this prevention rally and second is reading book. currently, there are three things that are the most deceiving as big three, Shinchonji, Ahn-sahng-Hong, and Salvation sect. When you go out, please buy this book by all means. It's original price is actually 8000 won but we will be giving for 5000 won only'. Referred Ahn-sahng-Hong's death as 'rotten' and called Ahn-sahng-Hong and Zang Gil-Jah or Jang-gil-ja as male and female.

- h) The defendant held a two-part seminar on sep 2 2012 attended by many members of the 'Seosan Presbyterian Church' at seongnamsi, bundang-gu, unjungdong, lectured that church of god is false which claims that 'Ahn-sahng-Hong fulfilled the prophecy of the Second Coming of Jesus Christ, and will come back as saviour again. A meeting about end of world was conducted. While participating in the activities, suddenly these thoughts came into my mind about claiming end of world eschatology. The most rumored thing that these people have done in the past is about Eschatology claiming end of world. These people built the Ahn-sahng-Hong headquarters building in Bundang and conducted end-of-the-world eschatology campaigns there. Why would they do that? They did to claim properties from followers.' Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day i.e. stroke. But three days after Ahn-sahng-Hong was buried his body rotted. we call him as rotten bastard not god!! A rotten body can never become christ. A Rotted body or a rottable body can never become christ. Then second lord namely Zang Gil-Jah or Jang-gil-ja has arrived and taught in teachings that even god has gender i.e male and female god. If you look at the homepage of Ahn-sahng-Hong, it was written that god Ahn-sahng-Hong has ascended. What ascension are you talking about? he just rotted, 'Now, next major doctrine of Giljagyo. These people call themselves as Church of God. But we call them as Giljagyo. why because? They call Zang Gil-Jah or Jang-gil-ja as god!. He insulted by referring victim group to giljagyo and Ahn-sahng-Hong as rotten man in public.
2. The defendant 1. The victim's reputation is damaged and the victim group is insulted, the people who attended the above lecture and their families and people around them would have to truly believe that the family members of the victim group would be forced to convert as believer, it prevented religious groups from leading missions and evangelism in this affair as a hierarchy by preventing the NGOs from performing well in missions and evangelism.
  3. The defendant, while doing the above-mentioned two-way seminar at the date and time of the statement above,
    - a. In the 'Ansan Evergreen Church' office on dec 15 2011, this case used a photo which has already been digitized and archived, duplicated by photocopying it without permission from the religious group that owns the copyright, and used in his lecture on the heresy seminar that defined religious groups as heresies and infringed the copyright of religious groups in this case.
    - b. The defendant prepared 'New song (singing hymns)' book, which was issued by the victims group on aug 16 2005 in the 'Ansan Evergreen Church' (Registration No. 3 nov



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2000 No. 15-488) (aug 16 2005 issue) without permission of the victim group that owns the author's property rights, As a result, the copyright of the victim group was infringed.

[Preliminary Appeal to Article 1 of the Public Prosecution Act]

- a. The defendant held a two-part seminar attended by 500 members of the 'Seosan Presbyterian Church' in seosan-si, dongmundong 971-1, on March 14, 2012, insulted by referring victim group as heresy by saying , 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and died, Zang Gil-Jah or Jang-gil-ja is acting on behalf as a female god, when this lady(Zang Gil-Jah or Jang-gil-ja) arrives, all church members bows down calling as god with their faces towards ground and can't lift their heads until she leaves, why? because she is god!!
- b. The defendant held a two-part seminar on june 3 2012 attended by many members of the 'hyundae church' at 932-30, Bangbae-dong 1-dong, Seocho-gu, Seoul, insulted victim group as heresy by saying that, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down unconscious and died in hospital, Zang Gil-Jah or Jang-gil-ja is acting on behalf as a female god, when this lady(Zang Gil-Jah or Jang-gil-ja) arrives, all church members bows down calling god with their faces towards ground and can't lift their heads until she leaves.
- c. The defendant held a two-part seminar on june 20 2012 attended by many members of the 'Suwon Central Baptist Church' at suwon-si, paldal-gu, gyo-dong 144, insulted victim group as heresy by saying, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down unconscious due to stroke.
- d. The defendant held a two-part seminar on june 21 2012 attended by many members of the 'Full Gospel Gangnam Church' at 833-6 Yeoksam 1-dong, Gangnam-gu, Seoul-si, where insulted victim group as heresy by saying that church of god has claimed false facts that, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day.
- e. The defendant held a two-part seminar on july 20 2012 attended by many members of the 'wa-uri church' at hwaseong-si, bongdam-eub donghwari 197, referred victim group as heresy by saying that church of god has claimed false facts and compared them to virus , 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down unconscious.
- f. The defendant held a two-part seminar on july 29 2012 attended by many members of the 'Dongmyung Church' at seoul, seochogu, bangbaedong 785-5, referred victim group as heresy by saying that church of god has claimed false facts and undermined the honor of the victim group 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day. As male god died, Zang Gil-Jah or Jang-gil-ja started acting on behalf as a female god, when this lady(Zang Gil-Jah or Jang-gil-ja) arrives, all church members bows down calling as god with their faces towards ground and can't lift their heads until she leaves.



