

Indictment for Offenses Committed by the Government of the United States of America against the People of Korea, 1945-2001

1. INTRODUCTION

The government of the United States of America, acting with the full knowledge, under the authority and at the direction of the Presidents of the United States and its principal officials, officers and agents charged with conducting foreign relations, military affairs, and foreign intelligence operations, identified as the accused, has since September 1945 continuously engaged in a course of conduct intended to deny sovereignty and independence to the people of Korea, to unnaturally divide them against their will, to destroy in major part the population, its social cohesion, economic productivity, health and culture and deprive Koreans of the recognized rights of all humanity in order to dominate and control the political, social, economic and cultural life of Koreans, subvert the laws and governments of Korea and corrupt its culture and use Korea for its own geopolitical ambitions and economic profit. The direct cost in lives of Koreans may exceed ten million, with many millions physically and emotionally injured. The criminal intervention of the United States and its occupying military forces has been the dominant fact in the life of every Korean for the past fifty-five years.

2. THE ACCUSED

The accused are every President of the United States beginning with Harry S. Truman in the early months of his presidency to George W. Bush, every Secretary of State from James F. Byrnes to Colin Powell, every Secretary of the Army from Henry L. Stinson, every Secretary of the Navy from James V. Forrestal, every Secretary of Defense from James V. Forrestal appointed secretary of Defense after creation of the department in July 1947 to Donald Rumsfeld, all the military service Secretaries of the Army, Navy and Air Force within the Department of Defense, all civilian U.S. foreign intelligence and military agency heads who participated in implementing U.S. policies toward Korea after September 1945 including every Director of the CIA from Hoyt Vandenberg after creation of the agency in June 1946, every Director of the National Security Agency, and every National Security Advisor to the President since the creation of those offices, all of whom participated in the unlawful policies of the U.S. government against Korea; all Chiefs of Staff from George C. Marshall in November 1945, all Chiefs of Staff for the military services, regional commanders of U.S. armed forces with units in Korea, or designated to patrol adjacent seas, or air space, and all commanders of units which participated in war crimes, or other crimes described in this indictment. Many individuals committed offenses while serving in different capacities at different times. It is recognized that President George V. Bush and the principal officials, officers and agents of his administration have not had sufficient time to effectively address and change U.S. policy and conduct toward Korea while serving in their present capacities. Their total conduct can only be judged at a later time.

3. THE BASIC CHARTERS, LAWS AND FUNDAMENTAL RIGHTS VIOLATED

The acts of the United States government and its agents violated the most fundamental charters, covenants, treaties and principles of international law, the laws of the United States, the laws of Korea and the laws of other nations forced to provide bases, support and military personnel for United States actions against Korea.

A. Even before the charter of the United Nations came in to force on October 24, 1945, the U.S. was violating its Commitment under the charter to end the scourge of war and the provisions of Article 2, Clause 4, Chapter VI, Pacific Settlement of Disputes and Chapter VII, Action With Respect To Threats To The Peace, Breaches Of The Peace And Acts Of Aggression, all approved by U.S. representatives months before in San Francisco.

B. With the U.S. actively drafting the terms of the charter of the Nuremberg Tribunal at the time, the U.S. planned and began a policy of committing within Korea in September of 1945, Crimes Against Peace, War Crimes and Crimes Against Humanity which the charter prohibits. Those crimes are defined in the Charter:

C. The U.S. has committed flagrant and frequent violations of:

- 1) The Hague Regulations of 1907 and particularly Articles 23 (a) and (e), 27, 46, 47, 52, 55 and 56.**
- 2) The Geneva Protocol of 1925.**
- 3) The Convention Relative to Treatment of prisoners of War of 1929 and 1949 (Geneva).**
- 4) The Convention Relative to the Protection of Civilians in Time of War of 1949 (Geneva).**
- 5) Protocol I Additional to the Geneva Conventions-1977 and particularly Articles 48, 51, 52 and 54. Starvation of Civilians as a Method of Warfare is prohibited Article protection of the Natural Environment.**

D. The U.S. Government has continuously violated customary international law as it existed in 1945 and has developed since.

E. The U.S. government has violated the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 over several lengthy periods of time by killing Koreans and inflicting conditions of life calculated to bring about the physical destruction of the Korean population in major part.

F. The U.S. government has committed flagrant and frequent violations of the rights of the Korean people protected by the Universal Declaration of Human Rights of 1948, the International Covenant of Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966.

G. The U.S. government has violated the UN Declaration on the inadmissibility of intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty (Non Intervention Declaration) 1965 UNGA Res. 2131 throughout its invasion and occupation of southern Korea. It has violated the UN Resolution on the definition of Aggression 1997 UNGA Res. 3314, and the Pact of Paris 1928, Art I and II by its continuing armed threats and harassment of the DPRK and occupation of the ROK.

