

# **Indictment for Crimes Committed by the USA against Korea**

## **Introduction**

Since the 1866 incident of "General Sherman" up to date, the United States of America has persistently committed all sorts of criminal acts, including aggression, plunder, murder and destruction, and thus inflicted intolerable misfortune and suffering upon the Korean people.

After the World War II, in particular, the United States of America divided Korea through its military occupation of south Korea and provoked the Korean war only to suffer a disgraceful defeat. Instead of learning a serious lesson from it, the United States of America has stepped up preparation for a new war on the Korean peninsula. Even at the very moment, the United States of America, carried away by warmongering and over-confidence in power, is making a fanatic attempt to stifle the DPRK and provoke a nuclear war against it.

The Joint International Prosecution Team of the Pyongyang International Tribunal on US Crimes in Korea (hereinafter referred to as the "Tribunal"), authorized by the democratic international organizations, progressive anti-war peace organizations, justice-loving individual figures and lawyers, brings this indictment against the following persons, in their official and individual capacities, for the crimes committed on the Korean peninsula by the US administration, the US military and other persons under their command (hereinafter referred to as the "US").

The accused are all presidents of the United States, from the Truman Administration to the present Bush Administration; all secretaries of the State Department; all secretaries of the Defense Department; all chairpersons of the Joint Chiefs of Staff; all secretaries of the Army, Navy and Air Force, all directors of the Central Intelligence Agency; all staff members of the National Security Council; all national security advisers to US presidents; all commanders of the US forces in south Korea; all those who planned, prepared, organized, order and executed the criminal acts included in this indictment, and their accomplices; and all those who were involved in mass killings of the Korean people.

## **The Basic Charters, Fundamental Laws and Conventions Violated by the Accused**

- 1) The US invasion of Korea violated the UN Charter, namely, Chapter 2 on the maintenance of peace and security, Chapter 5 on the procedures of the UN Security Council, Chapter 6 on the pacific settlement of disputes and Chapter 7 on the actions with respect to threat to peace, breaches of peace and acts of aggression.
- 2) The US occupied south Korea and obstructed its democratic development in violation of the Cairo and Potsdam Proclamations on post-war settlement.
- 3) The US provoked the Korean War and has made persistent attempts to ignite another war. These acts of aggression, as defined in the UNGA Resolution 3314 (1974), are in violation of the UN Charter and other international norms.
- 4) The US committed crimes against peace, war crimes and crimes against humanity on the Korean peninsula in violation of the Charters of the International Military Tribunal of Nuremberg and the Far East Military Tribunal.
- 5) The US violated the Hague Convention Respecting the Laws and Customs of War on Land (hereinafter referred to as "Hague Convention", which forbids the use of poison and poisoned weapons, and the Geneva Protocol Prohibiting the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare.
- 6) The US violated the provisions of different conventions and protocols, including the Geneva Conventions of August 12, 1945 on the protection of civilians in time of war and on the treatment of prisoners of war.

- 7) The US violated the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the abolition of racial discrimination in all forms, the International Covenant on Civil and Political rights, the International Covenant on Economic, Social and Cultural rights, the Convention on non-applicability of the statute of limitations to war crimes and crimes against humanity, and the Convention on the prevention and punishment of the crime of apartheid.
- 8) The US violated the Non-Proliferation Treaty on Nuclear Weapons, the Convention on prevention and punishment of terrorism, the Agreement on the partial limitation of drug production, the Geneva Convention on the prevention of drug production and trafficking, and other conventions and UN resolutions which ban the drug trafficking and use.
- 9) The US violated the internationally recognized customary laws and rules governing the use of force.
- 10) The US undermined the Korean Armistice Agreement of 1953, the DPRK-USA Joint Declaration of 1993 and the DPRK-USA Agreed Framework of 1994. The US invalidated the Joint Declaration on Denuclearization of the Korean Peninsula and obstructed the implementation of the June 15 North-South Joint Declaration.
- 11) The US violated the domestic laws of the DPRK, the People's Republic of China, Japan, the United States of America and other countries concerned.

## **The Crimes and Unlawful Acts Charged**

### **1) US Aggression and Korea's Division**

At the end of the World War II, a favourable condition was created for the US to seize the Korean peninsula, which was of great strategic importance. As a result, the US bisected Korea through its military occupation of south Korea, in violation of recognized international laws and obligations relative to military occupation.

On August 15, 1945 the US drew up the Ordinance No 1, which stipulated that "the Japanese army in Korea south of 38<sup>th</sup> parallel shall be disarmed by the US forces", and occupied the whole territory of south Korea.

Korea, which had long been occupied by Japan until the World War II, won independence by defeating Japan through the armed struggle. In view of the Cairo and the Potsdam Declarations, Korea should have been given the opportunity for independent and democratic development, instead of military occupation.

Under the pretext of disarming the Japanese army, however, the US occupied south Korea and instituted a US military government there.

The international law defines the military occupation of a non-hostile country as a violation of the rules relative to the military occupation system and as an act of direct armed invasion; it stipulates that the aggression forces shall be bound to take the full responsibility for the ensuing consequences.

