

Federal Court Awards \$2.3B to USS Pueblo Crew Members and Their Families in Terrorism Case Against North Korea

After more than 50 years, USS Pueblo crew members and their families are finally being recognized for what they have endured. A federal district court has awarded compensatory damages in the amount of \$1.15 billion and additional punitive damages in the same amount. Today's decision follows a 2019 default judgment that held North Korea liable for taking the crew hostage in 1968. The damages awarded today are among the largest ever awarded in a state-sponsored terrorism case.

The case, John Doe A-1 et al. v. Democratic People's Republic of Korea, was filed by Mitchell Silberberg & Knupp three years ago this month on behalf of 61 crew member plaintiffs and 110 family member plaintiffs in the U.S. District Court for the District of Columbia. It arises out of the capture of the Pueblo during an intelligence-gathering mission in international waters off the Korean Peninsula. On January 23, 1968, armed North Korean warships and fighter aircraft surrounded and fired on the ship. One crew member was killed, and the remaining crew – consisting of U.S. Navy, Marines and civilians – were held hostage by North Korea for 11 months until the United States negotiated their release. The plaintiffs, which include members of the crew and their families, sought damages for torture, hostage-taking, and personal injuries they suffered as a result.

The case was filed under the Foreign Sovereign Immunities Act's terrorism exception. This exception allows victims to sue a state sponsor of terrorism for torture, hostage-taking, personal injury or death resulting from its actions or its

material support for such actions. The Trump Administration re-designated North Korea as a state sponsor of terrorism on November 20, 2017, shortly after Trump's 2017 visit to South Korea and a speech to its Parliament in which he highlighted the USS Pueblo incident as part of North Korea's history of terrorist acts. If deemed eligible, this would be one of the largest terrorism judgments in history to be paid by the U.S. Victims of State Sponsored Terrorism Fund.

North Korea previously was found liable by the D.C. District Court in 2008 for the capture of the Pueblo and its subsequent treatment of its Commander and three crew members during their nearly one year of captivity in *Massie v. Democratic People's Republic of Korea*. This case arises out of the same basic facts as *Massie*, but due to the nature of their claims, plaintiffs in the case decided today proceeded pseudonymously.