



75 Years of Silence

The Continuing Need for Acknowledgment,
Accountability, and Reconciliation between the
United States and the Korean People

Difficult Conversations Clinic



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75 Years of Silence: The Continuing Need for Acknowledgment, Accountability and Reconciliation between the United States and the Korean People

A report by the Difficult Conversations Clinic at Seoul National University School of Law, the Jeju 4·3 Peace Foundation, and the University Network for Human Rights

Authored by Stephan Sonnenberg, Youjoung (Yuna) Kim, David Miller, Young-Kwan Ban, Alexandra Son and Kaori Sakurai

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¹ All names have been anonymized, unless the person is a well-known public figure. “Halmeonim” (할머니) is the honorific form of ‘grandmother’, referring to a respected elderly woman, and “Harabeonim” (할아버님) is the equivalent term for a respected elderly man.

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Introduction

This report seeks to build on the framework developed in the report submitted to the United Nations (UN) Human Rights Council by UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Prof. Fabian Salvioli, on September 13, 2023.² In that report, Prof. Salvioli surveys the main affronts to human rights and human dignity that occurred in Korea during the 20th century, and subsequently examined and critiqued efforts by the South Korean government (*also* “ROK”) to bring some degree of solace and long-overdue justice to the victims and survivors of extremely grave acts of human rights abuse.

Despite significant advances made, those initiatives remain a work in progress, necessitating continued commitment from the South Korean government to reach a just conclusion. Victims of state-sponsored violence in Korea still desire more comprehensive action from their government to address historical grievances. Specifically, they demand that the full scope of their injuries be recognized, and that good-faith mechanisms be put in place to allow all families affected by this violence to honor and mourn the loss of their loved ones, and claim due compensation for the suffering their families have had to endure.

This report responds to Prof. Salvioli’s call for “authorities in third countries involved in serious violations of human rights and humanitarian law against Korean victims, including [...] the United States, [to] adopt measures necessary, within their respective responsibilities, to provide truth, including full access to national records and archives, justice and reparation, including acknowledgement and apology, to victims and to place them at the centre of all negotiations and decisions affecting them.” (Salvioli, 2023:19).

Our report emphasizes the centrality of the United States’ involvement in many of the atrocities highlighted in Prof. Salvioli’s analysis. We also highlight the role and the opportunity for the United Nations to join the list of third parties that can play a significant and constructive role supporting efforts to promote truth-telling, justice, reparations and secure guarantees of non-recurrence in Korea, above and beyond the important work already being done at the Human Rights Council.

There is abundant evidence of grievous wrongdoing by the United States and its agents on the Korean Peninsula. As a result of South Korea’s democratization and liberalization since the late 1980s, victims and their surviving families in recent decades have become more emboldened to share

² U.N. HRC, 54th Sess., Agenda Item 3, U.N. Doc A/HRC/54/24/Add.1 (July 6, 2023), available from <https://digitallibrary.un.org/record/4016873>.

their experiences with historians and human rights activists. Documents and evidence gathered from communities around Korea reveal a massive campaign by the U.S. military and their South Korean allies, beginning in 1945 and lasting well into the 1980s,³ to hunt and kill guerrillas and communist sympathizers across South Korea, often causing wanton casualties among civilian populations. Civilians were frequently the intended targets of such operations. Many instances of the violence targeting civilians were committed either directly by U.S. government agents or carried out by South Korean officials with the full endorsement and operational and financial support of the U.S. authorities. These acts were unconscionable, and caused immeasurable suffering for countless Korean families and communities.

This report explores the perspectives of victims and their surviving family members,

who continue to live with the consequences of this violence. The report highlights what these families believe must be done today, decades after the original atrocities took place, to see that justice finally be done for these communities. Many of the victims with whom we spoke were focusing their energies on ensuring that such heinous acts never happen again, not only in Korea but anywhere in the world. Regrettably, the United States has not appropriately responded to the repeated calls by victimized communities, civil society activists, academics, and historians to accept its ethical, legal, and financial obligations towards the individuals and communities devastated by its unlawful actions.

As a nation and a staunch ally to the Korean people, it is paramount for the U.S. to address its past wrongdoings and take long-overdue steps toward accountability, remediation, and reconciliation.

Sources & Methodology

This report has been co-authored by a diverse group of scholars, students, historians, researchers, and activists, each of us with unique perspectives on these issues. The project grew out of an earlier collaboration between the Difficult

Conversations Clinic at Seoul National University and the Dong-Gu Local Authority in Daejeon, which had asked the clinic to produce a study of “best practices” on the memorialization of anti-civilian atrocities.⁴ During the consultations for that project, the

³ Our report focuses on anti-civilian violence that took place between 1945 and 1954, the year after an armistice agreement had brought the active fighting of the Korean War mostly to an end, and the year in which the anti-communist violence on Jeju island also finally came to an end. Anti-communist operations in South Korea continued, however, often in lower-level forms, including ousting anyone suspected of left-leaning tendencies from government and university positions, and a continuing effort to arrest and detain political dissidents. There were also several instances of violence against students, notably the 1980 massacre

of students and labor unionists in Gwangju (South Jeolla region). Our report also focuses on a different type of anti-civilian violence directed at vulnerable sex workers recruited into debt bondage to work around US military camps, which targeted victims not on the basis of their ideological convictions but rather based on their gender and socio-economic status.

⁴ Stephan Sonnenberg (2022) Good Practices in Memorial & Museum Design in Situations Commemorating Mass Atrocities and Other Historical Traumas, Difficult Conversations Clinic at Seoul National University School of Law.

following question arose: how should the curators of a museum being built in Daejeon commemorate the massacres at Golyung-Gol (described below) address the involvement of the United States military authorities in the overall narrative of the memorial? This question, which remains politically controversial and unresolved to this day, served as the point of departure for this project.

Focusing initially on victims and survivors of wartime atrocities in the Daejeon area (including No Gun Ri, Cheongju, Gongju, and Asan), the SNU Difficult Conversations Clinic partnered with the University Network for Human Rights and various non-profit groups in the Daejeon area, including the Bereaved Family Members Association in each of the referenced locations and the Peace and Unification Education and Culture Center. After dozens of consultations with scholars and activists active in this field, we later expanded the scope of our research to include Jeju island, where we began working closely with the Jeju 4·3 Peace Foundation. We later expanded the scope of our research yet further to include the period after 1953, and specifically a massive system set up and maintained with the full complicity of Korean and U.S. government officials, in which Korean women were coerced into indentured sexual servitude to “service” U.S. soldiers around military bases.

Each episode, while contextually distinct, points to a consistent disregard for the well-being and basic human rights of the Korean people whom the U.S. forces were

purportedly protecting. While many of these instances happened decades ago, the memories of these atrocities still linger in the memories of countless families and communities across Korea.

In each location, we sought to interview direct survivors and family members of those killed or harmed in one of the atrocities described below. In total, we conducted interviews with 21 survivors, who spoke to us of at least six different massacres. We asked survivors and their family members what expectations they had for justice to be done, and also who or what actors they believed to be most responsible for taking those remedial actions. We also spoke with 23 historians and activists with extensive expertise in these issues. This report is built on the foundation of what those victims, survivors, and experts generously shared with us. It combines their impressions with the existing body of secondary sources available in both the Korean and English languages, demonstrating that the stories we heard were not unusual, but rather representative of the traumatic experiences suffered by hundreds of thousands of families across Korea during the 20th century.

The background of the page is an abstract, textured gradient. On the left side, there is a vertical band of yellow and light green, which transitions into a dark blue and black area on the right. The overall effect is a soft, painterly transition between these colors.

**Korean History and US
Geopolitical Opportunism An
Underexplored (and Critical)
Perspective**

Korean History and U.S. Geopolitical Opportunism

This report serves as a concise resource tailored for policymakers. This format necessitates brevity while also referring to sources that more thoroughly chronicle Korea's tumultuous 20th century history. A compilation of these valuable works can be found in the bibliography.

Present-day Korea, renowned for its technological progress, corporate titans, globally recognized popular culture, and increasingly influential foreign policy, stands

in stark contrast to the decades of national suffering, oppression, and violence that characterized a significant portion of its 20th century history. The following section provides a brief survey of Korea throughout the last century. While this overview provides only the broad contours of this history, it is enough to illuminate the deeply troubling role of the United States in Korea. The historical narrative is divided into periods, each highlighting a discrete phase of Korea's historical experience.

1905 – 1945: Japanese Suzerainty and Annexation

At the turn of the 20th century, the world's preeminent colonial powers in Europe, North America, and Asia set their sights on East Asia and the Pacific, seeking to carve out spheres of influence and control. This led to a scramble for territories, including trading ports in present-day China, Sakhalin Island, various Pacific Islands nations, the Philippines, and Korea. Competing to divide the northeast Asian territories, either by conquest or imperial maneuvering, were Imperial China, Japan, Russia, the United States, and various European colonial empires.

In 1904, Japan attacked the Russian Empire, seeking to prevent the expansion of Russian influence in Manchuria and Korea. The ensuing Russo-Japanese War (1904-05) triggered a series of consequential events for the Korean people. To reach Manchuria by

land, Japanese troops crossed through the Korean peninsula. After the conclusion of the Russo-Japanese War, the Japanese troops simply never left the Korean peninsula, having secured their control over Korea as one of the terms in a peace agreement brokered by the United States.

At first, Japan took control only over Korea's foreign policy. Soon, however, their imperial efforts penetrated into more and more facets of Korean life, seeking not only to control the way Korea is governed, but also the way the Korean people see and understand themselves as a people. This action was rationalized to then U.S. Secretary of War William Howard Taft on the premise that Korea might otherwise resume its "improvident" relationships with other nations, notably Russia (Reid, 70, citing the text of a telegram sent by U.S. Secretary of

War William Taft to Secretary of State Elihu Root on July 29, 1905). Secretary Taft at the time calmly “admitted the justness” of Japan’s logic for forcibly eroding Korean sovereignty, and—after communicating the contents of the agreement to U.S. President Theodore Roosevelt—affirmed that the U.S. President also considered the Japanese position to be “absolutely correct” (Ruddy, 2016). This agreement remained secret until 1924 (Reid, 1940), but it directly informed the 1905 negotiations, which were taking place in the U.S. at the time, to bring the Russo-Japanese War formally to a close. During these negotiations, Japan was granted full control over Korea and took over Russia’s former interests in Manchuria (*Traité de Paix entre le Japon et la Russie*, 1905). Japanese control over Korea was further consolidated in 1910 after the complete annexation of Korea to Japan. The will of the Korean people played no role in these various processes.

Japan’s imperial rule over Korea entailed humiliation and suffering for millions of Korean citizens. The Japanese colonizers were unrelenting in their campaign to erase Korean culture and any sense of national sovereignty, while simultaneously imposing a second class citizenship status on Koreans vis-a-vis their Japanese colonizers. The indignities of this period of colonial occupation have been described at length elsewhere, and go beyond the scope of this report, which focuses on the United States and its actions in Korea.

