

# **Truth and Reconciliation**

## **Activities of the Past Three Years**



**진실·화해를위한과거사정리위원회**  
Truth and Reconciliation Commission, Republic of Korea

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## President's Greeting

In entering the third year of operation, the Truth and Reconciliation Commission, Republic of Korea (the Commission) is proud to present the "Activities of the Past Three Years" and is thankful for all of the continued support. The Commission, launched in December 2005, has strived to reveal the truth behind massacres during the Korean War, human rights abuses during the authoritarian rule, the anti-Japanese independence movement, and the history of overseas Koreans.

It is not an easy task to seek the truth in past cases where the facts have been hidden and distorted for decades. With the support of many determined to discover the truth however, we were able to achieve notable results. As of now, the Commission completed a total of 3,271 cases, including the successful truth verification of 1,813 cases among the 10,962 cases submitted to the Commission. This report explains the results of the past three years, as well as tasks for the future.

The Commission is publishing this progress report to evaluate the activities thus far as well as to renew the commitment to our mission. The truth-finding activities of the Commission aims to acknowledge the neglected voices of the victims so that the government officially recognizes the uneasy truth, and society accepts it.

The victims as well as the offenders may know the truth already. Although known by many, the truth is not being accepted by society. If public power has the duty to protect its people, but instead inflicts undue pain on innocent civilians, then the government must rightfully reconsider its wrongdoings and apply measures to redeem the victims by restoring their honor and by building trust between the people and the state.

Past wrong-doings are now being rectified through decisions reached by the Commission. Through reexaminations, the court has exonerated those involved in five cases of human rights abuse, including the case involving the Jo Yong-Su of the *Minjok Daily*. Other cases that have received recommendations from the Commission are currently in the process of retrial.

The Commission investigated fabricated espionage charges against fishermen abducted by North Korea. Due to the truth-finding results, the court reexamined the charges and finally declared the fishermen innocent. For forty years, the victims and offenders in the fishermen's village remained divided, but as a result of the ruling, they were able to reconcile their differences and pursue a positive and peaceful coexistence.

As a result of Commission findings, the truth behind massacres and behind victims abused by public power during the Korean War is in the process of being uncovered. Also being revealed are the number of victims and the identities of the offenders in the Bodo League massacres, the military and police suppression of rebels, and the U.S. military bombings.

For the Bodo League massacres, the truth of the case was revealed by acquiring a list of the Bodo League members. After the Commission issued the decision, the President of the Republic of Korea delivered an official apology for the illegal acts and abuses of public power at a memorial service.

Under current investigation are cases like the anti-Japanese independence movement, the contributions to Korea's economic growth from dispatched Korean nurses and miners in Germany, and the international introduction of Taekwondo and its enhancement of Korea's national prestige; all of which provide a new perspective on the national level.

The results of the excavation of massacre sites and the results of the field study on the status of victims were also included in this report. We hope this will be helpful for those who are interested. Even at this moment, many countries around the world are investigating the truth behind their country's past wrong-doings. From Germany and Spain in Europe to Chile and Argentina in South America, and from the Republic of South Africa to Canada and Australia, settling of the past has now become a global trend.

We hope that the "Commission Report on the Activities of the Past Three Years" will serve as a useful text in preventing the reoccurrence of these past wrong-doings and will pave the way for national solidarity through true reconciliation. As President of the Commission, I would like to ask for your continuous concern and support for the Commission's activities.

Thank you.

March 2009

**위원장 한글서명 삽입**

**Ahn Byung-Ook,  
President of the Truth and Reconciliation Commission, Republic of Korea**

## **I. Historical Background of Korea's Past Settlement**

The issue of revisiting and clarifying historical events surrounding colonialism, Fascism, and massacres, which constituted the darker side of 20th century history, is being controversially discussed around the world. With such international attention focused on the ongoing settlement of the past, Korea's own efforts extend beyond one nation and emphasize to the world the importance of settlement.

The experiences of Germany, South Africa, Spain, Argentina, and other countries provide guidance for Korea's past settlement activities. In turn, Korea will also provide lessons to other nations confronting similar issues. The country's history of suffering under war, imperialism, a series of dictatorships, and finally its successful democratization can be particularly notable in the progression of world history.

Throughout the 20th century, Korea's history was marked by oppressive governments and hardships beginning with Japan's invasion and subsequent colonization of the country in 1910. After its liberation in 1945, the Global Cold War created ideological confrontations that divided the Korean peninsula into the Soviet-supported North and the U.S.-supported South. This eventually led to the Korean War and transformed the center of the peninsula into one of the most heavily militarized regions in the world. While an armistice exists, tensions continue to this day.

During the escalation, ideological confrontations prompted conflicts which resulted in executions to serve the political causes of each side. In South Korea, a civilian upheaval toppled Syngman Rhee's government in 1960. The following year, Park Chung-Hee, a military general, staged a coup. Park's hard-line authoritarian rule was marked by notorious human rights abuses which lasted until an aide assassinated him in 1979. In May 1980, another group of politically-motivated military generals seized power by massacring civilians in Gwangju. In 1987, a civilian rebellion ushered in the democratization process by overturning the military government.

Considering the events that have occurred in Korea's modern history, an accumulation of abuses and tragedies has left number of tarnished legacies. Without ever being fully dealt with, those who collaborated with the Japanese colonialists and with the subsequent dictatorial regimes, and acted as executioners for colonialism and dictatorships, as well as the systems and methods they operated under, remained impediments to Korea's democracy. Thus, in order to prevent these past wrong-doings from adversely affecting current Korean society, "the settlement of past incidents" attempts to examine and correct past misconduct.

The issues of past settlement are separated into three categories: Bringing to justice pro-Japanese supporters during the colonial era, revealing the truth behind massacres during the Korean War (including before and after the conflict) in order to restore honor to the victims, and verifying the facts of massacres and human rights abuses during Korea's democratization period so as to bring historical justice and truth. While these are three separate classifications, they share the common thread of dealing with repressive structures that ruled Korean society.

### **The Legacies of Japanese Colonialism**

The issue of clarifying and resolving the legacies of Japanese colonialism by bringing to justice pro-Japanese collaborators has been controversial since 1945. After

the South Korean government's inauguration in 1948, it enacted the Special Act on Punishing Anti-National Conducts and established a committee to investigate and arrest pro-Japanese collaborators, but this failed to produce any results.

The Rhee government, which was established under the protection and guidance of the United States, had a policy of re-hiring officials who previously worked with the Japanese colonial government. In order to strengthen their political position in Korea, the United States and the Rhee government employed pro-Japanese officials rather than punishing them for their past wrong-doings. As a result, the committee's activities were hindered, and they were eventually disbanded by the Rhee government. This allowed bureaucrats, policemen, and military officials who cooperated with Japanese colonialism to maintain their power and influence during the Rhee government and through the subsequent military regimes.

The Rhee administration's actions served to inflame discontent among the Korean people until it erupted in the 1960 Civilian Uprising and led to an upheaval as people demanded overdue freedom and democracy. The conservative force, threatened by public aspiration and opposition, relied on violence to preserve their vested interests and power.

In 1961, General Park Chung-Hee orchestrated a military coup. Park supported U.S. military interests, and as a former low ranking Japanese officer, he also sympathized with conditions that appealed to Japanese interests. Influenced by the extreme rightist ideology of Japanese nationalism and the sophisticated manipulation skills of the U.S. military, the Park military junta introduced an extreme right-wing Fascist regime into Korean society during a time when the nation lacked thoughts, values, and awareness of democracy.

This enabled him to initiate repeated military rule in Korea. After his 18 years of authoritarian dictatorship, he left an environment conducive to another 13 dark years of military and authoritarian governments. Thus, Korean social activists regard the failure to resolve pro-Japanese influence as a root cause for Korea's misfortune and they continue to cause major social controversy by raising this issue in public discourse.

### **Massacres during the Korean War**

Following Japan's surrender in 1945, the United States and the Soviet Union occupied the Korean peninsula. The leaders of Korea, depending on their own ideological inclination, were divided over the ruling system for the new independent nation. Some preferred a socialist state, while others sought a capitalist state with U.S. support. As a result of these conflicting views and the leaders' failure to reach a compromise, Korean society erupted into warring chaos with two opposing forces, one supported by the United States and the other by the Soviet Union, engaged in a severe ideological war.

In this war of ideologies, ordinary Koreans, who knew little about either ideology, were sacrificed in the political upheaval that followed. In 1948, two governments were established; the Republic of Korea (South Korea) and the Democratic People's Republic of Korea (North Korea). Two years after the division of the Korean peninsula between North and South, the Korean War began. The ideological disputes in Korea involved the participation of 20 UN member countries and developed into a proxy war for global Cold War conflicts. In the midst of this chaos, tens of thousands of Korean civilians died.

More than one million people were killed in the conflict. The casualties included not only military personnel killed in action, but also innocent civilians massacred during the process of ideological confrontation.

During the war's initial stages, the South Korean government executed political

prisoners and anyone “suspected of being a cause of a riot or assisting the enemy.” When North Korean forces occupied South Korean territory, they killed countless right-wing personnel and forcibly transported right-wing leaders to North Korea. As South Korean forces regained their territory, they killed their own civilians after accusing them of “collaborating with the enemy” during North Korea’s occupation of South Korean territory. However, the South Korean military, police, and right-wing groups ignored judicial procedures during the executions. The victims were never given a trial, an official accusation, or even a reason for their execution.

The Korean government has since explained that the incidents were conducted "as reprisals against North Korean communists for killing innocent South Korean civilians." While hundreds of thousands of people are suspected to have been killed, it is difficult to confirm the exact sequence of events and the death toll since raising this issue was prohibited within the military government. After the 1960 Civilian Uprising, the victims’ families requested answers from the government. In 1961, the military junta responded by punishing them. Therefore, these families remained silent for nearly 60 years.

The people responsible for the massacres maintained their control of Korean society and justified the killings according to their own reasoning. The families of the victims, afraid of being stigmatized as communists, remained quiet. However, due to Korea’s recent democratic progress, these families have finally spoken after nearly sixty years of silence. They began by demanding the enactment of the Special Act on Unveiling the Truth on the Massacres of Civilians in order to "correct the distorted history." The settlement process of one of Korea’s most tragic periods has just begun. After over half of a century, social movements have emerged to restore honor to the victims and survivors by rectifying the distorted history that buried the truth of these massacres.

### **The End of Authoritative Politics and Democratization**

The most notable achievement in modern Korean history is the democracy that was achieved after decades of military rule. In the struggle against thirty years of military regimes, Korea's democratic activists endured unbearable pain and tremendous sacrifice with over 800 people dying in the process of democratization.

This figure includes activists who died in the 1960 upheaval and the 1980 Democratic Movement in Gwangju, victims of death sentences, assassinations and torture, and those who performed self-immolation to protest against the government. They were killed not in war, but because of illegitimate politics and government violence. The organized involvement of the military, police, and intelligence agencies like the KCIA enabled the government to commit such abuses. As a result of the democratization efforts and considerable sacrifice, Korea expelled its military rulers and established a civilian government. This power shift marked the beginning of democratization.

Since the installment of democracy with the inauguration of the civilian government in 1993, a movement was initiated to prosecute two former presidents, Chun Doo-Hwan and Roh Tae-Woo for the coup in December 1979 and the massacre in Gwangju in May 1980.

In 1997, the two ex-presidents were criminally charged. Along with the others involved, they were arrested, tried, and sentenced to death. This was a belated judicial punishment for their crime of committing a massacre. The sentence represented a rare occasion in history with settlement of the past being completed through the judicial system. Usually, bringing to justice a military dictator or military rule was possible only

in the midst of a turbulent period following a public upheaval.

This incident triggered strong demand for past settlement movements which came into fruition when the Kim Dae-Jung government established several truth-seeking commissions in 2000. The Commission for Democratization Movement Activists' Honor-Restoration and Compensation evaluates the democratization movement under the military dictatorships and compensates the victims, as well as restores their honor.

