

Japanese Chemical Weapons Left in China in 1945

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by Asahi Shimbun

Who is responsible for the thousands of tons of dangerous weapons left behind on battlefields throughout the world? A Tokyo district court has ruled that the Japanese Army illegally dumped chemical weapons in China at the end of World War II. The same court rejected, however, compensation for Chinese victims of the ordinance. The issue is particularly pertinent in the wake of recent U.S. and international wars in which unexploded mines, cluster bomb units and depleted uranium weapons litter battlefields and the cities and countrysides of war-ravaged nations, exacting a heavy toll on the civilian populations, particularly the most vulnerable. This report appeared in the May 16, 2003 Asahi Shimbun.

The Tokyo District Court ruled Thursday that the Imperial Japanese Army illegally dumped chemical weapons in China as World War II was ending, but it refused demands for compensation by five Chinese who claimed the munitions had made them sick.

It is the first time for a court to rule on government responsibility for the estimated 700,000 or more weapons abandoned in China by retreating Japanese forces.

The plaintiffs had sought 80 million yen, claiming they had fallen ill after handling rusty artillery shells or because chemicals had leaked.

Presiding Judge Takashi Saito ruled that the government was under no legal obligation to collect the ordnance, citing difficulties Japan faced after the war in this regard.

He noted that Japan's sovereignty did not reach China after 1945.

Disheartened, the plaintiffs said they would appeal to a higher court.

"The ruling is unfair. I think Japan is trying to avoid its responsibility. I'm very angry," said Li Guoqiang, a medical doctor from Heilongjiang province, and one of the plaintiffs.

The ruling accepted that Li inhaled poisonous mustard gas in 1987 after finding a metal artillery shell in the ground. Mustard gas causes severe skin inflammation and mucous damage, which resulted in his hospitalization for about a month.

Another plaintiff, Chang Yan, a farmer from the same province, suffered skin damage to his hands when he picked up a leaking artillery shell in 1976.

Saito, the presiding judge, also addressed the circumstances in which Japanese troops hid the chemical weapons. He said they were abandoned in pits or in rivers to conceal them.

He said there could be no doubt that ordinary people would suffer serious injuries through handling the wartime ordnance or if the shells exploded. Saito noted that international laws at the time prohibited the use of poisonous gases in warfare.

"To abandon those weapons was extremely illegal," he said.

As for Japan's responsibility, the judge said that while Tokyo had no sovereignty over China after the war, the health or foreign ministries could have questioned former military officials on where weapons were buried.

Saito said the government could have anticipated the danger of ordinary citizens handling the explosives.

However, he said ministries had huge difficulties dispatching officials to China to ferret out buried stockpiles.

"It was impossible for the Japanese government to avoid the sufferings of Chinese nationals," he stated.

Foreign Ministry spokesman Hatushisa Takashima said the government's position on the issue had "basically" been accepted by the court.