The period of Japanese colonization in Korea is highly relevant, however, to understand the context of the indignities inflicted on the Korean people by the U.S. after the withdrawal of the Japanese. The 35-year period of Japanese militarism and colonial subjugation on the Korean peninsula came to a formal end with the unconditional surrender of the Japanese Emperor on August 15, 1945. World War II had finally come to an end, and with it 35 years of Japanese colonial exploitation and subjugation of the Korean Peninsula also dissipated. Many of the colonial methods of societal control that had originally been put in place by the Japanese colonial authorities, however, remained in place even after 1945.

One can therefore not fully understand the nature of U.S. human rights violations on the Korean peninsula without first understanding Korea’s colonial history and the United States’ tacit endorsement in the early 20th century of Japan’s colonial expansion. Even more problematic, from the Korean perspective, is the United States’ embrace of the most damaging vestiges of Japanese colonial rule once it assumed control over southern Korea in 1945. Geopolitically, the durability of Korea’s present-day resentment towards Japan—decades after the end of Japanese colonialism on the Korean peninsula—serves as an important cautionary tale for those interested in the maintenance of a strong U.S.-Korean relationship.

In recent years, it has become commonplace and politically legitimate in Korea to speak

openly and honestly about the profound wounds inflicted on the Korean Nation by Japanese colonialism. This surge in openness has manifested itself through the establishment of important national monuments and days of remembrance, and the publication of scores of books delving into this history.

A markedly different landscape characterizes the discussion of the distressing events that transpired after 1945. For nearly half a century, public discussions about the violence, oppression, and heavy-handed interventions that rocked Korea after 1945 remained subdued, often deemed too politically or strategically sensitive to address openly. There is a sense, palpable among some of the people whom we interviewed, that it would be discourteous or impolite to discuss these sensitive topics while the United States is still so present in Korea as a strategic ally of the South Korean government. Whenever

examples of U.S. historical violence against Korean civilians has surfaced in the past, the South Korean government has swiftly intervened to stifle any mention of American accountability, often assuming the burden of transitional justice for itself while carefully avoiding any suggestion that the United States should shoulder its fair share of the blame.

Only in recent years has a perceptible shift in attitude begun to unfold in Korea itself. Perhaps because of Korea's growing economic, cultural and political stature in the world, the silence concerning the United States' role in these atrocities is gradually lifting. This stands in stark contrast to the discourse in the United States, where these historical issues are rarely discussed or appreciated by the vast majority of the population, including those who care about human rights, and social justice, and historical accountability.

1945 – 1948: U.S. Occupation & Handover

Even prior to the end of the Second World War, the U.S. and its allies had been crafting plans for Korea's post-war trajectory. In November of 1943, "mindful of the enslavement of the people of Korea," U.S. President Franklin D. Roosevelt, Chiang Kai-Shek (leader of the Chinese Nationalists), and UK Prime Minister Winston Churchill made a commitment to secure Korea's freedom and independence "in due course," (Kim, 1988) by means of a transitional trusteeship arrangement. The proposal at

the time was for the Soviet Union, Chiang Kai-Shek's Chinese Nationalists, the United States, and the United Kingdom to jointly shepherd Korea towards sovereignty. As the War's end drew palpably more imminent in 1945, the United States began to elaborate that this transitional period of "international guidance" might last anywhere from five to twenty-five years (Matray, 1981).

By the summer of 1945, however, a distinct concern began to grip the US — an

apprehension regarding an impending global rivalry between the Soviet Union and the liberal democratic western allies. In anticipation of what would soon become the “Cold War,” the U.S. began to worry about what would happen should the Soviet Union regain a foothold in East Asia. Avoiding Soviet occupation of Korea and Manchuria hinged on bringing the war to a swift end before the Soviet Union, newly victorious against the German Nazis in the European theatre of World War II, could refocus its energies and involve itself in the Asian theatre of war as well. The U.S. counted on the deployment of its newly developed atom bomb to effectively bring the war to a close and avoid the need for Stalin to enter the war in Asia.

On August 6, the United States dropped a nuclear bomb on Hiroshima, causing an estimated 140,000 deaths. Two days later, Soviet forces entered Manchuria and northern Korea, a few weeks earlier than the U.S. had expected. The following day, the United States dropped a second nuclear bomb on Nagasaki, killing an estimated 74,000 and causing long-term damage to tens of thousands more. Realizing that the United States lacked sufficient military personnel to counterbalance the Soviet Union’s presence in Korea, the U.S. hastily drafted its “General Order Number One.” This directive contained the terms of Japanese surrender and instructed Japanese troops north of the 38th parallel to surrender to Soviet troops while those located south of

the demarcation line were told to wait to surrender to U.S. troops.

This hasty sequence of events laid the foundation for Korea’s post-war division, and the eventual installment of two competing Korean governments (Matray, 1981). The Korean people, once again, had next to no influence in these arrangements.

North of the 38th parallel, the Soviet Union entered Korea accompanied by a number of exiled Koreans. These Korean exiles immediately began organizing a Korean State modeled after the Soviet Union, which consolidated its control by February of 1946 by forming the People's Committee of North Korea.



FIGURE 1: August 16, 1945 – the Committee for the Preparation of Korean Independence, Lyuh Woon-Hyung speaking at the Seoul YMCA.

In the South, a center-left spectrum of nationalist and leftist politicians came together in August of 1945—before the American soldiers even arrived in Korea to receive the Japanese surrender—and organized the Committee for the Preparation of Korean Independence, led by Lyuh Woon-Hyung. This

Committee declared the formation of a sovereign Korean People’s Republic on September 6, 1945.

Any such aspirations of political autonomy or independence were quashed, however, when the U.S. troops finally arrived in Incheon two days later. The American authorities established the United States Army Military Government in Korea (USAMGIK) and determined that it should be

“the only lawful government in Korea south of the thirty-eighth parallel” (Kim, 1988:62). Confronted with the unwelcome reality of a democratic political consolidation already well underway, Lt. Gen. John R. Hodge, Commanding General of U.S. forces in Korea, insisted that the Korean People’s Republic should be treated as merely a political party. The USAMGIK later allied itself with the few right-wing politicians who had boycotted the formation of the Korean People’s Republic to form the Korean Democratic Party (Kim, 1988). Lyuh Woon-Hyung boycotted the USAMGIK effort to govern southern Korea as a trusteeship, noting that they had “reverse[d] the fact of who is guest and who is host in Korea.” (Cumings, 1981:147). But the United States insisted that complete sovereignty for Korea would have to be deferred until 1948. The United Nations created a temporary commission to “observe elections, to advise elected Korean representatives on the establishment of a national government, and to advise the



FIGURE 2: Anti-trusteeship movement protest, December 1945

national government in making those arrangements necessary [to achieve] Korean independence.” (Kim, 1988:74).

The Korean people were understandably frustrated by this renewed period of deferred sovereignty. In 1946, frustration led to open protest. The U.S. and its Korean allies in the Korean Democratic Party (which by then was led by South Korea’s future first President, Mr. Syngman Rhee) interpreted these demonstrations as indicators of communist agitation in Korea, and took increasingly stringent anti-communist measures. Historical research in subsequent years has shown that these protests may well have been animated by the

incompetence and apathy of the American military administrators rather than any genuine leftist-revolutionary sentiment, even though the U.S. and its Korean allies took them as evidence of an-existential Communist threat to the nascent South Korean nation (Moon, 2020, Cumings, 1981).

1947 – 1954: State-Sponsored Violence Against Suspected Leftists and Communists

For Korean activists and politicians south of the 38th parallel, the period after 1945 presented a golden opportunity to openly discuss the future of an *independent* Korean nation after 35 years of colonial oppression

and war. Stifling this nascent process of Korean political consolidation was the United States military government, whose main concern was to limit the spread of Communism at all costs. The U.S. placed

value in South Korea's strategic value as a buffer and deterrent to Soviet ideological influence, military power, and economic expansionism. For those in the South Korean state seeking to curry favor with the United States, matching or exceeding the United States' anti-communist fervor became paramount.

This preoccupation resulted in a series of intensifying anti-communist purges and harassment campaigns that many historians consider to be the actual start of the Korean War (Millett, 2005, Cumings, 1981, Cumings, 1990). Syngman Rhee and his government systematically apprehended communists and suspected leftists, subjecting them to torment, brutality, and death on a massive scale. One estimate found that between 1945 and the invasion of the North Korean troops in 1950, over 100,000 Koreans had already been killed in South Korea and about 20,000 suspected communists were languishing in jail (Kim, 2004). These roundups often took place with the active collaboration and coordination of U.S. troops.

Jeju island was perhaps the testing ground for this new and gruesome chapter of violence engulfing southern Korea at the

time. Separated by a sixty-mile stretch of open water from the Korean mainland, Jeju has long nurtured a sense of uniqueness that sets it apart from the rest of Korea. Jeju islanders maintain a distinct language, parts of which are incomprehensible to mainland Koreans, and cultivate a distinct set of cultural practices.

The American military arrived in Jeju almost three months after the Japanese surrender. In the interim, numerous so-called 'people's