H. In addition, the U.S. government as part of its policy and acts against the people of Korea has violated the laws of the Democratic People's Republic of Korea (DPRK), the Republic of Korea (ROK), the People's Republic of China, Japan, the nations which sent troops to Korea during 1950-1953, or provided material support, the United States of America and others.

4. THE CRIMES AND UNLAWFUL ACTS CHARGED

A. U.S. Crimes against the people of Korea are best examined when divided into three chronological periods.

1. First is the period between September 8, 1945 when U.S. troops landed at Inchon to June 25, 1950 when major continuous warfare between the US supported ROK and the DPRK broke out. Offenses in this period are primarily crimes against peace and crimes against humanity. The most harmful political offense was the artificial division of Korea at the 38th parallel and hermetic sealing of the north, which has almost completely separated families, friends, organizations, communications, trade and commerce, with disastrous social, economic and cultural consequences against the will of the vast majority of the Korean people who until that time were the most homogenous people on earth racially, culturally, ethnically and linguistically. Most divided families have not seen or talked with each other in 55 years. Offenses committed involved the systematic murder of masses of people in towns and villages thought to be communist, socialist or sympathetic to the people of northern Korea or the DPRK. There were widespread assassinations in cities and towns of individuals or groups considered leftist, including peasant and labor leaders, writers, editors, professors and intellectuals. There were large-scale arrests, torture, murders and deaths of prisoners held in cruel, inhumane and degrading conditions. Thousands of political prisoners died in prison, many hundreds spent thirty to forty years, or more, in prison. There were systematic cross demilitarized zone (DMZ) raids, shelling and assaults by aircraft and helicopters. This conduct was actively caused, supported and condoned by U.S. military and intelligence participation training and direction. Several hundred thousand Koreans died as a result of these crimes.

2. Second is the period from June 1950 until the end of major armed hostilities at the Armistice of July 27, 1953. Offenses in this period are characterized by war crimes. On the ground, U.S. forces and ROK forces with U.S. encouragement and training attacked and killed civilians in all parts of Korea. The recent public disclosure of deliberate attacks on civilians in the first days of the war at a place called No Gun-ri, illustrate the nature of many attacks from the ground and the air, cities, towns, and villages were devastated by artillery, aerial bombardment and fire which destroyed most buildings and dwellings in large communities. The use of illegal weapons, biological and chemical warfare created conditions of hunger, disease and sickness that killed large segments of the population.

It is estimated that 3,000,000 Korean civilians in the north and 500,000 in the south died from war related causes. The northern Koreans are estimated to have suffered 640,000 battle deaths in the military services and 400,000 non-combat deaths from disease and other causes directly attributed to the war. The southern Korean military is estimated to have had 70,000 battle deaths. The total estimated Korean civilian death toll related to the three-year war is 3,500,000 and Korean military deaths related to the war is 1,110,000 for a total of 4,610,000 Korean deaths according to the Encyclopedia Britannica 1967 edition, Vol.13, p.475.

3. The third period is from July 1953 until the present. The U.S. crimes during this period are primarily crimes against peace and crimes against humanity. They include thousands of skirmishes and raids against northern Korea's territory and shipping, and extreme repression in

southern Korea symbolized by the Kwangju Uprising of May 18, 1980. Thousands of deaths were caused by U.S. encouraged, supported and condoned violence by ROK military and police personnel. Economic interference by the U.S. and a devastating blockade calculated to create conditions to destroy a main part of the northern Korean population, radically reduce available food, medicines, health care and medical capacities causing widespread malnutrition, weakening of the population, increasing susceptibility to diseases, illnesses and epidemics. Chronic food shortages, hunger and periodic famine contribute to a reduced life expectancy of more than six years in the 1990's among children under 5 years of age from 27 per 1,000 live births to 48 per 1,000, or 77%, among infants from 14 to 22.5 per 1,000 live births or 60%. The percentage of the population with safe drinking water has dropped 30% in recent years. Vaccination coverage for diseases like polio and measles fell 40% between 1990 and 1997. Dysentery and vitamin deficiency are among many serious health problems for children. Per capita income in the north dropped from 991 per year in 1991 to 457 in 1999, about 5% of the per capita income in the south. All these figures were reported by A.P. on May 15, 2001. Over this period of 48 years, unlawful U.S. politics and actions have caused many hundreds of thousands of deaths in Korea leaving it to be one of the most isolated and impoverished nations as a result of external forces on earth.

