

# The Genocide Conspiracy Against North Korea: An Open Letter to the International Criminal Court

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*The American threats against North Korea continue to mount and with them the threat of the genocide of the people of North Korea by the United States of America and its allies. The meeting of the USA, Canada and other nations that attacked North Korea in 1950 held in Vancouver, Canada, on January 16, which some hoped would lead to a political solution, instead took on the character of a meeting of criminals who by their presence, agreement and actions made them parties to a conspiracy to commit genocide, a crime under the statute of the International Criminal Court and the Genocide Convention of 1948.*

The threats made against North Korea are due to one single fact: the Democratic Peoples Republic of Korea refuses to accept the world hegemony of the American Empire. It has nothing to do with nuclear weapons. It has become a ritual now to state that all the permanent members of the Security Council are armed with nuclear weapons, that the United States has used them on the cities of Hiroshima and Nagasaki, that they have continuously threatened to use them to intimidate other nations since 1945, that Pakistan, India, and Israel have them, that NATO members in Europe have them at their disposal under US direction, that North Korea is in violation of no international law in developing them to defend themselves, to ensure their security just as all those other nations have done, that North Korea threatens no one and seeks only to have a full and final peace with the United States.

The nuclear weapon issue is a simply the pretext that the United States is using to try to solidify its tyranny over Korea, over the world.

The threat to the world peace comes not from North Korea. It comes from the United States and its allies: the nations who have degraded themselves into subjugated vassal states ready to obey any criminal order of their masters of war in Washington.

In response to what in our considered opinion are criminal actions, **Dr. Graeme MacQueen**, Founder and former Director of the Centre For Peace Studies, at McMaster University, and I, felt it necessary to send the following Open Letter to the Prosecutor of the International Criminal Court on January 23.

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**Open Letter**

Dear Madame Prosecutor:

**Re: Threats of Genocide Made Against the Democratic People's Republic of Korea**

We, the undersigned, share the desire of the Canadian people to establish and preserve peace in the world. It is therefore necessary for us to ask you to open an investigative file on the action of governments allied to the United States, including Canada, its government ministers and officials active in the on-going crisis with the DPRK.

Embarrassment and shock at President Trump's threats against North Korea have been widespread and have led to a serious discussion in the US as to whether Mr. Trump is mentally fit to govern. However, the threats of Mr. Trump and his secretary of defense go well beyond the US domestic sphere and have direct implications for other countries, including Canada.

Article 6 of the Rome Statute of the International Criminal Court states that genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- (a) killing members of the group,
- (b) causing serious bodily or mental harm to members of the group,
- (c) deliberately inflicting on the group conditions of life calculated to bring about the physical destruction, in whole or in part, of the group.

Conspiracy to commit genocide is understood in international law as a concerted agreement to commit genocide which may be inferred from the conduct of the conspirators. The evidence to support the charge of genocide can be based on circumstantial evidence as well as direct evidence. Further, the concerted or coordinated action of a group of individuals can constitute evidence of an agreement.

On August 8, 2017 Mr. Trump said that North Korean threats "will be met with fire and fury like the world has never seen." His secretary of defense, **James Mattis**, followed up on August 9 with the statement that,

"The DPRK should cease any consideration of actions that would lead to the end of its regime and the destruction of its people."

Mr. Mattis added a further comment on September 3:

"We are not looking to the total annihilation of a country, namely North Korea, but as I said, we have many options to do so."

During his maiden speech to the UN General Assembly on September 19, Mr. Trump said:

"The United States has great strength and patience, but if it is forced to defend itself or its allies, we will have no choice but to totally destroy North Korea."

Finally, US **Secretary of State Rex Tillerson**, during an interview on January 17, 2018 at Stanford University with **Condoleeza Rice**, stated approvingly in reference to deaths aboard Korean fishing boats going out to sea in winter without necessary fuel:

“they [the North Koreans] are feeling the effect of our sanctions.”

This is direct evidence that the United States is intentionally creating conditions that will cause the death of Korean civilians on a large scale in order to achieve US objectives.

Rhetorical excess (“fire and fury”) is one thing, but this connected series of statements, including a threat of total destruction, constitutes a threat of genocide. Threatening genocide is, arguably, not a crime, but “public incitement to genocide” is explicitly included as a crime in the Genocide Convention to which the US is party. Already, therefore, by publicly and passionately promoting genocide as a policy option, Mr. Trump and Mr. Mattis have entered dangerous territory legally. Since the US is party to the Genocide Convention the provisions of the Convention have the status of US law.

To successfully convict someone of genocide, proof of intention is required. The prosecution needs to show “intent to destroy”. This is usually a challenge for the prosecution since perpetrators seldom telegraph their destructive intentions to the world in advance. But, as two genocide scholars have already argued in the Washington Post, the US leadership has done precisely this: it has telegraphed its intentions. If, they point out, Mr. Trump does what he has threatened, prosecuting him for genocide would take a straightforward path.

The country of the undersigned, Canada, is a member of the ICC and under its jurisdiction, and Canadian leaders and officials have individual responsibility for any crimes committed under the Statute. Since there is clear evidence that the crime of genocide is being discussed openly and that plans are being made to carry it out against the people of the DPRK by US leaders and since, in these circumstances and with full knowledge of these threats and plans, US allies, including Canada, are cooperating with the US government and meeting to discuss actions to be taken against North Korea, and since these allies of the US appear to be ignoring international law, the Charter of the United Nations and the Rome Statute, it is necessary that an investigation be conducted by your office to consider the evidence and to prosecute if there is evidence of a crime.

The United States of America is no longer a member of the ICC. However, it is bound by the Charter of the United Nations to keep the world peace, is party to the Genocide Convention, and was a sponsor of the International Criminal Court. Moreover, the ICC has not only an investigative and prosecutorial role, but also the role of informing the world what criminal conduct is when it is happening; and it has a duty to make a public statement condemning it when it happens. It chose to do so with regard to Kenya for example. It should do so in the current crisis.

We ask that the Office of the Prosecutor open an investigative file in this matter and, in addition, use your voice as Prosecutor and the moral imperative your office claims to represent to avoid genocide and to condemn as grave violations of international criminal law the announced intentions and actions of the nations mentioned above.”

**We urge others to do the same.**

**Christopher Black**

**Graeme MacQueen**

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**Christopher Black** is an international criminal lawyer based in Toronto. He is known for a number of high-profile war crimes cases and recently published his novel "[Beneath the Clouds](#)". He writes essays on international law, politics and world events, especially for the online magazine "[New Eastern Outlook](#)."

**Dr. Graeme MacQueen**, Founder and former Director of the Centre For Peace Studies, at McMaster University, Hamilton

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