The Presidential Truth Commission on Suspicious Deaths investigated unidentified victims suspected of being killed under the military regime. However, these commissions were limited to their respective areas in investigating Korea's past wrong-doings and did not resolve other forms of historical issues. Their work raised considerable public interest in settling the past and in other issues not covered by the commissions. In order to provide a more comprehensive resolution, the Truth and Reconciliation Commission of Korea was formed in 2005.

### **Establishment of the Commission**

As a government entity independent of any ministries and comprised of 15 commissioners who serve two year terms, the Commission is able to act independently in conducting its investigations. The mandate of the Commission is to investigate illegal massacres before and after the Korean War, human rights violations due to constitutional and legal violations or unlawful exercise of authority, incidents involving suspicious manipulation of the truth, and other historical incidents deserving the Commission's attention.

The Commission will operate for four years, and if necessary, can request a two year extension. Every six months, the Commission publishes a report on the results of investigations which is submitted to the president and National Assembly and disclosed to the public.

The Commission, now in its fourth year since its inception, has been criticized for not performing as well as originally expected. A group of complicated factors including those that are internal and those associated with the socio-political environment are negatively impacting the Commission's performance.

Truth commissions in general are intended to achieve true forgiveness and reconciliation based on their findings. In order to achieve this, the wrong-doings of the government and any hidden facts from the past should be clearly disclosed. However, it may be said that Korean society is still maturing socially and politically, and therefore has yet to reveal its shortcomings.

The deeply embedded perception that the development of military dictatorships was responsible for Korea's economic development only adds to the challenges of investigations. There are many limitations and constraints in investigating misconduct by the military regimes and in satisfactorily identifying the truth. Special interests in Korea are closely linked with one other as beneficiaries of authoritarian rule, and using this association, they work to strongly suppress democratic social transition. These forces hinder most of the commissions from fulfilling their goals.

Despite there being questions raised about the performance of these commissions, the formation of a truth commission is in itself a partial fulfillment of the goal of uncovering the truth. The establishment of a truth commission can create a feeling of forgiveness for the victims. Forgiveness precedes reconciliation, which is one of the two pillars of the truth commissions' activities. The ultimate goal of these activities is to steer

Korean society away from conflict that may disrupt reconciliation and peace. The following factors can be cited as reasons to support the long term continuation of the past settlement movement in Korea:

1. Throughout the 20th century, Koreans suffered serious social disruptions which created many complicated issues.
2. As a consequence of Western involvement in the 20th century, Western culture's influence altered and adversely affected Korean society by failing to converge with Korea's traditions and creating conflicts, confrontations, and cultural clashes.
3. Koreans shared homogeneous traditions and social experiences in a community-like society with minimal differences in ethnicity, religion, and social class. This homogeneity contributed to relatively broader social consent in regards to social justice.
4. The global Cold War and the division of the two Koreas have been primary obstacles in suppressing Korea's democratization movement. These factors were difficult to overcome by the civilian's democratization movement alone. This difficulty prolonged the continuation of the movement, thereby increasing the number of victims.
5. In the strong communal bond of Korean society, misconduct or disgrace in Korea's past remain in people's memories for many years to come and continue to affect society and relationships. This continuity leads to incessant social conflicts which require separate measures for reconciliation between the victim and offender.

Past settlement movements are about justice in a transitional period of society. Transition of a society should be done without creating victims, especially in times like today when the interests of people are closely interwoven. Mised transition can cause chaos and sacrifice. Therefore, past settlement is a policy for achieving successful social transition and constructing a new future without damaging the communal basis of society.

Today, universal human rights are humanity's most valuable asset. Every society in the world must resist ignoring the abuses of authoritarianism, discrimination, and human rights violations. These are deeds that existed in times of concealment, distortion, and repression. The honor of the innocent victims whose lives were taken away under illegitimate regimes should be restored.

Their families should be consoled and any damages they suffered should be compensated. These issues are not confined to only a few countries. Settlement of past incidents is essential to solving problems for countries in democratic transition, especially those that have yet to overcome the vestiges of government violence. The fore-running countries involved in past settlement can provide partnerships and expertise to those trailing behind. For this purpose, an international coalition can provide the necessary foundation and support. In view of this, I hope that past settlement activities as performed by Korea will be adopted as the best practice and offer alternatives for other countries undergoing democratization.

## **위원장 한글서명 삽입**

*Ahn Byung-Ook,*  
*President of the Truth and Reconciliation Commission, Republic of Korea*

<b>Key Events in Modern Korean History</b>	<b>Efforts in Truth and Reconciliation</b>
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1905.11	Korea lost diplomatic sovereignty to Japan	1948.10.	Abortive efforts punishing pro-Japanese collaborators began
1910.8.	Japan annexed Korea	1960.5.	National Assembly established a special investigation committee on massacres before and during the Korean War
1945.8.	WWII ends; Liberation of Korea; US military occupation began	1985.12.	National Council of Families of Democratic Fighters founded
1948.4.	Jeju's April 3 Incident	1988.6.	National Assembly held fact-finding hearings on the Gwangju Uprising
1948.8.	The Republic of Korea established	1990.3.	Special law compensated people involved in the Gwangju Democratic Movement
1948.10	Yeosu-Suncheon Incident	1995.12.	Former Presidents Chun Doo-hwan and Roh Tae-woo arrested and jailed
1950.6.	The Korean War began; Nogeunri and other massacres	1995.12.	Special law on the May 18 Democratic Movement removed the statute of limitations for criminal acts violating constitutional order
1951.2.	Massacre occurred in Geochang	1996.1.	Special law reinstated those involved in the Geochang Incident
1953.7.	Armistice agreement signed	2000.1.	Special law established to investigate suspicious deaths; Special law established to restore the reputation and compensate those involved in democratic movements; Special act established on the Jeju April 3 Incident to restore the reputation of victims
1960.4.	The April 19 Democratic Revolution	2001.1.	U.S. President Clinton apologized for the Nogeunri Incident in Yeongdong, Chungbuk.
1961.5.	May 16, military coup	2004.1.	Special law established to restore the reputation and compensate the
1963.10.	Park Chung-Hee was elected president		
1972.10.	Revitalizing Reforms (Yushin) proclaimed		
1979.10.	President Park Chung-Hee assassinated		
1979.12.	Military hard-liners seized power		
1980.5.	May 18 Gwangju Democratization Movement		
1980.8.	General Chun Doo-Hwan took office as president		
1987.6.	June 10 Democratization Movement occurred		

1987.12.	Roh Tae-Woo was elected President		victims of the Samcheong Training Camp
1992.12.	Kim Young Sam was elected President	2004.3.	Special acts to investigate forced mobilization and pro-Japanese collaboration under Japanese rule, and a special act to restore the reputation of Nogeunri victims
1997.12.	Kim Dae-Jung was elected President		
2002.12.	Roh Moo-Hyun was elected President	2005.5.	Framework Act on Truth and Reconciliation established
2007.12	Lee Myung-Bak was elected President	2005.7.	Special law to investigate suspicious deaths in the military
		2005.12.	Truth & Reconciliation Commission, Republic of Korea established
		2005 12	The Special Act to Redeem Pro-Japanese Collaborators' Property was promulgated and entered into effect
		2008. 1	President Roh Moo-Hyun apologized for the killing of leftists by past regimes

## II. Introduction to the Commission

### 1. Outline

#### 1) Objective of the Commission

Under the 「Framework Act on Clearing up Past Incidents for Truth and Reconciliation」, the Commission's purpose is to foster national legitimacy and reconcile the past for the sake of national unity by honoring those who participated in anti-Japanese movements and by exposing the truth through investigation of incidents of human rights abuses, violence, and massacres that occurred throughout the course of Japanese rule until the present time, especially under the nation's authoritarian regimes. In order to fulfill this purpose, the Commission investigates within the following areas of interest.

**(1) Anti-Japanese movements** during Japanese rule as well as immediately preceding movements

**(2) Koreans residing abroad and their efforts to protect Korea's sovereignty** and enhance Korea's position against Japanese rule spanning throughout the Japanese colonial period until Dec. 1st, 2005, when the Truth and Reconciliations Commission Act was formed

**(3) Massacres** occurring from August 15, 1945 to the Korean War period

**(4) Incidents ranging from August 15, 1945 to the end of the authoritarian regimes**, including deaths/injury/missing persons incidents due to illegal acts such as the disruption of constitutional order or the unjust use of public power, other significant human rights abuses, and allegations of manipulation

**(5) Terrorist acts, human rights abuses**, massacres, suspicious deaths by groups that opposed the legitimacy of the Republic of Korea or were hostile to the Republic of Korea, spanning from August 15, 1945 to the period of authoritarian regimes

**(6) Other Incidents:** Incidents that are historically important and deemed necessary for investigation by the Commission and those incidents that fits within the intent of the Truth and Reconciliation Commission Act

.※ **Formation of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation** (Truth and Reconciliation Commission Act)

Sept.~Oct. 2004: Three parties, including the ruling party and two opposition parties, propose the Truth and Reconciliation Commission Act

May 3, 2005: The National Assembly approves the Truth and Reconciliation Commission Act

May 31, 2005: Promulgation of the Truth and Reconciliation Commission Act (Law No. 7542)

Dec. 1, 2005: Enforcement of the Truth and Reconciliation Commission Act

## **2) The Commission's Mandate**

According to Article 3 of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation, the Commission independently addresses matters that fall within the purview of its authority. The President of the Commission can recommend a government bill to the President of Korea in relation to its work. Designated with the authority of a ministerial caliber mandate, the President of the Commission can administer the budget. The Commissioners shall independently exercise their authority independent from any outside intervention or orders. The Commissioners cannot be dismissed against their will.

## **3) Characteristics of the Commission**

The Commission investigates all relevant historical incidents, apart from investigations conducted by commissions established in accordance with individual Acts. The Commission is an independent body, not belonging to any ministry. Similar independent commissions are the National Human Rights Commission and the Korea Broadcasting Commission. The Commission, after concluding its investigation, proposes recommendations to rectify damages, restore honor, and promote reconciliation between victim and offender. It also supports the establishment of a research foundation for historical incidents.

## **2. Organization and Budget**

### **1) Organization**

**(1) Commissioners:** 15 members (8 members recommended by the National Assembly, 4 members appointed by the President, and 3 members nominated by the Chief Justice of the Supreme Court)

① Standing Commissioners: 4 members (2 members recommended by the National Assembly, 2 members nominated by the President)

- President: Ministerial caliber (1 member)

- Standing Commissioners: Vice ministerial caliber (3 members)

② Non-standing Commissioners: 11 members

**(2) Nomination of President and Commissioners of the Commission:** President of the Republic of Korea

**(3) Proceeding and Quorum for Resolution:** The resolution thereof shall require the

consent of a majority of the incumbent commissioners.

**(4) Publication of Proceedings:** The proceedings of the Commission shall be accessible to the public unless deemed otherwise by the Commission or sub-commissions

**(5) Period of the Commission**

① Basic period of investigation: The Commission shall investigate petitions for two years with a possible two year extension if needed.

② Procedure to extend the period: The Commission reports its extension to the President of the Republic of Korea and the National Assembly three months before the expiration of the investigation. The Commission may conclude the investigation before the expiration date if it decides it is unnecessary to continue: The extension of the investigation may be concluded by resolution of the Commission.

**2) Financial Operation and Budget Statuses by Year**

**(1) Trend of Financial Operations by Year:** The Commission's financial operation trend from 2005 to 2008 is depicted below.

Financial Operation Trend by Year (Unit: KRW million)

Exchange Rate for USD 1 = KRW 1,385 (As of Feb. 3, 2008)

Division	'05 Year Budget	'06 Year Budget	'07 Year Budget	'08 Year Budget
Total	2,416	9,410	12,519	19,657
Personnel Expenses	65	5,092	4,668	9,844
Operating Expenses	2,351	4,318	7,851	9,813

**(2) Budget:** The Commission's total budget in 2008 is approximately KRW 19.7 billion: 50% of this budget is assigned to personnel expenses while the remaining portion is assigned to operating expenses. Due to the introduction of a new personnel expense system in 2008, 60 public officials' salaries (KRW 32 billion) are paid from the Commission's budget. Due to this, the Commission's staff personnel expenses increased sharply in 2008 from 2007.

