

# Hibakusha file lawsuits for official acknowledgement of their A-bomb induced diseases

原爆症認定訴訟について



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放射線被曝者医療国際協力推進協議会編：  
原爆放射線の人体影響1992(要約版)4ページ：  
株式会社文光堂(1993年発行)から転載

# Hibakusha

- Atomic bombing of Hiroshima and Nagasaki killed about 210,000 people by the end of 1945. (Hiroshima 140,000 Nagasaki 70,000)
- Of about 400,000 survivors(Hibakusha), now about 266,000 victims remain alive. their average age has now reached mid-70s.
- 1957被爆者医療法 1968被爆者特別措置法
- 1995被爆者援護法

Even after the hell severity of the Atomic bomb disaster, Hibakusha had not been treated as human

**Hibakusha had experienced discriminatory treatment by ABCC because the USA government dealt with A-bomb influence to human as a military secret. They were recorded as confidential matters but not treated with medical management.**

**... Bikini BRAVO 1954.3.1 changed the situation.....**

**Since 1957 Hibakusha can be received health management allowance.**

the Atomic Bomb Casualty Commission (ABCC), established in 1947 by the US National Academy of Sciences (NAS) with funding from the US Atomic Energy Commission

# Health management allowance

健康管理手当

In case a Hibakusha suffers from some chronic disease, he or she can receive health management allowance 33,800 yen (375\$) monthly .

218,000 of hibakusha receive this allowance.

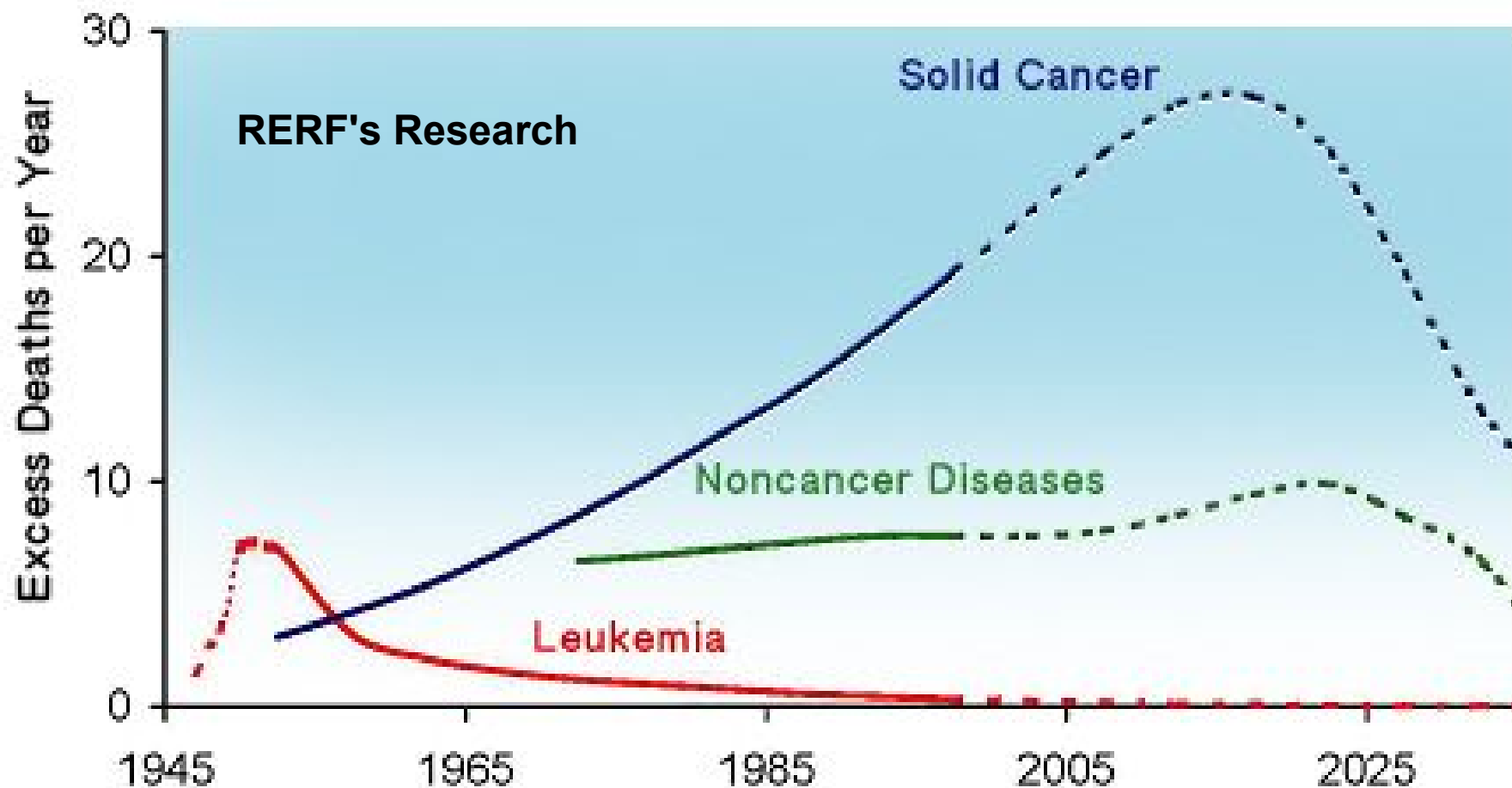
The qualification to receive this allowance is whether the person suffers from the diseases listed without any certification the disease is caused by A-bomb radiation.