This military occupation system was internationally recognized through the 4<sup>th</sup> Hague Convention of 1907 and the Geneva Convention of 1948 on the protection of civilians in time of war.

Nevertheless, the US flagrantly violated the international principles and rules of the military occupation system and committed criminal acts of aggression through its military occupation of south Korea and its institution of a military government there.

### **2) Massacre Committed by the US before the Korean War**

Since the very first day when it set foot on Incheon, the US acted as the most heinous aggressor and murderer, not as the "liberator" or "saviour".

Articles 43, 46 and 47 of the Hague Convention stipulates that the occupying military authority shall respect the existing laws in the occupied territory; ensure, as far as possible, public order and safety; respect the family honour and the ways of life of persons; and refrain plundering and from confiscating private property.

For two months after they landed in south Korea, the US forces dismantled by force the people's organizations in 131 counties, 12 cities and 7 provinces. The US forces arrested, executed and murdered those patriots who stood against them.

In October 1946, when the south Korean people rose up in protest against the US military government, the US called in thousands of military personnel, policemen and terrorists with the backing of planes, tanks and chemical weapons, to kill 25,000 protestors and other people from different walks of life in cold blood.

The murder of people by the US to maintain its colonial military rule in south Korea became all the more flagrant on and around May 10, 1948 separate election.

From May 7 to the election day in 1948, the US arrest, jailed and killed more than 50,000 patriotic people. On the election day alone, it murdered about 500 patriots to force the separate election.

When the April 3 Popular Uprising broke out against the May 10 separate election and lasted till June 1948 on Cheju Island, the US military killed over 70,000 out of its population of about 300,000 and burned down more than 10,000 homes.

In October 1948, when there was a Ryosu Soldiers Mutiny against the murder of civilians by the US military government, the US forces brutally killed thousands of people by employing planes, tanks, warships, armoured vehicles and guns of different calibers.

From December 1949 to January 1950 the US murdered over 40,000 people and wounded tens of thousands in the 5 districts, including those around Mt. Jiri, Mt. Thaeback and Mt. Odae.

The US troops recklessly killed the patriots involved in the anti-US, anti-fascist resistance. During the 5 years of occupation, the US troops killed more than one million patriotic people in the most barbarous ways.

### **3) Provocation of Korean War**

Since the very first day of its occupation of south Korea, the US had stepped up preparations to provoke a war on the Korean peninsula. Eventually, on June 25, 1950 the US launched an armed invasion against the DPRK.

The US spread false propaganda on the "threat of the north invading the south" to justify its preparations for an aggressive war. In addition, it had made incessant armed provocations against the DPRK since 1947 in a crafty attempt to transfer the responsibility for the war over to north Korea. Over 5,150 provocations were recorded between 1947 and the outbreak of war.

In particular, the armed provocations in 1949 around Mt. Unpha and Mt. Songak along the Military Demarcation Line were as fierce as an actual war in terms of their scope and the length of the front.

Since the first day of its occupation of south Korea, the US amassed a huge armed forces in south Korea, Japan and the surrounding areas in preparation for an all-out war on the Korean peninsula.

On the basis of the premeditated plan, the US sent the then Chairman of the Joint Chiefs of Staff and other top-brass to Japan in late January and early February 1950. It also dispatched the then Secretary of Army Royal to south Korea to make the field inspection for war preparations.

In addition, the US shipped a huge military forces to Japan from late April 1950 behind the screen of joint exercises of three military services slated from May 15 in Japan, without revealing its true intention to provoke the Korean war.

In early June 1950, just before sparking the fuse of war, the US sent the special envoy of the President Dulles to south Korea to issue the final instruction to ignite the Korean war.

All these facts clearly prove that the US had long made full preparation to provoke the Korean war.

The 1907 Hague Convention relative to the launching of hostile acts, the 1933 Treaty on the definition of aggression and the Draft Code of Crimes Against the Peace and Security Mankind define as the most grave international crime the provocation of an aggressive war with a purpose to occupy another country with recourse to arms and put it under subordination. Accordingly, they strictly ban all forms of aggressive war.

The Paragraph 4, Article 2 of the UN Charter stipulates: All UN members shall refrain from employing force against the territorial integrity and political independence of any state, or any manner inconsistent with the purposes of the United Nations.

In violation of this clause, the US had stepped up war preparation in south Korea, Japan and the surrounding areas and perpetrated armed invasion without any declaration of war.

#### **4) Misuse of UN Flag in the Korean War**

In a vicious attempt to cover up its crime of having provoked the Korean war, the US manipulated a UN resolution which distorted the war as an invasion by the north. In this way, the US put the "UN cap" on its aggression forces and misused the name of UN to justify its criminal act.

By using its voting machine, the US forced the UN Security Council on June 25, 1950 to pass an illegal resolution transferring the responsibility for war to the DPRK. On June 26 and July 7, the UN Security Council was again forced to adopt a resolution which gave a green light to the armed intervention of the US and its satellite nations against the DPRK.

The UN resolution was strictly based on informations fabricated by the US.