### 3. Introduction to the Commissioners and Staff

#### 1) Commissioners

##### (1) President

Ahn, Byung-Ook

Professor of Korean History at the Catholic University of Korea

Commissioner of the Presidential Truth Commission on Suspicious Deaths

President of the Truth Commission of the National Intelligence Service

Commissioner of the Cultural Heritage Administration

##### (2) Standing Commissioners

Lee, Young-Jo

President, Capitalism Economy and Nationalism Research Center

Secretary General, Citizens United for Better Society

Professor, Kyunghee University

Kim, Dong-Choon

Associate Professor, Sungkonghoe University

Director, Human Rights and Peace Center of Sungkonghoe University

Policy President, People's Solidarity for Participatory Democracy

Kim, Jun-Gone

Member, Minbyun-Lawyers for a Democratic Society

Standing Commissioner of the Presidential Truth Commission on Suspicious Deaths

Secretary to the R.O.K. President for Civic and Social Affairs

##### (3) Commissioners

*Choi, Il-Sook*

Commissioner, Ombudsman of Korea

Lawyer, Hanwul Law Office

Member, Minbyun- Lawyers for a Democratic Society

Judgment Commissioner, Seoul Regional Labor Commission

*Chung, Jae-Geun*

Buddhist Priest, Bukhan Mountain Kumsonsa, Jogye Order of Korean Buddhism

Commissioner, Ombudsman of Korea

Commissioner of National Human Rights Commission

*Hong, Soon-Kwon*

Professor, Department of History, Dong-A University

President, Korean Association of Genocide Scholars

President, Pusan-Kyungnam Historical Studies

*Jung, Byung-Joon*

Professor of History, Ewha Woman's University  
Professor, Mokpo National University  
Research Fellow, National Institute of Korean History

*Jung, Byung-Seok*

Principal, Department of Law, Chonnam National University  
Jurum Doctor from Seoul National University  
Professor, Department of Law, Chonnam National University

*Kim, Oe-Sook*

Lawyer, Law Office of Busan  
Member, Minbyun - Lawyers for a Democratic Society  
Lawyer, Law Office of Uri Hapdong

*Lee, Kee-Yuk*

Lawyer, Representative Attorney for the law office of Changjo  
Vice-President, Truth Commission of the Ministry of National Defense  
Vice-Chairman of Minbyun-Lawyers for a Democratic Society  
Human Rights Commissioner, Korean Bar Association

*Park, Sang-Hoon*

Lawyer, Law Office of Yoon Yang Kim Shin & Yu  
Senior Judge, Seoul Administration Court  
Chief Judge, Jeonju District Court  
Judge, Seoul High Court  
Judge, Seoul District Court

*Park, Yo-Chan*

Lawyer  
Ph.D. of Science in Taxation (With Emphasis on Tax Law)  
Lecturer in Tax Law, Judicial Research Training Institute  
Lecturer in Tax Law, Korea University Graduate School of Policy Studies  
Lecturer in Tax Law, University Of Seoul

**2) Term of the Commissioners:** Each term of the commissioner, including the President, is two years, with the possibility of reappointment. In the case of a vacancy, a successor is immediately appointed after an election or nomination is conducted within 30 days of the vacancy. The successor's term of office shall start anew on the day he or she is appointed.

**3) Prohibiting the participation of a commissioner:** Below are a list of factors that may prohibit participation of a commissioner in the deliberation and resolution: If the commissioner or any person who is or was the commissioner's spouse is an offender or victim involved in a case under investigation by the Commission. If the commissioner is a blood relative of the offender or victim in a case under investigation by the Commission.

If the commissioner was involved in any criminal investigation or trial procedures with respect to the relevant investigation by the Commission. If the commissioner has testified or made an evaluation with respect to the relevant investigations by the Commission. If the commissioner participates or participated in the relevant investigation as an agent of the party concerned. If the commissioner receives a refusal request from a petitioner or respondent.

#### **4) Human Resources**

**(1) As of September 30, 2008, the Commission is staffed with 241 persons.**

The President’s Office is comprised of six staff members. The Standing Commissioners’ Offices are comprised of nine staff members. The Secretary General’s Office is comprised of two staff members. The Legal Affairs and Audit Team is comprised of five staff members. The Policy Planning and PR Team is comprised of eight staff members. The Bureau of Administration Management is comprised of fifty-four staff members. The Bureau of National Independence is comprised of thirty-nine staff members. The Bureau of Massacres is comprised of sixty-six staff members. The Bureau of Human Rights Abuses is comprised of fifty-two staff members.

<u><i>Department</i></u>	<u><i>Staff Members</i></u>
<u>President’s Office</u>	<u>6 (Incl. President)</u>
<u>Standing Commissioners’ Offices</u>	<u>9 (Incl. Commissioners)</u>
<u>Secretary General’s Office</u>	<u>2 (Incl. Secretary General)</u>
<u>Legal Affairs and Audit Team</u>	<u>5 (Incl. Chief)</u>
<u>Policy and PR Team</u>	<u>8 (Incl. Chief)</u>
<u>Bureau of Administration Management:</u>	<u>54 (Incl. Director General)</u>
<u>Bureau of National Independence</u>	<u>39 (Incl. Director General)</u>
<u>Bureau of Massacres</u>	<u>66 (Incl. Director General)</u>
<u>Bureau of Human Rights Abuses</u>	<u>52 (Incl. Director General)</u>

**(2) Eighty-four of the staff members are dispatched from the central and local governments** which include the National Intelligence Service, Board of Audit and Inspection, Office for Government Policy Coordination, Department of Veterans Affairs, Ministry of Education, Science and Technology, Ministry of Unification, Ministry of Strategy and Finance, Ministry of Foreign Affairs and Trade, Ministry of Justice, Ministry of National Defense, and National Police Agency.

**(3) 26 staff members hold PhD degrees**, 5 staff members hold lawyer certificates and 2 staff members are public prosecutors.

## 4. Composition and Operation

### 1) Bureau and Mission

#### (1) Bureau of Administration Management

##### ① Coordination and Planning Division

- Regulates tasks regarding the National Assembly
- Conducts general investigation work
- Comprises of an operational committee, advisory committee, and sub-commission
- Responsible for preparing the overall report and collecting data

##### ② Management Support Division

- Responsible for appointment, service, education, training, and pension
- Regulates administration of documents and official seals
- Maintains the administration information system
- Responsible for procurement and administration
- Manages and balances annual income and budget for annual expenditure
- Regulates ethics of staff members and registration of property

##### ③ External Affairs Division

- Includes the International PR and Cooperation Team
- Receives petitions for investigations and managing general civil affairs
- Cooperates with similar institutions or organizations
- Works on enhancement of regulations and recommendations

##### ④ Investigation Cooperation Division

- Responsible for management and operation of information and data, as well as collection, analysis and maintenance of investigated and administrative data
- Responsible for construction, management and operation of administrative information system
- Conducts psychological evaluations and surveys on the present status of victims
- Provides support for preliminary investigations
- Responsible for exhumation, rehabilitation and reconciliation
- Responsible for the establishment of the research foundation for past incidents

#### (2) Bureau of Investigation on National Independence

Investigation Team 1~3

- Responsible for the investigation of incidents involving the anti-Japanese movement, history of overseas Koreans, and other incidents determined by the Commission

#### (3) Bureau of Investigation on Massacres

Investigation Team 1~5

- Responsible for the investigation of incidents involving Massacres, incidents by groups that oppose the legitimacy of the Republic of Korea, and other incidents determined by the Commission

#### (4) Bureau of Investigation on Human Right Abuses

Investigation Team 1~5

- Responsible for the investigation of incidents involving the misuse of power, court convictions, suspicious deaths, unsatisfactory investigations, and other incidents determined by the Commission

**(5) Legal Affairs and Audit Team**

- Regulates adherence to acts, rules and provisions
- Manages organization and staff members
- Operates panel committees including audits

**(6) Policy Planning and PR Team**

- Plans and set policy, media PR and strategy
- Builds coalitions with the press and relevant organizations
- Conducts investigations, analysis, and planning on past incidents-related system and policy

**2) Classification and Assignment of the Cases**

A total of 10,860 petitions have been received by the Commission, and every petition is automatically assigned a case number for one of the three committees to review: Committee on Independence Movement, Committee on Massacres, and Committee on Human Rights Abuses. Divided into sub-categories, the Committee on Independence Movement was assigned 274 cases on the independence movement against the Japanese, 14 cases on the history of Korean expatriates during colonial times, and 1,678 cases on groups opposing the legitimacy of the Republic of Korea. The Committee on Massacres was assigned 7,992 cases of civilian massacres. The Committee on Human Rights Abuses was assigned 612 cases related to human rights violations. The Commission's remaining 351 cases, which failed to fit into a particular category, were divided and reviewed by each committee depending on the relevancy of the petitions.

**Assignment Classification by Committee (Case, %) / As of Nov. 30 2006**

	No. of Cases	Ratio
<b>Total</b>	<b>10,860</b>	<b>100.0</b>
<b>Committee on Independence Movement</b>	<b>1,975</b>	<b>18.2</b>
Anti-Japanese independence movement	274	2.5
History of Korean expats during colonial times	14	0.1
Groups opposing the legitimacy of the ROK	1,687	15.6
<b>Committee on Massive Civilian Sacrifices</b>	<b>7,922</b>	<b>73.0</b>
Massacres	7,922	73.0

<b>Committee on Human Rights</b>	<b>612</b>	<b>5.6</b>
<b>Abuses</b>		
Human rights violation	612	5.6
<b>Others</b>	<b>351</b>	<b>3.2</b>

### III. Procedure for Investigation

#### 1. Procedure of Petition and Method of Application

##### 1) Procedure of Petition

**(1) Receipt of petition for investigations:** Local government organizations (City, District, County and Province): Local governments receive petitions for investigation and checking details of the petition. Local governments are responsible for classifying these petitions into one of five classes assigned by the Commission. Local governments record petitions with their receipt register and issue a certificate of receipt.

**(2) Transfer of petition to the metropolitan city or provincial level:** A list of receipts is made for each city, district, and county. The petitions and list of receipts are transferred without delay to the corresponding city or province holding the relevant jurisdiction.

**(3) Metropolitan city and provincial governments transfer of petitions to the Commission:** The metropolitan city or provincial government prepares a list of petition receipts within its jurisdiction. The metropolitan city or provincial government transfers the petitions and the list of the receipts to the Commission without delay.

**(4) Receipt of the commission and numbering of the incidents:** The Commission's receipt register records and files an incident number.

**(5) Decision to accept or deny initiating the investigation:** The decision to accept or deny initiation of the case is made within 90 days after receipt by the Commission. In the case that it is deemed necessary to hold a preliminary investigation, it is possible that the decision period would be extended for 30 days or less. A decision to deny or accept a case is made only after careful review through deliberation and resolution by the Commission.

**(6) Initiation and activities for investigation:** The Commission carries out on-site investigations and asks relevant institutions for data. The Commission hears statements from persons subject to the investigation, reference witnesses, or persons concerned.

**(7) Decision of truth-verification or non-verifiability of the truth by the Commission:** A decision to find the truth is achieved through careful deliberation and resolution after reviewing the results of the investigation. There is no restriction on the time it takes to reach a decision to conduct an investigation.

**(8) Notification of decision to accept or reject an investigation:** Lastly, the commission considers the feasibility of the investigation. Notification is given to petitioners within one week after the Commission reaches its decision. A petition

undergoing step 1 may be withdrawn before a decision of provisions at step 4. Regarding notification of a decision in steps 5 and 8, a petitioner, a person subject to investigation or a reference witness may raise an objection within 60 days.

## **2) Method of Application**

### **(1) Petition for investigation**

① **Petitioner eligibility:** Any person who is a victim, sufferer, or a bereaved family member. A person classified as having familial relations includes: a spouse, blood relatives within a third cousinship, and relatives within cousinship under the provisions of Article 777 of the Civil Act. A petitioner can also be a person who has known specific facts regarding an investigation that has been conducted by the Commission. Such a person can be defined as someone who experienced or witnessed or heard second hand information about a past incident.