# Diseases listed for health managing allowance

## 健康管理手当の支給対象疾病

- ①hematological disorders eg. aplastic anemia,
- ②liver function disorders eg cirrhosis
- ③cell proliferation disorders eg. malignant neoplasm
- ④hormonal disorders eg. Diabetes mellitus, hyperthyroidism
- ⑤brain vessels diseases eg SAH brain bleeding brain infarction
- ⑥cardiological disorders eg, hypertension, angina
- ⑦renal function disorders eg, chronic nephritis, chronic renal Failure
- ⑧visual disturbance due to cataracta
- ⑨respiratory disorders (emphysema, chronic interstitial pneumonia, pulmonary fibrosis, etc.)
- ⑩physical disorders (osteoarthritis, etc)
- ⑪gastrointestinal disorders due to ulcers (gastoric ulcer , duodenal ulcer)

## Past and projected radiation-related mortality in the Life Span Study



Thereafter many hibakusha have been suffered from not only malignant diseases, and also other chronic diseases eg. thyroid dysfunction.

RERF Radiation effects research foundation

Hibakusha Aid Law of 1994 provides

## Special medical care allowance

特別医療手当

- **Atomic bomb survivors are eligible to receive Authorization by the Minister of Health, Labor and Welfare, of diseases and injuries caused by radiation from atomic bomb.**
- **Once atomic bomb disease is authorized, special medical care allowance of 137,430 yen((1527\$) is paid monthly.**
- **In order to receive this allowance, application for special medical care allowance should be submitted to the relevant prefectural government.**

From the home page of the ministry of health, labor and welfare



# the requirements for a special medical care allowance

① **the disease is caused by A-bomb radiation (放射線起因性)**

② **the person is in the condition to require medical treatment at present (要医療性)**

\* the Minister of Health, Labor and Welfare

acknowledge whether the person meets the conditions.

\* the Supreme Court precedent indicates

the judgment the disease is caused by radiation must  
has high probability

# process of the acknowledgement

原爆症認定の仕組み

- radiological dosage 被ばく線量の推計
- causative probability 原因確率
- threshold 閾値
- board of review 分科会個別審査

## **Radiological dosage of A-bomb**

How far the person was from the ground zero at the time of atomic bombing?

A review considers when and where he or she entered the city to estimate the radiological dosage

The person must have been exposed within the distance of 2km from the hypocenter according to DS86 estimation.

**DS86; the Atomic Bomb Radiation Dosimetry for Hiroshima and Nagasaki  
Dosimetry System 1986**

# Causative probability

leukemia, cancers and hyperparathyroidism

Even if a hibakusha suffers from stomach cancer the disease is not necessarily recognized it is caused by a-bomb radiation

