

**Translation Services USA LLC**

545 Eighth Avenue, 12<sup>th</sup> Floor, New York, NY 10018  
Phone: (800) 790-3680, Fax: (212) 537-6674

*Translated from Korean*

7/18

**Northern Seoul Regional Court**

**Civil Section Number 11**

**Judgment**

|                     |  |
|---------------------|--|
| Case                | 2003 Gahah 6020 Damage Compensation (Gi)   |
| Plaintiff           | Church of God World Gospel Association<br>395-67 Sindaebang-dong, Dongjak-gu, Seoul<br>Chairman Joo Cheol Kim<br>Legal Counsel, Kyung Yong Park, esq.<br>Co-counsel, Yong Gi Ryu, esq. |
| Defendant           | Ji Won Tak<br>115-1401 Jugong APT., Sanggye-6dong, Nowon-gu, Seoul<br>Legal Counsel, Gi Joon Park, esq.  |
| Defense Ending Date | June 24, 2005  |
| Judgment Date       | July 8, 2005   |

**Main Decision**

1. The claims by plaintiff are all dismissed.
2. Plaintiff shall pay for all legal costs.

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### Claims

Plaintiff seeks defendant to pay plaintiff 20,000,000 won and interest calculated by 5% a year for the period from the day after this copy of lawsuit was delivered and until the judgment date and 20% a year from the following day until entire amount is paid.

Plaintiff seeks defendant to designate a newspaper among the papers published and distributed nationwide within ten days of the final decision and post a correction at the bottom of the page with 38 font size in gothic font with a title of correction and an article underneath with a 14 font size in (*myungjo*) font at the expense of defendant.

### Reasons

#### 1. Basic Facts

The following facts are undisputed by the parties, or can be acknowledged as facts by concluding from all of the intentions in the arguments listed in the evidence (Article) numbers 1 through 3.

- A. Plaintiff is the church Sang Hong Ahn (deceased) established in 1948 (referred as “plaintiff church” hereinafter), and defendant is the publisher and editor of the monthly magazine (*Hyudae Jongyo*).
- B. Defendant has published about 2,000 copies of a book titled “Researches on the New Religions of Korea 2002, Collection I (subtitled, Self-Claimed Reborn Jesus Christ of Korea) and distributed about 500 copies to the Christian bookstores nationwide. On pages 145 to 168 of the book, the following text is listed about the plaintiff church: Under the title of “The Church of God (World Gospel Association)”, and underneath it, it describes, “The Church of God is an organization that stemmed from the Adventist Church. But unlike the Adventist church which acknowledges general Christian beliefs of judgment, ethical salvation, as well as resurrection, eternal life, trinity, atonement of the cross, and Jesus Christ’s redemption, this organization believes that Sang Hong Ahn who died

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in 1985 is God, and as they have proclaimed that they are not Christians, they are actually not part of Christianity". It goes on to say, "Aware that the continuing failures of the many end of the world theories that continued in 1988 and 1994 as well as the critical views of the society, as they all came to be not true, they have changed their name to the Church of God World Gospel Association to continue their activities. In 1999, particularly, they again came up with another end of the world theory by jumping on the wagon of the Y2K phenomenon, which they insisted to their believers, but it too also backfired and along with reports of the Church of God Sang Hong Ahn Witness Association, what went on in their organization was reported by the media. In 1988, they were reported to have proclaimed an end of the world theory, and after this year, they have continued to claim these theories every year to their believers, some of which resulted in some of their believers leaving their families, which resulted in the family members making petitions each year. They then changed their name to Sang Hong Ahn Witness Association, but after it caused troubles in their missionary work, they changed their name to the Church of God. According to the teachings of Sang Hong Ahn Witness Association, the end of the world would come in 1988 at which time the world will disappear without a trace and except for 144,000 people who have been granted with God's special protection, everything will be destroyed. It was believed that the first wife of Sang Hong Ahn, who was his so called spiritual wife, was Soo In Um. Um divorced her former husband before she began seeing Ahn, and she was the one who proclaimed that Ahn was Jesus Christ in 1978. After Ahn died, the Sang Hong Ahn Witness Association was divided into a sect called New Covenant Passover Church of God that worshipped Um as the wife of God and another sect that chose Gil Ja Chang as the wife of God in 1981 and believed the second spiritual wife as Mother. They wore white clothes that Ahn always wore when he was alive and insisted on living in shacks in the slums of Haewoondae. At worship meetings, they could not get into the building while wearing shoes, and women were required to wear veils on their head just like the Roman Catholic Church, all of which were some of their major

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doctrines. The Sang Hong Ahn Witness Association interpreted some of the Bible verses on their own in discretion in order to match with their claims, some of which were that in Psalms 132:10-18, there is a prophecy that David will grow horns. They insisted that the seven horns in the verse symbolize seven seasonal periods, and Ahn insisted after finding a doctrine about the periods that he was the little lamb in the last period. We must know that cults and heresies always target and approach people who are not satisfied and complain about their lives. What they are insisting are clearly pseudo-religious heresies that can only be accepted by someone with little knowledge about Christian beliefs, but they do not focus on Ahn being God to other people when they start missionary work. In February 29, 2000, a former member of the association named Chung left the organization and disclosed the truth about it after which he was surrounded by some 400 members and assaulted.”