② **Period of petition:** December 1, 2005 ~ November 30, 2006

③ **Method of petition:** Complete the petition form for truth-finding. Any petition shall be filed in written form, unless there are special circumstances that warrant filing of an oral petition. The petition should be submitted to a local government entity (metropolitan city, district, county, and province) or directly to the Commission.

### **(2) Receipt of Petition for Truth-finding**

① **Responsibilities of the local governments (metropolitan city, city, district, county, and province):** Checking details of the petition for truth-finding. Classifying the petition into the corresponding category for investigation. Registering a petition into the receipt register. Issuing a certificate of receipt of the petition for truth-finding. Any received petitions as well as the list of receipts shall be transferred to the Commission daily.

Procedure for Obtaining a Receipt: With respect to an application of petition for truth finding, the oral statement shall be written, and after a petitioner reviews the contents of the petition, both the public official receiving the petition and the petitioner shall confirm the act by signing on the back page of the application.

② **City/District/County:** Submission of petition to metropolitan city or province on the same day of its receipt.

③ **Metropolitan City/Province:** Daily submission of a list of received petitions, subdivided by city, district, and county.

④ **The Commission:** Includes into the receipt register the submitted petitions transferred from local government organizations. Issues a case number to all petitions transferred from local government organizations and to all petitions directly placed with the Commission and transfers the cases to the relevant committee.

**(3) Withdrawal of petition:** The petitioner may withdraw his/her petition prior to the Commission reaching the decision to initiate or reject an investigation. The petitioner can do so by submitting a form of withdrawal of petition for truth-finding.

## 2. Investigation and Determination of Truth-Finding

### 1) Type of Investigation

**(1) Investigation by petitioner:** Investigation for all petitions except those subject to rejection. A decision shall be made to initiate or reject within 90 days after the petition is received by the Commission. In the case that the Commission has sufficient support to admit the petition as a historically important event and considers the petition critical for identifying the truth, the Commission may exercise official authority to begin an investigation.

**(2) Independent investigation under the Commission's mandate:** The Commission, subject to its own approval, has the right to launch an independent investigation into a case deemed to be historically significant and worthy of verification, especially when ascertaining the truth about a case is thought to be critical.

As of September 2008, the Commission decided to initiate independent investigations into eight cases, one of which includes the Bodo League massacres, a series of well-known massacres and presumably one of the most massive and organized mass killings in Korea. There are also three cases under preliminary investigation pending a decision to initiate an independent investigation. They include the case of contributions to national development by the Korean community in South America, the case of the national education of ethnic Koreans in Japan, and the case of the identification of the commanding officer responsible for the open-fire order on the May 18 Democratic Movement.

The Commission decided on October 10, 2006, that the Bodo League massacres would be investigated. Members of the Bodo League were detained and killed in penitentiaries across the nation before and after the Korean War. The Bodo League massacres were committed in a highly orchestrated manner, and the Commission determined that the massacres deserved investigation. Other massacres to be investigated by the Commission include the National Defence Army Incident and the Yeosu Suncheon Incident, massacres involving detainees and political prisoners in penitentiaries across the nation.

The Commission decided to investigate four other cases. Under the subcategory of the history of Korean expatriates, there is the case of the international introduction of Taekwondo and its enhancement of Korea's national prestige. Under the category of human rights abuses, there is the case of Oh Jong-Sang's violation of emergency measures, the case of the assassination attempt of August 15, and the case of the consolidation of the press in 1980.

Investigation of the Taekwondo case was filed by a petitioner requesting that the truth be revealed on the role of the International Taekwondo Federation (ITF) and its contribution in raising Korea's reputation in the international community. On October 16, 2007, the Commission decided to initiate an investigation. It also decided to examine the World Taekwondo Federation (WTF) since it contributed significantly to the popularizing of Taekwondo abroad, including Taekwondo's entry into the Olympic Games.

The Commission decided to investigate the other three cases in the human rights violation category due to the strong public interest value and their historical implications.

## **2) Decision of Rejection**

**(1) The Commission shall reject a petition that falls under any of the following conditions:** The contents of a petition do not fall within the scope of the matters subject to investigation by the Commission. The contents of the petition are deemed manifestly false or ill-founded. A petition contains facts identical to any other petition that has already been dismissed by the Commission. The Commission makes an exception for petitions that contain critical information not included in the previous petition.

**(2) The Commission may, subject to the above conditions, reject a petition even after an investigation had been initiated.** The Commission, if it deems necessary before the investigation, may undertake a preliminary investigation to decide whether to initiate the investigation or not.

## **3) Initiation of Investigation**

In the event a petition does not fall under the above conditions for rejection, the Commission must initiate and conduct an investigation without delay. The Commission, if it deems necessary before the investigation, may conduct a preliminary investigation to decide whether or not to initiate an investigation. If a preliminary investigation is deemed necessary, the decision to initiate or reject an investigation may be delayed up to 30 days.

## **4) Method of Investigation**

**(1) Investigator:** The investigator, in principle, means the Commission. The investigators of a case may comprise of one staff member designated by the Commission.

**(2) Prerequisites for investigation:** A respondent or reference witness must submit a written statement. The respondent or reference witness must be present to hear the statement. The person or related entity/facility/organization involved must submit materials deemed relevant to the matters subject to investigation. Persons or related entities/facilities/organizations involved must refer relevant information to one another. An appraiser must be appointed and a request for a appraisal sent.

**(3) On-site investigation:** If deemed necessary, a Commission staff member may conduct an on-site investigation in accordance with the Truth and Reconciliation Commission Act. The purpose of an on-site investigation is to investigate relevant materials or data as well as investigate institutions, facilities, or groups in any location deemed relevant to a past incident or the investigation. The Commissioner or its staff may request any party concerned in an on-site investigation to submit relevant materials or

articles and the party concerned is required to respond to the request without delay.

**(4) Submission of materials or data:** Any party concerned shall respond without delay to a request for materials or data subject to investigation and shall not reject such a request without reasonable grounds. An exception may be permitted if the appropriate minister (a head of any related institution belonging to the President of the Republic of Korea and the National Assembly) submits an explanation within five days after the Commission's request for materials stating that information in the requested materials is classified and its announcement would endanger national security. Even in this case, the head of the relevant institution shall allow the Commission to inspect the materials, provided that the Commission does not disclose it to the public.

Any relevant institution that the commission requests materials from can reject the Commission's request, provided that it gives the Commission a valid explanation in detail. In the event that the Commission concludes that the explanation lacks reasonable grounds, under the powers vested by the Truth and Reconciliations Act, the Commission may issue an order for the submission of the materials.

## **5) Protection for Any Person Subject to Investigation**

**(1) Protection of commissioner, investigator, or cooperator:** No person shall assault or threaten a commissioner or staff member, nor shall any person interfere with the investigation. No person shall assault or threaten an appraiser, nor shall any person interfere with the investigation. No person shall assault or threaten a reference witness. A person shall not suffer any disadvantage such as dismissal, suspension from office, reduction of salary, or transfer for cooperating with or providing related information in an investigation.

### **(2) Duties of the Commission**

The Commission shall prepare necessary measures to protect a reference witness or appraiser, secure relevant materials, and prevent any obstruction to the investigation. The Commission may provide necessary compensation or support to a person who obtains or submits critical materials for clearing up the truth in the investigation, and may recommend he/she be granted amnesty.

Protection of a person who is subject to investigation: A person shall not be misrepresented as a suspect in any newspapers, magazines, broadcast programs (including internet newspaper and broadcasting), and other publications solely based on a past position he/she held in an administrative, military, judicial, or other organization subject to the investigation. An exception may be permitted in a case that is proven factual and related to the public good. A person shall not disclose the contents of the investigation prior to reporting to the President of the Republic of Korea and the National Assembly.

**(3) Protection of an informant:** If a participant or a person who found or submitted necessary information for the investigation is endangered or physically threatened, he/she may request the relevant institution for protection.

**(4) Mission of the Commission:** The Commission shall prepare measures to protect the privacy and honor of the respondents during the investigation proceedings.

**6) Opportunity to Give a Statement:** The Commission shall provide a respondent, his/her spouse, lineal descendant, or concerned person with an opportunity to provide their own statement. A person who provides a statement may request to read the information in the investigation report and may appoint a lawyer.

## **7) Determination of Truth-finding**

**(1) Determination of truth-finding:** After the completion of the investigation and if the facts have been determined, the result shall be decided by resolution of the Commission. In case the Commission does not or cannot arrive at a determination of truth for an investigation, the Commission shall deem the case, along with its background, impossible to investigate.

### **(2) Notification of determination and application for appeal**

The Commission shall immediately provide notification of its decision to the relevant persons. Person subject to notification of determination include petitioners, respondents, and reference witnesses. In the event a petitioner or respondent of the investigation is dead or whose whereabouts is unknown, his/her spouse, lineal ascendants or descendants shall be informed.

Contents of the notification include the decision, instructions for appeal, and other necessary details. Even if the case is deemed infeasible, persons subject to notification shall be notified. A person may appeal in writing to the Commission within 60 days after receiving the notification. With regard to objections, the Commission shall make a decision in writing without delay within 60 days after receipt.

### 3. Present Status of Investigations

The Commission has received 10,992 petitions in total: The Commission has completed investigations on 4,794 cases (45.2%), launched investigations for 5,969 cases (54.3%), reserved 28 cases (0.3%) and is currently conducting preliminary investigations of 21 cases (0.2%).

#### The Status of Investigations (as of February 28, 2009)

(Unit: Cases, %)

Range of Investigations	Total	Verified Cases						Investigating	Pre-Investigation	Reservation
		Sub-Total	Verified	Unverified	Dismissed	Withdrawal	Transferred			
<b>Grand Total</b>	10,992 (100.0)	4,974 (45.2)	3,444 (31.3)	28 (0.3)	1,092 (9.9)	313 (2.9)	97 (0.9)	5,969 (54.3)	21 (0.2)	28 (0.3)
<b>National Independence Movement</b>	273	231	18	19	184	10		23	1	18
<b>History of Overseas Koreans</b>	16	6	5		1				10	
<b>Groups Opposing ROK Legitimacy</b>	1,659	626	467	1	135	22	1	1,033		
<b>Civilian Massacres</b>	7,818	3,120	2,882			234	4	4,698		
<b>Human Rights Abuses</b>	624	391	72	8	245	41	25	215	8	10
<b>Others</b>	602	600			527	6	67		2	

#### 1) Characteristic of Petitioners

##### (1) Fact-finding is urgent as most petitioners are elderly

"Before my death, I wish to see the results of the truth-finding. I don't want to pass down my pain to my children."

It is vital that the Commission conducts fact-finding investigations as urgently as possible. Most of the petitioners or bereaved family members of the victims are elderly or suffering from illness, as well as many of the witnesses and offenders. Since most of the incidents occurred a long time ago, if fact-finding activities are delayed, it becomes increasingly difficult to find specific witnesses and concrete evidence.

Among the total of 10,860 petitioners, 3,166 petitioners (29.2%) are more than 70 years old. This indicates that nearly one-third of the petitioners are elderly with 24 petitioners (0.2%) over 90 years old; 530 petitioners (4.9%) over 80 years old; 2,612

petitioners (24.1%) over 70 years old; and 4,591 petitioners (42.3%) over 60 years old.