According to Articles 32 and 34 of the UN Charter, the UN Security Council may investigate disputes which are likely to endanger the maintenance of international peace and security. In particular, both parties to a dispute, irrespective of whether each of them is a UN member or not, should be given the right to be present at the discussion of the issue concerning them.

At the meeting of the UN Security Council on June 25, the representative of Yugoslavia, a non-permanent member of UNSC, made a motion to invite the DPRK representative to Security Council discussion in conformity with the UN Charter. Nevertheless, the US mobilized its voting machine to defeat the motion.

The resolution is also illegal because it was passed against the voting system of the UNSC.

A Security Council decision on a substantive matter requires an affirmative vote by nine of its members (seven members in 1950), including the concurrence of its Permanent Members. It means that any UNSC resolution cannot be adopted without the concurrence of the five Permanent Members of UNSC.

The UN resolution concerning the Korean war was "passed" in the absence of the representatives of the Soviet Union and China, both Permanent Members of the UNSC.

Therefore, the resolution is not legally binding, as it was fabricated without the concurrence of the UNSC Permanent Members.

Having worked out a justification for its direct intervention in the Korean war by using the UN as its tool of aggression, the US sent 1/3 of its field army, 1/5 of its air force and the majority of its Pacific Fleet to the Korean front. Contrary to the principles of UN Charter, the US formed the UN forces and appointed Mac Arthur as the UN Forces Commander, and placed the forces of south Korea and other satellite nations under his control.

The UNSC "Resolution" S/1588 which was railroaded on July 1950 under the US pressure only contains the phrase "... set up the Command under the control of US Army". On the basis of this resolution, however, the US formed the "UN forces", thus turning the UN into its tool of aggression.

The US actions were in violation of the purpose and mission of the UN, and international law is goes against the UN mission and principles of its activities. It is also a wanton violation of the international law concerning the formation and activities of international organizations.

#### **5) Destruction of Towns and Villages**

In an attempt to achieve its purpose of aggression against Korea, the US committed the indiscriminate bombardment of Korean towns and villages in flagrant violation of the norms of international laws and humanitarian principles.

For 3 years of war, the planes of US Air Force, and those of US Navy and Marine Corps made more than 800,000 and 250,000 sorties respectively, 85 % of which bombed and strafed the civilian targets. They dropped 564,436 bombs and 32,357 napalms. They also launched 587,789 rockets, strafed 238.65 million bullets and threw 55,797 smoke shells.

In Korea, they dropped over 600,000 tons of bombs and napalms, which amounted to nearly 3.7 times more than 160,000 tons dropped in Japan during the Pacific War. Korea's territory is only 1/3 of Japan's territory. Thus, the intensity of the bombing is easily demonstrated.

This indiscriminate and barbaric bombing leveled the towns, devastated the rural areas and took away the lives of civilian population.

These acts are in violation of article 25 of the Hague Convention which prohibits any attack or bombing on peaceful cities and towns, villages, dwelling houses and public buildings, and article 27 which states that "necessary measures shall be taken to the extent possible to prevent the buildings dedicated to religious service, art and academic activities, and charity, monumental edifices of historic importance, hospitals, and the camps for the wounded and other patients from being bombed, unless they are used for any military service."

Against all those regulations, the US indiscriminately bombed both urban and rural areas in the northern half of Korea, thus killing a large number of innocent civilian people and destroying numerous civilian structures.

#### **6) War-time Massacre of Civilians**

In the Korean War, the US committed mass killings of civilian population in flagrant violation of the August 12, 1949 Geneva Convention on protection of civilians in time of war and other international laws and regulations of war.

When the US troops fled southward at the early stage of the war, they committed barbarous murder, arson, destruction, rape, pillage and other crimes in all parts of south Korea ranging from Incheon and Suwon to Mokpho and Pusan.

From June 28 to July 4, 1950 the US Military issued an order of organized murder, according to which 1,146 patriots and peaceful people were killed at the prisons in Suwon, Kyonggi Province.

In early July 1950, the US troops bombed and strafed the innocent people, killing 730 in Chungju and 600 in Kongju. At Taejon Prison, they shot to death over 1,800 patriots who had been involved in the incident of "AP", "Cheju April 3 insurgence" and "Ryosu soldiers' mutiny".

In late July 1950, the US ordered the execution of a large number of the people involved in the "AP incident".

According to the document recently declassified at the US national archive, more than 5,000 people were killed in Sanchong, Hadong, Myongsok and other surrounding areas of Jinju City.

In August 1950 the US troops shot dead hundreds of the people detained in Masan Prison on charge of involvement in the "AP" incident, and then drown them all in the sea.

At present, the number of the executed for the involvement in the "AP incident" is estimated to be 300,000 to 500,000 all together.

In Haman, Kochang, Hamyang, and Sanchong of South Kyongsang Province, the US troops drove thousands of people together in one place, in order to kill them. Then they burned down the houses.

Refugees were the targets of murder and young people were arrested and shot to death on the charge that they were "communists" or "pro-communists".

A US Army captain who had been involved in massive bombing in Seoul on September 25, 1950, stated that innumerable civilians were killed. American Professor Bruce Cummings maintained that more than 50,000 civilians were killed when the US troops attacked Seoul.

