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ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

Written statement* submitted by the International Association of Democratic Lawyers,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 July 2003]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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'Forgotten War', 'Forgotten Victims' and 'Forgotten Crimes'

US Military Massacre of Korean Civilians during the Korean War (1950-1953)

The International Association of Democratic Lawyers (IADL), an organization in consultative status with ECOSOC, represented at UNESCO and UNICEF and with affiliates in over ninety-six countries along with Korea Truth Commission would like to draw your attention to the question of the right to retribution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms.

According to *Encyclopedia Britannica*'s 1967 edition, 3 million people died during the Korean War, a vast majority of them civilians. On June 13, 2000, *The Washington Post* reported that more than 2.5 million out of a total of 5 million casualties during the three-year war were civilians.

July 27th of this year marked the 50th anniversary of the Korean armistice and yet the Korean War still remains as the 'Forgotten War' to many people in South Korea and the United States. The suffering and pain of victims and their families—the 'Forgotten Victims'—are unanswered and unrecognized and the crimes that ranged from indiscriminate bombing and strafing of civilians, usage of weapons of mass destruction such as chemical and biological weapons remains as the 'Forgotten Crime'.

One of the important factors that contribute to this unfortunate legacy of the Korean War is the fact that these crimes were committed by the US military, thus directly raising the U.S.'s responsibility and accountability to these war crimes.

As a client government to the United States, South Korean governments did not have power or will to question the United State's responsibility on this issue. Instead South Korean governments had been operating virtually under a state of occupation, stipulated by the Status of Forces Agreement with the U.S.-all the while in the presence of 37,000 U.S. troops and over several dozens of U.S. military bases.

This de facto lopsidedness of South Korea-US relations severely undermined the national sovereignty of South Korea and further compromised the rights of its people particularly of the victims of the US military massacres during the Korean War.

A series of South Korean civilian and military dictatorships following the war systematically brutalized the people who were telling the truth, accusing them of being communist sympathizers. They feared this truth telling would expose the US military's massacre of civilians. With anti-communism as a matter of top national policy, they used the Anti-Communism Law and later the National Security Law in the ideological witch hunt and muzzled any voice of dissent against either the dictatorship or US war crimes.

The threat of death, torture and disappearance forcibly silenced US war crimes victims making these tragic events which occurred 50 years ago largely remain in darkness.

For these victims of US war crimes who have experienced persecution and fear, silence is not at all surprising when you consider the history of truth telling. When South Korea's Syngman Rhee dictatorship was toppled by mass student demonstrations on April 19, 1960, a temporary political open space was created throughout South Korea, where thousands and thousands of people began to speak about the atrocities they suffered at the hands of the U.S. military during the Korean War.

This flurry of truth-telling was brought to a halt when the US-backed military coup by a South Korean general named Park Chung Hee took place on May 16, 1961. Hundreds of people involved in the truth telling were tortured, jailed and some were killed by this new military dictatorship which didn't want to ruffle the feathers of the US military.

Memorials and monuments people erected to commemorate the dead were pulled down. Testimonies and records were destroyed. This brutal suppression sent a chilling message to those who dared to speak about U.S. war crimes. Those who spoke about U.S. war crimes were considered communist sympathizers who were creating a social disorder that would aid the North Korean communist regime.

Only the officially recognized version of the Korean War was allowed under the South Korean military dictatorships; anyone expressing otherwise was severely punished or executed. Such state suppression, incarceration, threat and torture forcibly silenced the victims.

During and after the Korean War Holocaust, state-sponsored persecution against the 'reds' and their families was so thoroughly executed and complete, it was not uncommon for families of these 'reds' to erase the 'subversive's' name from family records and thus from their memory. With institutionalized social and political discrimination against these families and against anyone who raised the voice about the US war crimes people fell to collective amnesia and lived with *Han*, a Korean term for long, suppressed grief.

Their half century long suffering finally was heard on September of 1999, when the Associated Press wrote a Pulitzer Prize winning article and began a series of articles based on a thorough investigation of a massacre that took place at the South Korean village of No Gun Ri in July of 1950.

Hundreds of villagers were pinned beneath a bridge for the duration of three days as U.S. military forces strafed them from aircraft, mowed them down with machine gun fire and fired mortars at them. It is estimated that some 400 civilians, mostly women, children and elderly, were massacred.

The AP articles carried not only testimony from Korean survivors and witnesses, but also from U.S. veterans of the Korean War who said they had taken part in the killings.

Previously classified documents located by AP reporters indicated that these were carried out under orders and with the full knowledge of their commanders.

The No Gun Ri massacre is now called the Korean May Lai because it is so similar to the U.S. military massacre at My Lai, in Vietnam.

Outpouring of public pressure pressed US and South Korea to hold investigation on the No Gun Ri massacre. However the US-South Korea joint investigation produced very disappointing reports, basically claiming that this was an isolated action of inexperienced individual soldiers who were inadequately trained.

The former U.S. President Clinton acknowledged that it did happen but he did not offer an apology instead he expressed "regret." And further, the US government decided to ignore the issue of reparation for the No Gun Ri victims and all other massacre victims.

Thus no action has been taken so far both in South Korea and in the US to bring healing and peace to these victims.

Recently, from years of struggle for democracy, freedom and self determination in South Korea, more political space has been opened. This situation coupled with positive steps taken toward peace and reunification between North and South Korea, has meant that these victims, their families and other witnesses of these war crimes now feel somewhat less fearful to tell their stories.

To represent these powerless and voiceless victims of US war crimes, the Korea Truth Commission on U.S. military massacres of civilians was established to systematically investigate, document and disclose the details of these mass killings of civilian villagers and refugees. Thus far, over 100 sites of massacres are identified in the southern part of Korea alone and much more in the northern part.

As part of the investigation, international delegations have visited massacre sites and heard the stories of people who were strafed by U.S. planes when they were children, people who managed to survive but who saw their mothers, fathers and neighbors mowed down - sometimes by the hundreds-as they waved their white flags to indicate they were civilians and not the enemy.

The International Association of Democratic Lawyers urges the Sub-Commission on the Promotion and Protection of Human Rights to:

- Recognize the grave human rights violation by the US military by adopting a resolution condemning these violations and calling upon the UN to investigate war crimes and their use of weapons of mass destructions in South and North Korea.
- Recommend the US government to publicly apologize to these victims.
- Urge the US government to immediately process reparation for these victims.

*At the onset of the Korean War the fact-finding delegation was dispatched by the International Democratic Lawyers Association, the Women's International Democratic Federation, and the International Scientific Commission on Biological Warfare in Korea and China. The commission reports from these fact-finding delegations are filled with eyewitness accounts of horrific civilian massacres and evidence that implicated the use of biological and chemical weapons, in direct contravention to the treaties signed in the Geneva Conventions of 1949.

*Submitted to the Sub-Commission Report and the documentary video, Korea International War Crimes Tribunal, June 23, 2001, New York, USA
