



January 12, 2021

ESJF Statement on the South Korea Court’s ruling on Jan 8, 2021

Education for Social Justice Foundation welcomes the ruling made by the Seoul Central District Court on January 8, 2021. It delivers a clear message that state immunity is not applicable to crimes against humanity. The historic ruling reconfirms that the nature of the Japanese military slavery system, and the conditions forced on the victims, constitutes a crime against humanity. The ruling also reminds us that crimes against humanity have no statute of limitations.

Some people may erroneously think that this ruling is nothing more than twelve “comfort women” plaintiffs wanting a specific amount of money. Not so: the victims demanding reparations signifies a call for the formal acknowledgment that comes with reparations. The amount has less significance. After all, every victory begins with a small step.

Rejecting Japan’s argument that the lawsuit should be dismissed on the grounds of state immunity, Justice Kim Jeong-Gon said that “It was a crime against humanity that was systematically, deliberately, and extensively committed by Japan in breach of international norms.”¹ In July 1998, the Rome Statute of the International Criminal Court included sexual slavery as a crime against humanity.²

Regarding Japan’s argument that South Korean individuals do not have the right to claim reparations due to the 1965 agreement between South Korea and Japan, in 1999, the International Labour Organization sent an official message to the Japanese government that the trend in international law since the 2000s has been the view that individual claims do not expire as the result of negotiations between countries.”³

Japan repeatedly brings up the 2015 “comfort women” agreement, stating that the agreement was “final and irreversible.” However, this deal, made without the victims who denounce it, was essentially nullified in 2019.

Since this case was brought up in 2013 by twelve Korean victims, euphemistically known as “comfort women,” seven have passed away. Although they are no longer with us, the restorative justice movement begun and led by Hak-Soon Kim, these victims, and others is being carried on by younger generations of people seeking justice, advocating for peace, and promoting empowerment. Crimes against humanity have no statute of limitations. There is time.

¹ McCurry, Justin. “Seoul court orders Japan to pay damages over wartime sexual slavery,” *The Guardian*, Jan.8, 2021.

² Rome Statute of the International Criminal Court, International Criminal Court

³ “[Fact check] S. Korean individuals have the right to claim compensation from Japan,” *The Hankyoreh*, Aug. 7, 2019.