

Supporters of the Forced Labour Lawsuits Against Nippon Steel Corporation  
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The United Nations Working Group on Business and Human Rights

**With regard to the Japanese Companies that have failed to take responsibility for relief of Korean victims of Forced Mobilisation and Forced Labour during wartime (1939-1945)**

To Whom It May Concern,

We are a group of citizens supporting the lawsuits filed by victims and their bereaved families of the forced mobilisation and forced labour of Koreans during the war by the Japanese government and Japanese companies, Nippon Steel Corporation and Mitsubishi Heavy Industries, seeking compensation and apologies from both companies.

In 1938, the Japanese government enacted the National Mobilisation Law in order to fight the Asia-Pacific War as a total war effort, and created a system to totally mobilise all people, goods, and money. From 1939, the Cabinet approved the Labour Mobilisation Plan every year, mobilising labour not only in Japan but also from colonial Korea. The number of Korean labourers mobilised from the Korean peninsula to work in coal mines, construction sites, and munitions factories amounted to approximately 800,000 between 1939 and 1945.

The International Labour Organization's (ILO) Committee of Experts on the Application of Conventions and Recommendations, in its 1998 Annual Report (March 1999), identified such wartime mobilisation of Korean (and Chinese) workers by the Japanese government as follows:

**“The Committee considers that the massive conscription of labour to work for private industry in Japan under such deplorable conditions was a violation of the [Forced Labour] Convention.”**

The Japanese government had argued that the issue of the forced mobilisation of Koreans had been already resolved through the Japan-Korea Claims Agreement signed in 1965, under which Japan provided \$500 million in economic assistance to the Republic of Korea, in the form of grants and loans. While the Committee of Experts "noted" the Japanese government's argument, it stated:

**“The Committee does not consider that government-to-government payments would suffice as**

**appropriate relief to the victims.”**

The Committee of Experts then expressed the following opinion to the Japanese government:

**"[The Committee] trusts that the Government will accept responsibility for its actions and take measures to meet the expectations of the victims.”**

However, the Japanese government continued to ignore this opinion, stating that it is not legally binding, and to date has not taken any relief measures for the victims.

As the Japanese government refuses to acknowledge its responsibility for the forced mobilisation and forced labour of Koreans during the war, and fails to provide relief to the victims, the victims and their bereaved families filed lawsuits in Japan against the Japanese government and the companies that mobilised them (Nippon Steel Corporation, Mitsubishi Heavy Industries, etc.) to recover their damages, human rights, and dignity. The Japanese court recognized the facts of victimization, and found that the Japanese government and the defendant companies were liable for their illegal acts, but dismissed the claims for compensation.

The victims of forced mobilisation who had their claims denied in the lawsuits filed in Japan filed new lawsuits against Japanese companies in The Republic of Korea. In three of these lawsuits (in one case, the defendant was Japan Steel Corporation, and in two cases, the defendant was Mitsubishi Heavy Industries), the Supreme Court of The Republic of Korea (Grand Court) issued decisions on October 30 and November 29, 2018, recognizing the victims' claims and ordering the defendant companies to pay compensation to the victims. The Supreme Court found that the labour mobilisation carried out by the defendant companies was "an anti-humanitarian tort directly linked to the illegal colonial rule and the execution of the war of aggression," and held that "the victims' right to claim compensation for damages has not been extinguished under the Japan-Korea Claims Agreement."

However, the defendant companies did not fulfil this judgment. This was because the Japanese government claimed that the issue of forced mobilisation had been resolved under the Japan-Korea Claims Agreement, and condemned the Supreme Court ruling as a "violation of international law." However, the lawsuit filed in Korea was a civil suit, and the Japanese government was not a party (defendant). It is a clear violation of compliance for the defendant company, which has responded to the trial from the filing of the lawsuit to the judgment and exhausted its own claims, not to comply with the judgment (final and binding judgment) that was issued.

In the midst of the Japanese defendants' refusal to comply with the judgment as described above, on March 6 of this year, the Korean government announced a "solution" in which the "Foundation for

Victims of Forced Mobilisation by Imperial Japan" established by the Korean government would pay an amount equivalent to compensation to the victims on their behalf (third-party repayment). However, this "solution," in which the accused Japanese companies neither pay compensation nor apologize, does not meet the expectations of the victims of forced mobilisation, nor does it satisfy them. Nor does it meet the principles and guidelines of the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN General Assembly, December 16, 2005)."

The defendant companies have yet to fulfil any responsibility toward the relief of the victims, claiming that the issue has been resolved under the Japan-Korea Claims Agreement. However, when the Japan-Korea Claims Agreement was signed in 1965, the companies never acknowledged their responsibility for forced mobilisation, never apologized to the victims, or paid any money to make amends.

Forced labour in supply chains is currently the focus of international attention, and companies are required to make their position clear that they will not tolerate any forced labour anytime. The above response by Japanese companies is clearly in violation of the provisions of Principles 11, 12, and 13 of the "Guiding Principles on Business and Human Rights: Implementing the United Nations Framework for 'Protect, Respect and Remedy' (A/HRC/17/31)" (March 21, 2011).

We believe that this case is important as the world is working towards eradication of forced labour. We look forward to your Working Group's consideration of the issues that we raise. If there is anything we can assist with and any information we can provide, please do not hesitate to contact us.

Sincerely,

Hideki Yano

Deputy Executive Director

Supporters of the Forced Labour Lawsuits Against Nippon Steel Corporation

Joint endorsement by:

Supporters of the Former Korean Women's Volunteer Labour Corps Members' Lawsuit Against Mitsubishi in Nagoya

and

Citizens' Group to Support Korean Atomic Bomb Victims