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- g. The defendant held a two-part seminar on August 22, 2012 attended by many members of the 'Pangyo Love Church' at seongnam-si, bundang-gu, unjung-dong, where he referred victim group as heresy by saying that church of god has claimed false facts and undermined the honor of the victim group by comparing with virus 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day.
- h. The defendant held a two-part seminar on sep 2 2012 attended by many members of the 'Seosan Presbyterian Church' at seongnamsi, bundang-gu unjungdong, said that 'Ahn-sahng-Hong fulfilled the prophecy of the Second Coming of Jesus Christ, and will come back as saviour again. A meeting about end of world was conducted. While participating in the activities, suddenly these thoughts came into my mind. It is the most rumored thing that these people have done in the past is about Eschatology claiming end of world. These people built the Ahn-sahng-Hong headquarters building in Bundang and conducted end-of-the-world eschatology campaigns there. Why would they do that? They did to claim properties from followers.'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day.

## 2. Judgment of circumstantial facts

### a. About Defamation part

#### 1) Related Laws

In addition, Article 20, Paraphrase 1 of Constitution states, "All people have the rights to religious freedom," which means religious freedom includes the freedom to promote the religion one believes in and do missionary work in order to recruit new members, and the freedom of missionary work includes criticizing other religions and recommending that members of another religion convert to one's own religion, therefore the rights to promote a religion and criticize other religions are subject to protection as rights to free expression at the same time as well. In such a case, it is interpreted that Article 20, Paraphrase 1 of Constitution about religious freedom has special aspect on Article 21, Paraphrase 1 of Constitution about freedom of expression, therefore, press and publication for the purposes of religion should be protected even more than other general press and publication. As such, in protecting the rights to criticize other religions or religious organizations to the maximum extent, in cases where another's reputation or honor are damaged and as to how to decide over the two conflicting interests of protecting one's right to religious freedom and one's reputation, it must be decided by considering the general conditions on the act of criticizing itself such as benefits by the act of criticizing, the breadth of range of value and publication, and its ways of expression, and at the same time, comparing and considering the degree to which how such criticizing has damaged or may damage another's reputation.(See Supreme Court Sep 9 2010 Decision 2008 Da 84236).

And what our Constitution is trying to protect by guaranteeing the freedom of religion is not the religion itself or the object of religious faith, but the believer, a believer of religion, the criticism of religion is often accompanied by some prejudice and irritating



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expression in its nature, the insult to the object of faith in other religions is not a defamation of religious groups or believers who believe in the object of faith. In the process of exercising freedom of speech and publications for religious purposes, even though the object of the faith of other religions is ridiculously portrayed or somewhat insulting and uncomfortable, the expression of hatred of believers who believe in that religion should be seen as permissible unless it is exposed or threatened with assault or intimidation by itself.

On the other hand, the fact that criminal justice constitutes a constitutional element of a crime for which a public prosecution is filed is because the prosecutor is responsible for proving whether it is a subjective requirement or an objective requirement, the fact that the social evaluation of a person is impaired in the case of the indictment for the defamation by the timely false fact of the criminal law Article 307(2) was pointed out, the prosecutor must prove that the defendant recognized and notified that the fact was not objectively falsified, and that the notified facts were false, in this case, when determining whether a fact is true or false, it is necessary to look at the purpose of the entire contents of the facts, if an important part is consistent with an objective fact, even if there is a slightly different or somewhat exaggerated expression in the details, it can not be regarded as a false fact.(See Supreme Court June 12 2008 sentence 2008 do1421 judgement).

