

A Statement by Canada ALPHA

- **Supporting the Chinese forced labor plaintiffs who were abducted to and enslaved at the Shinanogawa work site of Nishimatsu for their rejection of the insincere “settlement” agreement offered by Nishimatsu**
- **Urging the Japanese lawyers who represent the plaintiffs not to violate the position of the plaintiffs**

During the Japanese war of aggression against China, the Japanese government planned and implemented together with a group of Japanese corporations the illegal abduction of Chinese laborers to Japan. Since 1943, about 40 thousand Chinese laborers were abducted and enslaved in 135 work sites of 35 Japanese corporations, including Mitsubishi, Mitsui, and Kajima. Under extremely harsh working conditions and excessively hard laboring, 6,830 Chinese laborers died and many others suffered various diseases or have been handicapped for the rest of their life.

After the war of aggression against China had ended, the Japanese government and corporations did not pay any wages or damages to the enslaved Chinese laborers, but shirked their responsibility and sent hurriedly the laborers away from Japan.

Beginning from 1995, a number of the survived Chinese forced labor victims brought their cases to the law courts of Japan, making claims for damages against the Japanese and concerned corporations. After more than 10 years of litigation, the courts of Japan confirmed in their verdicts that the Japanese government and the concerned corporations did commit illegal acts of abducting and enslaving Chinese laborers, and that the Chinese laborers who were forced to perform hard labor under extremely harsh conditions suffered serious mental and physical damages. The Supreme Court of Japan, however, absolved the liability of the Japanese government and corporations on the ground that the government of China, upon signing the *China-Japan Joint Communiqué*, had waived on behalf of the Chinese nationals their right to claim damages. In regard to such type of Japanese courts' rulings which are obviously contrary to basic legal principle, spokespersons of the Chinese Ministry of Foreign Affairs have expressed explicitly many times, “We object strongly to the Japanese court’s interpretation of this provision (of the *China-Japan Joint Communiqué*), and such interpretation is illegal and invalid”.

In consideration of its own business strategy, Nishimatsu expressed its intention to resolve the historical issues with the Chinese forced labor victims by out-of-court settlement in the first half of 2009. The Chinese victims responded positively to this move. Nishimatsu, however, insisted to include in the settlement agreement the wrong judgment made by the Supreme Court of Japan which ruled that the Chinese people’s right to claim damages had been waived and they could be given appropriate relief. Nishimatsu took this as the premise of the settlement agreement to be signed with the Chinese forced labor victims.

During the negotiation with Nishimatsu, all the plaintiffs, the party representing the Shinanogawa work site forced labor victims, expressed explicitly that the settlement agreement should not include the unilateral and wrong interpretation of the *China-Japan Joint Communiqué* made by the Supreme Court of Japan. As a concession, they also expressed that if their position (i.e. they do not accept that Chinese people’s right to claim

damages had been waived) was also written into the settlement agreement, then it would be acceptable because such arrangement would allow viewpoints of both sides to be independently expressed by the respective parties. However, Nishimatsu refused to include the viewpoint of the plaintiffs in the settlement agreement.

Nishimatsu insists on writing in only the viewpoint of the Japanese side because they know clearly if the Chinese forced labor victims sign on the settlement agreement, it will imply that the Chinese victims accept the wrong conclusion that “the Chinese people’s right to claim damages had been waived”, and accept also the charitable relief provided by Nishimatsu. The severe human rights violations that the Chinese suffered in the past would then have been resolved in an ambiguous way by the Japanese side in the form of charitable relief.

Reviewing the negotiation process and the content of the settlement agreement, we can see that Nishimatsu has no sincerity at all to make reconciliation with the Chinese forced labor victims. The “settlement” now offered on the table is actually a scheme to seal the mouth of the Chinese forced labor victims with a little money. In exchange for this meager money, the Chinese forced labor victims would have to accept that “Chinese people’s right to claim had been waived” and that the legacy of this severe human rights violation case would be squashed and plastered over by this deal.

The five Chinese forced labor plaintiffs who had participated in the Nishimatsu-Shinanogawa lawsuit for more than ten years issued a joint statement on March 22, 2010 together with descendants of some other deceased Shinanogawa forced labor victims, expressing their rejection of Nishimatsu’s insincere settlement. Today (March 26 of Beijing time), 204 Chinese forced labor plaintiffs from the other 12 damage claim lawsuits against the Japanese government and corporations jointly issued an open letter to Nishimatsu, expressing their strong support to the Shinanogawa Chinese forced labor plaintiffs for their rightful demands, and urging Nishimatsu to face squarely its historical responsibility which can never be absolved otherwise.

Canada ALPHA is issuing this statement to fully support the just position of the Chinese forced labour plaintiffs of the Nishimatsu-Shinanogawa lawsuit, and to appeal to the Japanese lawyers representing the plaintiffs that they should not violate the position of the plaintiffs. We have learned that the plaintiffs’ Japanese lawyers, being influenced by various factors and being very eager to arrive at a settlement, are now going so far as to get another group of descendants of the Shinanogawa Chinese forced labor victims to replace the original plaintiffs group to sign the “settlement” agreement with Nishimatsu. We have to no intention to criticize this group of victims’ descendants at all because they have not participated in the struggle of the damage claim lawsuit and are not too clear about the significance of the movement to claim damages. Moreover, in view of the fact that the majority of this group are not well off, they are easily induced to accept the “settlement” when they are told that each victim or surviving family would be given approximately 50 thousand Yuan Renminbi upon their acceptance of the Nishimatsu “settlement”.

In fact, upon knowing this plan of the Japanese lawyers in early January of this year, the co-chair of Canada ALPHA, Thekla Lit took the initiative to contact the lawyer group and discussed the issues directly with four representatives of the group, including Attorney TAKAHASHI Tohr, Attorney MORITA Taiso, and Attorney MATSUOKA Hajime on January 28th for about 3 hours, beginning at noon (Japan time) with the assistance of an interpreter

provided by the lawyer group. Thekla Lit essentially expressed that Chinese people would certainly not accept that Nishimatsu position of providing charitable relief to the forced labor victims with a “settlement” based on the wrong premise that “Chinese people’s right to claim had been waived”. Lit also reminded them that the original goal of the movement to claim damages is not just about money, but for urging the Japanese government and concerned corporations to undertake their liabilities for severe human right violations that happened in the war of aggression against China, and that undertaking the liabilities is an important step to heal the historical wound and to rebuild the foundation of mutual trust between China and Japan. If the Japanese lawyers choose to violate the plaintiffs’ position of rejecting Nishimatsu’s insincere settlement and insist to bring in and convince another group of surviving victim families to sign the so called “settlement” agreement with Nishimatsu, then the Japanese lawyer group’s behavior will be regarded as totally inappropriate.

Canada ALPHA would like to take the liberty here to urge the Japanese lawyers who have been representing the plaintiffs not to violate the position of the latter, and continue to fight hard side-by-side with the plaintiffs for the cause of a meaningful redress.

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WWII in Asia)*

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