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Supporters of plaintiffs seeking compensation for Fukushima evacuees unfurl banners in front of the Maebashi District Court in Gunma Prefecture announcing the court's decision Friday. | KYODO

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In first, government and Tepco found liable for Fukushima disaster

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Maebashi, Gunma Pref. – A court in Japan has ruled for the first time that the government and the operator of the crippled Fukushima No. 1 nuclear power plant were responsible for failing to take preventive measures against the March 11, 2011, quake-triggered tsunami that killed scores and forced tens of thousands from their homes.

Friday’s stunning ruling by the Maebashi District Court was the first to recognize negligence by the state and Tokyo Electric Power Co. Holdings Inc. It called the massive tsunami predictable and said the major nuclear disaster could have been avoided.

The district court ordered the two to pay damages totaling ¥38.55 million to 62 of 137 plaintiffs from 45 households located near the plant, which suffered a triple meltdown caused by the tsunami, awarding ¥70,000 to ¥3.5 million in compensation to each plaintiff.

The plaintiffs had demanded the state and Tepco pay compensation of ¥11 million each — a total of about ¥1.5 billion — over the loss of local infrastructure and psychological stress they were subjected to after being forced to relocate to unfamiliar surroundings.

Citing a government estimate released in July 2002, the court said in the ruling that “Tepco was capable of foreseeing several months after (the estimate) that a large tsunami posed a risk to the facility and could possibly flood its premises and damage safety equipment, such as the backup power generators.”

It pointed out that the state should have ordered Tepco to take bolstered preventive measures, and criticized the utility for prioritizing costs over safety.

Of the plaintiffs, 76 who lived in evacuation zones were forced to move, while another 61 evacuated voluntarily even though their houses were located outside evacuation zones. The ruling was the first of 30 similar class-action suits filed nationwide involving more than 10,000 plaintiffs.

About 80,000 citizens who had lived in Fukushima reportedly left the prefecture after the March 2011 disaster.

“I believe that the ruling saying both the government and Tepco were equally responsible is an important judgment,” Katsuyoshi Suzuki, the lead lawyer for the defense said at a news conference following the ruling. “But thinking about the psychological distress (the plaintiffs faced) after being forced to evacuate from their homes, I think the amount is not enough.”

Takehiro Matsuta, 38, one of the plaintiffs who evacuated from the city of Koriyama, hailed the ruling, but called the damages “disappointing.”

“The ruling was one big step for my family, for those who evacuated from Fukushima to Gunma, and for tens of thousands of earthquake victims nationwide,” he said.

But called the payout “disappointing,” as his child, who was 3 years old at the time of the nuclear disaster, was not granted compensation. “My wife and I are struggling everyday, but it’s my child who suffers the most.”

The group of lawyers for the plaintiffs, which have had suits filed since September 2011, claimed that the Fukushima disaster resulted in serious human rights violations by forcing victims to relocate after the crisis caused widespread environmental damage.

The plaintiffs argued that Tepco could have prevented the damage if it had implemented measures, including the building of breakwaters, based on its 2008 tsunami trial calculation that showed waves of over 10 meters could hit the Fukushima No. 1 plant.

Those calculations took into account the 2002 estimate by the government’s Headquarters for Earthquake Research Promotion, which concluded that there was a 20 percent chance of a magnitude-8 earthquake rocking areas off Fukushima within 30 years.

However, the government and Tepco have argued that the massive tsunami was unexpected, claiming that there were different opinions among scholars over the long-term evaluation. Both attacked the credibility of the study, calling it unscientific.

The government also objected to the ruling, saying that because it had no authority to force Tepco to take such preventive measures as argued by the plaintiffs, it bore no responsibility.

According to the defense, a number of other class suits are inching closer to rulings, with one in the city of Chiba scheduled for Sept. 22 and another in the city of Fukushima involving 4,000 plaintiffs expected by the year’s end.

Information from Kyodo added