

An Unyielding Demand for Justice: Wartime Chinese Laborers Sue Japan for Compensation

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By Norimitsu ONISHI

In 1995, when Chinese victims of forced labor in wartime Japan began filing compensation lawsuits in Japanese courts, the elderly plaintiffs and their supporters were well aware that the legal path to justice would be neither fast nor smooth. Eleven years on, Chinese forced labor lawsuits against the Japanese state and private corporations have resulted in four court-ordered compensation awards. All are now under appeal, and there have been two court-mediated financial settlements. Even in decisions rejecting the Chinese claims due to statutes of limitations and state immunity, moreover, Japanese judges routinely rule that brutal forced labor in fact occurred. And some suggest that the government could pass legislation establishing a national compensation fund.

Both the German and Austrian governments and businesses have resolved historical issues of wartime forced labor by setting up compensation funds in recent years. Against the background of rising Japanese nationalism, by contrast, major corporations like Mitsubishi have embarked on a confrontational defense strategy that denies Chinese forced labor ever took place and indeed questions whether Japan ever invaded China. (See “Mitsubishi, Historical Revisionism and Japanese Corporate Resistance to Chinese Forced Labor Redress.”)

Major reasons for the forced labor redress

movement’s slow progress also include Japan’s lack of a domestic consensus regarding its war conduct, the Chinese government’s lukewarm support for the struggle and insufficient knowledge in the international community about this unusually strong redress claim. But foreign attention to ongoing reparations issues, indispensable for understanding Japan’s broader “history problems” with its nearest neighbors, may be on the upswing. Japan Focus has [reported](#) on strong, but ultimately failed efforts in the U.S. Congress to urge Japan to take responsibility for wartime sexual slavery. These efforts may be reinvigorated when the Democratic Party takes control of Congress in January.

Until recently, major US and European media have virtually ignored the claims of Chinese and Korean forced labor. The following New York Times article, details the recent visit to Japan by some 80 Chinese former forced laborers and their supporters. This may be the first mainstream account in English to mention that Japan’s national treasury continues to possess vast sums of wages and related monies deposited by corporations after 1945 that were never paid out to Chinese and Korean forced laborers. The existence of these deposits was confirmed by the Koizumi administration in response to Diet questioning. The possibility exists that money owed to former Allied prisoners of war who performed forced labor for private companies in Japan may likewise still be in the possession of the Japanese state.

The article also notes (in another apparent first for major American media) that Aso Mining, once the family firm of Japanese Foreign

Minister Aso Taro, subjected Western POWs to forced labor. Japan Focus broke that story last April. Meanwhile, the center of gravity for the Chinese forced labor reparations movement is steadily shifting to China, where activism is increasing and private lawsuits against Japanese corporations may eventually be allowed. The Chinese workers and their families appear more determined than ever to achieve redress, even if it takes another decade.

International support, particularly from the United States and European countries, was instrumental in convincing the German government and corporations to provide long overdue compensation to wartime forced laborers and their descendants. The time may be ripe for an international justice movement recognizing the claims of Chinese, Korean and Allied POW forced laborers. WU and MS.

Fukuoka. Graying but walking with ramrod-straight backs, Chinese men in their 70s and 80s quietly toured a coal-mining museum here recently. But in a moment of recognition reaching back to their youth, the sight of a shovel, a rake and a vise made them call out the Japanese names for the antiquated tools.

The words were seared in the memories of the men, who otherwise spoke no Japanese, when they were forced to toil in slave-like conditions in the Kyushu region's mines during World War II. Some 76 laborers and relatives came to Japan from China early this month to pursue their cases against the Japanese government and companies, which refuse even to hand them their unpaid wartime wages, much less offer them compensation.

"The Japanese government bears responsibility for our suffering, and so do companies," said Tang Kunyuan, 80, who was worker "No. 66" at a mine here owned by Mitsubishi Mining, now

known as Mitsubishi Materials, one of the world's leading makers of electronic materials. "First, we want an apology, then compensation," he said. "Mitsubishi Materials has done terrible things."

