

**FINAL JUDGMENT
OF THE KOREA INTERNATIONAL WAR CRIMES TRIBUNAL**

Final Judgment

The Members of the Korea International War Crimes Tribunal, meeting in New York, having considered the Indictment for Offenses Committed by the Government of the United States of America Against the People of Korea, 1945-2001, which charges all U.S. Presidents, all Secretaries of State, all Secretaries of Defense, all Secretaries of the armed services, all Chiefs of Staff, all heads of the Central Intelligence Agency and other U.S. foreign intelligence agencies, all Directors of the National Security Agency, all National Security Advisors, all U.S. military commanders in Korea and commanders of units which participated in war crimes, over the period from 1945 to the present, with nineteen separate War Crimes, Crimes Against Peace and Crimes Against Humanity in violation of the Charter of the United Nations, the Charter of the Nuremberg Tribunal, the Hague Regulations of 1907, the Geneva Protocol of 1925, the 1929 and 1949 Geneva Conventions, the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, other international agreements and customary international law, the laws of the United States, the laws of Korea and the laws of other nations that have been forced to provide bases, support and military personnel for United States actions against Korea;

having the right and obligation as citizens of the world to sit in judgment regarding violations of international humanitarian law;

having heard the testimony from various hearings of the Korea Truth Commission held over the past year and having received evidence from various other Commission hearings which recite the evidence there gathered;

having been provided with documentary evidence, eyewitness testimonies, photos, videotapes, special reports, expert analyses and summaries of evidence available to the Korea Truth Commission;

having access to all evidence, knowledge and expert opinion in the Commission files or available to the Commission staff;

having considered the Report from the Korean Truth Commission (South) on U.S. War Crimes During the Korean War, providing eyewitness accounts by survivors of massacres of civilians in farming villages in southern Korea by U.S. military forces during the 1950-53 war;

having considered the Report from the Democratic People's Republic of Korea (DPRK) on U.S. War Crimes During the Korean War, prepared by the Investigation Committee of the National Front for Democratic Reunification, providing details on war crimes and crimes against humanity committed in the north by the U.S. from June to December 1950;

having been provided by the Commission, or otherwise obtained, various books, articles and other written materials on various aspects of events and conditions in Korea, and in the military and arms establishments;

having heard the presentations of the Korea Truth Commission in public hearing on June 23, 2001, and the testimony, evidence and summaries there presented;

having considered the testimonies of those Koreans denied visas to personally attend the hearings by the governments of the U.S. and the Republic of Korea (ROK), but presented in the form of videotaped interviews and documents;

having been informed that the Korea Truth Commission gave ample opportunity to U.S. government defendants to attend and present evidence in their defense, which up to the moment of this verdict they have been unable or unwilling to do;

and having met, considered and deliberated with each other and with Commission staff and having considered all the evidence that is relevant to the nineteen charges of criminal conduct alleged in the Initial Complaint, make the following findings:

Findings:

The Members of the International War Crimes Tribunal find the accused Guilty on the basis of the evidence against them: each of the nineteen separate crimes alleged in the Initial Complaint has been established to have been committed beyond a reasonable doubt. The Members find these crimes to have occurred during three main periods in the U.S. intervention in and occupation of Korea.

1. The best-known period is from June 25, 1950, until July 27, 1953, the Korean War, when over 4.6 million Koreans perished, according to conservative Western estimates, including 3 million civilians in the north and 500,000 civilians in the south. The evidence of U.S. war crimes presented to this Tribunal included eyewitness testimony and documentary accounts of massacres of thousands of civilians in southern Korea by U.S. military forces during the war.

Abundant evidence was also presented concerning criminal and even genocidal U.S. conduct in northern Korea, including the systematic leveling of most buildings and dwellings by U.S. artillery and aerial bombardment; widespread atrocities committed by U.S. and R.O.K. forces against civilians and prisoners of war; the deliberate destruction of facilities essential to civilian life and economic production; and the use of illegal weapons and biological and chemical warfare by the U.S. against the people and the environment of northern Korea.