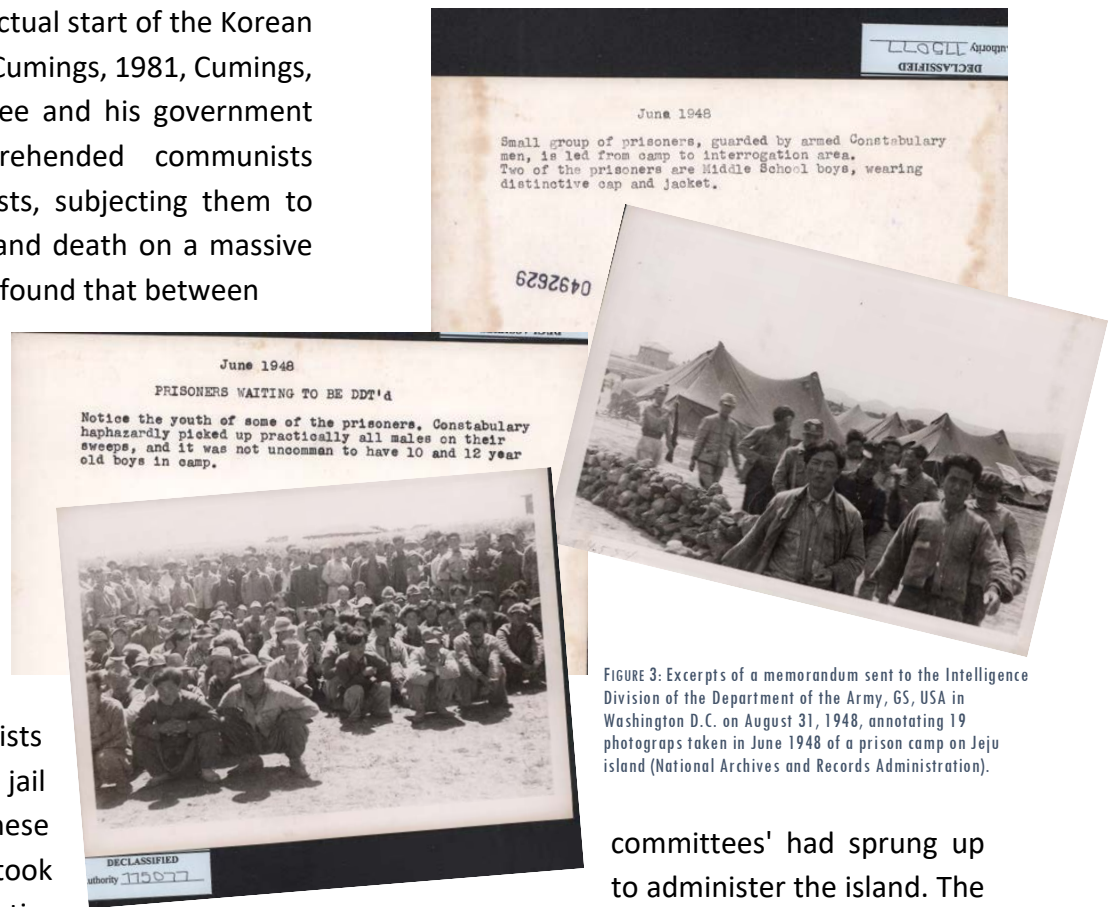


FIGURE 3: Excerpts of a memorandum sent to the Intelligence Division of the Department of the Army, GS, USA in Washington D.C. on August 31, 1948, annotating 19 photographs taken in June 1948 of a prison camp on Jeju island (National Archives and Records Administration).

committees' had sprung up to administer the island. The U.S. military government initially supported these people's committees, until it became clear that many Jeju islanders were skeptical of attempts to permanently divide the Korean peninsula. Consequently, they strongly opposed efforts in 1948 to organize

elections, under UN oversight, that would almost certainly lead to the establishment of the Republic of Korea and the long-term division of the Korean peninsula.

When Jeju islanders staged an uprising to boycott the election, ROK authorities, under the direct supervision and at the specific behest of U.S. military authorities (Kim, 2021; Heo, 2023), carried out a series of brutal attacks on Jeju civilians.

These attacks were well-documented in contemporaneous U.S. official records. A U.S. Army intelligence report written on April 1, 1949 detailed a “program of mass slaughter among civilians” being carried out by Korean troops on the island (Jeju 4·3 Incident Investigation Report, 2003, 2014). That cable was sent a mere four years after the world recoiled in horror at the Nazis’ atrocities on the European continent, and the year after the world’s diplomats celebrated the opening of the Genocide Convention for signatures and the solemn proclamation, by none other than Eleanor Roosevelt herself, of the Universal Declaration of Human Rights. Given the rapid promulgation of such new norms in 1948, one might have assumed that U.S. government officials would have raised concerns about reports of such blatant atrocities unfolding in Jeju under their watch. Not only should it have been obviously unconscionable to look the other way while troops of an allied nation openly slaughtered civilians en masse, but it should have been doubly troubling given

that the U.S. retained full operational command over all military and police units in Korea. In other words, the U.S. was fully and unambiguously responsible for these atrocities.

The U.S. response, however, was starkly at odds with any such considerations. Brig. Gen. William Roberts, director of the U.S. Provisional Military Advisory Group, wrote a letter to the Korean Defense Ministry suggesting that the Commander of the Regiment that carried out these massacres be “highly commended on his accomplishment” (Heo, 2023). When the violence in Jeju finally subsided in 1954, an estimated 30,000 islanders, or approximately 10% of the island’s population, had been killed (Jeju 4·3 Incident Investigation Report, 2003, 2014).



FIGURE 4: Eleanor Roosevelt inspecting the Universal Declaration of Human Rights (November 1949)

The patterns of repression and anti-civilian atrocities that first surfaced in Jeju soon spread to the rest of mainland (South) Korea.

In 1948, a military regiment in Yeosu city in southeastern Korea (Jeolla Province) refused to comply with an order mandating their deployment to Jeju to assist in the suppression of Jeju islanders. Their rebellion was soon joined by numerous civilians from Yeosu and other nearby cities. Facing a political challenge only two months after the 1948 election, President Rhee dispatched a

staggering six of the total 15 regiments under his command to crush the Yeosu-Suncheon uprising. The ensuing campaign was brutal and indiscriminate, claiming the lives of at least 3,200 victims (Yoo, 2021 & KBS, 2022).

1950 – 1953: Korean War (Active Hostilities)

These early uprisings served as pretext for the Rhee government to pass a “National Security Law,” which was then increasingly used across South Korea to persecute anyone with suspected leftist or communist tendencies, often on the thinnest of circumstantial evidence or no evidence at all. This violence turned into a bloodbath during the early days of the Korean War.

Prior to the war, leftists or suspected leftists (including many individuals with no political leanings whatsoever) were invited to join the so-called National Bodo-League: ostensibly a nationwide group designed to reform and reintegrate former leftists back into society. Membership drives for the National Bodo-League had been subject to minimum quotas of members recruited by district, and many members were coerced to join, regardless of their ideological inclinations. Several victims with whom we spoke told us that their parents or loved ones had been induced to sign papers

they did not understand, committing them to join the ranks of the Bodo-League, in exchange for material items like shoes or rice.

In the early days of the Korean war, the authorities used these membership lists to carry out a brutally efficient mass execution campaign that spanned the entire nation, affecting between 100,000 to 300,000 people. Korean army and constabulary

police units executed political prisoners as well as numerous villagers who got caught up in the melee, often the victims of petty score-settling or minor business disputes. Victims were rounded up and taken in trucks to anywhere between 150 to 500 massacre sites across the nation, usually without even the facade of a trial. As one scholar put it, this was not “conflict on a small scale. Nor did [these massacres] have a smaller death toll than many battles in the Korean War.” (Kim, 2020). The intent behind this violence was to “imprint[] in people’s minds [...] that opposing the system would bring gruesome

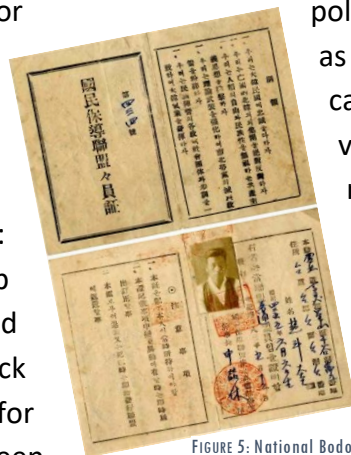


FIGURE 5: National Bodo League member identity card

death.” (Woo & Kim, 2018). Such indiscriminate violence was at odds with the image of a supposedly rights-respecting democratic South Korea that the United States professed to support in the global Cold War against communism and illiberalism.

Although most or all of these killings were carried out by Korean military, paramilitary, or police units, the U.S. was actively involved behind the scenes. Bruce Cumings describes how the forces tasked with rooting out communists were “incomparably better armed,” and likely under the direct command of U.S. military advisors, and that “American-supplied planes, ships, and heavy weapons were used, especially along the coast from Pusan to Uljin” (Cumings, 1990:404-5). Such involvement again underscores the clear lines of authority and accountability leading directly from these atrocities to the United States government.



FIGURE 6: Prisoners on the Ground Just Prior to their Execution (Photo taken by US Army Major Abbott)

The more commonly recognized outbreak of the Korean War was on June 25, 1950. On that day, North Korean troops staged an attack⁵ across the 38th parallel towards Seoul. Within days, the capital of South Korea had fallen, leading to the retreat of South Korean troops and the government toward the South. On the suspicion that recently released political detainees might join the ranks of the North Korean army, South Korean authorities began summarily



FIGURE 7: South Korean Military and Police Units Prepare Prisoners for Execution in Daejeon (July 1950)

executing a substantial number of them. In Daejeon, which temporarily served as the interim capital of South Korea after the fall of Seoul, police and military units between June 28 and July 17 executed between 3,000 and 7,000 prisoners in the Sannae Valley on the outskirts of the city (Jeon, 2023). Villagers recall muttering to one another that they might be taken to “Sannae” as a reminder to be careful of one’s words in public (Baek 2021).

⁵ Whether the attack was truly a “surprise,” which is the standard narrative about the Korean War, is still a hotly contested issue

and beyond the scope of this analysis. See Cumings, 1990:568-621.

Strikingly, U.S. military observers were present to witness and carefully document several of these massacres, not only in Daejeon but also in other locations (Hanley & Chang, 2008; Harden, 2017). Photographs



FIGURE 8: U.S. military and embassy officials were sometimes invited to watch and photograph secret mass executions of suspected enemies of the Republic of South Korea by members of the ROK National Police and ROK Army. This photograph at an execution site about 10 miles from Seoul on April 14, 1950, shows U.S. Army Lt. Bob E. Edwards (left), a military attache at the US Embassy in Seoul, and Donald Nichols (right, in civilian suit), a U.S. Air Force intelligence officer, and an unidentified third American in military uniform (middle).

of those killings, taken at close range, were sent up the military chain of command and eventually landed on General MacArthur's desk in Tokyo, where they were stamped as confidential and then concealed. The Associated Press, after conducting a detailed investigation into the extent to which U.S. authorities at the highest level were informed about these massacres, described the U.S. attitude as "equivocal," noting that MacArthur's command viewed the killings as a South Korean "internal matter" and had "refrained from taking any action." (Hanley & Chang, 2008). Instead, the U.S. began a campaign to actively cover up for the massacre and attribute the killings to the North Koreans, a narrative famously vocalized by Humphrey Bogart in the 1950 U.S. propaganda film called "The Crime of

Korea," in which he vowed one day to get to the bottom of this terrible atrocity (Cumings, 2011).

The massacres in Daejeon commenced three days after the UN Security Council had declared the North Korean invasion of the South a violation of Chapter VII of the UN Charter (S/RES/82, 1950), and one day after the Security Council recommended that UN Member nations provide troops in defense of South Korea's territorial



FIGURE 9: Original Caption Reads: "United Nations Flag Goes to Far East: on July 7, 1950, in the presence of Ambassador Arne Sunde (right) of Norway, the President of the Security Council for the month of July, Mr. Trygve Lie (center), UN Secretary-General, presents to Ambassador Warren Austin (left), Permanent Representative of the United States to the United Nations a flag which was used by the UN Mediator in Palestine. Now, it will be sent to the Commander-in-chief of the unified forces acting on behalf of the United Nations, to be flown at their headquarters until peace is re-established in Korea.

integrity (S/RES/83, 1950). Throughout this period, the U.S. retained operational command over South Korean troops and police, and had already authorized the deployment of additional U.S. troops to South Korea. On July 7, the UN Security Council vested full operational command over all UN Peacekeeping (or rather peace

“enforcing”⁶) troops to the U.S., and granted permission for the U.S. “at its discretion to use the United Nations flag in the course of operations against North Korean forces.” (UN S/RES/84, 1950).