And even if a false fact is pointed out, it is not a crime of defamation prescribed by Article 307 of the Penal code unless the false fact is the content that can infringe the social value or evaluation of a particular person, the social value and the evaluation of the victim are expected to be infringed more seriously in the case of listening to the true facts as compared with the case in which the social average person has heard a statement stating a false fact, if it is reasonable to see that there is no difference between the two, it cannot be punished for defamation by the timely false fact of Article 307 (2) of the Penal code.

## 2) Specific judgment

a) The part where Ahn-sahng-Hong suddenly fell down eating noodles.

First, the defendant's lecture, "Ahn-sahng-Hong suddenly fell down eating noodles," about whether the contents are false. According to statements made by the witness Dooyoung Suk in the court of justice, Unlike the defendant 's lecture, Ahn-sahng-Hong did not suddenly fall down when while eating noodles, but after lunch with rice and noodle soup, he fell asleep and unconscious, so was admitted in a hospital and died the next day. It is difficult to see that the above evidence alone proves that the fact of falsehood is so obvious that it excludes rational doubt.

Even if the above lecture contents are false, the fact that he suddenly fell down unconscious while eating noodles and the fact that he lost conscious after he ate rice and noodle soup, it cannot be said that there is a significant difference in the degree of violation or degree of victim's social value or evaluation.

Also, according to evidence that has been legitimately adopted and examined by the Supreme court and district court, there are now 2,500 churches in 175 countries around



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the world, with two million believers living in religious groups, this event is the 50th anniversary of the founding of a religious group and it contributed through various volunteer activities to the social community, in this case, the believers of the religious group can acknowledge Ahn-sahng-Hong's faith in the Bible's prophecy to the earth, the one who accomplished the prophecy of Elijah, the Holy Spirit, and the returning Jesus, in this case, the size of the organization or organization that the religious group itself asserts, mission and service activities. In the light of the contents of the doctrine, the facts about Ahn-sahng-Hong's or his death progressed from the private sphere of this case to the official facts, as for doubts and suspicions about this, there should be broad acceptance of the possibility of debate on the possibility of a one-party discussion, Defamation will not be blocked by name.

In this respect, the whole point of the defendant's partial remarks is that defendant is the person who has a belief in or against the religious meaning and role of Ahn-sahng-Hong, 'would like to say that Ahn-sahng-Hong is not god and died just as ordinary human being, it was nothing but only raises doubt about making Ahn-sahng-Hong an object of faith', the following circumstances which may be recognized by the evidence examined by the legitimate adoption by the Supreme court and district court: In other words, the defendant was a heresy researcher who served as the head of Christian Council of Korea Heresy Countermeasure Committee at the time of the above remark, the defendant's speech was limited to the members of his followers, who are of same denomination as the defendant who was also interested in the harm of heresy, the whole content of the lecture, including this part of the speech, is from the perspective of the defendant's faith, this event is not only of religious groups, but also of Shinchonji church, and that they should be criticized for the reason that there is a heretical element in the objects and doctrines of faith such as salvation, it is not a wrongdoing where the intention leads to provide objective information to the believers, to encourage their attention, to raise awareness, to protect his believers and to prevent confusion in their doctrines, in this way, if we state that there is a heresy to a certain religion or ancestor is fundamentally a religious criticism, even if there are some exaggerated & distorted or inappropriate expressions in the statement, the fact that the defendant has stated in the end cannot be regarded as a match with the truth or at least regarded as false in the important part.

- b) As Zang Gil-Jah or Jang-gil-ja pass by, all bow down totally calling god with their faces towards ground, and does not raise their heads until she leaves, in this case, the believers of the religious group can just bow down or simply bend their head down when she pass by, i think bowing totally without lifting their heads is not right thing' according to the testimony, this part of the defendant's comment can not be regarded as a false statement of fact

However, the following circumstances which can be admitted as the evidence that the Supreme court and lower court have legally collected and investigated. Evidence 1-Kang jeong wook who served as a pastor, in this part of the defendant 's remarks, 'At the sermon of the pastors of the religious group, when Zang Gil-Jah or Jang-gil-ja entered the hall, all the people who attended the sermon totally kneeled down to floor', all