There are concerns about the expediency of the petition process. 13 petitioners passed away while waiting for decisions on their appeals. The story of one such petition was published in a New York Times article on 11 March 2007 entitled "South Korea Reviews Its Dark Past, but the Pace is Slow":

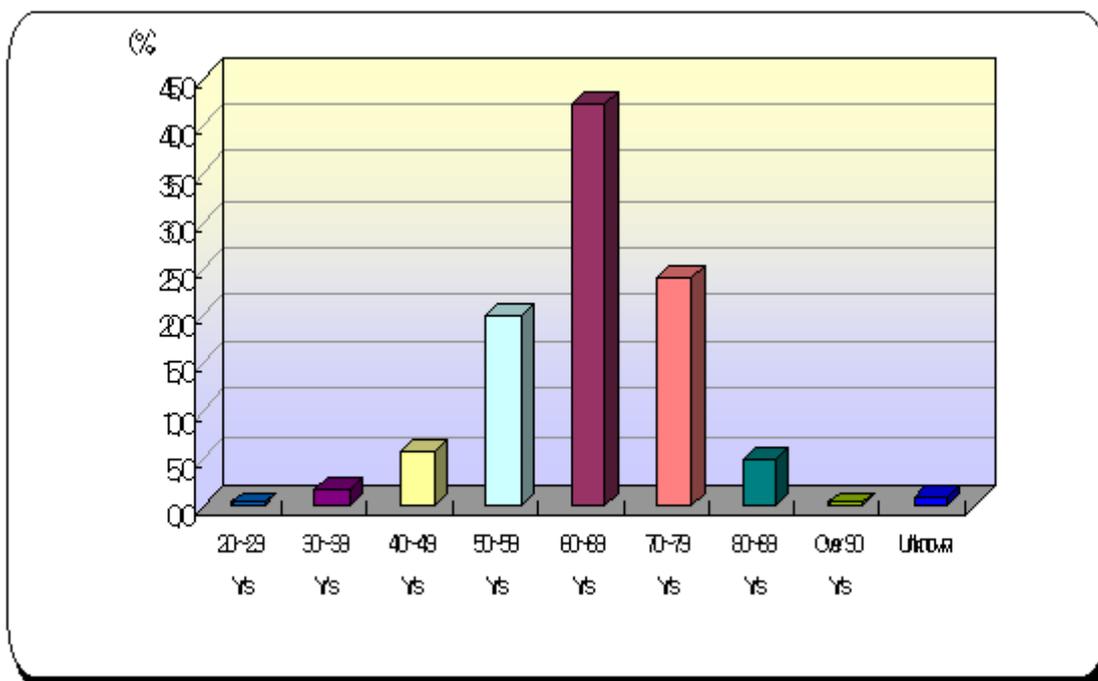
Under the auspices of a Truth and Reconciliation Commission, established by the government of President Roh Moo-hyun at the end of 2005, investigations are under way. Verdicts are being reviewed and in some cases have been overturned. But on Feb. 25, the Venerable Bogwang died, apparently of natural causes, at his hillside monastery... His death, at 57, was a reminder of the painfully slow progress the Roh government is making in delving into the country's tumultuous history, and what a political minefield the past remains in South Korea.

In this respect, active cooperation amongst governmental agencies in Korea is essential in order to expedite the truth-finding investigation process.

**(2) Age range of petitioners (Unit: Persons, %) as of November 20, 2006**

Division	Total	20 ~ 29 Yrs	30 ~ 39 Yrs	40 ~ 49 Yrs	50 ~ 59 Yrs	60 ~ 69 Yrs	70 ~ 79 Yrs	80 ~ 89 Yrs	Over 90 Yrs	Un-known
<b>Total</b>	10,860 (100)	26 (0.2)	186 (1.7)	616 (5.7)	2,173 (20.0)	4,591 (42.3)	2,612 (24.1)	530 (4.9)	24 (0.2)	102 (0.9)
<b>National Independence</b>	274	-	1	25	31	88	73	31	4	21
<b>History of Overseas Koreans</b>	14	1	-	-	-	2	1	-	-	10
<b>Massacres</b>	7,922	21	154	409	1,631	3,548	1,771	332	13	43
<b>Massacres by Groups Opposing the Legitimacy of the ROK</b>	1,687	1	17	76	294	702	479	104	5	9
<b>Human Rights Abuses</b>	612	2	11	81	154	133	173	42	2	14
<b>Others</b>	351	1	3	25	63	118	115	21	-	5

### (3) Age category distribution chart



## 2) List of Cases for Truth-Finding

**(1) Independence movement against the Japanese and the history of Korean expatriates in colonial times:** A total of 16 cases were investigated in these categories. Independence movement cases have already been administered by the Ministry of Patriots and Veterans' Affairs, and cases related to the history of Korean expatriates were relatively rare with only 16 petitions filed with the Commission. The Commission decided to investigate five of the 16 requests.

**(2) Groups opposing the legitimacy of the ROK:** A total of 196 cases were investigated in this category. Enemies were categorized by the government into the North Korean Army, local leftists, and local communist guerrillas, but their division is unclear.

**(3) Massacres:** Among 7,802 petitions, 1,461 cases have been investigating in this category. Categorized in detail, there were 389 cases related to the Bodo League massacres, 106 cases related to preventive detention, 146 cases related to the Yeosu-Suncheon Incident, 20 cases related to the U.S. Air Force bombing Incident, and 800 cases related to the police and military massacres of pro-Communist collaborators.

**(4) Human rights abuses:** A total of 56 cases were categorized under the human rights violation category with 39 cases related to irrevocable criminal rulings on issues such as fabricated spy incidents, 13 cases related to illegal detention and death, 1 case related to property rights violation, and 3 others.

**(5) Non-verifiability decision:** When the Commission determines that a case cannot be clarified, a non-verifiability decision is made. The decision is made when the lack of records, documents, and evidence precludes the Commission from determining the facts or verifying the truth about the case. Therefore, the decision differs from a legal court's withdrawal, which occurs after a court finds a case unsubstantiated. Unlike the court's denial, if new facts and evidence are uncovered afterwards, the Commission can resume the verification process.

As of September 30, 2008, 14 cases have been ruled non-verifiable, with 2 cases in 2006, 8 cases in 2007, and 4 cases as of September 30, 2008. All 14 cases were categorized under the Independence Movement category. This illustrates the importance of preliminary investigations. In other categories, cases having a high possibility of resolution are chosen to be investigated through pre-investigations, but because most of the cases in the independence movement category involve personal issues with a considerable amount of time having elapsed, it is difficult, due to discrepancies in location and time, to predict the outcome of resolution through pre-investigations. As more investigations are completed, non-verifiability decisions are likely to follow in other categories as well.

## **4. Measures for Recommendations and Reconciliation**

### **1) Characteristics of Recommendations**

Clearing up past incidents can be defined as a process of clarifying facts about concealed incidents in the past, revealing the truth, seeking reconciliation and taking preventive measures. While it is the Commission's task to reveal the truth, it is the mandate of the government to admit past wrong-doings, seek reconciliation, and fulfill measures. Recommendations are about the government's responsibility, which are considered follow-up or successive steps to fact-finding.

The importance of recommendations can be found in the efforts to restore the honor and rectify the damages of the innocent victims in modern Korean history, as well as to prevent the reoccurrence of past misconduct. Recommendations should seek reconciliation between the victims and the offenders, thereby contributing to national unity and democracy.

Although the main mission of the Commission is to reveal the truth about historical wrongdoing, the Commission is also actively involved in making recommendations to the government. Recommendations such as the offering of an apology, restoring the honor of victims, compensation of victims, and the taking of preventive measures are made to the government.

The recommendations have two aspects: a functional aspect and a legal one. Functionally, the Commission is an independent entity that comprehensively deals with the settlement of the past. Legally, recommendations are based on Article 32 of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation ("Framework

Act"), which empowers the Commission to make necessary recommendations to the government according to the Act's basic purpose of national unity and reconciliation. However, the recommendations are not legally binding and cannot be enforced. Although Article 32 of the Framework Act stipulates that the government has the duty to honor the recommendations and make efforts to implement them, the execution of the recommendations is dependent on the will of the government. In the Framework Act, there are no provisions regarding the binding power and the execution process of recommendations. Related government organizations also do not have any legal and systemic obligation to implement the recommendations.

Supplementary measures by the government include the enacting as Presidential Decree the "Regulation of Recommendations and Follow-up Measures in Relation to Past Incidents", the establishment of the Recommendation Follow-Up Board to monitor the implementation of the recommendations, and the current review of the progress of implementation at related organizations. Despite these acts, there are limitations in ensuring the complete execution of the recommendations.

## **2) Follow-up on Recommendations**

Under the current Framework Act, the recommendations of the Commission are to be included in the Commission's Final Report, and the government assumes only a general role. The Final Report, however, is written and submitted at the closing of the Commission, which means the implementation of the recommendation is postponed until the end of the Commission's duration of four years. Furthermore, considering that the government should respond to the petition in a timely manner, this delay can undermine the effectiveness of the recommendations.

It states under Article 32, Paragraph 4 of the Framework Act, "Any case approved for investigation must be reported to the Recommendations Follow-up Board with recommendations on measures for restoration of the victims' honor, reconciliation of the victims and offenders, the prevention of incident repetition, the revision, abolishment, or creation of related laws, policies, systems, and practices, and the education and promotion for building historical consciousness." As of September 30, 2008, the Commission has issued 1,679 recommendations out of 1,733 cases for truth-finding. Divided by category, there were 1,461 cases in massacres, 162 cases in groups opposing the legitimacy of the ROK, and 56 cases in human rights violations. No recommendations have been made in the categories: 1) the independence movement 2) the history of Korean expatriates.

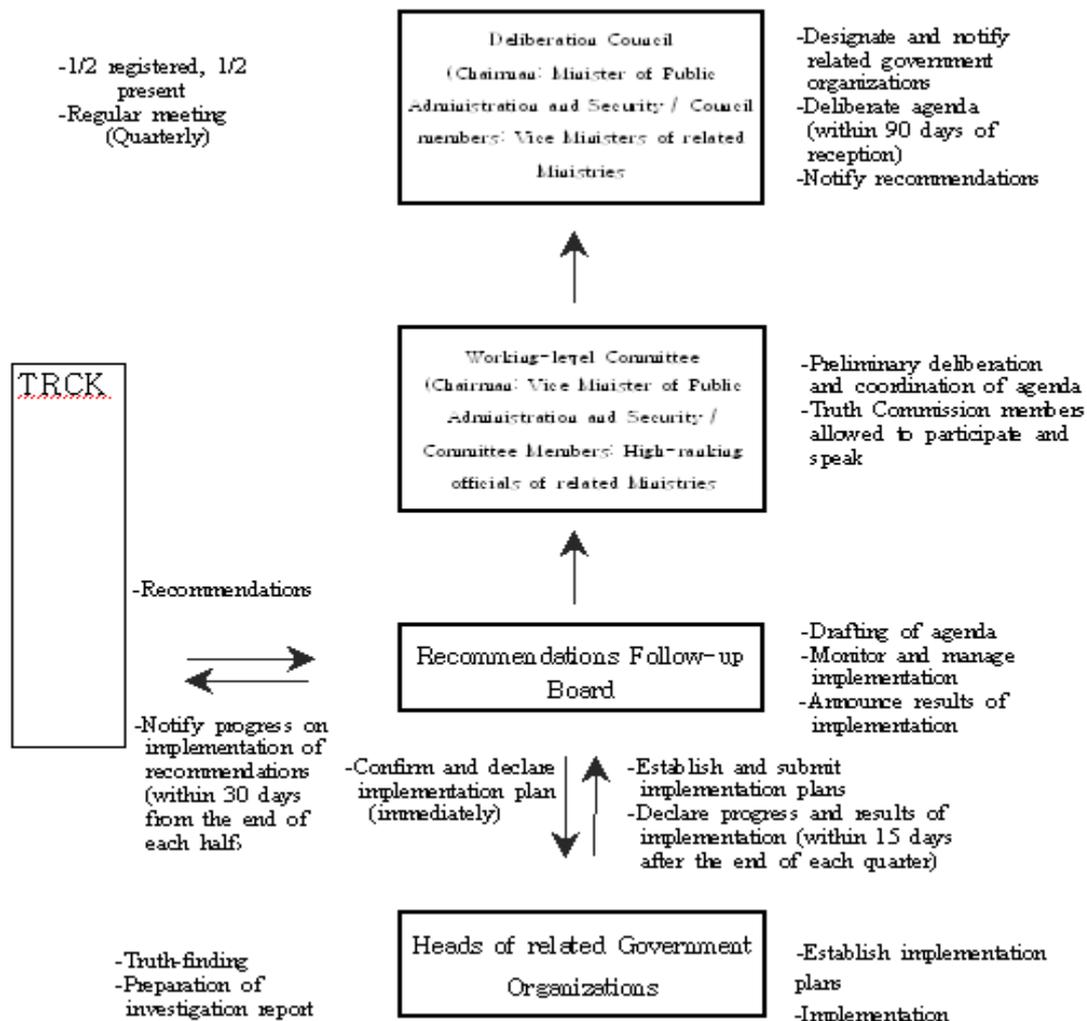
**(1) Massacres:** With regard to the 1,461 cases, the Commission recommended official state apologies, revision of family registers, memorial events, additions or revisions regarding historical records, peace and human rights education, revision of related laws, and medical subsidies for the wounded. Regarding the 54 cases of civilian deaths by U.S. Air Force bombings (three incidents), recommendations included an official state apology and the holding of a memorial event, as well as measures to compensate the victims through negotiations with the U.S. government.