From that day forward, the war against North Korea was conducted by the United States under the United Nations flag. In those early days of the UN, the UN flag could only be used in a way that was consistent with the “dignity” of that emblem (UN GA/167(ii), 1947) and only to “further its principles and purposes.” (United Nations Flag Code, 1947). In late July, the UN Security Council additionally requested of the United States to “exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea,” and to “establish [. . . .] the procedures for providing such relief and support.” (UN S/RES/85)

Far from providing such relief to the civilian population or acting consistently with UN principles, the United States demonstrated a remarkable disregard for the lives of Korean civilians. In No Gun Ri, for instance, a small village located approximately 40 km east of Daejeon, retreating U.S. soldiers massacred (according to survivors’ claims) approximately 400 civilian women, children and aging villagers in an horrific spectacle of butchery spanning three full days. U.S. soldiers set up machine guns and ruthlessly opened fire on villagers previously instructed by a different group of U.S. soldiers to evacuate their village and head south. Comparable scenes of atrocity unfolded across Korea, often in the form of aerial bombardments of obviously civilian targets, such as train stations or lines of refugees clad in white marching along country roads.

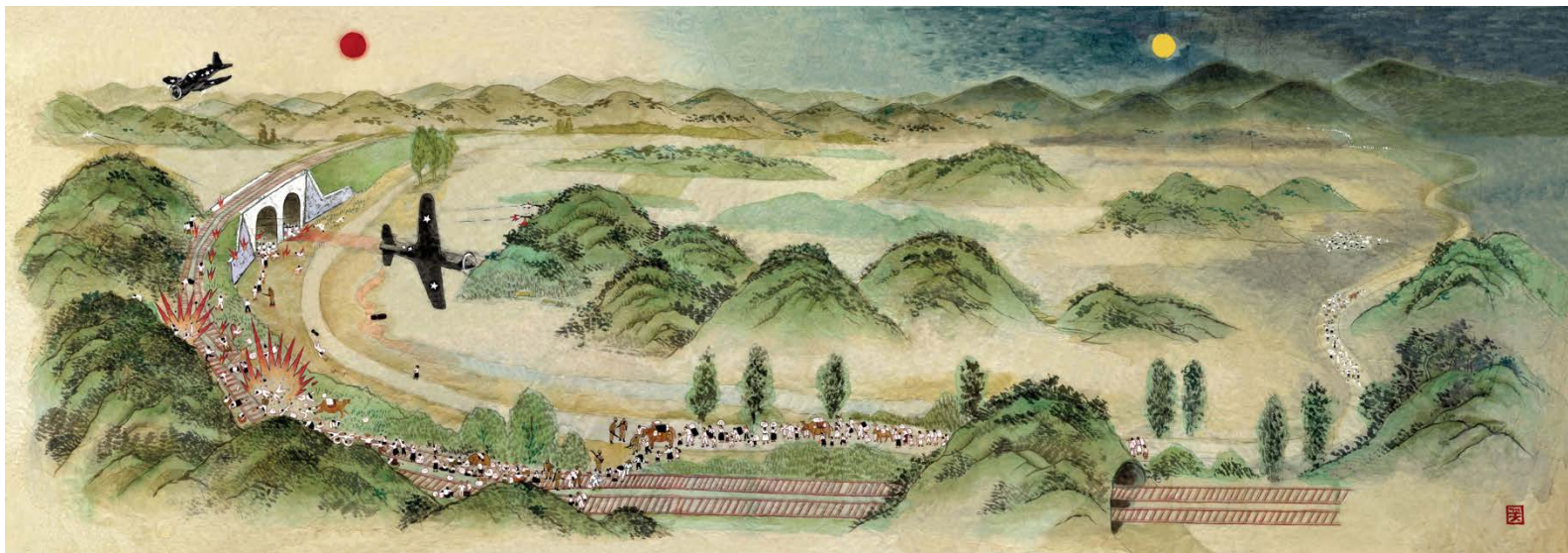


FIGURE 10: Depiction of the incident at No Gun Ri, painted by Park Geongwoong in his cartoon ‘No Gun Ri Story’

⁶ Although this terminology only emerged in more recent decades, the operation in Korea would properly be described as a peace enforcement operation, since troops were authorized to

actively fight a war subsequent to a UN Security Council mandate. See UN Peacekeeping Operations Principles and Guidelines, 2008.

A July 26, 1950 order clarifies that these atrocities were a matter of official policy, and not merely the byproduct of a lamentable ‘fog of war,’ as is often claimed by those seeking to suppress talk of US culpability. The very day that the No Gun Ri killings began, John C. Muccio, the U.S. Ambassador to Seoul, informed Assistant Secretary of State Dean Rusk of a decision made the night before that “If refugees do appear from north of U.S. lines they will receive warning shots, and if they then persist in advancing they will be shot.” Pursuant to this policy, U.S. soldiers “killed civilian refugees lacking even a modicum of self-defense, including women and children, even when no North Korean soldiers or grass-root guerrilla forces threatened them” (Kim, 2007).

From its inception, the Korean War was waged primarily from the air, with U.S. pilots carpet bombing entire cities in North Korea. The U.S. dropped more tonnage of weapons and napalm on North Korea than it did in the entire Pacific theatre of World War II, killing possibly millions of civilians in North Korea⁷ (Wilson Center, 2001; Mehdi, 2017; and Wilkins, 2020). Far from being circumspect about such statistics, however, U.S. officials appeared to harbor a sense of accomplishment. Speaking of estimated casualty figures in North Korea, former Head of the Strategic Air Command during the

Korean War, General Curtis LeMay in 1984 estimated killing off “20 percent of the population,” and Dean Rusk quipped that the U.S. had bombed “everything that moved in North Korea” (Harden, 2015).

At two points during the war, senior officials in the United States administration also seriously contemplated using nuclear weapons against North Korean targets, but worried that it might “place America in ‘the untenable propaganda position of a butcher discarding his morals and killing his friends in order to achieve his ends.’” (Tannenwald, 2007:118). Such deliberations prompted a global outcry against American tactics, especially among leaders from the global south, for example when Indian Prime Minister Jawaharlal Nehru pointedly asked his counterparts in the USA if “the atomic bomb is a weapon [to be] used only against Asiatics” (Tannenwald, 2007:122). Indeed, charges that racism must have been a deciding factor behind the apparent lack of concern for civilian wellbeing during the Korean War have persisted to this day (Kim, 2019).

The decision to refrain from using nuclear weapons in Korea seems not to have been motivated by any genuine concern for the civilian population, but rather a concern for how this might make the U.S. look in the eyes of the international community. As the Planning Advisor in the Bureau of Far Eastern

⁷ Given the paucity of North Korean demographic data publicly available, such estimates are extremely difficult to come by. The estimate that 20% of the North Korean population was killed comes from US Air Force Gen. Curtis LeMay, who bragged that “we killed off ... 20 percent of the population” (Mehdi, 2017). Research into previously closed Soviet documents by the Wilson

Center unearthed a North Korean census report that cited a similar 20% decline in the DPRK’s population between 1950 and 1953, but it is unclear what percentage of that was due to US air raids versus other losses, including combatant deaths, refugee flights to South Korea, and natural causes. (Wilson Center, 2001)

Affairs in the State Department wrote, the “[u]se of the bomb again on Asian populations [. . .] would cause a ‘revulsion of feeling’ to ‘spread throughout Asia’ and consequently the U.S.’ “efforts to win the Asiatics [sic] to our side would be canceled and our influence in non-Communist nations of Asia would deteriorate to an almost non-existent quantity.” (quoted in Tannenwald, 2007:129). This “nuclear taboo” did not prevent the U.S. from intentionally bombing hydroelectric and irrigation dams in North Korea, causing “a food crisis” that planners hoped would “redirect enemy troops’ attention away from the battlefield” (Grech-Madin, 2021:98)

War is a brutal affair that brings with it profound suffering. U.S. soldiers, however, operated with a level of impunity and callousness towards Korean civilians that is hard to fathom. Only five years earlier, the United States prided itself on helping to liberate Europe from the yoke of Nazis, and putting a stop to the horrible atrocities committed in Europe against innocent civilians. Yet here in Korea the U.S. military stood, enabling wholesale atrocities against civilians without any apparent sense of cognitive dissonance.

Many additional instances of smaller scale massacres, revenge killings, and pogroms of suspected leftists were carried out by the Korean government. In 1951, for example, the Korean Army issued an order that all

residents of Sancheong, Hamyang, and Geochang villages be executed, allegedly for being communist sympathizers. Immediately following the incident, the government began a cover-up operation to minimize the reported number of casualties (Son, 2010). These atrocities were not hidden from the United States, and still the support for the ROK government remained resolute.

The U.S. was not powerless to stop its ROK allies, contrary to what officials have often claimed. At one point, for example, the U.S. Joint Chiefs of Staff “began to worry that [President] Rhee’s repressive policies might provoke civil unrest and undermine the war effort,” and consequently decided to put pressure on Rhee to release a group of opposition politicians from prison (Gwertzman, 1975). They were subsequently released. In 1950, in another famous episode, Lt. Col. Rollins S. Emmerich, who at the time was serving as a senior U.S. Advisor, learned that a South Korean Regimental Commander planned to execute 3500 suspected leftists held in Busan’s prison. Emmerich at first blocked the plan, saying atrocities could not be condoned, but then approved it if North Korean troops managed to breach the Busan perimeter, which they never did⁸ (Hanley & Chang, 2008). Likewise in December of 1950, British troops serving as part of the UN operation prevented a mass execution from taking place when they seized the so-called “execution hill” in Seoul

⁸ Many of those prisoners were likely killed anyway between July to September 1950 in a series of mass executions where prisoners were taken from the

Busan prison on the pretext of being transported to another prison but then killed instead (Hankyoreh, 2009)

to prevent executions from being carried out there (Hanley & Chang, 2008).

These examples demonstrate that it *was* possible for the U.S. authorities to stop Korean agents from carrying out state-sponsored violence against suspected leftists. The U.S. authorities simply chose not to exercise their influence. The vast majority of abuses against political adversaries, leftists, and others persisted unchecked (Gwertzman, 1975).