As evidence of Japan's wartime use of forced labor has emerged in recent years, lawsuits against the Japanese government and successors to the wartime mining companies have multiplied. Fourteen such lawsuits by more than 200 Chinese forced laborers have wound their way through the Japanese courts in recent years, and three have now reached the Japanese Supreme Court. A ruling against the Chinese by the Supreme Court could trigger suits in China, where the forced labor cases have been drawing increasing support among Chinese businessmen and where many of the Japanese companies have growing operations.

The Japanese government and companies have argued either that the plaintiffs' right to sue expired 20 years after their wartime labor, or that bilateral treaties invalidated all individual claims. In so doing, the Japanese government and companies have bucked an international trend in recent years to put aside legalisms and compensate the era's slaves and forced laborers before it is too late. Since 2000, Germany and Austria have apologized for their use of slave and forced labor during World War II, and have been methodically compensating the victims throughout the world. The German government and German companies have paid \$5 billion to 1.6 million victims out of its "Remembrance, Responsibility and the Future" fund. The "Austrian Reconciliation Fund," also financed by the government and businesses, finished paying out \$350 million to 132,000 victims last year.

"Japan, at the state and corporate level, has taken the completely opposite approach of Germany," said William Underwood, an American who is finishing a dissertation on

Chinese forced labor at Kyushu University here. "Even to be charitable, it is hard not to describe the past 60 years in Japan as an unbroken history of insincerity in telling the truth and in coming to terms with the past, particularly on the issue of forced labor."

Indeed, as nationalist scholars and politicians in Japan, including Prime Minister Shinzo Abe, have led efforts to play down Japan's militarist past in current school textbooks, the mood in Japan has hardened against any reparations for the Chinese.

In a suit brought three years ago by Tang and 44 other former laborers or their relatives, Mitsubishi Materials for the first time went so far as to deny that it had used forced labor. In a defense that echoed comments made by Abe and other nationalist politicians, Mitsubishi's lawyers questioned whether Japan had in fact invaded China and said they would leave the final judgment to posterity. They described the postwar Tokyo Trials, which found Japanese leaders guilty of war crimes, as victor's justice and revenge. Ruling in favor of the Chinese, they argued, would "impose a wrong burden of the soul on future generations of our nation, possibly for the next hundreds of years."

At the company's headquarters in Tokyo, two midranking officials listened to the Chinese and their lawyers in front of the lobby, refusing to allow them inside or to give them their business cards. Officials at Mitsubishi Materials declined to be interviewed for this article, as did those at two other internationally known companies targeted in several suits, Mitsui Mining and Kajima. The Foreign Ministry also declined an interview request.

As Japan suffered from severe labor shortages, it brutally forced millions of its colonial subjects in Korea, Taiwan, northeast China and other regions, as well as American and other prisoners of war, to work in mines and factories across Asia and in Japan.

Japan meticulously kept figures concerning the Chinese because they were foreigners, unlike colonial subjects who were considered Japanese nationals.

According to Japanese government data that began surfacing in the 1990s, some 38,935 Chinese men were forcibly brought to Japan, most of them after March 1944. They were made to work in 135 sites throughout Japan for 35 companies, 22 of which still are in business today. Of the total, 6,830 men, or nearly 18 percent, died in a little over one year because of brutal working conditions. Countless others died after their capture in China or during their transit to Japan.

Some, like Shi Huizhong, 81, were tricked into coming to Japan. In 1944 in Shanghai, Shi said he responded to an advertisement promising high-paying work in Taiwan with a guaranteed annual trip home. Put on a ship with other men, he realized they had been duped when the ship docked in Fukuoka.

Others, like Li Liangjie, 76, were simply abducted by Japanese soldiers. While working in a cabbage field one day in Hebei Province, Li, then 14, said he was surrounded by Japanese soldiers, and put in a truck.



Li Liangjie, standing at right, who was abducted by Japanese soldiers, at a meeting in Fukuoka on Nov. 1. Photograph by Ko Sasaki.