When the US troops fled Seoul for the second time, they executed on the spot all people who appeared "suspicious". The total number of patriots and other civilians who were killed at that time amounted to 72,390.

For less than a year after the outbreak of war, the US troops murdered over one million innocent people in south Korea.

When the US troops temporarily occupied part of the northern half of Korea, they indiscriminately massacred officials of the party, the government and mass organizations, workers, peasants, office workers, youth and students, and even religious people, regardless of age and sex.

In particular, the brutality of the mass killings in Sinchon County is beyond human imagination.

The following are the preliminary war-time statistics on the murder of the Korean people by the US during the temporary occupation of some parts of the northern half of Korea:

Pyongyang	15,000
Sinchon	35,383
Anak	19,072
Unryul	13,000
Haeju	6,000
Pyoksong	5,998
Songhwa	5,545
Unchon	5,131
Anju	5,000
Pyongchon	3,040
Kaechon	1,342
Pakchon	1,400
Cholwon	1,500
Hamju	648
Tanchon	532
Chosan	900



In summary, the acts of the US military against the civilian population constitute war crimes and crimes against humanity.

## **7) Chemical and Bacteriological Warfare**

When the US felt that the odds were against them in its aggressive war, it unhesitatingly used on a large scale bacteriological and chemical weapons in wanton violation of human morality and international laws.

In late 1950 when the US troops fled from the temporarily occupied areas in the northern half of Korea, they employed crafty ways to spread the viruses of smallpox and other epidemic diseases in Pyongyang City, South Phyongan Province, Kangwon Province, South Hamgyong Province and Hwanghae Province, resulting in the sudden outbreak of epidemic diseases there.

By April 1951, the number of cases increased drastically to 3,500.

The US used the north Korean prisoners of war as guinea pigs to test bacteriological warfare and military medicine. It murdered a lot of people through the testing of bacteriological weapons in the POW camps on different islands in the Pacific Ocean, Koje Island of Korea and others.

For two months from January 18 to March 31, 1952, the US dropped on 700 occasions bacteriological bombs and other different objects carrying lethal microbes at over 400 points in the northern half of Korea.

The bacteriological bombs contained a myriad of flies, fleas, spiders, bedbugs, mosquitoes, lice, beetles, grasshoppers and other harmful insects, which carried viruses of over 20 horrible malignant, acute and contagious diseases, including pest, cholera, smallpox, hemorrhagic fever, gangrene, typhoid, ABC, dysentery, epidemic typhus and relapsing fever.

From May 1952, the US flew hundreds of planes a day to Korea, 1/4 of which dropped bacteriological bombs. On some days the number of planes reached 480.

From January 28, 1952 to April 24, the US dispersed cholera-infected insects on 461 occasions. It also spread pest-infested fleas on over 90 occasions from January 28 to April 30, 1952.

The US used chemical weapons banned by an international convention.

From February 1951 to July 1953 the US employed a large amount of chemical weapons in 24 cities and counties in Kangwon, Hwanghae and South Phyongan provinces and all along the front line.

In the Korean war the US troops began to use poisonous gases on a massive scale beginning with the indiscriminate bombardment of Nampho City, South Phyongan Province, on May 6, 1951, where they killed 1,372 people by dropping bombs which contained poisonous gases.

The chemical weapons were used against all areas and objects throughout Korea, in both front and rear, not limited to certain targets.

In wanton violation of the international conventions of 1929 and 1949 relative to the treatment of POWs, the US ruthlessly murdered the prisoners from the north by using them as guinea pigs to test poisons.

On July 7, 1952, in Koje-do camp, the US locked 120 KPA prisoners in two specially designed trucks for 4 hours to test poisonous gases. As result of this, they could not open their eyes for two months and eventually, were left disabled.

Koje-do camp is only one of many examples.

The Hague Declaration of 1907 , Geneva Protocol of 1928 and other international laws prohibit the use, and demand the abolition of poisonous gases, bacteriological weapons and toxic chemical weapons to massacre the people. They all state that using these weapons in the war is a crime, and that the users must be held as criminals and subject to criminal punishment.

Nevertheless, the US used those forbidden weapons to massacre the Korean people in flagrant violation of the international laws.

#### **8) Destruction of the Korean Armistice Agreement and Moves for a New War**

Instead of learning a serious lesson from the defeat in the 3-year Korea war, the US has systematically violated the Korean Armistice Agreement and persistently made all sorts of military hostile moves to provoke a new war on the Korean peninsula.

On August 8, 1953, the US concluded the US-ROK Treaty on Mutual Defense. However, the US intentionally obstructed the convocation of a political consultative meeting, which was an important part of the Armistice Agreement, and eventually drove it to rupture.

Paragraph 60, Article 4 of the Armistice Agreement states that within 3 months after the truce, both parties shall convene a higher-level political meeting to address the withdrawal of foreign troops and other measures for the peaceful solution of the Korean issue.