1953 – 1980s: Korean War Armistice & Military Dictatorship on both sides of the Korean Peninsula

1953 may have seen the end of active hostilities between North and South Korea and their respective allies, but Korea's war-weary population would still continue to suffer. Anti-communist purges on Jeju island would continue for another year, as did many of the "pacification" measures in the rest of South Korea. Indeed, South Korea's military dictatorship continued almost without break into the 1980s. After the cessation of active hostilities, however, Korea once again fell out of the daily headlines in the United States. The United States during this entire time stood by the South Korean government, providing it with an ironclad "security umbrella" against North Korean aggression.

The relative calm of this post-armistice stasis was not premised on a fundamental respect for the people and communities hosting U.S. soldiers, however. Already during the war, a deeply troubling system had been

After three terrifying years of hostilities ravaging the Korean peninsula, the active fighting of the Korean War ended with the signing of an armistice agreement that cemented the border between North and South Korea at almost the same line that had originally been drawn along the 38th Parallel in 1945.

established to provide U.S. soldiers with so-called "comfort women" – a deplorable euphemism that disguises the ugly truth of what it was: namely a state-sanctioned sex trafficking operation. This practice had been inherited from the Japanese, who had earlier organized a similar system of involuntary sexual slavery involving Korean and other Asian women to accompany its colonizing troops' across the Asia-Pacific region. The variant of this system operating in post-1953 Korea was organized with the active collaboration of the Korean government and the full complicity of U.S. military forces.

During the Korean War, these stations were understood to be a regular component of military operations. Korean women were mobilized into "special comfort women units" for South Korean soldiers, and funneled into new "comfort stations" that were constructed for UN troops during the Korean War (Choe, 2023). "The municipal

authorities have already issued the approval for establishing UN comfort stations in return for the Allied Forces' toil," wrote the Pusan Daily on August 11, 1950. "In a few days, five stations will be set up in the downtown areas of new and old Masan. The authorities are asking citizens to give much cooperation in coming days" (Vine, 2015).

After the armistice, military comfort stations evolved into so-called 'camp-towns', or *gijichon* in Korean. These infamous red-light districts sprung up around U.S. military bases and acted as hubs for prostitution and sex-trafficking. While they were initially run by the Korean government, these camptowns were eventually privatized (Shorrock, 2019). They continued to be openly tolerated, however, and in fact were deemed to hold strategic importance for both the U.S. military and the South Korean government. In the 1960s, the *gijichon* were officially designated as 'special legal districts,' which were closed to regular Korean citizens (prostitution remains illegal in South Korea), but still very much open to American soldiers.

The women of the *gijichon* suffered in similar circumstances as the more widely recognized comfort women of the Japanese period. Regrettably, the suffering of the *gijichon* women largely faded from memory until 2022, when the Korean Supreme Court in a landmark case recognized the injustice that had been done to the *gijichon* women and ordered compensation to be paid to 95 surviving plaintiffs (Lee, 2022). This courtroom victory was hardly seen as "justice served" for many of the former

gijichon sex workers, however, since they continue to hold the U.S. authorities responsible for what happened to them.

The rapid growth of the camptowns was in large part subsidized by the desolation caused by the Korean War. The war left South Korea exhausted, its economy in shambles, and in fear of the fragile armistice agreement again unraveling back into renewed warfare. With few options, the South Korean government had to rely on the U.S. military for both revenue and ongoing security.

To avoid an American withdrawal, the South Korean authorities chose to actively promote prostitution in and around military base camptowns as a way to entice U.S. soldiers to stay in Korea, and funnel their dollars into the Korean economy (Shorrock, 2019; Choe, 2023). In a surreal spectacle of absurdist diplomacy, the U.S. acknowledged the efforts of the Korean government by expanding its oversight of the camp town red light districts. In the words of one military official: "we made it clear to the Koreans through the Clean-Up activities that we wanted to stay" (Moon, 1997).

The war also created a large population of vulnerable Koreans who could be recruited into the camptown workforce. Most of the population was destitute, living on the brink of starvation and desperate for work. The massive death toll left millions of widows and war orphans in an extremely vulnerable position, lacking the means to support them and without the protection of their families (Moon, 1997). Some women were abducted

and sold to camptown bars, while others were lured with misleading promises of employment. One way or another, thousands of women were coerced into the camptowns, trapped in an abusive sex industry. The *gijichon* operated on a debt-bondage model: Bar owners held all the power, taking the earnings of the sex workers to cover the cost of occupational necessities like rented rooms, clothing, English lessons, and more, trapping the women in endless cycles of debt. Club owners could manipulate the prices of these 'necessities' to ensure that women would never pay off their debts, maintaining complete control over the women's lives (Shorrock, 2019). One survivor told us that even twenty years after escaping from the trade she was still paying off her *gijichon* debts.

Inside the camptown bars, sex workers frequently endured physical and sexual abuse, both from the pimps and bar owners as well as from the American soldiers. "The Americans need to know what some of their soldiers did to us," said Park Geun-ae, who was sold to a pimp at just 16. "Our country held hands with the U.S. in an alliance and we knew that its soldiers were here to help us, but that didn't mean that they could do whatever they wanted to us, did it?" (originally cited in Choe, 2023). Camptown sex workers had no sources of protection against abuse and violence at the hands of the American johns. Even if Korean authorities had considered taking action, U.S. soldiers fell under the purview of U.S. military authorities, who had little interest in

punishing their soldiers for crimes perpetrated against Korean sex workers.

This dehumanization was never so apparent as during the camptown cleanup campaigns. In the 1960s, the South Korean government and the Pentagon launched a joint campaign to curb the spread of venereal disease in the *gijichon* (Shorrock, 2019). Sex workers were forced to wear tags identifying them as prostitutes, described by some former sex workers as "c**t tags" (Shorrock, 2019; Choe, 2023). U.S. authorities kept pictures of camptown women so that infected soldiers could identify potential contacts (Choe, 2023).

U.S. Military police and South Korean police regularly raided clubs and bars in the camptowns, arresting any woman who lacked an official STD test card or ID tag, or any woman suspected of carrying an STD. These women were forced into "treatment centers," many of which were run by medics working for the U.S. military. These centers soon became known as de facto detention centers, earning monikers such as "the monkey house" (Shorrock, 2019). Essentially functioning as medical prisons, these facilities operated with little or no concern for sex workers' health or wellbeing. Women left these prisons traumatized after being imprisoned in their own bodies, subjected to invasive examinations and injections of antibiotics. Indeed, many women never went home at all. Standard treatment procedure was to inject women with extremely high doses of penicillin, which risked sending the patient into penicillin shock (Shorrock, 2019). Survivors

recount how they were forced to watch helplessly as their peers lay dying, knowing no one was coming to help them. (Lee, 2022) After their deaths, women were dumped in a nearby lot. If the women survived treatment, they were sent right back to the clubs and bars to service their American customers.

The state-sanctioned *gijichon* system of indentured sexual servitude ended in the 1980s, along with the gradual

democratization and liberalization of Korean society (although red-light districts continue to thrive around US military bases to this day). However, unlike their counterparts who survived sexual slavery under the Japanese, the women of the *gijichons* have only very recently been recognized as victims. Like many other victims of abuses by the U.S. military, many of these women have been forced to live on the edges of society, still shamed for what was done to them.

**International Law,
Commonsense Ethics, and
Geopolitical Wisdom**

International Law, Commonsense Ethics, and Geopolitical Wisdom

International law leaves no room for ambiguity concerning the illegality of the various atrocities described above. By today's standards,⁹ most of the anti-civilian violence perpetrated during the Korean War as well as the internal armed conflict on Jeju island would undoubtedly qualify as war crimes. Since they were also clearly part of a "widespread or systematic attack" against a civilian population, they would also all appropriately be described as crimes against humanity. Furthermore, any actions carried out by Korean military and constabulary forces against civilians constituted gross violations of human rights. The responsibility for the actions of those troops remained with the U.S. government, as it explicitly retained operational command over those units before and after the installation of a sovereign South Korean government.¹⁰ This principle also extends to the establishment and overt efforts to maintain an organized human sex trafficking operation around U.S. military installations, a practice that persisted into the 1980s.

Legal experts may engage in debate, for example, whether the military operations in

Jeju amounted to an internal armed conflict and whether the crimes that took place there could consequently be described as war crimes. Legal experts may also argue whether certain civilian massacres during the Korean War could be justified based on military necessity, as was concluded by investigators looking into the No Gun Ri massacre. Others might note that certain practices may seem more worthy of condemnation by today's standards than by those that prevailed at the time they occurred. For example, was sex trafficking merely an inevitable reality of stationing troops in a foreign land? Was it legitimate to execute someone because they were suspected of being a "communist sympathizer"? Is it really fair, such critics might ask, to judge historical atrocities according to today's ethical and legal standards?

Even if judged by the standards in force in the 1950s, there can be little doubt that massacres of civilians and forced prostitution violated norms in place at the time. Furthermore, while the behavior of U.S. troops in Korea may have improved in recent

⁹ The Republic of Korea only ratified the Geneva Conventions in 1966, and only began ratifying the core human rights treaties in 1978, with the bulk of them signed in the 1990s and 2000s.

¹⁰ The South Korean government had full operational command over its military for nine days, from August 15 to August 24, 1948. The command was handed back over to the US on August 24, 1948. (Jeju 4-3 Peace Foundation, 2014).

decades, it is also worth noting that this cannot undo the injustice of previous crimes. Nonetheless, it is highly unlikely that individual criminal prosecutions will ever occur in the United States in response to the historical crimes described above. Due to the passage of time and a range of other jurisdictional and evidentiary factors, the prospects of any criminal cases seeking to prosecute the perpetrators of these crimes are extremely remote. The intervening seven decades have made it unlikely that any victim or community would have the evidence necessary to successfully prosecute an individual perpetrator of these offenses. This consideration is distinct from the equally daunting challenge of establishing jurisdiction over a defendant in the first place. The passage of time has also means that there may not even be any defendants left to prosecute. Engaging either the Korean or the U.S. court system to compel the U.S. as a State, or the U.S. military as an institution, to account for its past misdeeds is currently not a viable course of action due to the limitations of the available judicial avenues.

This cannot be the end of the story, however. Civilians cannot be said to have “rights” if there are no ways to defend those rights (Zegveld, 2003). Indeed, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious

Violations of International Humanitarian Law, adopted in 2005 by the UN General Assembly (*hereinafter “Basic Principles”*), requires states to “[i]nvestigate violations effectively, promptly, thoroughly and impartially [. . . provide] those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice [. . .] irrespective of who may ultimately be the bearer of responsibility for the violation; and [provide] effective remedies to victims, including reparation (UNGA S.II(3)(b-d), 2005).” That same document also specifies that “statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law,” (UNGA S.IV, 2005). Therefore, the fact that the events in Korea occurred many years ago is irrelevant under international law.

