

Burma Lawyers' Council

Press Release:

March 16, 2007

"Korean Court continued its trial on the case of Daewoo International"

14 high-ranking officials from the companies, including Daewoo International President Lee Tae-yong, were indicted by Korea government on charge of exporting a number of Korean defense equipment production facilities and technology of weapons to Myanmar in violation of the law on exports of strategic goods. According to Kang Shin-who, Staff Reporter of Korea Times Newspaper, it was known that this is the first time that Korean companies are indicted on charges of illegal outflow of the nation's strategic goods and technology in a way to build plants overseas. The Korean Court continued its trial in a chamber of Supreme Court in Seoul, at 4:00 p.m, on March 15, 2007.

U Aung Htoo, General Secretary of the Burma Lawyers' Council, Kim Kyoung, Coordinator of Korean House for International Solidarity and U Zaw Moe Aung, from National League for Democracy (NLD-LA) Korean Branch, observed the trial. The court examined the accused one after another, listened to the argument of defense lawyers and adjourned the trial. It will resume again at 2:00 p.m, April 12, 2007.

U Aung Htoo commented that an aspect of the question is if the exported weapons had been used against the Burmese population in a way that violates international human rights or humanitarian law, whether there would be state responsibility for Republic of Korea. Under the international law of state responsibility, a state can be made to answer for its own actions but also for the actions of its private citizens or private corporations. A pre-requisite for state responsibility based on the actions of such private actors is however that the state has been complicit in some way. It is unlikely that state responsibility would apply in this case if the exports occurred without the complicity of Republic of Korea.

He also commented that if the exported weapons to Burma have been used against the population in a way that violates human rights and/or humanitarian law, and if the leaders of the S. Korean companies knew or should have known that the weapons would be used for such purposes, then perhaps it could be argued that they should answer for their complicity under international criminal law. Prosecution could in such a case be lodged


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before the International Criminal Court or perhaps before the S. Korean courts themselves (if domestic rules provide for jurisdiction to prosecute international crimes).

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