Nevertheless, immediately after the signing of the Armistice Agreement, the US concluded the US-ROK Treaty on Mutual, which confirmed the perpetual occupation of south Korea by the US troops and their prerogative power over the south Korean army. By doing this, the US rejected terms of the agreement, that the withdrawal of US troops from south Korea be addressed at a political consultative meeting. Instead, the US "legitimatised" its interference in the internal affairs of Korea.

On June 7, 1956, the US banned the activities of the inspection teams of the Neutral Nations Supervisory Commission, an important provision in the Armistice Agreement, and then, on June 21, 1956, unilaterally abrogated the paragraph d, Section 13, Article 13 of the Armistice Agreement.

According to the provision, it is forbidden for a party to the agreement to ship in operational planes, vehicles of different kinds, weapons and ammunitions for the purposes of military reinforcement.

In violation of that provision, the US has shipped a huge amount of nuclear weapons and other sophisticated military equipment to south Korea.

This year alone, on May 31, the US made public a "plan of reinforcement of its troops in south Korea". On that basis, they are attempting to ship in the latest military equipment equivalent to 11 billion USD and deploy in south Korea a fast-reaction brigade armed with the most sophisticated equipment.

Paragraph 12, Article 2 of the Armistice Agreement stipulates that the three services and all other armed forces of both sides shall cease any hostile military action 12 hours after the signing.

Nevertheless, at 22:20 on July 27, 1953, 20 minutes after the Armistice Agreement came into force, the US fired machine guns towards the north in the eastern part of the front. They fired rifles and guns almost every day along the military demarcation line and threw in planes and warships into the territorial waters and air of the north.

In violation of Paragraph 15, Article 2, of the Armistice Agreement which bans any form of blockade against Korea, the US is now making a vicious attempt to impose a sea-air blockade against the DPRK by inspecting its ships and planes.

To make it worse, the US drew up the Korean war scenario "Operation Plan 5027". Then, the US has updated it into "Operation Plan 5027-98", a scenario for preemptive strike, and "Operation Plan 5030".

All these facts clearly show that the US has made a full preparation for the provocation of a new war on the Korean peninsula, and waits for the chance to spark the fuse of war.

The US acts of aggression belong to the most serious international crimes and violate the international laws which strictly ban the planning and preparation of an aggressive war.

#### **9) Violations of Human Rights in South Korea**

In the post-war period, the US troops have continued to occupy south Korea and have committed numerous crimes beyond human imagination.

Without the slightest pang of remorse, the US troops have employed every possible methods to kill the south Korean people, including shooting, beating, strangling and stabbing.

One of the striking examples is the murder of a 14-year-old boy in February 1958. The manager of the 8th US Army aircraft repair shop, together with his subordinates, detained the boy for 5 – 6 hours without any reason and tortured him brutally. They clubbed and whipped him, stabbed him with knives, pulled out his toes with pincers and plucked off his hair. Then, they cut his hair with an electric hair-cutter, tarred his face, put him in a wooden box and threw him out of the helicopter.

With the conclusion of the Status of Force Agreement (SOFA) between the USA and south Korea in July 1966, the US violations of human rights in south Korea has become all the more violent. The number of violations increased 6 times more than the preceding years.

In particular, almost every day the savage US soldiers committed murder, rape and violence against the south Korean women.

Take a few incidents as an example. Yun Kum Yi was raped, beaten to unconsciousness, and then left for dead with a coke bottle penetrated into her private part and an umbrella into her anus. In Uijongbu, Ho Ju Yon was raped to death and left behind in the burning room. Indeed, the atrocities committed by the US troops against south Korean women were indescribably brutal.

The criminal acts committed by the US troops in south Korea recorded from liberation in 1945 to 1999 numbered more than 270,000 cases.

The murder of south Korean people by the US troops found vivid expression in the Kwangju Popular Uprising in May 1980.

The then commander of the US Force in south Korea Wickam issued the instruction to crack down on the protestors with an "iron fist". Then, he did not hesitate to hand over to Jon Du Hwan 700,000-strong armed force, up-to-date weapons of mass destruction and equipment and even dum-dum bullets and nerve gas prohibited by international law.

Based on the instructions of the US, the Jon Du Hwan killed more than 5,700 people of different walks of life and wounded over 4,000 within a matter of a few days after the outbreak of the uprising.

Articles 3 and 5 of the Universal Declaration of Human Rights stipulate that each person shall have the right to survival and freedom, and that no one shall be subject to torture or other forms of brutal, inhumane and degrading treatment and punishment. The UN Charter, the Convention on abolition of all kinds of racial discrimination, the Convention on non-applicability of the statute of limitations to war crimes and crimes against humanity, and other international laws and regulations define the wanton violation of human rights as a crime and demand stern punishment against it.

Nevertheless, the US troops in south Korea have stood against the fundamental principles of international human rights norms, which emphasize the general respect for elementary freedom, by killing the Korean people indiscriminately while lording it over south Korea.

#### **10) Economic Blockade and Ideological and Cultural Infiltration**

For over 50 years since the military occupation of south Korea after the end of the World War II, the US has incessantly imposed economic sanctions and an economic blockade upon the DPRK in a vicious attempt to isolate and stifle it.