The document lays out three components of the victim’s right to remedies. First, it guarantees **access to justice**, entailing an obligation to open domestic and international avenues for remedies, and – if need be, potentially “develop procedures to allow groups of victims to present claims for reparation and to receive reparation, if appropriate.” (UNGA S.VIII(13), 2005). This hints at the potential for Claims Commissions or other impartial bodies designed “for restitution of or return into property, or monetary compensation,”

which can be particularly useful “in settings where it is difficult to resolve claims on a case-by-case basis and where usually limited resources are available.” (Zevgeld, 2003, 522).

Second, the Basic Principles require that victims should have access to **remedies for harm suffered**. The primary responsibility for making those reparations should be the State, not the individual perpetrators, such that the victims still receive reparations even if “the parties liable for the harm suffered

are unable or unwilling to meet their obligations.” This is particularly relevant in the Korean context where most of the perpetrators have already died. Whenever possible, States must provide victims with five kinds of remedies: (1) restitution (any remedies that can restore the victim to a state he or she was in prior to the violations), (2) compensation for any quantifiable damages suffered because of the violations, (3) rehabilitation damages, (4) guarantees of non-repetition, and (5) satisfaction.

Of these, the remedies aimed at satisfaction are the most novel, including:

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim’s relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (f) Judicial and administrative sanctions against persons liable for the violations;
- (g) Commemorations and tributes to the victims;

- (h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

Finally, states have an obligation to give victims **access to relevant information** concerning violations and reparations mechanisms.

Applied to the Korean context, these obligations require the United States to provide a remedy to the many thousands of victims of U.S. atrocities who are still alive today in Korea, including bereaved family members. The argument that most (if not all) of these victims have no standing to bring a criminal case against an individual perpetrator is immaterial in this regard. The U.S. as a nation continues to have a direct responsibility to provide meaningful remedies to these victims. The responsibility to develop an innovative and efficient system to address these unresolved cases rests with the United States, in collaboration with its counterparts in South Korea.

The obligation to take action is not exclusive to the United States, however. As Prof. Salvioli pointed out, the South Korean government also bears a responsibility to take action. In many cases, the South Korean government is arguably even more appropriate as a forum for action, since its courts and administrative agencies can be,

and increasingly are, open to victims' claims for remedies.

The United Nations is also an often-overlooked institutional player in this equation. The United Nations Security Council authorized the use of military force to “repel the armed attack and to restore international peace and security in the area” (UNSC.83, 27 June 1950), and subsequently vested unified command of the peace enforcement operation in the United States, “request[ing] the United States to designate the commander of such forces,” and “authoriz[ing] the unified command [. . .] to use the United Nations flag in the course of operations against North Korean forces” (UNSC.84, 7 July 1950). UN Security Council Resolution 84 also “requested the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command (ibid).” Therefore, as of July 7, 1950, and continuing at least until the signing of the armistice agreement (if not to this day¹¹), the UN delegated the authority to act, speak, and wage war on the UN’s behalf to the United States.

¹¹ The United Nations Command (UNC) that emerged from UN Security Council resolutions 83 and 84 continues to exist, now with a new mandate to secure the armistice agreement signed in

1953 at the end of active hostilities. See <https://www.unc.mil/About/Our-Role/>

Such a delegation of authority would be extraordinary in today's terms, but the fact remains that each and every war crime and crime against humanity perpetrated by the U.S. and other allied forces during the war against North Korea was committed *also* in the name of the UN, under the UN's blue banner.

The UN thus also bears a heavy responsibility to investigate and – when possible – remediate victims' justifiable grief and anger over what happened to them and their families. At minimum, the UN needs to open its records to public scrutiny, especially if such records can further the cause of transitional justice. Prof. Fabian Salvioli himself has emphasized the importance of such transparency, noting that the UN's "agencies and organs have built up extensive and valuable archives in the countries where they have operated", and that "[t]hese documents can provide a unique insight into violations of human rights and international humanitarian law and contribute to the historiography of different countries (Salvioli, Human Rights Council, 2020)." In the Korean context, some of these atrocities, for example the mass executions of political prisoners in Gongju, were witnessed by UN observers, specifically Australian UN Commission on Korea (UNCOK) observer

Major F.S.B. (Stuart) Peach (Kim, 2004:534). Historians have not yet been able to locate Major Peach's report into the Gongju massacre, even though Haywood Magee, a photojournalist working for the UK publication *Picture Post* confirmed his presence.¹² There is no evidence that the UN carried out any good faith investigations into these and other allegations, nor is there any clarity that the answers Korean communities are seeking might be lurking in records buried deep in the UN archives.

¹² The photo taken by Magee, along with the caption that specifically mentions that the "incident was later investigated by a United Nations observer" was published in the *Picture Post* (1950), and can be found at

<https://www.gettyimages.co.nz/detail/news-photo/south-korean-military-policemen-stand-over-a-group-of-south-news-photo/84010538>.

No Peace Without Justice

As described above, geopolitics, more so than a commitment to human dignity, has been the primary determinant of American policy on the Korean peninsula. The same can still be said of the U.S.' current-day efforts to reinforce its security and economic alliance with South Korea, as evidenced by the recent security summit between the United States, South Korea, and Japan at Camp David in Maryland, which many commentators speculated was driven by an interest in countering an emerging Chinese military presence in the Asia-Pacific region.

For those interested in the promotion of a robust and equitable security relationship between the U.S. and the Republic of Korea, or even those interested in finally bringing the Korean War to a formal close by virtue of a final peace treaty, the push for the United States to hold itself accountable for its historical crimes on the Korean peninsula are just as strong as those motivating human rights activists. This includes military strategists concerned with the maintenance of durable geopolitical alliances as well as politicians seeking to build genuine trust with allied nations and their people.

The United States has steadfastly stated, in the words of U.S. Secretary of Defense Lloyd J. Austin III, that “the goal of the U.S.-South Korean alliance is peace — not conflict”

(Garamone, 2023). The United States stands united with the South Korean government in this respect (Camp David Joint Statement of Japan, the Republic of Korea, and the United States, 2023). However, an evident challenge in pursuing this peaceful ambition is the unresolved and quietly festering history of the actions carried out by the United States against the people of Korea. The relationship between the South Korean government and the United States may appear strong at first glance, but lurking deep within that relationship are painful memories that might easily explode to corrode that alliance from within. As one of our interviewees admitted to us, “when I see an American I can’t help myself but to feel a sense of trauma and anger.”

A crucial component of building a sustainable peace in Korea is the long-overdue need to reckon with these deeply uncomfortable and painful realities. By this logic, neglecting the urgent need for transitional justice in Korea is not only ethically wrong but also strategically shortsighted. For anyone who cares about the long-term viability of the cultural, political, economic, and military alliance between the U.S. and the ROK, therefore, transitional justice should not just be an ethical imperative, but also a strategic necessity.

The first step in that process is for all involved to recognize and engage with the facts of wrongdoing as “truths,” and not merely as “perceptions,” “allegations,” “attacks,” or “bad faith efforts to undermine a strategically important alliance.”

Crucially, this view is held not only by human rights actors but also by experienced military strategists. Speaking of his efforts to promote reconciliation with the Vietnamese authorities after a brutally devastating war in which terrible anti-civilian atrocities were perpetrated on the Vietnamese people by the United States, retired U.S. Air Force Lt. Gen. Dan “Fig” Leaf notes that “[d]espite the long, bitter war and two decades of severed ties, Vietnam is now one of the most pro-U.S. countries in Southeast Asia. That didn’t just happen,” Leaf is quoted as saying, “it took work.” (Bergengruen, 2018).

Leaf is convinced that this same work is necessary to ensure the long term viability of the U.S.-South Korean relationship, and more ambitiously the formal conclusion of the Korean War and the normalization of the diplomatic, economic, cultural, and security relationships with the North Korean regime. Describing what this work entailed in the context of Vietnam, Leaf mentions “Agent Orange, unexploded ordnance, the war crimes committed.” None of those were easy topics to discuss in the Vietnam context, and all required the U.S. to accept its culpability for the massive suffering among

the Vietnamese people. Nonetheless, speaking from a strategic perspective, Leaf believes this reckoning is necessary, and also badly overdue in the Korean context. Describing himself as an “unlikely peacenick,” Leaf rebuts his would-be critics by assuring them that “Military people with real combat experience tend to be quite receptive to [the notion of reconciliation after a war]. [...] I’ve seen war [and] I know how they finish or don’t finish. [...] It’s a serious moral business — killing people leaves a mark. [...] You gotta do the hard work of dealing with it afterwards.” (Bergengruen, 2018).

General Leaf’s logic is shared by politicians aware of the fraying trust between the United States and many of its purported allies when historical grievances are left unaddressed. Alexandria Ocasio-Cortez, a prominent Congresswoman from New York State who recently led a delegation of Spanish-speaking Congresspeople to Latin America, argued forcefully for the U.S. government to issue an apology for decades of interventionist policies in Latin America that bear a striking resemblance to those described above. Speaking on the occasion of the fiftieth anniversary of the brutal coup in Chile, Ocasio-Cortez noted that “[i]t’s very hard for [the United States] to move forward when there is this huge elephant in the room and a lack of trust due to that elephant in the room. The first step around that is acknowledgement and saying we want to

approach this region in the spirit of mutual respect” (quoted in Smith, 2023).

In the case of Chile, Ocasio-Cortez helped broker a bill to declassify additional documents relating to the US-orchestrated coup against democratically-elected socialist President Salvador Allende of Chile, which resulted in a brutal campaign of violence, torture, and forced disappearances in that country. “The first element of it is just acknowledgement,” Ocasio-Cortez is quoted as saying. “We’re not even at the point of an apology because we haven’t even gotten to an acknowledgement, and that’s why I believe the declassification of these documents is going to be so critical to our relationship to Chile.” (quoted in Smith, 2023).

What holds true in Chile is also applicable to the situation in Korea. In the past, the relationship between the United States and South Korea was undoubtedly built on unequal terms, with the United States exerting its preferences by relying on its vastly more powerful military, economic, and diplomatic position to force compliance from its Korean allies. Despite that history, the Korea of today has become an economic, scientific, cultural, financial, technological, and diplomatic powerhouse. Growing numbers of Koreans, including Korean politicians, are no longer willing to look the

other way when confronted with inappropriate behavior, certainly if it is perceived as damaging the national pride or honor of the Korean nation.

All of this suggests that the U.S. can no longer rely on a strategy of burying the past, as it did, for example, in response to survivors complaining about the No Gun Ri massacre. In that situation, it took a Pulitzer Award winning investigation by the Associated Press to nudge the United States authorities into action, and even then the subsequent Army investigation acknowledging the killings covered up much of the most incriminating evidence. Choi Hee-Shin, a community organizer advocating for the rights of *gijichon* women put it best: “Help us talk about the past so we can never forget it. And only from that background can we talk about peace.” (cited in Shorrock, 2019)

The legal, ethical, and geopolitical imperatives for the United States government all point in the same direction. The United States must, for all these reasons, take transitional justice seriously and address the long-standing grievances of the Korean people about the historical injustices that have plagued the U.S.-Korean relationship since early in the 20th century. Even 75 years after the fact, the obligation to provide the victims of U.S. abuse with a credible remedy remains as strong as ever.

