

crime

and

impunity

## Crime and impunity

Under the Status of Forces Agreements (SOFA) which surround the establishment of US military bases (see page 14), US personnel are protected from legal action even in the case of the most serious crimes. In some cases American soldiers cannot be prosecuted for actions undertaken while they are on duty or crimes towards other US military employees, while in others they are completely safe from legal action in the host country even for crimes committed while they were “in civvies”.

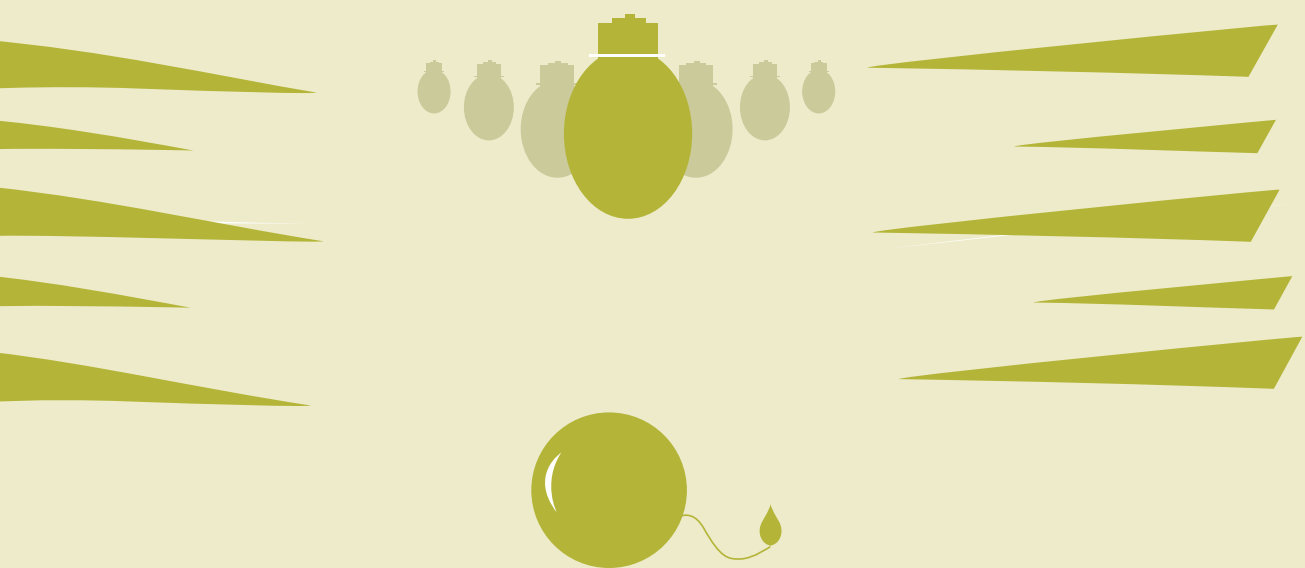
In the most extreme cases, as with the SOFA negotiated between the USA and East Timor in anticipation of bases being set up there, US military personnel are granted full diplomatic immunity from all prosecution. This means that, whatever a US soldier might do in East Timor, the domestic authorities would be unable to arrest or hold them, charge them with any crime, extradite them for crimes committed elsewhere or hold them financially or legally responsible for any civil matters, including child maintenance payments.

Even when the conditions of a SOFA allow for soldiers to be tried by the host country, as in Japan, the protection offered can prove controversial. Although soldiers can be prosecuted, they are not actually handed over to the Japanese authorities until they have been formally charged. This can make the investigation of crimes and interrogation of suspects difficult, causing controversy in an environment where crimes by US military personnel and contractors – ranging from traffic violations to robbery and murder – are said to be on the increase. The US authorities argue in turn that the differences between US and Japanese courts (such as the less frequent use of jury trials there) would make it

impossible to expect soldiers to serve there.

Particularly alarmingly, many such protective agreements also cover employees of companies subcontracted by the US army. The most notorious effect of this has been the failure of any authorities – US or European – to bring to justice a number of workers from Dyncorp, who were exposed as being involved in the trafficking of women and children as sex slaves in Bosnia.

In addition, many recent agreements made around US military bases – including the East Timor treaty – have included commitments that no US personnel will be sent to the International Criminal Court, an attempt at global human rights protection which the US government has repeatedly refused to ratify.





## Korea

In November 2002 a US military court recorded a not guilty verdict in the case of two soldiers, a tank driver and navigator, who that June had killed two teenage girls as they walked to a birthday party. The soldiers were sent back to the USA immediately after the decision, and the US army paid civil damages to the families of the girls. The acquittals caused protests across Korea, including the occupation by student activists of a US military base, which they entered by cutting through wire fencing. An apology from President Bush did little to placate Koreans, whose anger had been worsened by the rejection of a request by the Korean authorities that the men be tried in local courts.

The case of the two girls was the most high profile of at least 52,000 crimes which Korean campaigners say have been committed by US servicemen between 1967 and 2002.

According to the National Campaign for Eradication of Crimes by US Troops in Korea, these crimes have included shootings, assaults, rapes and murders. Korean civilians have been killed by US troops for acts as minor as smoking too much, intervening in quarrels or in acts of sexual jealousy.

Unjustified killings of Koreans by US soldiers began with the shooting dead of two people who had gathered on the docks at Incheon to welcome the US navy in 1945, but it was the 1992 murder of a bar worker in a town near a US base which caused widespread shock, after details of the gruesome torture to which a GI subjected her was publicised. A civil society coalition brought together political, religious and campaign organisations to demand justice for the woman, Yoon Geumy. They worked

for a year to defy the terms of the Status of Forces Agreement (SOFA) in Korea so that the soldier concerned could be tried in Korea. He was eventually sentenced to 15 years imprisonment by the Korean Supreme Court, a term considered tokenistic by campaigners, given the extraordinary violence of the crime.

The temporary coalition that came together over this case resulted in the formation of more long-term organisations and campaigns. These have raised awareness of the high and rising crime rates around US military bases in Korea, and linked these to the failure to hold the US to account for other problems arising from the presence of bases, such as the fathering of children by soldiers and massive environmental pollution and accidents involving toxic chemicals.

These organisations have succeeded in having the terms of the SOFA revised to remove some of the impunity granted to US soldiers, but they continue to campaign for the rights of victims and ultimately for the removal of US military bases from Korea.