To take a few examples, the US concocted the "Law on Foreign Aid" in August 1960, the "Law on Commercial Transactions" in January 1975, the "Law on Import/Export Banking" in October 1986, the "Law on Export Control" in January 1988 and a series of other laws, through which it has taken sanctions in all fields of economic trade ranging from the restriction of export to that of commercial and financial transactions, preferential tariffs, credit loans, transactions in USD and others.

In particular, the US continued to invoke the "Law on Trade with Enemy States" and the "Law on Foreign Properties Control" which had been in force since the Korean war. The US has put the DPRK on the list of "terrorist nations" and imposed economic pressure on it.

The economic sanctions and blockade by the US, which has continued without any interruption since the post-liberation US military rule in south Korea to date, has hit the record in its length, and covered all fields of economic transactions, including but not limited to trade, finance, investment, real property, insurance, transportation, mail, and exchange of personnel.

The US, which had listed Korea as its enemy since the war, fabricated a series of incidents in the 1980s to label the DPRK as a "terror-sponsoring" nation. Then in the 1990s, the US intensified economic sanctions and discrimination against the DPRK under the fictitious pretext of nuclear and missile development and human rights violations.

When analyzed and calculated in consideration of all its historical length and scope, the total loss incurred to Korea by the US records a astronomical figure.

The Treaty of 1933 on the definition of aggression, the resolution adopted on August 1953 by the UNGA, the UN resolution of 1974, and other treaties, agreements and resolutions define the economic pressure and blockade against a nation as a violation of international laws and ban their use as they jeopardize its self-determination, economic independence and foundation.

The US has, however, employed all forms and methods to impose internationally banned economic sanction and blockade upon the DPRK.

The US is also accountable for the ideological and cultural infiltration into the Korean peninsula.

The US established the anti-communist propaganda system and launched anti-communist propaganda with a view to calming down the anti-US spirit of the south Korean people, laying the ideological basis for northward invasion and the spoiling of the population in the northern half of Korea with the venom of imperialist ideology.

In 1954, the US formed the "Anti-Communist Union of Asian Nations" in Jinhae and launched different forms of anti-communist campaign as annual events.

The US established the anti-communist propaganda system and organized different anti-communist propaganda institutions to intensify demagogue. It also built hundreds of "anti-communist research schools" to instill anti-communism.

This is an act of ideological aggression that violates the international law on banning warlike propaganda and instigation.

At the same time, the US has made frantic moves of ideological and cultural infiltration to undermine the ideological foundation of the DPRK.

In an attempt to export its concept of value, the US hired its satellite forces to bribe those who were included in the delegation to the DPRK on business or personal purposes so that they took reactionary publications of all kinds into the country. It also flew leaflets and different kinds of goods across the DMZ into the northern half of Korea in order to instill the idea that money is everything, murder, burglary, deception and misanthropy in the Korean people, particularly in the youth.

The US broadcasts the Radio "Free Asia" in Korean language around the clock and illegally dumped a large number of pre-tuned transistors over to the DPRK using balloons or by other means. The DPRK suffers temporary difficulties owing to the anti-DPRK blockade and military blackmail of the US and the repeated natural disasters. The Radio is now distorting these difficulties as a consequence of the "shortcomings" of the system itself, and spreading false propaganda about the status of human rights and region in Korea.

Paragraph 1, Article 73 of the UN Charter states that the culture of people even in non-autonomous region should be respected. Paragraph 1, Article 11 of the Declaration on the principles of international cultural cooperation also demands that no state should interfere in the internal affairs of other countries in cultural relations.

Paragraph 9, Article 2 of the Draft Code of Offense Against the Peace and Security of Mankind (1954) defines that the intervention of one state against the other nation by coercive economic or political measures is a crime against human peace and security.

In violation of all these international laws and codes, the US has committed the crime of vicious ideological and cultural infiltration into the DPRK by forcing its concept of value and will upon its people for the US' aggressive purpose.

#### **11) Crime of Nuclear Threat**

The US nuclear threat to Korea is the most grave crime ever known in history.

The nuclear issue of the Korean peninsula goes back to 1957 when the US shipped the nuclear missile "Honest John" into south Korea. The danger of nuclear threat got worse with the introduction of the neutron bomb, the "devilish weapon of the 20<sup>th</sup> century", into south Korea in the first half of the 1980s.

In February 1997, the US deployed in south Korea a large number of depleted uranium bombs, which are on the list of banned weapons.

The total yield of all nuclear weapons deployed in south Korea is equivalent to 13,000 Kilotons.

South Korea with the area of about 100,000 km<sup>2</sup> is full of nuclear weapons, nuclear warheads, nuclear mines, nuclear vehicles, nuclear bases and stores, and has now turned into a comprehensive nuclear base, into the biggest nuclear forward base in the Far East, which threatens peace and security in Asia and the rest of the world.

Immediately after the North and the South of Korea signed the "Joint Declaration on Denuclearization of the Korean Peninsula" in 1992, the US set out a policy to systematically undermine and abrogate the declaration, and did everything to obstruct the denuclearization process.