An abstract painting with a rich, textured surface. The color palette is dominated by deep purples, blues, and oranges, with some lighter, yellowish-green areas at the top. The brushstrokes are visible and expressive, creating a sense of depth and movement. The overall composition is dynamic and evocative.

**Five Central Components
of Transitional Justice in
the Korean Context**

Five Central Components of Transitional Justice in the Korean Context

What, then, is the “serious moral business” (in the words of General Leaf) that needs to be done? While the topic of transitional justice has been the subject of extensive scholarly discourse, we in this paper rely instead on the words of the survivors of U.S. atrocity with whom we spoke. Their analyses

of what “justice” requires aligns closely with the international scholarly state of the art in this field. Shaped by their firsthand experiences and their lifelong yearning to see justice done, their words speak clearly about what the U.S. should, and unequivocally must, undertake.

1. Recovery of Honor for all Victims of Anti-Civilian Violence

The first desire commonly articulated to us by survivors revolves around their wish for the honor and reputations of their loved ones to be restored. Members of the Daejeon Bereaved Family Members Association told us of the pain of not having a Legislative Act at the national level recognizing their suffering and offering them the chance to formally restore the ‘honor’ of their relatives. Kim Harabeonim in Asan told us of his burning desire to amend his father’s death certificate to indicate that he was unjustly killed (as opposed to dying of natural causes). For Kim Harabeonim, such a correction would help to restore the dignity of his father and his family. Meung Harabeonim echoes this sentiment, lamenting the discrepancy between how those killed by North Korean soldiers are commemorated as martyrs and national

heroes, while those killed by South Korean troops have been left unrecognized.

This demand has practical as well as justice-related components. Many families of those killed or accused of harboring “communist” proclivities were effectively ousted from mainstream Korean institutions under the guilt-by-association system. Their children were often barred from attending university, and their prospects for employment were hampered by background checks which would flag their supposed “communist affiliation.” This had significant social and economic impacts on all families affected by the anti-communist violence in the 1940s and 1950s, lasting across several generations. Indeed, some of the survivors shared that even today young family members still suffer the consequences of being known as a member of a ‘communist’ family.

More importantly, however, the restoration of honor also allows Korean families to resume a crucial aspect of their culture, namely the honoring and worship of one's ancestors. The ability to pay homage to ancestors publicly through ancestral rituals and ceremonies serves as a means of connecting with the past, forging a sense of cohesion that aids in the process of mending historical wounds.

Many instances of large-scale anti-civilian violence have prominently featured efforts to retroactively (often posthumously) restore the honor of the victims. In locations like Jeju and Gwangju among others, demands by historians and civil society activists to undo the ravages of past historical injustices led the Korean government to pass so-called "honor-restoration acts"¹³ (Salvioli, 2022). Although these acts vary in their scope, they all share some provision to restore the honor of victims, often by means of a formal trial hearing in which the "guilt" of the victim is formally vacated, and judicial "exoneration" is then furnished to the survivors. These "honor-restoration acts" publicly acknowledge the innocence of victims who were unjustly accused, contribute to a collective reckoning with the past, and reaffirm the values of justice, human rights,

and dignity. The act of officially exonerating the victims permits their records to be rectified, which not only puts an end to the effects of guilt-by-association for the families, but also adds to the wider narrative of reconciliation within Korean society.

These proceedings are not without their challenges, including the difficulty some families have faced while proving their familial relationship to the victim. More profound, however, is the idea that the ideological proclivities of these individuals should still be subject to adjudication—even ceremonial adjudication—so many years later. Many of the bereaved family members strenuously emphasized to us that their family members were in fact "innocent." But in these instances they were referring to an *ideological* purity, not whether or not they had committed any actual crimes worthy of criminal punishment. In other words, even 70 years later it still matters whether one's ancestors might conceivably be described as having had 'left-leaning' or 'communist' ideological tendencies. Many of the proceedings to restore victims' honor therefore revolve around the question of whether the victim or victims were wrongfully accused of being a communist sympathizer. Lost in these proceedings is the clear affirmation that basic human rights

¹³ Salvioli highlights the Act on the Honor Restoration and Compensation to Persons Related to Democratization Movements, the Special Act on Discovering the Truth on the Jeju 4-3 Incident and the Restoration of Honor of Victims, the Special

Act on Truth Finding and Honor Restoration of Victims of the Yeosu and Suncheon October 19 Incident, and the Act on Special Measures for the Restoration of Honor of Persons Involved in the Geocheong Incident.

inure to all people, regardless of their ideological proclivities, and the unambiguous reaffirmation of the principle that killing unarmed civilians is always unjustified, regardless of the victim's thoughts.

Most of the violence described above had been legitimated as a necessary element of fighting communism (Kim, 2004: 538). To transition Korea towards a truly post-conflict future, Jini Kim Watson noted the continuing need for many of these transitional justice mechanisms to "rehabilitate" victims by depoliticizing them. While efforts to rehabilitate the honor of victims are ongoing, they remain deeply entangled with political considerations. One of the individuals we spoke to went to court to have her father proven innocent once she uncovered evidence that the man her father had supposedly murdered had in fact died years prior to the alleged attack. When the district court vacated the judgment against her father, the government at the time contested the compensation she had been given and put a lien on her home to recoup the sum. In response, our interviewee had to hire a private lawyer and fight for five years to have the lien removed from her home. Lost in this legal and procedural shuffle is the essence of the injustice that happened to her: the fact that her father was killed and her family torn apart, and the fact that she and her family have had to live with the

social consequences of being labeled a "communist family" ever since.

The accountability for addressing these issues falls not only on the Korean government but also on the United States. The United States, after all, was the force insisting on the eradication of the Communist threat on the Korean peninsula. This approach was not limited to Korea but extended globally. U.S. authorities rarely mentioned the fact that human rights and humanitarian protections also applied to their own efforts to counteract communism, and praise and support often went to those regimes that most ruthlessly eliminated left-leaning social or political movements. That included the South Korean government, but also various other right-wing regimes in Indonesia, Brazil, South Vietnam, Guatemala, Nicaragua, Chile, Argentina, and elsewhere (Bevins, 2020). While the Korean government and civil society certainly have an important role to play in the undoing of the anti-communist fetishization, the United States government, along with its civil society, media, and academia also hold crucial responsibility. The U.S. needs to clearly reaffirm that human rights protections apply also to those who embrace communist, socialist, or left-leaning causes, and that its own global war on communism in many ways directly violated and undermined that fundamental principle.

2. The whole truth

For decades after the war, a series of military dictatorships prevented surviving victims and bereaved family members from openly discussing the injustices they had endured. Their experiences already placed them in a vulnerable position, leading to their marginalization within Korean society and marking them as “communists” or “unclean women.” To speak out about the atrocities they had suffered would have exposed them and their families to even greater danger. Only recently have they reached a position where they can safely share their stories. However even today, many of them are either dismissed, silenced, or labeled as dishonest. As time goes by and survivors perish, there is an imminent concern that the victims’ stories and memories will simply fade away.

To demonstrate a commitment to the truth, the U.S. and U.N. should assist in an immediate and efficient investigation into past wrongdoings. One major way the U.S. and U.N. may expedite the investigation process would be to open their records to researchers and also actively conduct an internal investigation, liberated from the complexities of cumbersome Freedom of Information Act (FOIA) requests, to build a more accurate and complete picture of what documentary evidence remains in forgotten

U.S. and U.N. archives about these various historical atrocities.

Uncovering the truth is important not only for historians and researchers. Gaining a deeper understanding of these massacres, including identifying the individuals who issued the directives to carry out the many atrocities described above, can help bring about emotional closure for bereaved family members. Many family members remain haunted by the uncertainty of exactly what happened to their loved ones. Providing them with additional insights into the circumstances surrounding their family’s experience may offer solace to those who have for decades endured the pain of not knowing what happened to a loved one. When asked what finally uncovering the truth (of what happened to father) would mean to her, one of our interviewees replied, “It would give me my life back.”

3. Apology

The U.S. and U.N. owe these victims a long overdue apology. The apology must accept the full extent of its responsibility with candor, and seek the unforced forgiveness of its victims. An official apology would serve many purposes. By openly admitting wrongdoing, the U.S. acknowledges and legitimizes the grievances of the victims. An apology establishes a foundation of truth and understanding from which reconciliation may then proceed. A public apology also requires that concrete measures be taken to prevent what happened historically to never happen again. Fabian Salvioli has described this as making “guarantees of non-recurrence” (Salvioli, 2019; Verdeja, 2010). Merely presuming that everyone should know that the U.S. is different today is simply insufficient – the U.S. must demonstrate its commitment by actively articulating its commitment to non-recurrence.

Perhaps most importantly, an apology would enable many survivors to forgive, and finally be able to move on from the tragedies that have dominated their lives with some sense of closure. Many direct survivors and bereaved family members are nearing the end of their lives, and expressed their desire to us to want to forgive, if only to be able to spend their last few years in peace. They find it very difficult, however, to forgive

something that the perpetrator still refuses to acknowledge, or apologize for. One interviewee reflected: “When I was 20 or 30 I thought I would be angry for my whole life. But now I simply want to forget and forgive. But I cannot.”

Forgiveness and apologies are interrelated but very distinct concepts. Forgiveness is the sole prerogative of the victims and the bereaved family members. That said, a sincere and heartfelt apology often paves the way for such forgiveness. Trudy Govier, a philosopher focusing on trust, forgiveness, and reconciliation, writes:

To forgive is not to forget the wrongs we have suffered but rather to regard their perpetrators, and the wrongs themselves, in the moral light of acceptance and compassion rather than in the glare of resentment and hatred. Forgiveness in this sense would seem to be beneficial in many ways. If a victim is able to forgive a wrongdoer, she accepts him again as a morally worthy person capable of more than wrongdoing. He benefits from this moral acceptance, from being no longer labeled as purely and solely a wrongdoer. She benefits from having forgiven, because she will be able to move forward constructively, not being preoccupied with harms done to her, not being fixated on, or captivated by, the hurtful past. Forgiveness offers the prospect of reconciliation and a restored relationship. (Govier, 1999)

If forgiveness is the salve that allows victims, family members, perpetrators, and concerned bystanders to finally rebuild mutually trusting relationships with one another, then an official apology is the decisive act that allows a victim to decide whether or not they are ready to offer that forgiveness. Forgiveness cannot, however, be seen as an automatic *quid-pro-quo* payment made in exchange for an apology. No one can ever “demand” of a victim to offer his or her forgiveness. The question, therefore, becomes what differentiates an effective from an *in*-effective apology?