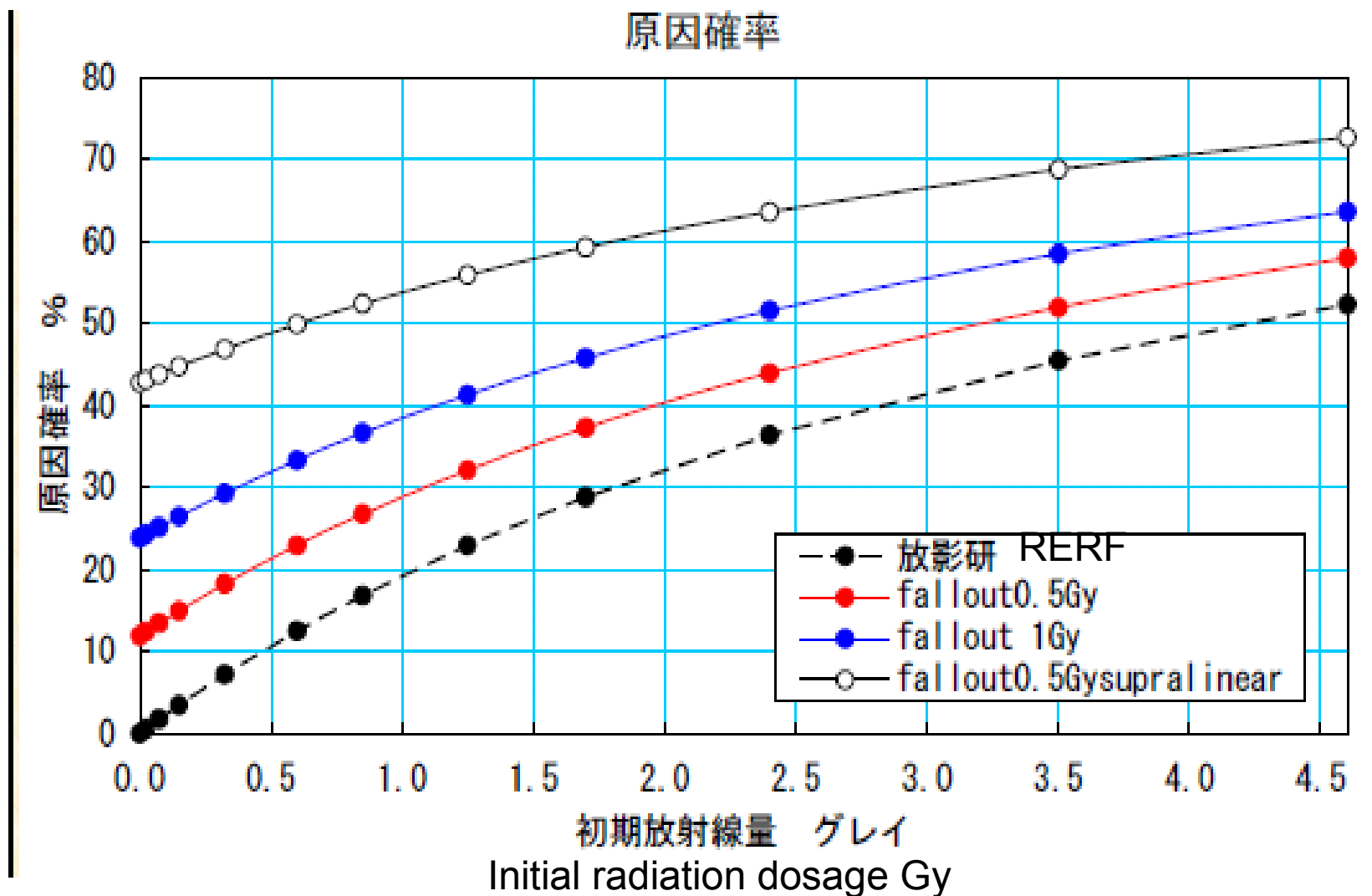
the disease is estimated the causative probability as compared with other citizens from the data of ABCC;