The US has made the DPRK-USA Joint Statement of June 1993 and the DPRK-USA Agreed Framework of October 1994 null and void. These agreements are the basis for the settlement of Nuclear issue on the Korean peninsula and the normalization of DPRK-US relations.

Having occupied Afghanistan under the pretext of “anti-terrorist war”, the US labeled the DPRK as a part of the “axis of evil”, a “terror-sponsor” and a “rogue state”, and listed it as a target of nuclear preemptive strike.

In October 2002, the US sent the special envoy of its president to Korea to give an ultimatum-like blackmail to the DPRK with regard to its so-called “worries”. Then, the US collaborated with the International Atomic Energy Agency to intensify the offensive of international pressure on the DPRK for its disarmament. On the other hand, the US unilaterally violated the DPRK-USA Agreed Framework by suspending the delivery of heavy oil to the DPRK.

Since the DPRK-USA Agreed Framework had been reduced to a scrap of paper by the US and the supreme interest of Korea had been jeopardized to the extreme, the DPRK took the self-defensive measure of withdrawing from the NPT to safeguard the sovereignty and dignity of the nation.

The US, however, labeled this self-defensive measure of the DPRK as a “violation” of the NPT and a “threat to international stability”. It even placed the issue on the agenda of the United Nations in a heinous attempt to internationalize the pressure on the DPRK. Openly clamouring about its nuclear preemptive strike against the DPRK, the US reviewed the plan to strike the DPRK “nuclear facilities” and drew up the “contingency operation plan 5027”.

Immediately following the Iraqi war, the US staged the joint military exercise “Foul Eagle” and the “war-time joint reinforcement exercise”, through which it tested its operation of attack on the DPRK nuclear facilities and verified the practical possibility of its “contingency plan”.

Recently, the three-way talks between the US, Japan and south Korea decided to take “supplementary measures” and “harder line”, including a “military alternative” toward the north.

The destruction of the DPRK-US Joint Declaration and the DPRK-US Agreed Framework and the pursuit of hostile policy to launch a nuclear preemptive strike on Korea, a nuclear-free nation, against the fundamentals of the NPT are a grave international crime. These acts violate the principles of international laws, including respect for sovereignty, territorial integrity, prevention of threat or use of force, peaceful settlement of disputes and sincere implementation of the treaty obligations.

## **12) Crime of Terrorism and Drug Trafficking**

After the end of the World War II, the US has terrorized many progressive forces in south Korea.

Startled by the mounting aspiration of the south Korean people for the establishment of an independent sovereign state and their growing opposition to US domination and interference, the US assassinated Ryo Un Hyong, leader of the People’s Party, in the broad daylight in July 1947. The next month, the US arrested and executed 13,769 anti-US figures and other patriotic people.

In June 1949, in particular, the US instructed An Du Hui to assassinate Kim Gu, leader of the Korean Independence Party, who stood for the withdrawal of US troops and inter-Korean negotiation for national reunification.

At the presidential election in south Korea on May 15, 1956, Jo Pong Am, leader of the Progressive Party won the support of the majority by putting up the programme of anti-imperialism, anti-fascism, peace and reunification. The US, then, intervened to fabricate the “incident of Progressive Party” and manipulated his murder.

In May 1956 when Sin Ik Hui, presidential candidate from the Democratic Party prevailed over Syngman Rhee in the election campaign, the US ordered him to be poisoned to death in the train 10 days before the election day. On March 15, 1960, the US murdered Jo Pyong Uk, presidential candidate from the Democratic Party, in the middle of operation at the US field hospital.

Frightened by the intensified movement for democratization of the south Korean society in 1979 – 1980, the US pulled the strings behind the assassination of Pak Jong Hui by the then director of the south Korean Central Intelligence Agency Kim Jae Gyu, and the establishment of Jon Du Hwan regime, which ruthlessly cracked down on the youth and students and other democratic forces.

The international law defines the planning, preparation, instigation or approval by a state of terrorist activities in the territory under another state's jurisdiction as a crime against human peace and security.

In particular, the International Convention of November 1937 on the prevention of terrorism and corresponding punishment defines assassination, murder and execution of progressive figures and people as terrorism and grave crime.

Employing internationally banned terrorism as a leverage for aggression against Korea and interference in the internal affairs of Korea, the US removed the anti-US figures and repressed the democratic forces on the Korean peninsula. This is a violation of the international laws relative to terrorism.

The US also committed the crime against international laws by manufacturing and spreading the use of internationally banned hallucinogen.

When the movement for democracy got momentum in south Korea, the US instigated the use of hallucinogen to suppress it.

In May 1980, when Kwangju Uprising broke out in south Korea, the US instructed the south Korean armed forces under its operational control to use hallucinogen and supplied it to them in huge amount so that they committed the fratricidal atrocities unprecedented in the nation's history. In this way, the US instigated the open use of hallucinogen, which had once been used in secret.

Afterwards, whenever the struggle of the south Korean people for withdrawal of US troops and democracy got more intensive, the US supplied the riot forces with hallucinogen before they went out to repress the people.

The US has also spread the use of drugs throughout south Korea, thus making a lot of Korean people mentally disabled.