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bows down with their faces towards ground and can't lift their heads until she leaves, and defamed the victim group with false facts undermining the honor of group that 'What this lady teaches in the prayers, is that even god has gender i.e male and female god, so male god is Ahn-sahng-hong and female god is Zang Gil-Jah or Jang-gil-ja' and 'If you fall into heresy, you will be cursed, run away, divorce, drop out of school, and become tragic'. and 'If you cannot come out of this heresy, you can be vaccinated. He also insulted that the victim group should be vaccinated against virus by saying 'Currently, we refer to the most important heresies in Korean churches as the three big heresies they are Shinchonji, Ahn, Sanghong and cult Salvation Sect, and once purchase my book and give it to your children for reading as prevention' and defamed as mentioned above by saying male and female i.e Ahn-sahng-Hong as male god and Zang Gil-Jah or Jang-gil-ja as female god.

- c) The defendant held a two-part seminar on June 20 2012 attended by many members of the 'Suwon Central Baptist Church' at Suwonsi, Paldalgu, Gyodong, mentioned victim group as heresy by saying, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down unconscious due to stroke' he is a famous active heresy who is well known by all of you, and his Church of God. Ahn-sahng-Hong is believed as holy spirit god but after three days of Ahn-sahng-Hong's death due to stroke, his body rotted. After his body got rotten, new successor (as second god- bride) has arrived. It's a lady named Zang Gil-Jah or Jang-gil-ja. he defamed the victim group with false facts undermining the honor of group that 'What this lady teaches in the prayers is that even god has gender i.e male and female god' and 'If you fall into heresy, you will be cursed, run away, divorce, drop out of school, and become tragic'. ' so you have to get vaccine for this virus. He insulted the victim group by comparing to virus that should be vaccinated, when the victims come for evangelism, the defendant asked oh- Zang Gil-Jah or Jang-gil-ja? If you have to say that Zang Gil-Jah or Jang-gil-ja is god! then how come you say just a word and go without any explanation, ' referred Ahn-sahng-Hong's death as 'rotten' and called Ahn-sahng-Hong and Zang Gil-Jah or Jang-gil-ja as male and female.
- d) The defendant held a two-part seminar on June 21 2012 attended by many members of the 'Full Gospel Gangnam Church' at 833-6 Yeoksam 1-dong, Gangnam-gu, Seoul, mentioned victim group as heresy by saying that church of god has claimed false facts that, 'Ahn-sahng-Hong is neither alive now nor bearing the god activities. In 1985, while eating noodles in a restaurant he suddenly fell down and was moved to the nearby hospital, and died due to massive stroke the next day. Currently there is a more terrible heresy than Shinchonji, which is Church of god. Ahn-sahng-Hong is believed as holy spirit god but after three days of Ahn-sahng-Hong's death due to stroke, his body rotted. Then second lord namely Zang Gil-Jah or Jang-gil-ja has arrived and taught in teachings that even god has gender i.e male and female god. There is a vaccine for heretics too. They need to get vaccinated. Today's seminar is a prevention rally. He compared the religious group to virus and stated that virus need to be vaccinated by saying 'Currently most deceiving are Shinchonji, Ahn, Sanghong and cult Salvation Sect, just purchase my book and give to students as prevention'. He referred Ahn-sahng-Hong's death as 'rotten' and called Ahn-sahng-Hong and Zang Gil-Jah or Jang-gil-ja as male and female.
- e) The defendant held a two-part seminar on July 20 2012 attended by many members of the 'wa-uri church' at Hwaseongsi, Bongdam-eub Donghwari 197, and referred victim



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defendant's faith, and it is the purpose of this case to give objective information to the believers because the heretical element is the object or doctrine of faith of the religious group. It was intended to protect the believers and prevent the confusion of the doctrines. Religious groups decided by hereditary denominate as heresy, encourage converts in the existing churches. It seems that this lecture is necessary to prepare for this with the awareness of rallying them with new believers. The criticism of this lecture, which is the main content of this lecture, cannot only be regarded as a public interest in at least Christianity and a certain range of early churches, but also a form of freedom of criticism of religion included in the freedom of mission, the defendant's remarks should be regarded as being included in the freedom of religious criticism which does not violate the social norms.