Higher than 50% >>acknowledged

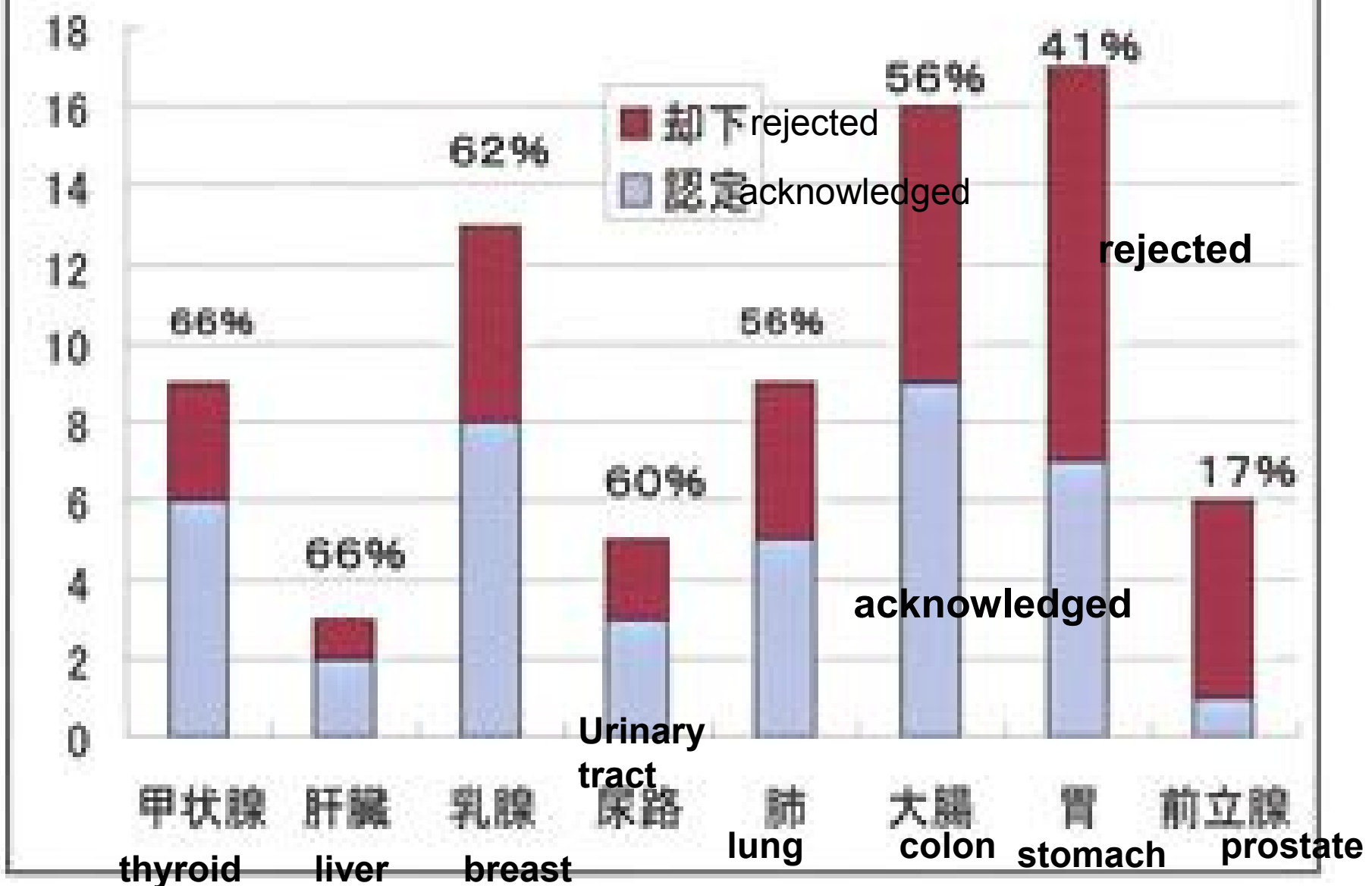
Lower than 10% >>rejected

Causative probability

By Dr Sawada



Rate of acknowledgement of each malignant tumors male 39% female 66%



about the 131 cases applied from Hiroshima Kyouritu Hospital by Dr.Aoki

# Threshold dosage

- Cataract

the threshold of radiation induced cataract is estimated 1.75 Sv

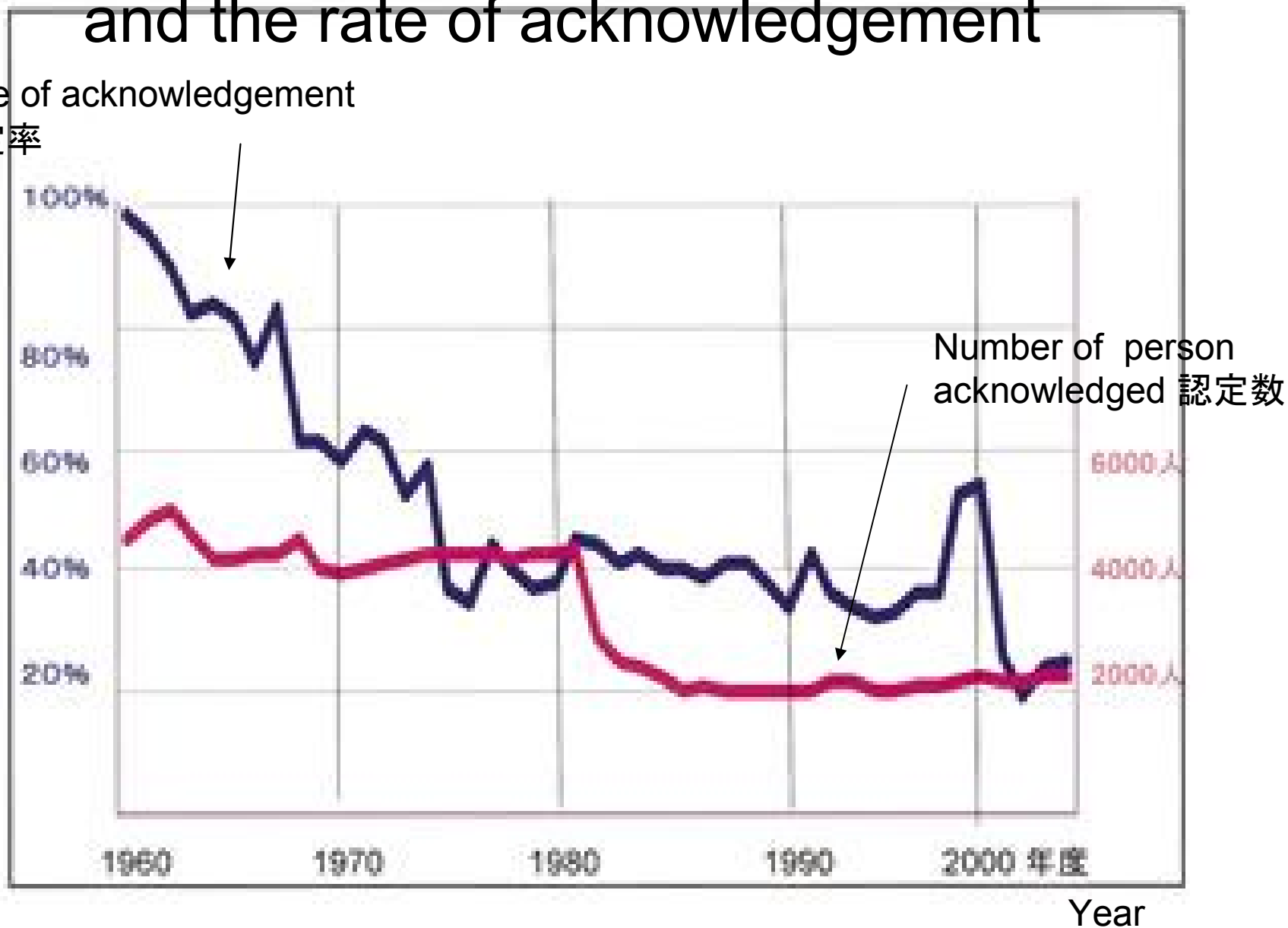
Therefore, even if Hibakusha had apparent acute phase symptoms, such as depilation, hemorrhage, diarrhea, etc. in case they had been exposed at a distance far from 2km , they had been rejected as not satisfying the conditions.

Therefore, only 2200 persons (0.88%) out of 250000 Hibakusha were acknowledged as having the diseases derived from the A-bomb radiation.



# The number of person acknowledged and the rate of acknowledgement

Rate of acknowledgement  
認定率



Since 2003, at 17 distinct courts around Japan, those Hibaksha with rejection of acknowledgement of their diseases caused by the A-bomb radiation by the Japanese government have filed lawsuits against the government demanding the withdrawal of the rejections.

The arguments debated in the courts

## Points of Controversy #1

Within a distance of 2km from the ground zero is necessary?

apparent acute phase symptoms, such as depilation, hemorrhage, diarrhea, etc. indicate the radiation exposed level is sufficient for causing the diseases in question even if they had been exposed at a distance from 2km