The convention on the prevention of production and propagation of drug was concluded already in 1936. The United Nations also witnessed the conclusion of the convention on use of drug in 1961, the convention on the use of hallucinogen in 1971, and the convention on the prevention of illegal drug trafficking in 1988.

Nevertheless, the US produced and spread drugs and hallucinogen in south Korea, and thereby, flagrantly violated the international conventions which criminalized and banned illegal production, storage, export, import, procurement and sale of drugs and hallucinogen.

### **13) Crime against Korea's Reunification**

The US has persistently obstructed the reunification of Korea.

In May 1948, the US set up the Republic of Korea with Syngman Rhee as the "president" through forced separate election, against the unanimous will of the entire Korean nation. This is a crime which fixed the division of Korea into two different states in the north and the south.

Startled by the mounting desire of the south Korean people for peaceful reunification, the US pursued the "two Koreas policy" from the late 1960s with a purpose to perpetuate the division of Korea.

When the north and south of Korea made public on July 4, 1972 the Joint Statement on the principles of national reunification – independence, peaceful reunification and great national unity -

the US attempted to justify its permanent occupation of south Korea under the preposterous claim that the UN forces should not be considered to be foreign. Then, the US masterminded the announcement by the south Korean authorities on June 23, 1973 of the "special statement on foreign policy for peaceful reunification", in which they rejected the July 4 North-South Joint Statement.

In the latter half of the 1970s, the US attempted to gain the international recognition of "two Koreas" through "four-way talks".

When it failed to realize the "simultaneous admittance" of both north and south of Korea to the UN, the US instigated Great Britain, France, Japan, Canada, and other countries in March 1990 to form a "group for the promotion of south Korea's admittance to UN" and spread the "justification" for the south Korea's separate admittance to UN among the UN members.

Confronted with the danger of the Korean issue being addressed both unilaterally and unfairly in the United Nations owing to the moves of the US, the DPRK had no choice but to enter the United Nations with a view toward overcoming the existing difficulties and creating the international environment favourable for national reunification.

Afterwards, the US spread false propaganda throughout the world arguing that the admittance of both north and south of Korea to UN was the recognition of "two Koreas". On the other hand, it attempted to paint the false picture of "inter-state relations between the north and the south" by forming the "inter-Korean consultative council" mandated to address the inter-Korean relations in the United Nations.

When the historic June 15 North-South Joint Declaration was adopted in 2000, the US categorically rejected the declaration and made every possible attempt to prevent the south from joining hands with the north.

In particular, the Bush administration hindered the inter-Korean economic cooperation by persistently obstructing the delivery of electrical power, funds and others.

In addition, the US took issue with all matters of cooperation between the north and the south and hampered the process, clamouring that the time had past for the north to take without giving, and that no business group in south Korea could any longer give aid to the north.

All these examples attest to the fact that the US is the major obstacle to peace, reunification, security and prosperity on the Korean peninsula.

Articles 1 and 2 of UN Charter and Article 1 of the International Covenant on Economic, Social, and Cultural rights and other international norms stipulate that it is an inviolable right of a nation to establish a unified sovereign state and choose a socio-political system according to its own will.

The obstruction by the US of the reunification process on the Korean peninsula and its persistent pursuit of hostile Korea policy to perpetuate Korea's division is a violation of the UN Charter and the internationally recognized principles, including self-determination and non-interference in other's internal affairs.

#### **Sentence to Be Imposed on the US**

In light of the scope and brutality of the crimes, the US must take all forms of responsibility indicated in international laws – political, moral, penal and material – for the most serious crimes it has committed on the Korean peninsula since the end of the World War II.

In particular, since it is an internationally recognized principle that the statute of limitations is not applicable to the crimes against humanity, each of those who have committed these crimes must be held accountable for them and subject to the corresponding punishment.

**In keeping with these principles of international law, the International Joint Prosecution Team concludes that the accused can by no means avoid the responsibility for the division of Korea, and for the suffering and misfortune imposed upon the Korean people. Accordingly, we ask the International Joint Justice Team to take the following points into consideration in reaching its judgment:**

- **The US must fully recognize the gravity and criminality of the most brutal and barbarous acts of aggression, war and massacre it has committed for over 50 years on the Korean peninsula, make an official apology to the Korean people before all the world's peoples, and make full compensation for the mental, physical and material losses inflicted upon the Korean people.**
- **The US must take the full responsibility for 50-odd-year-long subversive acts, obstruction of the development of Korean nation through the country's division and the material loss incurred from the economic blockade and sanctions, and make full compensation and reparations for them.**
- **The US must institute an investigation committee in the US Congress for the thorough investigation into the crimes committed by the US troops in the war and all crimes committed against the Korean people for last 50-odd years, and open the findings to the world.**
- **The US must find all the leaders, organizers, instigators and accomplices, who planned, executed or supported the crimes on the Korean peninsula for the last 50-odd years, especially against the Korean people, and prosecute them for their crimes and violations of international humanitarian law.**
- **The US must immediately withdraw its troops from south Korea along with all its nuclear weapons, cease its interference in the internal affairs of Korea, and act affirmatively toward the realization of Korea's reunification.**