Also, the defendant conducted seminar on sep 2 2012 at the Presbyterian Church, with especially notable Ahn-sahng-Hong insulting parts 'Three days after he died, he rotted' and Ahn-sahng-Hong is "Rotted, Rottable bastard" there is no denying part that it is an insulting word that can undermine the social evaluation of the religious group that is the subject of Ahn-sahng-Hong's faith. On the other hand, if you look at the motives and circumstances of the defendant appearing in the record, the above statement refers to the defendant's lecture contents, and in contrast to the "Jesus resurrected in three days after his death" in the Bible, Ahn-sahng-Hong expresses "Rotted, Rottable" as an explanation that his body is corrupt because he is an ordinary human, in view of the Christian faith to which the defendant belongs, Ahn-sahng-Hong cannot be the object of faith like Jesus because he is an ordinary human being who has to decay after death. In this case the faith of the religious group is the point that it should be criticized. Ahn-sahng-Hong, who is one of the public officials in this case, seems to have a small proportion of the lecture and its meaning. The extent of the insult implied by the expression is also an expression to express the feelings of hate when considering that it is an expression to criticize the doctrine of the religious group in contrast to the religion of the defendant, can not be evaluated as insulting. The place where the above expression was made was during a seminar lecture in above mentioned church, given to the church members, who gave invitation from each church. It is common for religious criticism and commentary to include some degree of derogatory expression, even though it is somewhat insulting and unpleasant expression, it expresses the feelings of hatred or assault itself, threats should be considered as permissible unless there is a possibility of causing intimidation. In light of the fact that the religious faiths and doctrines of this case must be broadly allowed to raise questions for public debate in light of their size and social status. This part of the defendant's expression is in the seminar lecture. The defendant, who is a heresy researcher, criticized the doctrines of religious groups in this case against believers who have the same faith as the defendant in terms of their faith. Some of the inappropriate expressions were used in the process of preventing believers from causing doctrinal confusion. This act should be regarded as a freedom of religious criticism which does not violate the social norms.

In addition to the above, the remarks made by the defendant in each lecture of this case (Giljagyo, gender-male and female etc.) are all intended to explain the purpose of the



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lecture, in view of the number of people in the case, based on number of times the statements are mentioned, and the proportion of the cases in the lecture, it can not be regarded as an illegal act beyond the limits of freedom of religious criticism.

**B. About business obstruction part**

As we have already seen in the judgment of defamation and insult, the defendant's remarks cannot be regarded as defamation of the religious group or insulting the group, the defendant cannot be punished for obstruction of business by religious group.

**C. About violation of copyright law**

The judgment of the violation of the copyright law of this case photo-1 is, as discussed in paragraph 3) above, the judgment on the violation of the copyright law of this case photo-2 is not the crime of each of the above, as explained in 3) above.

**3. Judgment of preliminary indictment**

It is to express abstract judgment or disdainment feeling that does not point out that 'insult' which is said in the insult, and which degrades the social evaluation of man.(See the Supreme Court december 11 2008 sentence 2008do8917 judgment).

The defendant's remarks, such as 'Ahn-sahng-Hong suddenly fell to death while eating noodles','When Zang Gil-Jah or Jang-gil-ja passes by, all church members need to bow down calling god with their faces to the ground and can't even lift their face until she leaves','The victim group advocated the end of the world', etc., all seem to have given strong facts. It is not to be seen as expressing abstract judgment or opinion without timely presentation of strong facts.

The defendant's remarks do not infringe on the social evaluation of the religious group in this case, or the whole purpose of each remark and lecture, subject and object of lecture, the scale of the religious group and the social status, it does not violate social norms as a part of religious criticism.

**4. Conclusion**

If so, as per preliminary hearing and indictment, the defendant accused with defamation, insult, obstruction of business, copyright violation of Ahn-sahng-Hong's Passover ritual photograph, the violation of copyright law in the first and second chapters of the new song is found as 'Notguilty' of allegation or proves the fact of the crime, so the defendant is 'not guilty' by the preceding and following paragraphs of Article 325 of the Penal Procedure Code(PPC). The court will issue a ruling on the order of the 'Not guilty' part of the judgment under Article 58 (2) of the PPC.

Chief Justice

Judge Sim Jae Nam \_\_\_\_\_

Judge Lee Ji Young \_\_\_\_\_

Judge Choi Young-kyu \_\_\_\_\_



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Suwon District Court

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