



Overseas Hibakusha Lawsuit: Lee Keun-mok's Legacy 菱徴用工判決から4年 元原告の李さん死去、その足跡 Dec. 08, 2011

在外被爆者訴訟：三

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A-bomb victim sought compensation and support from Japan

Lee Keun-mok, a Korean former labor conscript who was forcibly taken to Hiroshima and became an atomic bomb victim at the end of the Asia-Pacific War, died last July at the age of 87. Lee was a plaintiff in a lawsuit claiming it was illegal for hibakusha living outside Japan to be excluded from benefits under the national Atomic Bomb Survivors' Support Law. The Japan Supreme Court agreed with Lee's position in November 2007. One month before his death in South Korea, Lee filed a new lawsuit with the Osaka District Court seeking the same payments for medical expenses that hibakusha living in Japan receive. We retrace the path of Lee's struggles.

Money never sent home during war

According to documents submitted to Japanese courts, Lee was born in Korea in 1923, when the nation was under Japanese colonial rule. He was working as a small farmer in Anseong-gun, Gyeonggi-do, in September 1944 when a clerk from the local administrative office and a police officer arrived bearing a labor conscription order. "Half your pay will be sent home. Your family will not be negatively affected," Lee was told by the officials, who immediately led him away. Lee was 20 years old. His wife was pregnant. He was accompanied to Hiroshima by Mitsubishi employees wearing company-issued caps.

Lee was ordered to work at a factory belonging to Mitsubishi Heavy Industries (MHI); his job consisted of bending copper pipes. He could not freely leave the company dormitory, and workers who escaped were beaten when apprehended. He thought the equivalent of his monthly salary was being sent home to Korea, but it was not. Meals were meager and the rice was sometimes rotten. Lee was in the factory's bomb shelter when the atomic bombing occurred. He returned to Korea on an unregistered boat in October 1945. Lee's family, having been deprived of his labor, had lost its small plot of land and was living in poverty.

Court battle

In 1974 about 200 former conscripts suffering from the effects of exposure to radiation formed the Association of Korean A-bomb Victims Conscripted by Mitsubishi. That same year Japan's former Welfare Ministry issued Ruling No. 402 (abolished in 2003), stating that the Atomic Bomb Survivors' Support Law was not applicable to hibakusha living outside the country.

Lee and his fellow plaintiffs filed their lawsuit in 1995, demanding compensation from MHI and the Japanese government. The Hiroshima District Court ruled against them in 1999, but in 2005 the Hiroshima High Court concluded that Ruling No. 402 was "illegal" and ordered the Japanese government to make consolation payments. The Japan Supreme Court finalized that judgment on November 1, 2007, by turning down the government's appeal.

A devout Christian and widely popular, Lee spoke Japanese and became the central figure of the successful lawsuit. He was heartened by the Supreme Court decision and reacted by saying, "We were made to perform dangerous work and our hardships were indescribable. Today marks a historic page in my life." But the plaintiffs' demands for compensation for being forced to work in Japan, and for the wages that MHI never paid them, were rejected.

Medical care disparity remains

In keeping with the new legal requirements, during the past four years the Japanese government has made consolation payments to overseas hibakusha who previously had been excluded from relief measures. Such individuals no longer need to travel to Japan in order to receive healthcare cards or apply for certification of radiation-linked illnesses—this is a definite improvement in the support system.

However, a gap in the payment of medical expenses still remains. Healthcare costs for hibakusha within Japan are paid according to the Atomic Bomb Survivors' Support Law: in principle these hibakusha are not required to make copayments to medical providers. But for hibakusha outside the country, the Japanese government caps the amount of financial assistance for medical care.

Lee, having been repeatedly hospitalized for pneumonia and heart disease, filed another lawsuit in June 2011 after his request for payment of medical expenses was denied. "I want to receive additional treatment, but I am forgoing it because of the limit on medical expenses," he said. "It's sad that I have to take legal action."

Ishiba Junko, a 55-year-old resident of Toyonaka, Osaka, is chairperson of the Citizens Group for Supporting South Korean Atomic Bomb Victims, and met with Lee in South Korea last May. "Lee was treated unjustly by Japan for many decades," she said. "He believed it was right to correct that injustice."

"Lee filed his lawsuits thinking that if he won, it would benefit all hibakusha living outside Japan," according to Toyonaga Keizaburo, a 75-year-old resident of Aki-ku, Hiroshima. Toyonaga heads the support group's Hiroshima chapter and is also an A-bomb survivor.

Preference for dialogue

"I would like to resolve these issues through dialogue, not lawsuits," Lee used to frequently say. Upon visiting the MHI head office after the Supreme Court decision, he gently told young Mitsubishi employees, "I am glad to meet my junior colleagues."

In a case partly involving the right of overseas hibakusha to claim compensation, the South Korea Constitutional Court decided last August that it is unconstitutional for the South Korean government not to pursue consultations with the Japanese government aimed at resolving the issue. Will Lee Keun-mok's vision someday be realized? New developments are being closely watched.

Postscript

Due to the 2007 Japan Supreme Court ruling described above, the Japanese government agreed last month to pay 1.1 million yen (approximately \$14,000 US) to each of 13 overseas hibakusha as consolation for the state's termination of healthcare benefits when they left Japan. The claimants, 10 of them living in the United States and three living in Canada, had sued the Japanese state in Hiroshima District Court for 1.2 million yen each. Related lawsuits remain pending in district courts in Hiroshima, Nagasaki and Osaka. See Nakazato Ken, "Zaigai Hibakusha Soshu: 13-nin ga kuni to wakai; Hiroshima Chisai," *Mainichi Shimbun* (Hiroshima edition), Nov. 8, 2011.

However, according to the results of a Japanese government survey released in December 2010, atomic bomb victims living outside Japan continue to face a variety of serious obstacles. See "89 percent of A-bomb victims living abroad cite problems with health, concerns over life," *Mainichi Daily News*, Dec. 9, 2010. The article is available on the Mainichi website [here](#).

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The original Japanese edition of Higuchi's article appeared in the *Mainichi Shimbun* (Hiroshima Edition) on November 5, 2011 and is [available](#) as an archived PDF.

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<http://mdn.mainichi.jp/features/hibakusha/archive/news/2011/index.html>

See also:

<http://japanfocus.org/-David-Palmer/2670>

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