There may not be an exact answer to this question, but there are certainly many promising avenues, all of which should be explored by the United States, presumably working in close collaboration with the South Korean government. For one example, Lt. Gen. Dan “Fig” Leaf suggested organizing so-called “listening tours,” which would seem to address victims’ need to validate the legitimacy of their emotions. Such an initiative might allow victims to “express [their] beliefs and feelings to the wrongdoer” (Holmgren, 1993, 344), thereby serving an important cathartic purpose.

Courts often serve as a venue to open such opportunities for victims, and in the context of Korea’s domestic truth and reconciliation processes one observes how cathartic such processes can be. In Jeju, for example, victims are allowed to speak directly, using

their native Jeju dialect, about their memories of their loved ones, addressing the modern-day prosecutors in the courtroom as a proxy for the state agents who persecuted their loved ones so many years ago.

Above, we noted that currently no courtrooms—not in Korea, not in the United States, and certainly not at the international level—are open to victims wishing to hold the United States accountable for its actions on the Korean peninsula. But that is not to say that such fora could not be created, with the active participation of the United States. In South Africa, Latin America, and elsewhere, reconciliation processes have been built on the central role of so-called “truth telling” processes, where victims have been able to tell their stories to the world, and more importantly to the class of people whom they consider responsible.

An apology cannot realistically be confined to one single event, such as for example a grand visit by a U.S. dignitary to Daejeon or Jeju to deliver an official apology at some meaningful location. Rather, it must be seen as an ongoing process. The initiation of this process requires an official and sincere apology from the United States, since doing so will “assign responsibility” and therefore “help offset a common tendency to blame victims for their own troubles” (Blatz et. al., 2009, 222). In Korea, we heard of the importance attached to a U.S. official

physically going to the grave sites or memorials that commemorate a particular atrocity. We also heard repeatedly the importance of not just signaling “regret,” as President Clinton did in response to the 1999 Associated Press revelations and subsequent U.S. Army investigation of the massacre at No Gun Ri, but actual acceptance of responsibility for the profound wrongness of what happened. Indeed, President Clinton’s apology, or rather lack thereof, for No Gun Ri, has often been described to us as *worse* than had he made no apology at all, since it

served only to reinforce the impression that the United States had indeed not yet understood the wrongness of its historical actions, and still considered Korean lives lost during the Korean War as largely collateral. Several scholars have focused on the elements of an apology that would make it “genuine” to those who hear it (see Blatz et. al., 2009; Verdeja, 2010; Salvioli, 2019). Our interviewees summarized that literature nicely by saying that the apology “should come from the heart.”

4. Compensation

When asked what a U.S. apology should entail, one of our interviewees—a man in Jeju whose father had been killed in 1947—responded: “Realistically speaking, it would have to involve compensation.” Although all of the individuals we spoke to were adamant that their calls for compensation was not driven by financial motives, most of them expressed that any apology that was not accompanied by some form of compensation would simply not feel genuine. In this regard, our interviewees’ viewpoints again align with international norms on this issue.

There is no consensus on what form such compensation should take. In the several cases where the Korean government has acknowledged an historical injustice and set up a transitional justice mechanism, often

those procedures included a mechanism for victims to first prove their status as victims or family members of victims, and then claim compensation for their loss corresponding to their injury. This is certainly one model that the United States also could embrace, and it would be consistent with practices that bereaved family members are already familiar with.

Another potential model might be to set up a special fund, or foundation, to administer and distribute a certain amount of money in a way that benefits victims and their bereaved family members. This model, while appealing on one level, also risks labeling the money as “charity” rather than “compensation,” and placing an intermediary institution between the perpetrator and the victim. This model

proved to be highly controversial in an arrangement in 2015 by the Japanese government to set up a 1 bn. Yen (~9 million USD) fund to compensate Korean victims of forced sexual slavery during the Second World War. This fund was rejected by many victims, partially because they were never consulted in the discussions about its establishment, and partially because many

felt it was not accompanied by a genuine apology by the Japanese prime minister at the time (Hosaka, 2021). The United States would have to take such considerations to heart, and begin a process early – one involving representatives of the various victimized communities across Korea – to brainstorm the form that such a compensation mechanism could take.

5. Memorialization

The final element that many families spoke about was memorialization. Memorials hold great emotional significance for bereaved family members, serving as places for ceremonies of memory and providing a sacred space for grieving and honoring their loved ones.

Pending the consent of the victims themselves, memorial sites can offer an opportunity for the United States to symbolically express its sincere remorse. Similar to the gesture made by former German Chancellor Willi Brandt in 1970 at the Warsaw Ghetto—known as the “*Kniefall*” (fall to his knees)—the United States could use these locations to underscore its recognition of the past, emphasize the gravity of its expressions of remorse, and honor the victims.

Establishing memorials in the United States to commemorate the victims of the atrocities in Korea could also be a powerful step towards acknowledging the past (Carpenter, 2021; Tirman, 2012). Such memorials would not only educate the U.S. population about atrocities that were committed in their names, but also demonstrate a commitment to preventing similar crimes in the future. While the prospect might be challenging, such a memorial would contribute directly to an agenda of transparency, accountability, and reconciliation, both domestically and internationally. These are all important elements of “non-recurrence” (Savioli, 2020:5), which is one of the crucial functions that such memorials can play.

The image features a stylized forest scene. A large, light green tree with a white trunk is the central focus, with the word "Recommendations" written in bold black text on its canopy. It is surrounded by several smaller, similarly styled trees in shades of green and yellow. The background is a dark red color, and a bright green hill is visible at the bottom of the frame.

Recommendations

Recommendations

Several recommendations emerge from our conversations with victims of American atrocities in Korea. These recommendations are intended to initiate meaningful discussions and collaborative efforts involving the victims and bereaved family members as well as other relevant stakeholders.

The U.S. Government

The United States urgently needs to take the issue of its own responsibility for countless atrocities in Korea with a sincere and comprehensive approach. This is imperative for legal and ethical reasons. Specifically, the U.S. must:

1. Open a comprehensive and impartial investigation into its own archives to uncover any evidence of war crimes, crimes against humanity, or large-scale human rights violations. This investigation should involve representatives of Korean civil society and independent academics. The results of this investigation should be made public.
2. The U.S. authorities (and the South Korean government) remain obligated to seek accountability against any individuals found guilty of war crimes, crimes against humanity, or grave breaches of human rights under international law.
3. The U.S. must issue an unconditional apology to the Korean people for its actions during the 20th century. That apology must be sincere, must be issued without reservations or justifications for the violence, and must be made directly to victims of this violence in Korea. It should be made by someone authorized to speak on behalf of the United States government and the United States people.
4. The U.S. must initiate a process, jointly with the Korean government and representatives of Korean victims and bereaved family members associations, to determine a fair and meaningful compensation scheme for affected individuals and families. The funds for such a future compensation scheme should come from the United States government.
5. The U.S. should consider working with civil society groups in the United States and Korea to establish a memorial to the civilian victims of the Korean War in the United States. This should be accompanied by appropriate educational materials to contextualize and highlight the importance of this monument.

The United Nations

The United Nations has played a leading role in shedding light on Korea's history and ongoing attempts to address the painful wounds of the past. It is imperative for the United Nations to recognize that many of these atrocities were committed under the Blue United Nations Flag – a symbol intended to convey a commitment to peace, human dignity, and justice. As the guardian of international human rights and principles, the United Nations must acknowledge this painful history and work earnestly to ensure that such tragic occurrences are never repeated under its banner again. Many of these safeguards are already in place. Highlighting them (and how their absence in the 1950s so dramatically failed the Korean people) will go a long way to reaffirm the integrity of the United Nations and its principles.

The United Nations must not remain a passive observer in this situation. The Korean War was a UN-sanctioned operation, regardless of the fact that operational command over the Korean War intervention was vested in the United States. The United Nations Command (UNC) in Korea, which to this day “use(s) the United Nations flag in the course of its operations” and considers it to be the “source of our motto: ‘Under one flag.’” (UNC, 2023) operates “under the direction of the U.S. Secretary of Defense and Chairman, Joint Chiefs of Staff and does not fall under the command and control of UN Headquarters in New York or any of its subordinate organizations” (UNC, 2023). The UNC does, however, report to the UN Security Council “in the form of periodic reports as well as special reporting” (UNC, 2023). The United Nations should leverage this mechanism to urge the United States, as well as other members of the UNC coalition, to take seriously the demands of transitional justice. The commanders of the UNC should be asked to conduct a thorough investigation into allegations of anti-civilian violence perpetrated under the UN Flag during and after the Korean War and report on those findings to the United Nations.

The UN and its subsidiary organs should:

1. Request the UN Human Rights Council to continue focusing on this important issue such that it can be brought to a satisfactory resolution that does not further jeopardize the reputation of the United Nations or the integrity of its Flag and symbols.
2. Request the United States to take urgent remedial action on this issue, and report on progress to the Human Rights Council during its next Universal Periodic Review.

The Korean Government

This report does not focus on the actions of the Korean government to address similar instances of anti-civilian violence. Fabian Salvioli's report to the UN Human Rights Council provides a comprehensive overview of the Korean government's substantial efforts to engage seriously with these issues.

In addition to redoubling its efforts to ensure the integrity of those ongoing transitional justice processes, it is also important for the Korean government to urge the United States to hold itself to account for these historical atrocities as part of its ongoing bilateral relations. This agenda should be integrated alongside other diplomatic priorities such as security, economics, and cultural exchanges. By actively engaging the United States in addressing historical injustices, the Korean government can strengthen the foundation of trust, understanding, and collaboration between the two nations. This approach would not only promote justice and reconciliation but also contribute to the overall health and stability of the bilateral relationship.

Civil Society

Finally, it is imperative for civil society organizations in both Korea and the United States to build active and collaborative linkages with one another, bringing this issue and the personal stories of tragedy and resilience directly to the American people. These efforts should be facilitated through people-to-people exchanges, which could be supported by donor funds. Academic institutions also have a significant role in generating a well-rounded understanding of these historical events and educating future generations on the tragedies of the past. Collaborative research, educational initiatives, and public awareness campaigns can contribute to a more informed and empathetic society, fostering a shared commitment to preventing such atrocities from happening in the future.

Conclusion

The authors of this report consider it to be a starting point rather than a definitive conclusion. The atrocities highlighted in this document have remained largely in the shadows of civic life in Korea and in the United States, hidden from all but a few historians and dedicated journalists who have focused on these topics. The occasional expressions of “regret” have been minimal, and often only in response to significant media scrutiny. This passive and defensive

approach towards historical accountability is simply insufficient. The United States must take proactive measures to confront and address these issues head on. By doing so, the U.S.-Korean relationship can be recalibrated to be grounded in trust, mutual respect for human rights, and a commitment to open and transparent communication among co-equal nations.

The time for action is now.



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