**(2) Groups opposing the legitimacy of the ROK:** The following recommendations

were made for 162 cases; the holding of memorial events, additions or revisions regarding historical records, archiving incidents as historical record, revisions of family registers, and the strengthening of peace education. However, since these cases involve the North Korean Army and leftists as perpetrators, there are realistic limitations in implementing the recommendations.

**(3) Human rights abuses:** The Commission also made recommendations for 56 cases regarding human rights abuses. An official state apology and retrial were recommended for 35 cases that received irrevocable court rulings, including the incident involving Jo Yong-Su of the Minjok Daily. As for the 17 cases related to illegal arrest, detention, and death, the Commission recommended an official state apology, medical services, deletion of records, and damage reparation. An official state apology and compensation were also recommended for the Buil Scholarship Foundation Incident, and with regard to the disqualification of national bar exam students who participated in demonstrations, it was recommended that the government apologize and nullify the disqualification.

### Recommendations and Follow-up Structure



### **3) Measures for Reconciliation**

**(1) Remedies by the State:** Appropriate measures to rectify the damages of victims and sufferers and to restore their honor. This excludes cases where appropriate measures have already been taken through other Acts.

- ① Legal and political reconciliation involving the perpetrators of past incidents
- ② Recommendation to reach a compromise between the offenders, victims and bereaved families
- ③ Necessary measures to achieve national reconciliation and unity
- ④ Respect for the Commission's decisions and recommendations

**(2) Remedies by the Commission:** In the case that a conviction is ruled in a criminal court procedure, the Commission may recommend to the President of the Republic of Korea to grant a pardon and rehabilitation. For the offenders who confess complete truth during the investigation: With regards to investigations and trial proceedings, there will be no punishment or mitigation of punishment. In the case of conviction, the Commission will recommend that the convicted receive a pardon and rehabilitation.

**(3) Effort for strengthening the effectiveness of reconciliation and recommendations (recommendations after truth verification):** The Commission recommends that the government offers an apology to the victims and bereaved families, restores the honor of the victims, and establishes a memorial. The memorial would serve two purposes: Memorialize the victims and act as an historical archive. If necessary, the Commission recommends a retrial of the case. The Commission recommends that there be free medical services to treat the victims and bereaved families, that there be correction of false and exaggerated records, and that there be reparations offered. The Commission recommends creating legislation that rectifies damage suffered by victims and that allows for additional follow-up measures.

## **IV. Extra-Investigation Activities**

### **1. The Exhumation Work**

#### **1) Exhumation of Massacre Sites**

The Korean War was the worst national tragedy in Korean history, indelibly scarring the Korean people. Millions of Koreans were killed, institutions and industrial facilities across the nation were destroyed, and families and local communities were dismantled. Even today, the nation remains divided. After the War, efforts were insufficiently applied towards healing. With regard to the massacres during the War, for nearly 60 years, few measures were taken on a national level to reveal the truth and rectify the damages suffered by the victims.

The first step in truth-finding was initiated at the civilian level, when the bereaved families in the North and South Gyeongsang Provinces formed the "National Association of Victims' Families" after the April Revolution, the citizen upheaval of April 19, 1960, in order to pursue the truth and reveal the injustice of the massacres. The Association exhumed the remains of the victims, built a common cemetery and held a memorial service. These efforts by the victims' families led to the creation in the 4th National Assembly of the "Special Committee for the Fact-Finding of Massacres" to investigate, although insufficiently, massacre incidents in some regions for the first time. However, following the May 16 Military Coup that occurred the following year, the military government arrested most of the leaders of the Association and destroyed information related to the exhumations, the remains of victims, and the list of bereaved families. The common cemetery was also demolished and the families were punished for guilt by association. Afterwards, people did not discuss the issue of massacres out of fear, and many of the victims' remains remained buried in the massacre sites for nearly 60 years.

Despite this, the truth was not buried forever. Following the democratization movement in June 1987, civic groups, bereaved families, and the academic community demanded the revelation of the truth about the massacre incidents. Finally in 2005, the Framework Act was enacted, and as exhumations commenced, the revelation of the truth began.

In 2006, the Commission began surveying massacre sites scattered across the nation, and after on-site examinations, began exhumations on four sites in 2007. In 2008, five exhumation projects were initiated in the cobalt mines of Gyeongsan, Bunteogol in Cheongwon, Galmegi Island in Jindo, Maegok-dong in Suncheon, and Won-ri in Sancheong. For the first time, after the 57 years since the beginning of the Korean War, the Commission started unearthing the remains of massacre victims nationwide.

#### **2) Progress**

In December 2006, the Commission conducted on-site examinations and field surveys for

168 of the most probable locations of massacres (14 sites were examined independently by the Commission and 154 sites were examined through subcontracted agencies) and chose 39 sites for initial excavation. Out of these 39 sites, four were given priority in 2007 after considering the feasibility of exhumation. Results of exhumations at each site are as follows:

**(1) Cobalt mines in Gyeongsan, North Gyeongsang Province (From June 25 to September 17, 2007):** The Commission, along with Kyungnam University Museum, started collecting the remains of the victims killed and buried inside the cobalt mines in Gyeongsan. Approximately 3,500 people were known to have been buried inside the mines. The victims, who were taken to the site and massacred, were inmates of Daegu Penitentiary and members of the Bodo League in the Gyeongsan and Cheongdo areas. The exhumation was conducted along the horizontal and vertical mine shafts.

The procedure of the exhumation began with a land survey, and then proceeded with a map of the inside of the mine being drawn. These tasks were completed in order to understand the structure of the horizontal and vertical mine shafts. Electric power was connected to the inside of the horizontal shaft for an on-site examination. After the examination, the remains were removed and washed. The vertical shaft, which was thought to be the point of execution, was also excavated, to a depth of approximately 11 meters.

**(2) Bunteogol in Cheongwon, North Chungcheong Province (From July 6 to August 31, 2007):** Exhumation of the Bunteogol site started on July 6, 2007, by the Commission and Chungbuk National University Museum. At this site, located in Cheongwon-gun, North Chungcheong Province, a total of 1,000 inmates from Cheongju Police Station and Cheongju Penitentiary, as well as members of the Bodo League in the Cheongju and Cheongwon areas, were thought to have been massacred from July 4 to 11, 1950. Actual exhumation was conducted at two sites within the Bunteogol Valley.

**(3) Bongseong Mountain in Gurye, South Jeolla Province (From June 18 to July 17, 2007):** The Commission and Hanyang University Museum began exhumation of Bongseong Mountain in Gurye, South Jeolla Province on June 18, 2007. About 70 civilians detained at the Gurye Police Station were executed in the front yard and buried on the side of Bongseong Mountain. This occurred on November 9, 1948, immediately after the Yeosu-Suncheon Incident. The exhumation of Bongseong Mountain was conducted in three spots.

**(4) Golryeonggol in Nangwol-dong, Dong-gu, Daejeon City (From June 25 to September 22, 2007):** The exhumation of Golryeonggol in Nangwol-dong, Dong-gu, Daejeon City was conducted by the Commission and Chungnam University Museum. There were seven prospective exhumation spots on site, but due to a disagreement with the land owner, only four spots were excavated. The victims were inmates of Daejeon Penitentiary, members of the Bodo League, and victims of preventive detention. According to U.S. National Archives and Records Administration (NARA) estimates, approximately 1,800 people were killed in the massacres, which took place around July 20, 1950. Some estimates report the death toll to have been as high as 7,000.

**(5) Exhumation at Galmegi Island in Jeonnam Jindo County:** Starting September 19, 2008, the Commission spent a month exhuming the remains of the victims at Galmegi Island in Jeonnam, Jindo County. Around July 1950, approximately 500 South Korean civilians were massacred at Galmegi Island by the South Korean police. The victim remains were left unburied for nearly six decades. In 2008, the Commission conducted exhumations at five sites: Chungbuk Cheongwon Buntogol, the Gyeongsan cobalt mine, Gyeongnam Sancheong County, Jeonnam Suncheon-City Maegok-dong, and Galmegi Island in Jeonnam Jindo County.

Around 200 people participated in the exhumation at Galmegi Island, including commissioners of the Commission, local government officials, members of the bereaved families and NGOs. In 2007, the Commission exhumed the remains of 400 victims from the four sites. From the beginning of 2008 to today, the Commission exhumed 565 sets of remains from the four sites, which included 210 sets of remains from Chungbuk Cheongwon Buntogol, 255 sets of remains from Gyeongnam Sancheong and 100 sets of remains from the Gyeongsan cobalt mines.

**Status of Exhumation of Massacre Sites 2007**

Site (Related cases)	Progress	Results	Burial type (Number of victims)	Number of peti- tions
Bongseong Mt. Cemetery in Gurye-gun, South Jeolla Province (Yeosu-Suncheon Incident)	- Beginning of investigation (July 25, 06) - Approval of on-site examination (Aug 8, 06) - Commencement of exhumation (June 27, 07)	- 14 remains found - 20 bullets from a Calvin rifle - Personal belongings unearthed, such as buttons, combs, tobacco pipes, etc.	Cemetery (70 estimated bodies)	12
June 18 to July 17, 07	- On-site presentation (July 16, 07)			
Bunteogol in Cheongwon, North Chungcheong Province (Bodo League)	- Beginning of investigation (July 25, 06) - Approval of on-site examination (Aug 8, 06) - Commencement of exhumation (July 10, 07)	- 118 remains found - 56 bullets and - 106 cartridges from Calvin and M1 rifles - Buttons, rubber shoes, and clothing unearthed	Hillside (200 estimated bodies)	80
July 6 to Aug 30, 07	- On-site presentation (Aug- 22, 07) End of exhumation (Aug 30, 07)			
Cobalt mines in Gyeongsan, North Gyeongsang	- Beginning of investigation (Apr 25, 06) - Approval of on-site	- 107 remains found - 10 bullets from M1 and Calvin rifles	Inside mine shaft (3,500	163

Province (Prison inmates, pro-Communist collaborators, Bodo League members) June 25 to Oct 1, 07	examination (Oct 10, 06) - Outsourcing of on-site survey (Dec 19, 06) Commencement of exhumation (July 8, 2007) - On-site presentation (Sept 20, 2007) End of exhumation (Oct 1, 2007) - Beginning of	estimated bodies)	
Golryeonggol and Nangwol-dong in Dong-gu, Daejeon (Daejeon Penitentiary inmates) June 25 to Oct 2, 2007	investigation (Nov 7, 06) - Approval of on-site examination (Feb 13, 07) - Commencement of exhumation (July 1, 07) - Site visits by the press (Aug 29, 07) - On-site presentations (Oct 2, 07)	- 34 remains found - 45 caliber handgun, several M1 bullets and cartridges - One name tag and one shoe unearthed	Hillside (1,800 ~ 3,000 estimated bodies) 110

### 3) Achievements and Tasks

The government initiated exhumation work for the first time since the outbreak of the Korean War in 1950. This signifies a turning point for truth verification and restoration work for victims. Results of the exhumations will be of great significance to Korea's socio-cultural arena. In particular, the exhumations provide evidence of human rights abuses that will contribute to the verification of truth in explaining what occurred to the victims and offering consolation to bereaved families. In this respect, the exhumation work will have a considerable impact on Korean society as a whole.

While conducting the exhumations, the public and the media showed a tremendous interest in the Commission's work. With so much interest, the exhumation work should be able to continue with a specific-long term plan in place. If this work were to be conducted in an ad-hoc fashion, it would be reflected in the results, and it would diminish the effectiveness of truth verification and reconciliation for the victims.