C. As such, the plaintiff church claimed that the defendant published untruthful facts about the plaintiff church which resulted in damage to their reputation and honor by which it filed an injunction on producing, selling, and distributing published materials, followed by a libel and slander by publication lawsuit against the defendant around June, 2002.

2. Decision on the Claims of Plaintiff

A. Claims

All of the contents of the book about the plaintiff church describe untruthful facts, by which the plaintiff church’s reputation has been damaged due to such illegal acts committed by the defendant against the plaintiff, therefore the defendant must pay for the damages and is obligated to publish an appropriate correction in a newspaper in order to recover the damaged reputation as listed in the attachment.

B. Decision

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- (1) First of all, we shall take a look at the book (referred to as “the book in this case” hereinafter) about the plaintiff, published by the defendant, and decide if the contents were describing all untruthful facts.
- (A) In looking at page 145 of the book in this case in which the defendant states that the, “church rejects the Christian doctrines,” and proclaims, “they are not Christians,” according to the combined arguments made in the evidence documents 1 and 2 of (Article) number 3, (Article) numbers 4 and 5, 4 of (Article) number 7, and 1 and 2 of (Article) number 19, the plaintiff church does indicate the church leader Sang Hong Ahn as the holy God or the reborn Jesus Christ in their doctrines, dogma and in one of their hymns, “New Song”, and Gil Ja Chang as the Mother God. Also as described later, they did insist on their end of the world theories, not to mention the church officials having described their religion as “God’s church different from the Catholic church and with different characteristics from many protestant churches as well.” They also stated, “we would like to be understood and accepted as a new religion and not as another denomination of the existing protestant church.” Considering these acknowledged facts and statements, it can be interpreted that they in fact were rejecting the basic Christian doctrines from the point of Christianity, therefore, it can only be said that these were not untruthful facts.
- (B) In looking at the parts where the book described how the plaintiff church first proclaimed its end of the world theory in 1988, by which the members of the families of some of the believers who left their families pleaded every year, according to the combined arguments made in the documents 7 of (Article) number 7 and (Article) numbers 8 through 13 (including serial numbers), the plaintiff church did make a missionary paper which stated that the world will end in 1988, which was three years after the death of Sang Hong Ahn, and in 1999, it also conducted a survey about their prophecy of the end of the world in 1999 on their believers. Also within the church, there is another claim being proposed that the world will end in 2012. Additionally, the broadcasting stations KBS, SBS and MBC have collected information and tried to broadcast about the plaintiff church’s end of the world theory

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in their programs of “60 Minutes America”, “Cases and People”, and “PD Memos” respectively, and there is now an organization formed by husbands of the victims who have said that they were victimized by the plaintiff church’s end of the world theory. Considering all these acknowledged facts, it cannot be conclusively said that the book’s descriptions are untruthful facts even if there may be some incorrect or a little excessive expressions about how the end of the world theory was described.

(C) In looking at the parts where it said the plaintiff church changed its name to the Church of God World Gospel Association because of how their end of the world theory did not materialize or the critical opinion from the society, and it changed its name to the Church of God from Sang Hong Ahn Witness Association because its name didn’t fit well with their missionary attempts, according to the combined arguments made in the documents and videos of (Article) numbers 5 and 7 (including serial numbers), the plaintiff church in fact has been using its title of Sang Hong Ahn Witness Association or the Church of God short for the Church of God Sang Hong Ahn Witness Association since the death of Sang Hong Ahn in 1985, and around 1997, it established a non-profit organization titled the Church of God World Gospel Association for the purpose of registering and managing the organization’s assets. Additionally, as described earlier, it did in fact proclaim the end of the world theory which resulted in critical opinion from the society – which was all true, and it seems that the plaintiff church does most of its external activities in the name of Church of God World Gospel Association, not to mention the fact that it almost does not use the Sang Hong Ahn Witness Association name when it does missionary work. Therefore considering all of these actual facts, it cannot be concluded that what the defendant described about these parts are all not true.

(D) In looking at the parts where the book described the spiritual wife Soo In Um and the divided sects of the plaintiff church, according to the combined arguments made in the documents 1 and 2 of (Article) number 14, Soo Im Un was expelled from the church after she did missionary work and claimed that

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she was spiritual mother, and after the death of Sang Hong Ahn, the church was indeed divided into the New Covenant Passover Church of God based in Busan and the plaintiff church based in Seoul which was the result of these two sects' argument over making Gil Ja Chang the spiritual mother. Therefore, the book's descriptions about these parts cannot be concluded as untruthful facts.

(E) In looking at the parts about the life of Sang Hong Ahn and worship rituals such as requiring to take off shoes, according to the combined arguments made in documents 4 of (Article) number 20 and (Article) numbers 5 and 15, these descriptions were based on an article published in the December 1985 issue of *(Hyundae Jongyo)* which was written by the magazine's reporter, Chung Kim, who actually visited the plaintiff church to experience the church and did interviews. Therefore it cannot be concluded that these were untrue, or that the defendant wrote it thinking it was all untrue, and furthermore, it cannot be concluded that the descriptions about the life of Sang Hong Ahn and the worship rituals damaged the plaintiff church's social reputation.