"I knew they were taking away men," Li said. "But because I was a child, I thought I was safe

and hadn't been afraid to work out in the field."

After Japan's defeat, nearly all Chinese were sent back home with no pay. Some, like Cui Shujin, 83, were handed IOU's that were supposedly redeemable at Japanese banks in China, but those were all shuttered by the time the men were repatriated.

"This is the evidence that I have kept to demand justice from Japan," Cui said, brandishing a copy of the document promising him ¥1,250.



Cui Shujin with an i.o.u. he was given for forced labor at a coal mine in southern Japan. Photograph by Ko Sasaki.

The unpaid wages owed the Chinese and other forced laborers - totaling millions of dollars - are still being kept by the Bank of Japan and other government agencies. Clouding the prospects of a resolution is the increasing

rivalry between Japan and China over leadership in Asia. In seeking the moral high ground, China stresses Japan's perceived lack of contrition over its militarist past, pointing out that apologies by Japanese prime ministers have not been followed by concrete actions on forced labor and other issues.

Meanwhile, Abe has repeatedly said that he wants to build closer ties with Australia, India and other Asian democracies that respect human rights - in a not too subtle jab at China. Abe has championed the cause of a dozen or so Japanese abducted by North Korea a quarter of a century ago, emphasizing Japanese victimhood.

Lawyers for the Chinese accuse the Japanese government of hypocrisy.

"The abductions by North Korea took place 25 years ago," said Hajime Matsuoka, a Japanese lawyer for the Chinese. "What if North Korea argues that the case is over because Japan's legal statute of limitations is 20 years? Japan wouldn't accept that, would it? So why should the Chinese accept it?"

So far, court rulings have been mixed. But even those against the Chinese have acknowledged the historic wrongs that the Japanese government has tried to suppress over decades.

In March, the Fukuoka District Court ruled that the government could no longer be held responsible for acts committed during the war, but described forced labor as "an illegal act" committed by the state and companies. In another suit in 2002, the same court characterized as "extremely evil" the actions of Mitsui Mining together with the state of "forcibly bringing the plaintiffs through deception, intimidation and violence, and forcing them to work under cruel conditions, to address wartime labor shortages."



Fukuoka is the largest city in Kyushu, long a coal-mining region, and the major site for Chinese and Korean forced labor.

Private Japanese groups have supported the Chinese over the years even as the government denied the existence of documents detailing the extent of forced labor. The issue of forced labor remains particularly sensitive for the Liberal Democratic Party, which has governed Japan nearly continuously since 1955.

Abe's grandfather and political model, Nobusuke Kishi, served as prime minister in the late 1950's. During the war, Kishi oversaw the forced labor program as minister of commerce and industry. The family of the current foreign minister, Taro Aso, owned a Fukuoka-based coal mining company, Aso Mining, which used Asian and Western forced laborers. During the 1970s, Aso headed the company, now called Aso Cement.



Foreign Ministers Aso Taro and Li Zhaoxing share a light moment during conversations in Hanoi that produced an agreement for a joint Japan-China study of the China-Japan War.

In China, a fund to help the plaintiffs was set up last year with the endorsement of the Chinese government, which has endorsed the idea of Chinese individuals suing the Japanese government. Chinese businessmen have contributed \$315,000, Chinese state media reported earlier this year. Lawyers said that the 83 Chinese came to Japan this month thanks to this fund, whereas Japanese lawyers and other supporters had paid for the previous visits.

Chinese lawyers say they have begun pressuring Chinese branches of the Japanese companies, many of which are increasingly dependent on China's booming economy. It is unclear whether the Chinese government will allow suits centering on individual claims against the state - even if that state is Japan - but Chinese lawyers say they are gingerly taking steps in that direction.

"Most of the Japanese companies have branches there," said Su Zhongxuan, 33, a Chinese lawyer whose grandfather was a forced laborer in Japan. "Though there is that advantage, the plaintiffs hope to settle the problem in Japan since they suffered here. If the legal proceedings in Japan come to a



deadlock, they'll try in China."

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