Despite the high level of public interest in the Commission's exhumation work, the government should urgently address such issues as the amending of relevant laws in relation to exhumation work, simplifying administrative work for exhumations, and preparing long term facilities for the preservation of the exhumed remains. By resolving these issues, national unity and reconciliation can be more properly promoted through the Commission's exhumation work and results.

## **2. Complementary Activities of the Investigation**

### **1) Research on the Actual State of Victims**

Since the Commission's establishment, the Commission has received 9,600 petitions for massacres from the Korean War period of 1950-53. Out of those 9,600 petitions, South Korean forces conducted 7,922 individual massacres and North Korean forces conducted 1,687 individual massacres. Among academic circles and civil society, it is widely claimed that the number of victims are in the hundreds of thousands, with some estimates as high as one million. Despite such high numbers of victims, a comparably low number of petitioners appealed to the Commission. This may be due to the following reasons: The period of petition is limited only to one year, many victims and bereaved families are uninformed or reluctant to come forward, and most of the victims and immediate descendants are deceased since the massacres occurred more than a half century ago.

The petitioners live throughout Korea, indicating that massacres were not restricted to any particular region. Therefore, it is necessary to begin a nationwide investigation regarding the identity of the victims. In order to understand the scale and overall effects these massacres had on the nation, truth-finding work should expand beyond individual cases. Even before the Commission's establishment, academics and civil society leaders raised similar concerns.

Since 2007, the Commission, together with academics, have conducted the research on "the Actual State of Victims of Massacres around the Korean War Period" in order to analyze and categorize the situation of massacre victims nationwide. By doing so, the Commission tries to contribute to truth finding work as a whole. In 2008, the Commission and local governments began conducting "the Survey on the Present Status of Civilian Victims." The results from the investigation and survey will be used to aid in the Commission's investigative activities as well as to provide a basis for the Commission's recommendations. It will also act as a model for reconciliation and memorial work on behalf of the victims.

### **2) Survey of Massacre Victims**

The purpose of this survey is to understand the scale of mass killings that occurred during the Korean War. It has been conducted by collaborating with outsourced research teams. In 2007, Dong-A University conducted a survey project on the massacred civilian victims in the several regions. The selected regions were chosen after carefully considering the scale and the representativeness of each massacre. Ganghwa-gun was included because it was a military borderline for the two conflicting powers, and Gimhae was significant because a large number of mass killings occurred there, although the region was never occupied by the North Korean army.

In 2008, Chonnam National University supervised a research project that covered various regions. One of the most commonly used research methodologies applied throughout field research was group interviews, which included the recording and documentation of testimonies from victims. Individual cases that were investigated

focused on the outline, type of damage, category of the accused, and surrounding circumstances of each incident. Investigative results were then categorized according to geographical designation. These statistics became a source for viewing the data in accordance with each region of the country. The collected data then underwent an extensive screening test to determine their validity. The final stage then was to reconstruct the categorized groups.

In 2007, the above-mentioned investigative process was conducted on a total of 3,820 individuals including bereaved family members, and witnesses of incidents. As a result, some 8,600 victims were uncovered. Categorized by each region, the surveys found: ① 356 victims in Ganghwa-gun, ② 385 victims in Cheongwon-gun, ③ 365 victims in Gongju-si, ④ 373 victims in Yecheon-gun, ⑤ 517 victims in Cheongdo-gun, ⑥ 283 victims in Gimhae, ⑦ 1,880 victims in Gochang-gun, ⑧ 2,818 victims in Youngam-gun, and ⑨ 1,318 victims in Gurey.

Divided by the type of damage, the survey found: ① 1,457 leftist guerilla victims of the South Korean army or police forces, ② 1,348 Bodo League victims, ③ 1,318 local leftist victims, ④ 1,092 victims from the Yeosun Incident, and ⑤ 892 victims accused of being North Korean collaborators.

### **3) Report and Research**

#### **(1) Report on the trauma of victims is published**

The Commission has conducted research on the trauma of victims and their bereaved families caused by the state's violence. Using the results of this research, the Commission will create rehabilitation and reconciliation programs for victims and their families. Research was conducted over a period of six months, from December 2006 to June 2007, with regards to 514 petitioners. According to the report, 38.9% of the direct victims of the massacres after the Korean War suffer from Post-Traumatic Stress Disorder (PTSD), while 48.8% of direct victims of authoritarian regimes from the 1960s to 1980s suffer from PTSD.

The percentage rates of the bereaved families suffering from PTSD are as follows: 26.7% related to human rights abuse; 19.5% related to massacres; and 10.5% related to national independence incidents. Thus, the research results indicate that the victims and their bereaved families suffer most seriously in relation to human rights abuse. This result seems to be related the fact that human rights abuse occurred during relatively recent years.

Among the victims of massacres, the victims of U.S. Army massacres suffered the highest PTSD rates at 40.9%. In the case of bereaved families of victims of human rights abuse and collective massacres, they repeatedly suffered from nightmares due to PTSD. In particular, one in four victims of human rights abuse suffered from insomnia on a nearly nightly basis. In the case of massacre victims, they suffered from the lack of ability to concentrate as well as from being easily overwhelmed by trivial matters. Moreover, most of the bereaved families suffered from stress because of economic hardships.

#### **(2) 1,222 incidents classified as massacres**

After closely examining 7,533 incidents around the time of the Korean War, the

total number of incidents classified as massacres were 1,222. The determination of massacre is significant in that it affects the way in which the truth-finding investigations are conducted. In particular, the Commission investigated non-petitioners on a national level. By doing so, the Commission was able to understand the overall scale of massacre cases nationwide.

If we classify the 1,222 cases according to nine different types, they are as follows: 552 massacres committed by the ROK soldiers and the police force; 303 suspicious collaboration cases with enemies; 215 cases of killings committed by U.S. soldiers; 101 cases from the Bodo League massacres; 26 cases from the political prisoners' massacre; 20 cases from the Yeosun Massacre; 3 other cases of massacre. In particular, the number of mass killings committed by the U.S. army during the Korea War was high.

#### **4) News Related to the Presidents of the Commission**

##### **(1) First Term President, Father Song, promotes the Commission's works**

In order to let the public know what the Commission does, in 2006 and 2007, the first term President, Father Song Ki-In, went to over 16 places, including major cities, provinces and abroad. Since the Commission's goal is national unity and reconciliation, Father Song expressed that, "everyone should know the Commission's activities." As a result of such hard work, more and more people are becoming interested in the Commission's activities.

##### **(2) President Song says, 'Korea Lacks a Confession Culture'**

In November 2007, President Song had an interview with *The Korea Times*. Father Song said that Korea lacks a confession culture, which could possibly lead to a better reconciliation between enemies of the past. Among verified truths involving thousands of deaths and the trauma of the common people in the past, there are very few people who come clean about their wrongdoings and repent, he said.

"In many Western societies, when a man comes out into the light to confess his offense and repent, people cheer him and forgive him. That encourages other people to openly talk about their own guilt," he said. "I hope Korea will become a place where more people voluntarily talk about their embarrassing past and the victims or their families generously accept others' apologies so that wrong-doers do not hide themselves, fearing a backlash," he said.

##### **(3) Second Term President, Professor Ahn Byung-Ook's successive meetings with bereaved families' organizations and civil society leaders**

Starting from January 10 to January 16, 2008, President Ahn held five successive meetings with leaders of organizations of bereaved families and of civil society. The following five organizations' delegations were invited: The Truth Finding Committee of the Korean War Genocide (TFCKWG), Bereaved Families of the Korean War Genocide (BFKWG), Pan-National Committee for a Just Settlement of the Past (PCJSP), Bereaved Families of Suspicious Deaths (BFSD) and the Joint Meeting of the Human Rights Organizations (JMORO).

Eleven delegates of the TFCKWG made the following requests to the

Commission: Reorganization of investigation system, conversion of investigation report system, expansion of investigation, and the implementation of recommendations.

Six delegates of the BFKWG made the following requests to the Commission: Regularly held meetings, notification of investigation plans, and coalition building between the BFKWF and the Commission.

Eight delegates of the PCJSP made the following requests to the Commission: Establishment of open channels of communication between the Commission and civil society, launching of an investigation for unregistered cases under the authority of the Commission President, amendment of statutes to receive additional petitions, and the publically open provision of all information for verified cases.

Seven delegates of the BFSK made the following requests to the Commission: Launching of an immediate investigation into incidents concerning suspicious deaths, active PR support for the activities of the Commission, efforts at cooperation building with civil society and the establishment of an active channel of communication between the Commission, petitioners, and bereaved families.

Four delegates of the JMORO made the following requests to the Commission: Consider an extension of the petition registration period for those who were not able to file a petition within the deadline.

**(4) The President Visits Jeju Island:** On April 3rd, 2008, President Ahn of the Commission participated in the 60th Anniversary Memorial Service for the Jeju 4.3 (April 3rd) Victims held at the Jeju 4.3 (April 3rd) Peace Park. This event was dedicated to the remembrance of the thousands of people massacred on April 3rd, 1948. It also served to console the victims' families. During the conference, President Ahn gave a keynote speech entitled "The Reality of Settling the Past in Korea". On April 4th, 2008, victims' family members involved in a Jeju preliminary investigation met with President Ahn at his request. He reported on the proceedings, explained the future plans of the investigation, and listened to the families' proposals and difficulties. After this, he visited the graves of the victims to offer his respects.

**(5) The President visits exhumation sites and requests support from governor:** On October 15-16, 2008, the President of the Commission visited an exhumation site in Jindo County on Galmegi Island and met the governor of Jeollanam Province to request cooperation from the local government in the Commission's investigative work. On September 4th, 2008, the President of the Commission visited the Gyeongsan Cobalt Mines and the Cheongwon Buntogol exhumation sites. He also visited the exhumation center at Chungbuk National University (CNU) and toured temporary identification and exhumation facilities. He expressed gratitude to the President of CNU for providing placement for the exhumed bodies.

#### **(6) The 3rd Anniversary of the Commission**

On December 1, 2008, the Commission held its 3rd anniversary ceremony. Over 300 people participated in the ceremony, including the President of the Presidential Commission on Suspicious Deaths in the Military, President of the Investigative Commission Regarding Pro-Japanese Collaborators' Property, President of the Truth and Justice Forum, members from bereaved families' organizations and leaders of civil societies. The President of the Commission, Ahn Byung-Ook, said:

During the last three years, although we've suffered difficulty, we haven't labored in vain in our efforts to reveal the hidden and distorted truth of past incidents. We will do our best to verify the remaining cases within the given time.

Many participants delivered words of encouragement regarding the Commission's work, as well as expressed their expectations for the future. The Commission reviewed the last three years of work with the public and prepared its future agenda.

## **5) International Networking**

The international networking work of the Commission was conducted in the following areas: Domestic and international press conferences, accumulation of relevant data, and the development of an international network to foster cooperation among historical truth-seeking organizations. Immediately after the establishment of the Commission in 2006, the Commission held press conferences in the USA and Japan to promote its work among Korean residents abroad.

From 2007 onward, the Commission focused on building a sustainable cooperation system for efficient investigation and collection of relevant materials from abroad. The Commission held two international forums with experts on truth-seeking issues and signed the Memorandum of Understanding with a foreign governmental organization in order to promote truth verification and reconciliation work.

**(1) MOU with the Chilean HR Commission:** The Commission signed a Memorandum of Understanding (MOU) under the "Continuation, Law No. 19.123 of Human Rights" with the Ministry of the Interior, Republic of Chile (the Chilean HR Commission) in order to develop a collaborative relationship between the two sides (the Sides), and thus initiated an international alliance in raising awareness on truth verification investigations of past abuses. The objectives of the MOU are as follows: "1. Cooperation between the Sides in order to promote truth verification of past incidents and reconciliation; 2. Promote and increase capacity and institutional building of the Sides for the settlement of past incidents."