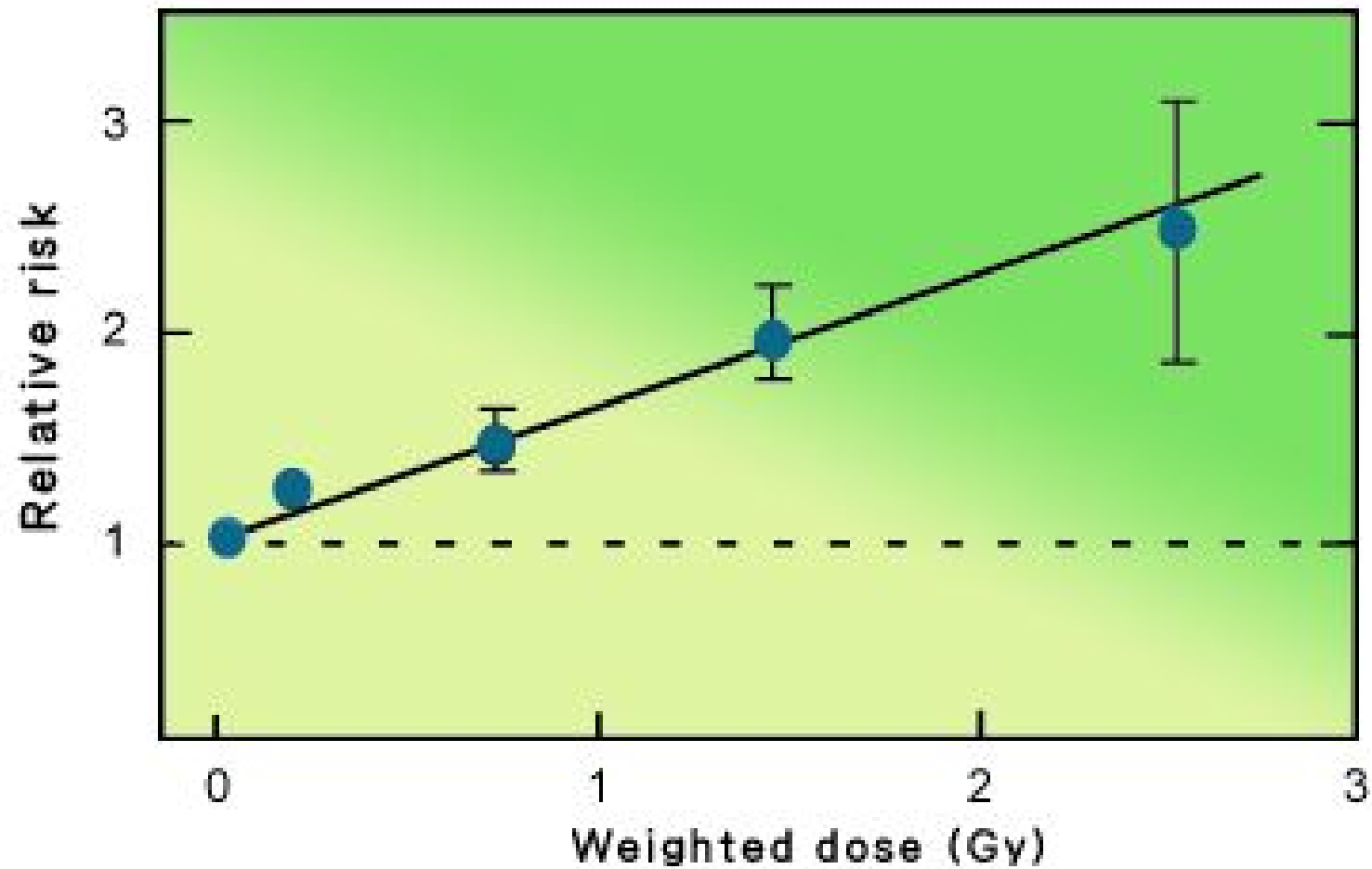
初期放射線量 + 残留放射線量 + 降下物放射線量

The arguments debated in the courts

## Points of Controversy #2

Is there any radiological  
threshold of causing cancers

**Relationship between radiation dose and the relative risk of incidence of all cancers, excluding leukemia**



The arguments debated in the courts

## Points of Controversy #3

Is the causative probability  
adequate parameter to apply to judge  
whether the disease of each person is  
caused by A-bomb radiation?

I introduce two cases in Osaka high court....

:the first person was exposed at the distance of 3.5km from the hypocenter at the age of nine years .

He went into the hypocenter on the same day at the bombing to seek for any food he could get every day after the day for 2weeks because he was a orphan already at that time. He experienced diarrhoea and depilation. Now he suffers from several kinds of malignant diseases. His application was rejected because he was at the distance of 3.5km at the time of bombing.

