



Statement Condemning Seoul Central District Court's Dismissal of "Comfort Women" Lawsuit on April 21, 2021

April 22, 2021

We condemn the April 21 Seoul Central District Court's dismissal of the "comfort women" lawsuit filed by the victims of the Japanese military sexual slavery system against the Japanese government.

In 2016, ten surviving victims and ten family members of the deceased victims filed for court mediation seeking 100 million *won* (approximately US\$91,000) each for damages incurred from the Japanese government. The plaintiffs include the late Bok-Dong Kim (1926–2019) and Ye-Nam Kwak (1923–2019). Out of the ten victims that filed the lawsuit, only four surviving victims remain alive, including Yong-Soo Lee (b. 1928).

Contrary to what Justice Kim Jeong-gon had decided on January 8, 2021, Presiding Judge Min Seong-cheol accepted the Japanese government's claim for "state immunity" that exempts a state from the court of another state. The dismissal decision is a contradiction and grave regression from the historic ruling made by the Seoul Central District Court on January 8. This decision also ignores the South Korea Constitutional Court's ruling on August 30, 2011. The South Korea Constitutional Court ruled that neglecting the issues of "comfort women" and Korean atomic bomb victims was a state violation of the victims' basic human rights.

The Seoul Central District's decision on April 21 carries egregious international consequences. By failing to grant the rights of the victims of Japanese imperialism and state-sanctioned sexual slavery, it ignores the international trend of placing human rights over national interests. Instead of declaring that state immunity does not extend to crimes against humanity, this ruling opened the door for such a dangerous possibility. This ruling also threatens the fundamental right for all individuals to have equal access to justice. Since 2012, the U.N. has been emphasizing the right of equal access to justice for all. Paying particularly close attention to women, the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels recommits to "establishing appropriate legal and legislative frameworks to prevent and address all forms of discrimination and violence against women and to secure their empowerment and full access to justice."

In his ruling, Judge Min Seong-cheol stated, "If an exception on state immunity is acknowledged, a diplomatic clash would be inevitable during the process of forcing the ruling's implementation." On the day of ruling, in Tokyo, Japanese Prime Minister Yoshihide Suga made religious offerings to a Yasukuni shrine, which commemorates those who died in service of Japan, including convicted WWII Class-A war criminals.

Since 1998, the U.N. defined the Japanese military sexual slavery system as a crime against humanity. The Seoul Central District Court choosing to listen to the arguments of the perpetrators over the voices of the victims for a diplomatic or political agenda goes against the court's fundamental purpose and responsibility, including not allowing a state sovereign immunity applicable to crimes against humanity.

What the Court decided on April 21 sends a devastating message to women and girls in Tigray who are currently being used as a weapon of war by militaries. What the Court decided seems to align with Turkey recently withdrawing from the Istanbul Convention on all forms of violence against women and girls. The Seoul Central District Court set the wrong precedent by going backward instead of protecting the dignity of former "comfort women" and granting them delayed justice as the survivors of a crime against humanity. To defend "comfort women" is to defend all women impacted by sexual violence in the past, present, and future.

The victims and their supporters have been unrelenting in the fight for restorative justice since the day Kim Hak-Soon made the first public testimony as a former "comfort woman" on August 14, 1991. This year marks the 30th anniversary of her testimony, which forged the way for other victims to come forward, unifying victims and their supporters, beginning an international movement for peace and justice as well as women's human rights and empowerment.

Justice would be a formal apology and an acknowledgment of evidence-based history by the Japanese government. Justice would be reparations established and ratified by the Japanese government. Justice would be a court ruling made based on human rights and evidence, not political interests.

We demand that the South Korean Court approach this case based on human rights rather than political interests at the appealed court.