(F) In looking at the church's own interpretation about the doctrines, according to the arguments made in documents 1 and 2 of (Article) number 17, it is true that there is no mention of seven horns symbolizing seven seasonal periods in the book Sang Hon Ahn wrote titled, "The Mystery of God and the Spring of the Water of Life", but the book indeed mentions about "David's horns" and "the little lamb during the last period", and additionally, the above descriptions are based on the July and August 1994 issues of the Seventh Day Adventist Church's magazine *(Mokyangja)*. Therefore, the above parts about the doctrine and the following mentioning of cult and heresy seem to be opinions by defendant on the plaintiff church's doctrines, cults and heresies from the defendant's point of view. Considering these points, it cannot be concluded that these descriptions are untruthful facts either.

(G) In looking at the parts about Chung who was a member of the plaintiff church and suffered assault after he left the church, according to the combined arguments made in the documents 1, 2, and 3 of (Article) number 16, these parts were written by the defendant based on the March 8, 2000 issue of

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*Gidok Sinmun* (Christian Newspaper) and testimony by In Ja Chung. Even though the newspaper later replied to the article, it was only a reply made by the newspaper and cannot be interpreted as the newspaper admitting the article as untrue or having errors, and furthermore, in the summary order related to the above article (Seoul Regional Court Northern Branch 2000 Goyak No. 22814), it was acknowledged that some 300 members of the plaintiff church disrupted business in front of In Ja Chung's video rental store and some of the members and In Ja Chung engaged in altercations which resulted in an indictment. Therefore these parts also cannot be concluded as describing truthful facts.

(H) In so far it has been looked into, the contents of the book in this case, published by the defendant, may have some parts where its expressions were not entirely correct or a little excessive, and it can be said especially from the plaintiff church's point of view that there are parts where misunderstanding can result from how one interprets them, but in looking at the overall picture of the book, the main contents of the book do match with actual objective facts, therefore it is hard to determine that the contents are untrue, and furthermore, even if some of the details do not match with the objective facts, the defendant wrote the book based on the combination of studying the various doctrines and books published by the plaintiff church, the research data of the defendant's father, Myung Hwan Tak (deceased), articles written by the reporters of the publishing house that the defendant operates who visited the plaintiff church and collected data, reports of various newspapers and broadcasting stations, testimonies by pastors and members who were once members of the plaintiff church and later left, as well as individual tips the plaintiff church and outcome of consultations with victims of the church, and considering all of how the book in this case was written, it is reasonably believed that the defendant believed what he found out to be true and there is no evidence that proves the defendant otherwise recognized them to be untrue.

(2) 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



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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, Paragraph 1 of Constitution about religious freedom has special aspect on Article 21, Paragraph 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 (Supreme Court September 6, 1996 decision, 96Da19246.)

According to the combined arguments made in the evidence document number 18, the facts are that the book in this case was published as a collection of research based on the results of the outsourced research on Korea's religious organization sponsored by the Ministry of Tourism, the main contents of the book criticizes the problems of the plaintiff church's faith and doctrines from the point of view of traditional Christianity, the purpose of which the defendant published this book was to provide information about the doctrines of traditional Christianity and religious organizations that have different doctrines than the traditional Christian churches and their members so that they can be prevented from joining the different organizations (refer to the foreword of the book), and the book in this case was mainly distributed and sold to the members of traditional Christian churches through traditional Christian bookstores, therefore, considering the purpose, the steps taken to publish the

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books, contents, characteristics, expressions and methods, and the range of audience for the publication, it can be said that the plaintiff church was attacked for its characteristics of being a cult by the defendant in terms of its doctrines, therefore its degree of libel and slander is not comparatively significant. Moreover, considering how cults in today's society have so many negative effects, the way how the defendant inappropriately and excessively described and severely and harshly criticized the plaintiff church in the book cannot be said as out of the range of expressing religious criticism in principle. Therefore, it is concluded that there is no ground for any illegality by the defendant and the defendant is not liable for committing any illegal acts to the plaintiff.

In conclusion, the claims made by the plaintiff based on accusations against the defendant's illegal acts against the plaintiff church, have no ground to be sustained.

3. Conclusion

Therefore, the claims by the plaintiff are hereby all dismissed and the decision is made as stated in the main decision.

|                 |       |                    |
|-----------------|-------|--------------------|
| Presiding Judge | Judge | Han Sik Hwang_____ |
|                 | Judge | Dong Wook Lee_____ |
|                 | Judge | Yu Kyung Kim_____  |

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July 14, 2005

Northern Seoul Regional Court

Court Clerk      Byung Il Min [seal]

Information on Appeals

If you do not agree with the decision, you must submit an appeal form within two weeks of receiving this original copy to the Northern Seoul Regional Court (civil cases department).

Civil Litigation Article 162 (3)

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