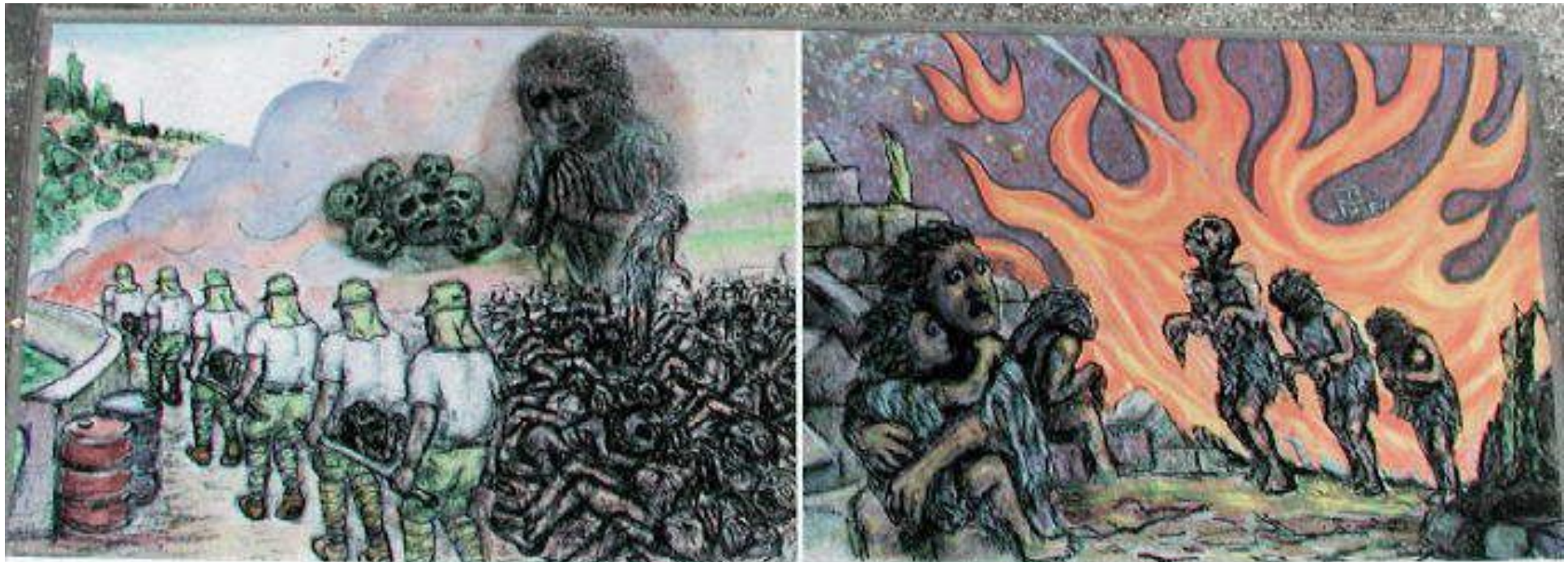
- the other person was exposed in a primary school at the distance of 1.7 km from the hypocenter at the age of 7 years.
- He went in the hypocenter to search his family looking at burned people and people getting away from the hypocenter with their skin drooping .
- on 2003 at the age of 65 years he suffered from upper laryngeal cancer. His application was rejected because the causative probability of upper laryngeal cancer is lower than 10%.



## another case in Hiroshima .....

- she is far from the hypocenter at the time of bombing ,she went into Hiroshima city and stayed 1week 350m from the hypocenter responding to the appeal to support hiroshima city victims 13 days after the bombing . after come back from hiroshima she experienced diarrhoea and depilation.General malaise lasted for one year.. .At the age of 37 , 52, 67years she had breast cancer, stomach cancer, ovarian cancer.Her application was rejected because of low causative probability.

Almost all hibaksha again recall the scene of hell-like horrible disaster at that time...



from the picture monuments drawn by hibakusha

火葬

被爆した人々の遺体が焼あとのあちこちで火葬されました。兵隊さんたちがたくさん死体に重油を掛け焼いていました。家族の人たちが悲しみにくれないながら身内の者を焼く白い煙も、しばらくのあいだ絶えることはありませんでした。

逃げる

あちこちで火災がおこり、その炎に追われるように逃げました。全身焼けただけ、手の皮がポロきれのようにたれ下がり、目はつぶれ両手を前にだして人々は「天に焼かれる」と、うめきなが歩いていました。それはまさに「地獄絵」でした。

After all every 17 courts decided almost all plaintiff Hibakusha have the diseases caused by the A-bomb radiation, and they have the right to have the allowance.



