

COURT REVERSES PAST RULINGS

South Korean sex slave refused redress

The Tokyo District Court on Friday rejected a South Korean woman's demand for a formal apology and ¥120 million in compensation from the Japanese government for suffering she endured as a wartime "comfort woman."

Song Sin Do, 76, currently a resident of Miyagi Prefecture, says she was forced to serve as a sex slave for seven years through the end of World War II. She is the only Korean resident of Japan involved in a series of damages suits filed by former sex slaves.

Following Judge Kitaru Narita's announcement that the case was dismissed, onlookers in the court gallery booed the judges for handing down such a "cruel" decision, while outside the court building, Song's supporters chanted "unjust ruling."

One of the key points in the trial was whether the court would recognize Song's experiences as factually accurate. Another was how the court would judge the plaintiff's demand that the government be made responsible for failing to enact a law to compensate wartime victims in light of a previous ruling on former sex slaves.

In April 1998, the Yamaguchi District Court ordered the government to pay ¥300,000 to three South Korean former sex slaves, blaming the state for failing to take legal steps to pay them redress.

Friday's ruling, however, said that while the government has the option of passing legislation to provide redress, it is impossible to state that it has an obligation to do so.

Narita acknowledged that the plaintiff was forced into sexual slavery by the Japanese military but rejected all her claims, saying the government is not obliged to compensate victims as individu-



SONG SIN DO (center), a 77-year-old South Korean resident of Miyagi Prefecture, on Friday enters the Tokyo District Court, which later rejected the suit by the former "comfort woman" for a government apology and compensation. YOSHIKI MIURA PHOTO

als.

The judge also said that individuals do not have the right to sue the state and that the 20-year statute of limitations has expired.

"I have fought for six years expecting that the court would do something, but I guess I was wrong to come here today with hope," Song told the press after the ruling.

Her lawyers said that although the court clearly recognized Song's wartime experiences, it failed to comment on what steps the government should take to compensate her for her suffering.

"The ruling was in line with previous war compensation rulings and did not give the impression that they went over (Song's case) thoroughly," said Kunio Aitani, one of Song's lawyers.

Song also said that she does not want to appeal to a higher court "as the result will be the same," but her lawyers said the possibility has not been ruled out.

Attorneys for the plaintiff

said the acts of the Imperial Japanese Army violated various international laws, including the 1907 Hague Convention, and that the government is obliged to pay the victims redress.

They also argued that the government failed to punish the perpetrators, whose acts

also violated civil laws, and that they should have created a law to pay wartime victims redress.

Although the government admitted that the "comfort woman" system existed, it refused to recognize the damages inflicted on Song.

The government also said

the Meiji Constitution, which was in effect at the time, said the government does not bear responsibility for individual damages inflicted by the government.

Born in Zhongqing-Nandao, in the southern part of the Korean peninsula, Song was recruited in 1938 at the age of 16 by an elderly Korean woman, who told her she could earn a better living by working at the front lines, according to the ruling.

She was taken to a brothel called "Sekaikan," in Wuchang, a city along the Yangtze River, along with 15 other girls, the ruling says. She was later taken via military vehicle to several other brothels in different cities.

Japanese soldiers came to the brothels from morning until night, and she was obligated to service them regardless of her state of health, the court said. She claimed to have been forced to have sex with as many as 70 soldiers a day.

Whenever she refused, the soldiers and brothel managers beat her, the court said. The repeated beatings left her hard of hearing.

Forced laborer's damages appeal rejected

FUKUOKA (Kyodo) The Fukuoka High Court on Friday rejected the appeal of a Korean man seeking damages after being forcibly brought to Japan to work during World War II and falling victim to the atomic bombing of Nagasaki.

Presiding Judge Takashi Kawamoto upheld the Nagasaki District Court's December 1997 decision that recognized the government and former Mitsubishi Heavy Industries Ltd. as having acted illegally in bringing the late Kim Sun Gil to Japan and

making him work against his will.

However, the Fukuoka court ruled that Kim was not entitled to claim any damages.

According to the lower court ruling, because the pre-war Mitsubishi Heavy Industries had been dissolved, the company that replaced it cannot be held responsible for damages or unpaid wages. It also said Kim could not make claims against the state for illegal behavior under the Meiji Constitution, which was in effect at the time.

Kim initiated the suit in 1992 but died in 1997. He was seeking about ¥10 million in compensation and back wages from the government and Mitsubishi Heavy Industries for being forced to work at the company's ship-building facility in Nagasaki and being exposed to the atomic bombing.

The suit, which sought ¥124 in unpaid wages and ¥10 million for his suffering, was based on a diary Kim kept at the time, describing his plight. When Kim died at the age of 75, his son took over the suit.