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Victims still suffer from chemical weapon left by Japan

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At 8 years old, Gao Ming was exposed to mustard gas that had leaked from five canisters of unused Japanese munitions that were unearthed at a construction site near her home.[File photo]

At 1.67 meters, Gao Ming is average height for a 17-year-old, but she is extremely thin. And very shy.

"She wasn't always like this," said Chen Shuxia, her mother. "She used to be really outgoing when she was a little girl."

Things changed when, at 8 years old, Gao was exposed to mustard gas that had leaked from five canisters of unused Japanese munitions that were unearthed at a construction site near her home.

"After that, my daughter was never the same. It affected her body and mind," said Chen, 47. "She's sensitive and self-conscious now, and doesn't like talking with people. She's very susceptible to colds and has no appetite. She weighs just 43 kg."

One man died and 43 other people were sickened by the toxic leak in Qiqihar, Heilongjiang province, on Aug 4, 2003. Since then, survivors and their families have had to live with the pain, both mental and physical.

With the help of their Chinese and Japanese lawyers, they will continue their nine-year battle for an apology and compensation from the Japanese government on Friday, when Tokyo District Court will hold a second hearing on their class-action lawsuit.

"We urgently need to win this lawsuit and agree on a system of compensation as soon as possible," said Yukiko Tominaga, one of the Japanese attorneys representing victims, through a translator after she met with families in Qiqihar on Wednesday.

"Tremendous damage was done by the mustard gas. Many of the victims are now middle aged and in a very dangerous situation, at risk from cancer and other life-threatening conditions."

Hidden danger

After invading China in the 1930s, the Japanese army produced a vast amount of chemical weapons. At least 2 million metric tons was buried or abandoned when Japan surrendered in 1945, according to China's Foreign Ministry.

Since then, these lethal relics of World War II have been discovered nationwide, mostly in northeastern areas, and have caused the deaths of 2,000 people.

China and Japan both joined the United Nations Chemical Weapons Convention in 1997 and two years later signed a memorandum in which Japan agreed to provide all necessary funds, equipment and personnel for the retrieval and destruction of the chemical weapons its army abandoned, by 2007.

That process has been hampered by delays, in the meantime, Chinese victims have had to wage their own war in the Japanese courts for damages.

After the leak in 2003, Japan agreed to pay 300 million yen (\$3.83 million) in compensation to China. Chinese authorities distributed the money between those affected.

Niu Haiying, 35, who said she has had chronic pain in her stomach, eyes and throat since the leak, received 330,000 yuan (\$52,000) toward her hospital bills. However, she complained she has struggled to meet follow-up medical expenses.

"My immune system was severely damaged by that gas," she said. "Now, I frequently catch colds and have recurrent stomach pain."

Her problems were compounded when she lost her job because she was unable to work.

Luo Lijuan, who heads the Chinese legal team representing the victims in Qiqihar, said most of the people affected were migrant workers or farmers, and were the breadwinners for their families. They also are not covered by China's medical insurance system.

"Not only did the mustard gas hurt my daughter's body and mind — her grades were miserable and she scored so low in the middle school entrance exam that she failed to get a place anywhere — but her father, who is 60, is also in poor health," said Chen Shuxia.

"I have to stay home to look after both of them," she said. "Now, we have no source of income and survive by relying on my relatives."

Families in Qiqihar began building their case against the Japanese government in 2005, and filed their suit in Tokyo in January 2007.

The district court's first ruling rejected the claim made by 48 plaintiffs on May 24, 2010. Although the court conceded that harm had been caused by the mustard gas, it said that, as chemical weapons were abandoned over a vast area, priority could not be given to one incident, such as the toxic leak in 2003.

During their meeting on Wednesday, families agreed their second suit will demand that Japan establishes a long-term support system for affected families, more compensation and ongoing help with bi-annual health checkups and medical expenses.

Committed lawyers

Due to the financial situation of the Qiqihar victims, lawyers in both countries have been providing legal services pro bono.

The Chinese attorneys have helped collect evidence and statements, while Luo said the Japanese attorneys will play a vital role by arguing the case in Tokyo District Court.

"The victims, the Chinese lawyers and the Japanese lawyers are a team," explained Toshitaka Onodera, a Japanese attorney who has visited China dozens of times. "Over the past six years, the team has always been enormously cohesive. It's the key to success.

"Although Japanese members of the legal team have no experiences of World War II, we insist the Japanese government is the aggressor. We hope we can get a final victory."

Chinese victims of the Japanese invasion began turning to civil courts to claim compensation in 1996, and since then many Japanese legal professionals have helped counterparts in China in cases.

More than 300 Japanese lawyers set up a free assistance team to help Chinese war victims.

"At first, I met with lots of difficulties with the language barrier as I was trying to form a relationship (with victims) so we would trust each other," said Tominaga, who has worked with families in Qiqihar since 2005.

"I spent a lot of time keeping in touch with them and trying to experience their lives," she added. "I need to make Japanese judges, Japanese people and even the Japanese government know what happened to them."

Along with the help they have received from lawyers, families in Qiqihar have also tried to help themselves.

In 2010, they set up an office to campaign for recognition and appointed Niu as secretary. It was closed after several months due to a shortage of money and other resources.

However, plaintiffs and lawyers insist that if the ruling in Tokyo goes against them a second time, they will continue the legal battle for as long as it takes.

"We not only demand an apology and compensation, we also demand that the Japanese government dispose of all the abandoned chemical weapons in our country," Niu added.

"I don't want our children living with the threat of going through a similar incident."

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