# **New principles for review 2008.3.17**

- ① those exposed within about 3.5km from hypocenter
- ② Those entering area within about 2km from hypocenter up to about 100 hrs after bombing
- ③ Those staying in area within about 2km from hypocenter for at least about 1wk during the period Roughly between 100 hrs and 2wks after bombing

When such people are afflicted with any of the following 5 diseases, certification shall be granted promptly.

1. Malignant tumors (solid cancers, etc)
  2. Leukemia
  3. Hyperparathyroidism
  4. Radiation cataract (excluding age-related cataract)
  5. Myocardial infarction attributable to radiation
- Hypothyroidism attributable to radiation
- Chronic Hepatitis, Cirrhosis attributable to radiation

Even after these judgments the Japanese government does not acknowledge over 8000 of Hibakusha who filed applications to the government.

## Discussion

# Hibakusha overseas #1

At the time of bombing the number of Korean Hibakusha is about 25,000 in Hiroshima and 12,000 in Nagasaki..  
1965 Seoul broadcasting reported “203 of Hibakusha are in Korea” 1976 Medical management allowance was adopted to a Korean Hibakusha visiting to Japan to receive medical treatment. It was limited while he stayed in Japan  
After several lawsuits about this issue now Hibakusha Aid law is adopted to Hibakusha overseas.

**Questions & Answers Concerning Benefits Provided  
for Atomic Bomb Survivors Overseas**

February, 17, 2003

Health Service Bureau,  
Ministry of Health, Labour and Welfare



# Hibakusha overseas #2

## Victims of nuclear weapon test

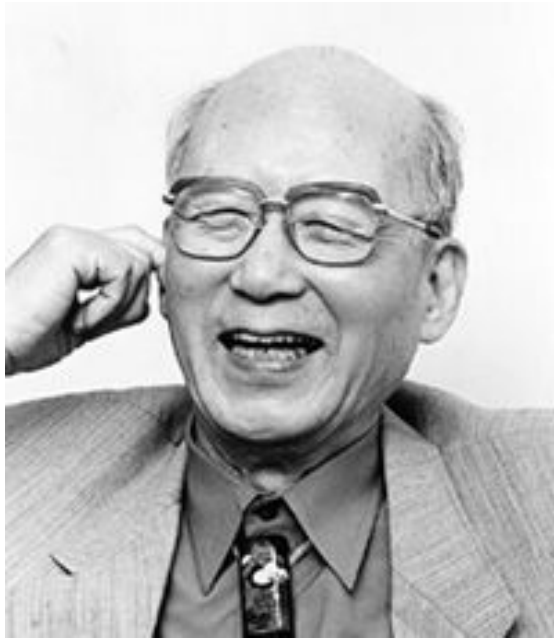
USA RECA radiation exposure compensation act  
presumption of causality

**France's parliament has passed a law to compensate victims of nuclear tests in Algeria and the South Pacific, a response to decades of complaints by people sickened by radiation**

**9newsWed Dec 23 2009**

- フランス核実験被害者補償法09. 12. 22

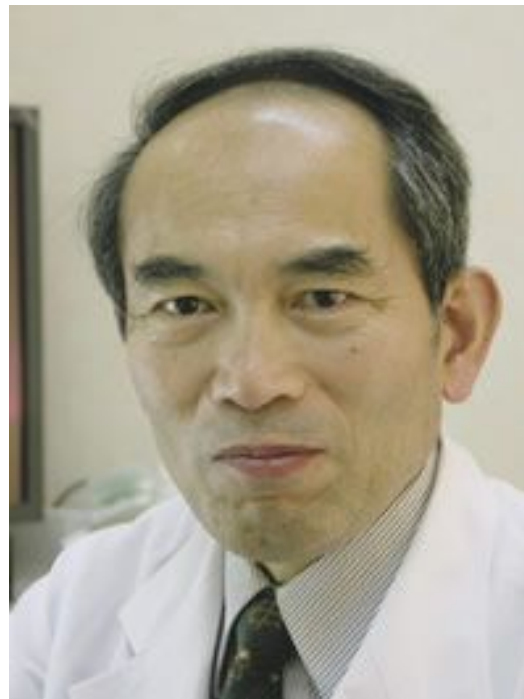
## Doctors took the stand for Hibakusha



Dr S.Hida

Dr S Saitou

Dr K.Aoki



and many doctors including me testified for hibakusha····.

Thank you very much  
for your attention