B. Criminal and other unlawful acts of the United States Government include the following;

1. The United States government acted to divide Korea, its families, friends, society, trade and commerce and isolate and completely seal off the northern part from the southern part. Its purpose was to demonize northern Korea, create fear and hostility toward it in order to justify maintaining a large, dangerous, technologically advanced military presence on the Korean peninsula with nuclear capacity in order to dominate southern Korea, exhaust and impoverish northern Korea and confront the People's Republic of China, Japan and the U.S.S.R. with a major U.S. military force in easy striking distance of their territory.
2. The U.S. government has occupied southern Korea since 1945 and with major forces since 1950, demeaning and limiting its sovereignty, exploiting its economy, corrupting its culture and depriving it of reunification with Koreans in the north.
3. The U.S. created and supported a police state in southern Korea using it to eliminate nationalist patriots, peasants seeking land reform, communists, socialists and all elements sympathetic to Korean people in the DPRK, killing hundreds of thousands, and used its southern bases and surrogate Korean military to harass, antagonize and demonize northern Koreans and force them, after withdrawal of troops from the USSR, to exhaust resources through military expenditures which were far less than ROK and U.S. military expenditures for military preparedness and activity in Korea.
4. The U.S. government has acted at all times to provoke tension and threats between the ROK and the DPRK, opposing and disrupting any plans for peaceful reunification, or to achieve peace and stability in the region, seeking to strengthen the ROK and weaken the DPRK until it could achieve unification by force with southern Korea, stripped and purged of communist, socialist, and leftist elements, and subservient to the US political and economic interests with Korea of the north, too weak and debilitated to resist absorption of its people, resources, economy and the

eradication of its values, economic system and accomplishments.

5. The US trained, directed and supported the ROK in systematic murder, imprisonment, torture, surveillance, harassment and violations of human rights of the society generally and organizations believed to be communists, socialist or sympathetic to the DPRK or the PRC, or who sought peaceful reunification on a basis of equality, or wanted the removal of all US military elements in Korea and the region.

6. The US destroyed the peace keeping role of the United Nations by causing it to violate the UN Charter to authorize a criminal military assault with token participation of sixteen countries that had no quarrel with the DPRK, yet violated their laws and the UN Charter to support US aggression and US war crimes.

7. US military forces targeted and deliberately destroyed facilities essential to civilian life and economic production throughout northern Korea virtually leveling all major cities and towns with artillery, aerial bombardment and fire.

8. US military forces made civilians and civilian facilities the direct object of attack, killing hundreds of thousands of defenseless children, women and men, destroying civilian housing, commercial and business structures, schools, hospitals, churches, historical and cultural sites, markets, food stores and production facilities, water and electric power systems, communications and transportation facilities throughout northern Korea.

9. The US military deliberately bombed and attacked civilian facilities indiscriminately killing and injuring a defenseless population and destroying its essential facilities to destroy them in major part.

10. The US used prohibited weapons capable of mass and indiscriminate destruction including bacteriological, chemical and germ warfare, napalm and often incendiary bombs and devices to kill Koreans and destroy property.

11. The US military used excessive force, against Korean soldiers including incapacitated, wounded, unarmed, defenseless troops and military prisoners.

12. US military forces committed innumerable war crimes, crimes against peace, and crimes against humanity, against all the people of Korea that have been documented and described in part in a ??? page indictment prepared for independent attorneys in the north and south of Korea for presentation with this indictment entitled North South Joint indictment on US War Crimes in Korea which is incorporated in this indictment for all purposes.

13. The US waged war on the environment throughout northern Korea damaging all life, even deer, elk and other wild animals.

14. The US committed a range and magnitude of violent acts against northern Koreans calculated to destroy them in major part that was genocidal by intention, under law, and in effect.

15. The US government forced the imposition of severe economic sanctions on Korea, enforced

by blockade and coercion of other nations and states that were calculated to and did in fact impoverish and debilitate the people of northern Korea damaging the people of northern Korea, damaging the economy, depriving them of essential medicines, medical supplies, safe drinking water, food and other necessities, destroying their lives in major part, committing a genocidal crime against humanity.

16. The United States government, by imposing sanctions, a blockade, economic coercion on other nations and parties, undermined the health and endurance of the people of northern Korea, used the deprivation of food as a weapon, forcing hunger, malnutrition and starvation that took hundreds of thousands of lives.

17. The United States government for 55 years 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, including support for genocidal sanctions, to demonize and isolate the DPRK and northern Koreans, justify military occupation and repressive government in the south, destroy the Korean people in major part and obtain US geopolitical and economic goals in the region.

18. The US government has violated the Constitution of the United States, the delegation of powers over war and the military, the Bill of Rights, the UN Charter, international law and the laws of the ROK, DPRK, PRC, Japan and many others, in its lawless determination to exercise its will over the Korean peninsula, its people, resources and strategic position.

19. The United States government after 55 years, continues to this day to maintain a powerful US military force in Korea backed by nuclear weapons in violation of all law and against the will of the people of Korea and to present the reunification of the Korean people unnaturally by US force for more than half a century.