

International Meeting
2021 World Conference against A and H Bombs

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On July 14, the Hiroshima High Court handed down a judgment completely in favor of the plaintiffs. This decision upholds and reinforces the Hiroshima District Court's decision in July last year on a suit which was originally filed six years ago by 64 victims of the "Black Rain".

The point at issue in the case was whether the victims of the Black Rain fell under the category of "Persons who, at the time of or after the atomic bombing, were under circumstances which caused their bodies to be affected by the radiation of the atomic bomb" as defined in Article 1, Item 3 of the Atomic Bomb Survivors Relief Law.

The High Court's decision maintains the District Court's decision recognizing that all the plaintiffs fall under this category, and further strengthens the points explained below.

1. The decision states that Article 1(3) of the Relief Law should be interpreted as "It is sufficient if it is impossible to deny that damage to health may occur" and that "Those exposed to the Black Rain, and even those not exposed, have been internally exposed to radiation by inhaling radioactive particles in the air or by taking drinking water or vegetables into their bodies". This reinforces the legal interpretation of the type of exposure.

2. It eliminates the condition of the onset of at least one of 11 different diseases, which had been a requirement for certification as an A-bomb survivor, and repudiates the current system of "health examination certificates" (which had been issued to those who fell short of getting official recognition as Hibakusha).

3. The High Court ruling clearly states that the 1980 report of the Ministry of Health and Welfare's Council on Basic Problems of the Atomic Bombing and Measures for the Survivors (Kihon-Kon) "should not be referred to in interpreting Article 1, Item 3 of the Relief Law". This Kihon-Kon report was the opinion of a private advisory body of the Minister of Health and Welfare, but the policy stated in the report that "the expansion of the A-bombed area should be limited to cases where there are scientific and rational grounds" had actually been placed above the Relief Law in the Hibakusha screening. It has been misused as a hurdle to discourage the demand for the expansion of the Black Rain area, and has tormented the movement of black rain victims for the past 41 years. Personally, I have been moved by this clarification by the court as a reward for our many years of struggle.

Thus, the High Court's decision condemned the government's long-maintained administration in violation of the Atomic Bomb Survivors Relief Law and ordered that relief be provided for the victims of the black rain. This is a landmark decision, which can be described as a victory for "Hiroshima's public opinion, the movement and the wisdom of the judiciary.

Immediately after the ruling, the mayor of Hiroshima and the prefectural governor expressed their stance that they did not want to appeal to the Supreme Court, but on April 20, Health Minister Tamura said, "It is difficult to accept the ruling." On April 23, senior officials from the Ministry of Health, Labor and Welfare and the Ministry of Justice came to Hiroshima to request an appeal, stating to the vice governor and the vice mayor that "scientific evidence is needed to recognize a person as an A-bomb survivor, and the court decision would break the framework of the Atomic Bomb Survivors Relief Law." However, no agreement was reached there and the case was brought forward for discussion on April 26.

Learning from the experience at the time of the district court decision, this time we made a request to the mayor and the governor of Hiroshima, the Minister of Health, as well as the leaders of the opposition parties and the Parliamentary members of the ruling parties elected from Hiroshima. At the suggestion of Mr. Masuda Yoshinobu, a well-known meteorologist who studied the Black Rain precipitation area, we collected 8,440 online petitions in only one week and submitted them to Hiroshima City Hall, the prefectural government office and the Ministry of Health on the 26th of July. Pressed by this all-Hiroshima and nationwide public opinion and movement, Prime Minister Suga announced at 5 pm on that day that he would abandon the appeal. Now that the court decision has been finalized, the plaintiffs can start receiving their A-bomb Survivor's Health Certificates today.

We will continue to work hard to urge the national, prefectural and municipal governments to revise the application forms and screening criteria so that all the aged victims of the "Black Rain", estimated to number about 13,000, will be able to receive their Atomic Bomb Sufferer's Certificates as soon as possible.

Thank you everyone for giving your warm support to our campaign to date.