Documentary and eyewitness evidence was also presented showing gross and systematic violence committed against women in northern and southern Korea, characterized by mass rapes, sexual assaults and murders.

2. Less known but of crucial importance in understanding the war period is the preceding five years, from the landing of U.S. troops in Korea on September 8, 1945, to the outbreak of the war. The Members of the Tribunal examined extensive evidence of U.S. crimes against peace and crimes against humanity in this period.

The Members conclude that the U.S. government acted to divide Korea against the will of the vast majority of the people, limit its sovereignty, create a police state in southern Korea using many former collaborators with Japanese rule, and provoke tension and threats between southern and northern Korea, opposing and disrupting any plans for peaceful reunification.

In this period the U.S. trained, directed and supported the ROK in systematic murder, imprisonment, torture, surveillance, harassment and violations of human rights of hundreds of thousands of people, especially of those individuals or groups considered nationalists, leftists, peasants seeking land reform, union organizers and/or those sympathetic to the north.

3. The Members find that in the period from July 1953 to the present, the U.S. has continued to maintain a powerful military force in southern Korea, backed by nuclear weapons, in violation of international law and intended to obstruct the will of the Korean people for reunification.

Military occupation has been accompanied by the organized sexual exploitation of Korean women, frequently leading to violence and even murder of women by U.S. soldiers who have felt above the law.

U.S.-imposed economic sanctions have impoverished and debilitated the people of northern Korea, leading to a reduction of life expectancy, widespread malnutrition and even starvation in a country that once exported food. The refusal of the U.S. government to grant visas to a delegation from the Democratic People's Republic of Korea who planned to attend this Tribunal only confirms the criminal intent of the defendants to isolate those whom they have abused to prevent them from telling their story to the world.

In all these 55 years, the U.S. government has systematically manipulated, controlled, directed, misinformed and restricted press and media coverage to obtain consistent support for its military intervention, occupation and crimes against the people of Korea. It has also inculcated racist attitudes within the U.S. troops and general population that prepared them to commit and/or accept atrocities and genocidal policies against the Korean people.

It has violated the Constitution of the United States, the delegation of powers over the military, the Bill of Rights, the UN Charter, International law and the laws of the ROK, DPRK, People's Republic of China, Japan and many others, in its lawless determination to exercise its will over the Korean peninsula.

The Members of the Korea International War Crimes Tribunal hold the United States government and its leaders accountable for these criminal acts and condemn those found guilty in the strongest possible terms.

Recommendations:

The Members call for the immediate end of U.S. occupation of all Korean territory, the removal of all U.S. bases, forces and materiel, including land mines, from the region, the rectification of environmental damage, and the cessation of overt and covert operations against northern Korea.

The Members urge the immediate revocation of all embargoes, sanctions and penalties against northern Korea because they constitute a continuing crime against humanity.

The Members call for emergency funds to be provided to the people of northern Korea through the Democratic People Republic of Korea to feed the hungry and care for the sick, whose suffering is a direct result of U.S. policies.

The Members call for reparations to be paid by the U.S. government to all of Korea to compensate for the damage inflicted by 55 years of violence and economic warfare.

The Members further call for an immediate end to all interference by the U.S. aimed at preventing the people of Korea from reunifying as they choose.

The Members call for the U.S. government to make full disclosure of all information about U.S. crimes and wrongful acts committed in Korea since September 7, 1945.

The Members urge the Commission to provide for the permanent preservation of the reports, evidence and materials gathered to make them available to others, and to seek ways to provide the widest possible distribution of the truth about U.S. crimes in Korea.

We urge all people of the world to act on recommendations developed by the Commission to hold power accountable and to secure social justice on which lasting peace must be based.

Done in New York this 23rd day of June, 2001