

From: "YASUMA Takeshi"
To: "IPEN Network"
Sent: Thursday, March 01, 2012 7:39 AM
Subject: The Japan Times Feb. 28, 2012 Minamata victim's exclusion overturned.
In recognizing woman, court faults '77 criteria

For Your Information.

The Japan Times March 1, 2012 / Mercury pact falls short on Minamata
[http://www.japantimes.co.jp/text/nn20120301f1.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+japantimes+\(The+Japan+Times%3A+All+Stories\)](http://www.japantimes.co.jp/text/nn20120301f1.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+japantimes+(The+Japan+Times%3A+All+Stories))

The Japan Times
Tuesday, Feb. 28, 2012
Minamata victim's exclusion overturned
In recognizing woman, court faults '77 criteria
Kyodo
<http://www.japantimes.co.jp/text/nn20120228a2.html>

FUKUOKA — The Fukuoka High Court ordered the Kumamoto Prefectural Government on Monday to posthumously certify a woman as a Minamata mercury-poisoning victim, overturning a district court ruling.

In the picture: Akio Mizoguchi beams as he holds up a photo of his mother, Chie, who was posthumously recognized as a victim of the Minamata mercury poisoning Monday at the Fukuoka High Court. KYODO

Presiding Judge Kenji Nishi said the current criteria, formulated in 1977, for recognizing people as sufferers are so "insufficient" that "we can't rule out the possibility that sufferers who would have been certified ended up being excluded."

The ruling could have a profound impact on parties involved in state relief for the disease under a special law, as the July 31 deadline for applying for the relief approaches.

At issue was the case of Chie Mizoguchi, who applied in 1974 to be certified as a sufferer but died about three years later at age 77. Before the application, she had been diagnosed as possibly having sensory impairment.

While the certification criteria require that sufferers have multiple symptoms, including sensory and motor disorders, for official recognition, the Supreme Court issued more lenient criteria in its landmark ruling in 2004.

The prefectural government, which conducted its first probe in the case at medical institutions in 1994, rejected her application due to a lack of documents the following year, prompting her son, Akio, 80, to file the suit arguing that the rejection after taking no action for 21 years was illegal.

In certifying her as a sufferer, the high court examined her medical records, living conditions and symptoms and concluded the prefecture's dismissal of her application was illegal.

In 2008, the Kumamoto District Court dismissed the case on grounds that the prefecture could not help delaying a decision on the application due to a lack of "objective" evidence,

but the plaintiff appealed.

The neurological illness, caused by mercury-tainted water released into the sea by a Chisso Corp. chemical plant in Minamata, Kumamoto Prefecture, was officially recognized in May 1956.

The mercury contaminated the food chain through marine creatures in the bay.

At first an unknown neurological disease was blamed for the symptoms.

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