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Japan Court Rules Against Sex Slaves and Laborers

By Norimitsu Onishi

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World War II sex slaves lose in Japanese court

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TOKYO, April 27 — In two landmark rulings, Japan's highest court on Friday rejected compensation claims filed by former wartime sex slaves and forced laborers from China but acknowledged that they had been coerced by the Japanese military or industry.

The decisions were handed down as Prime Minister Shinzo Abe tried to head off a resolution on Japan's wartime sex slavery in the House of Representatives during a two-day visit to Washington.

It was the first time that the Supreme Court has ruled on lawsuits by Japan's mostly Chinese and Korean captives during World War II, effectively quashing dozens of similar cases that have been working their way through the lower courts in recent years.

The court said in both cases that the Chinese plaintiffs had lost their rights to seek individual legal claims against the Japanese government and companies because of a 1972 joint statement in which Beijing renounced war reparations from Japan, a decision supporting the government's position that postwar agreements cleared Japan of responsibility for future individual claims.

China's Foreign Ministry denounced the rulings, describing them as "illegal and invalid" and calling the court's interpretation of the 1972 statement as "arbitrary."

Shao Yicheng, 82, a plaintiff in one of the suits who was forced to work for the Japanese construction company Nishimatsu during the war, when he was 19, called the ruling

“unjust.”

“I didn’t even get paid,” he said at a news conference here. “I was just made to work. The least I want is to get my wages. I want justice.”

But in a striking rebuke to nationalist politicians who have tried to play down Japan’s wartime crimes, the court acknowledged the historical facts of sex slavery and forced labor, two practices that continue to fuel anger in Asia six decades after the war’s end.

In its 16-page ruling in a sex slavery case, the court acknowledged that Japanese soldiers had abducted two teenage Chinese girls and forced them to work as sex slaves for months, contradicting Mr. Abe’s recent denial of the practice.

Last month, Mr. Abe said there was no evidence that the military had directly forced women into sex slavery, a position that was put into a written statement and endorsed by the cabinet as the government’s official position on March 16.

In his first visit to the United States as prime minister, Mr. Abe — who fought for years to have references to wartime sex slavery excised from the nation’s government-endorsed school textbooks — repeated his general apology to the former sex slaves, known euphemistically as comfort women.

Historians have estimated that 50,000 to 200,000 women from Japan, Korea, Taiwan, China, the Philippines, Indonesia and elsewhere were taken as sex slaves by the Japanese military during the war.

“Regarding the extremely hard situation they were placed in, I am filled with a sense of apology,” Mr. Abe said Thursday in a meeting with leaders of the House of Representatives.

And in a press conference with President Bush at Camp David on Friday, he said that he had “deep-hearted sympathies” for the women and that he was sorry that they had been “placed in extreme hardships and had to suffer that sacrifice,” The Associated Press reported.

In both statements, Mr. Abe avoided assigning responsibility for the practice and did not retract his denial of the military’s direct role in it, a crucial point to his nationalist supporters, who argue that the women were prostitutes or forced into brothels by private brokers. The House is considering a resolution that would call on Japan to unequivocally admit its wartime sex slavery and apologize for it.

In the sex slavery ruling, the court acknowledged that Japanese soldiers abducted the two

plaintiffs, who were 13 and 15 at the time, in Shanxi Province, China, in 1942.

According to the court, Japanese soldiers took the 15-year-old from her older sister's house to a Japanese military base. There, the girl — a virgin who had yet to have her first period — was raped repeatedly by soldiers, including the commanding officer, the court said. Her family obtained her release after two weeks, but soldiers kidnapped her again, confining her and raping her repeatedly, the court said.

The 13-year-old — also described by the court as a virgin who had yet to have her first period — was kidnapped by Japanese soldiers and raped repeatedly for 40 days. Relatives of this woman, who died in 1999, pursued the lawsuit.

Toshitaka Onodera, the lead lawyer for the Chinese plaintiffs, said that despite the rulings against them, the Supreme Court had now established the historical record, including the military's direct coercion of women into sex slavery.

"No one can deny that, because of the particulars of the Shanxi cases," Mr. Onodera said. "This ruling is a powerful one, like a sharp knife pointed at Abe."

The government has not yet reacted to the rulings. But when Mr. Abe was asked in Parliament recently about a separate case — in which a lower court also rejected the plaintiffs' claims but acknowledged that soldiers had abducted and forced women into sex slavery — he dismissed the judge's acknowledgment of those facts as "legally unimportant."

In the forced labor case, the court overturned a lower court's ruling in 2004 ordering Nishimatsu Construction to pay \$230,000 to five Chinese plaintiffs who were forced to work at a hydroelectric plant in 1944. But the presiding judge took note of the plaintiffs "extremely large mental and physical suffering" and called on the company to "provide relief to the victims."

Experts often compare Japan in its treatment of its wartime forced laborers with Germany, which has taken reparations out of the court system and has been compensating aging victims while they are still alive.

"If it's freedom from legal threats that Japan was seeking, that goal was achieved today," said **William Underwood**, an American researcher who recently completed a dissertation at Kyushu University in Fukuoka, Japan, on Chinese forced labor. "But if the goals are reconciliation and mutual understanding with the Chinese, that project is very much unfinished."

According to Japanese government data, about 38,935 Chinese men were forcibly brought to Japan, most of them after March 1944. They were made to work in 135 sites for 35 companies, 22 of which are still in business.

Of the total, 6,830 men, or nearly 18 percent, died in a little more than a year because of brutal working conditions. Countless others died after their capture in China or during their transit to Japan. (ENDS)



Shao Yicheng, 82, a plaintiff in one of the lawsuits ruled on Friday, was forced to work without pay for a Japanese construction company during World War II. At a news conference, he called the decision unjust. (Ko Sasaki for The New York Times)



Song Jixiao was another forced laborer for Japan during the war. (Ko Sasaki for The New York Times)