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Chinese Slave Laborers Win Redress in Landmark Ruling

by *Kyodo News Service*

Niigata. The Niigata District Court ordered the state and a Japanese company Friday to pay 88 million yen (\$760,000) in compensation to Chinese who served as slave-laborers in Japan during World War II.

It is the first time for a Japanese court to order both the state and a firm to pay compensation for wartime slave labor. A Fukuoka District Court ruling in 2002 did uphold a compensation claim, though it only ordered the defendant firm to provide redress.

Presiding Judge Noriyoshi Katano acknowledged that the Chinese were forced to perform hard labor under poor conditions for the Niigata-based harbor transport company Rinko Corp., adding that the defendants failed to comply with their obligation to ensure safe working conditions.

The judge dismissed the defendants' arguments that the 20-year statute of limitations on the case had passed.

Applause filled the courtroom when the decision was announced, with some plaintiffs and supporters shedding tears over the landmark ruling.

"This is a historic decision," said one supporter who attended the court session.

But later Friday, senior Justice Ministry officials called the ruling "unacceptable" and indicated the state will soon file an appeal.

The ruling runs counter to verdicts in similar lawsuits that rejected such compensation demands, and some government officials said it ran against judicial precedent.

The plaintiffs -- 10 former slave-laborers and two relatives of a deceased laborer -- had demanded that the government and the company pay 275 million yen in redress, claiming their being forcefully taken from China to Japan was "an illegal act conducted jointly by Japan and the company."

The plaintiffs said the Japanese government and the company had an obligation to consider their safety.

One of the plaintiffs, 83-year-old Zhang Wenbin, had previously said, "I want the Japanese government and companies to face history, compensate and apologize."

Zhang had also demanded compensation over his exposure to radiation from the 1945 U.S. atomic bombing of Hiroshima, where he had been jailed by authorities.

He continues to suffer from radiation illnesses and his 49-year-old son listened to the ruling in his place.

"My father had said that it would probably be difficult to win," his son said after the ruling. "I am glad to have been able to hear a winning verdict while my father is still alive."

Another plaintiff, Wang Chengzhi, 76, said he was filled with emotion, and all he could say was thank you to everyone who supported his cause.

Even after returning to China, he was treated as a traitor for having worked in Japan, he said.

The government claimed the country's law at that time exempted the state from compensation claims. It also claimed exemption on the basis that the statute of limitations had passed. The defense team for Rinko Corp. also argued that the 20-year statute had expired.

In Tokyo on Friday, Deputy Chief Cabinet Secretary Hiroyuki Hosoda reiterated the government's position on such compensation.

"The government does not intend to pay individual compensation," he said, adding that the right to seek such redress does not exist after Japan and China signed the 1972 Japan-China Joint Communiqué.

Government sources said they especially take issue with the fact that Friday's ruling rejects the understanding that the state is not obligated to pay compensation for the illegal actions of civil servants.

"The district court has overturned something that has been recognized by the Supreme Court," one senior Justice Ministry official said.

Some experts agreed. Ikuhiko Hata, a lecturer of modern history at Nihon University, said the ruling "lacked common sense."

"It seems that in recent wartime compensation lawsuits, there is an increasing number of judges who look for lame reasons so that the plaintiffs can win damages," he said.

According to the lawsuit, the plaintiffs were forcibly brought from China to Japan in 1944 and forced to carry out tasks such as carrying coal at Niigata port.

They received little food, were abused and were not paid.

During the war, about 39,000 Chinese were brought to Japan and forced to work.

On March 23, the Sapporo District Court rejected an 860 million yen damages suit against the Japanese government and six companies filed by 43 Chinese who were forced to work in coal mines and at construction sites in Hokkaido during the war.

In a similar lawsuit in 2002, the Fukuoka District Court ruled for the first time that the Japanese government and a mining company both committed a crime in using wartime slave labor.

But the court ordered only the company to pay compensation and excluded the state, agreeing with the government's argument that it cannot be held responsible.

Rinko Corp. was established in 1905, has capital of 1.95 billion yen and is engaged in harbor transportation and real estate, according to its Web site.

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