The President of the Commission visited three Latin American countries -- Peru, Chile, and Argentina -- to share experiences on truth-finding work and enhance collaboration among the respective nations in terms of exchanging relevant information, promoting Korea's strong intention to settle the past, and securing Korea's status as a nation that values human rights.

**(2) The Commission held a lecture on "The Historical Memory of the Spanish Case":** On September 29, 2008, the Truth and Reconciliation Commission, Republic of Korea held a public lecture on "The Spanish Case: The Law of Victims of the Civil War and the Francoist Dictatorship" in the Commission auditorium. The lecturer was Professor Jose Alvarez Junco. Under his charge, as the Director of the Center for Political and Constitutional Studies at the Ministry of the Presidency, the "Historical Memory Law" was submitted to the Spanish Congress in 2006 and ratified in 2007. Professor Junco's lecture elaborated on the Spanish Civil War, the Franco Dictatorship, the transition period after Franco's death, the current circumstances of Spain, and the main

points of the “the Historical Memory Law.”

After Franco’s death in 1975, a relatively smooth transition to democracy took place between 1976 and 1978. It culminated with the Spanish Socialist Party’s rise to power in 1982. Professor Junco examined the measures taken by the Cortes (Spanish Courts) in the following five years after its election in 1977. The topics he discussed related to the compensation of the victims of the Civil War and the Dictatorship. Those topics included the Amnesty Law, pensions to war veterans, compensations given to political prisoners, and buildings and properties returned to political parties or trade unions.

Professor Junco then discussed the new circumstances of current Spanish society that has emerged thirty-three years after the transition. He spoke about social, demographic, and institutional circumstances; including intellectual attempts to re-write history and the pressure exerted by some groups to “recover historical memory” in order to clarify the crimes committed by both sides during the Civil War and by Francoism afterwards. He also explained the main provisions of the Historical Law approved by the Spanish Cortes at the end of 2007. The lecture contributed to truth and reconciliation work and greatly helped to improve the Commission and identify future tasks.

**(3) An invitation lecture for a truth-finding expert from Indonesia:** The Commission held an invitation lecture on April 2, 2008, for Prof. Baskara Wardaya from Indonesia entitled "Truth-Finding and Reconciliation after Mass Execution in 1965 in Indonesia". Professor Warday began by saying:

From October 1965 to January 1966, about half a million Indonesians suspected of being members of the PKI (the Communist Party) were massacred, and thousands of other people were imprisoned...Still today, the victims and the family members of those suspected of being communists are marginalized, discriminated against, and stigmatized....It is very encouraging to see that more and more Koreans are willing to learn about their past by promoting the idea of having truth-finding commissions and supporting their work...This is needed in conducting a joint research for truth and justice, and building a network of Asian countries.

## **6) Symposiums and Fora**

**(1) Symposium on cases of civilian casualties by the United States:** On June 23, 2008, at the National Human Rights Commission of Korea, the Commission held a symposium on cases of civilian casualties by U.S. troops during the Korean War. The symposium reviewed recent research issues from a variety of experts and planned to set directives for further truth-finding tasks. Not only did the symposium cover the cases of mass civilian casualties, which are often disregarded as "collateral damage," but it also shared speculation on any applicability of adequate international/domestic jurisdiction over the incidents, along with the political implications thereof.

**(2) The Commission holds a symposium on massacres:** On November 6, 2008, the

Commission held a symposium on the issue of massacres. The theme was "The Evaluation of the Commission's Truth Verification Work and Future Tasks in Relation to the Massacre Incidents". Presenters included the President and commissioners of the Commission, academics, the Secretary General of the Investigative Commission on Pro-Japanese Collaborators' Property, a researcher from the National Institute of Korean History, Director of the Jeju April 3<sup>rd</sup> Uprising Institute, and leaders from NGO institutes.

**(3) Five commissions hold an evaluation forum:** On November 28, 2007, the five existing truth commissions, including the Commission, held a joint open forum to discuss and share their evaluations of activities and tasks for the future. The forum lasted from 10:00 am to 5:00 pm with approximately 250 people in participation. Truth commissions in attendance were as follows: the Commission, the Presidential Commission on Suspicious Deaths in the Military (PCSDM), the Truth Commission on Forced Mobilization under Japanese Imperialism (TCFMJI), the Investigative Commission on Pro-Japanese Collaborators' Property (ICJCP) and the Presidential Committee for the Inspection of Collaborations under Japanese Imperialism (PCIC).

In the presentation, the Commission's Secretary General said:

The scope of our investigations should be adjusted so that cases of irrevocable judgment given in the past can be retried, whatever the reason. Also, in order to excavate victims' remains, the Commission needs to acquire permission to use the appropriate land and should seek revision of the related laws accordingly. In addition to this, in order to prevent the re-occurrence of the same sort of incidents and to make a suitable reconciliation model for Korea, the Commission should develop peace and human rights education programs.

The PCSDM's Secretary General commented:

It is vital to let the public know about suicide incidents in the military camps and find out whether the deaths are connected to any human rights abuse. Moreover, follow-up measures should be taken, such as revision of related laws and restoration of the honor of the deceased soldiers. In addition, the investigation activities should be extended.

The ICJCP's Secretary General reported:

A genealogical charter of 350 pro-Japanese collaborators has been drawn up and 7.3 billion KRW (approx. 79 million USD) worth of pro-Japanese property has been restored to the National Treasury.

The PCIC's Secretary General said:

Due to a lack of investigation time and resources, the PCIC's activities have been limited. From now on, we will consider building a 'United Archive' together with other truth commissions and will let the general public know clearly about our achievements.

The concerned commissions shared truth-finding field experiences and exchanged ideas through the evaluation forum.

## 7) External Affairs

**(1) Collaboration with truth-finding organizations and regional autonomous entities:** The Commission is an organization independent from any governmental or non-governmental political entity and has sought to reveal incidents that have never been uncovered, thereby pursuing reconciliation between victims and offenders. It has been particularly significant to maintain close cooperative relationships with regional autonomous political entities since the investigations span an extended time period of almost a century. They also involve areas throughout the Korean Peninsula that require thorough investigations on an immense scale.

① **Collaboration with Other Truth Commissions:** The Commission is an organization established to investigate issues from the past. Thus, it has been critical to gain close assistance from governmental authorities, such as the nation's police forces, the Ministry of Defense, and the National Intelligence Service (formerly known as "KCIA"), etc. The Commission has held monthly gatherings with the heads of truth-finding commissions and conducted meetings and seminars with the national police, the Ministry of Defense, and the National Intelligence Service, etc. By building cooperative relationships with these organizations, the Commission has sought to increase efficiency in completing its work by exchanging relevant documentation, sharing thoughts on the selection of research subjects, and ensuring that investigations are not repeated or duplicated.

② **Collaboration with Regional Autonomous Bodies:** The Commission is authorized to allocate certain tasks to local autonomous entities or work in cooperation to achieve certain objectives. Receiving petitions, promoting application procedures, and implementing field research have been conducted in cooperation with local autonomous entities. The Commission, together with 246 other local autonomous entities, promoted its mission and petitions for investigation.

During the period of Song Ki-In, the first President of the Commission, he visited 16 different cities and numerous civic groups and engaged in media and promotional activities to raise awareness on the significance of the Commission's truth-finding work. As a result, a total of 10,860 petitions were filed. The number is substantial since most of filed incidents occurred decades ago and trust between the victims and the authorities remains unstable.

**(2) Collaboration with bereaved family members and relevant organizations:** The Commission is entitled to ask experts to participate in research work relevant to the mandate of the Commission and hold conferences to exchange expertise in truth-finding work. The Commission can perform pertinent investigation work in collaboration with relevant research institutes or other agencies specialized in the concerned investigative areas, especially in the case of investigating Korea's independent movement and Korean communities abroad.

There was a considerable amount of diversity in the investigative institutions that the Commission worked with. Members of the Bereaved Family Union of Civilian Victims Sacrificed during the Korean War comprised a large portion of the petitioners to the Commission. Thus, close cooperation and assistance from the union was essential.

The Commission has dedicated its utmost effort in resolving any potential misunderstandings, if they exist, with the more than 50 chapters of the Bereaved Family

Union of Civilian Victims Sacrificed during the Korean War and raising awareness on the Commission's mandate through seminars and meetings. To collect a variety of opinions, the Commission met with civic groups. The Commission also promoted the mandate and mission through seminars and forums and thereby attempted to build an alliance.

### **(3) Joint Services and Reconciliation Convention**

① **Joint Memorial Service for the Civilian Victims of the Ochang Grain Warehouse Massacre:** On October 6, 2008, a joint service was held for the victims of the Ochang Grain Warehouse massacre. Approximately one year before, on November 13, 2007, the Commission ascertained the truth of one of the Bodo League massacres, the massacre at the Ochang Grain Warehouse in Cheongwon. This joint service was held to commemorate the victims killed at the warehouse. More than 100 people participated in the service, including the commissioner of the Commission, members of the bereaved families, local government officials, a regimental commander, and NGO leaders.

② **Joint Memorial Service for the Victims of the Goyang Geumjeong Cave Massacre:** On September 27, 2008, the 58th Memorial Service for the Victims of the Goyang Geumjeong Cave Massacre was held in Ilsan, Goyang City. This service followed the Commission's truth verification of the Goyang Geumjeong Cave Massacre on November 20, 2007. Around 150 people participated in the service, including the commissioner of the Commission, a congressman, members of the bereaved families and NGO leaders. Since the police were perpetrators of the massacre, and the Commission recommended that the governmental apologize to the victims, the Ilsan Chief of Police read out loud the National Policy Agency's Letter of Apology to the Victims.

③ **Joint Memorial Service for the Civilian Victims of the Geochang Region Massacre:** On April 7th, 2008, a group of massacred victims' family members conducted a joint service at Sangrim Village in Geochang Township to remember more than 700 civilians killed during the Korean War in the Geochang region. Approximately 250 representatives from the Geochang Bereaved Families Organization, including the Governor of Geochang County and the President of the County Assembly attended the event.

④ **The 57th Joint Memorial Service for the Victims of the Gokgye-gul Incident:** On January 19, 2008, the bereaved families of the Gokgye-gul Incident held the 57th Joint Memorial Service for the Victims of the Gokgye-gul massacre. During the service, a craftsman made clay dolls for the spirits of the departed and laid them on the massacre site. Around 70 people, including the bereaved families and government officials, participated in the service.

⑤ **Joint Service for the Dead of Sancheong County Bodo League Executions:** On April 18th, the Sancheong County Bodo League Surviving Family Association arranged the Joint Service for the Dead from the Bodo League Mass Execution, which was held at the execution site in Sancheong County. The President of the Surviving Family Association and 30 other people conducted religious ceremonies to commemorate the massacre of more than 200,000 Bodo League members during the Korean War in 1950.

⑥ **Wido Convention on Reconciliation:** In accordance with the Commission's truth-finding verification, the Wido Convention on Reconciliation was held at Wido Secondary School in Buan County, Jeonbuk Province on July 10, 2008. The convention was prepared by local residents, who were either victims or perpetrators of a series of

government manipulated espionage cases. The purpose of this event was to reconcile the past and enhance an understanding between the victims and the offenders.

The Commission ascertained multiple petitions filed by petitioners from the Wido region: "Taeyoung-ho Fishermen Abductions," "Fabrication of Espionage Charges against Abducted Fishermen," and "Fabricated Espionage Charges against Baek Nam-Wuk." Approximately 300 local residents attended the convention sponsored by the Commission and Buan County. Included in the presentations was a special session held by a standing commissioner of the Commission and titled "Law and Human Rights."

⑦ **The 58th Joint Memorial Service for Hampyeong Massacre:** On December 6, 2008, the 58th Memorial Service for Hampyeong massacre was held at the Yeolya Elementary School in Hampyeong-gun. This was the first memorial service since the Commission verified the concerned petitions. The number of participants was some 600 personnel including Seo Gab-yeol, Kim Chae-Seob, and Jang Jeong-Ki (representative of the bereaved family unions), Lee Nak-Yeon (legislator), Lee Seok-Hyeong (governor of Hampyeong-gun), You Han-Beom (director of the Commission).

⑧ **2008 Nationwide Joint Memorial Service for the Victims of the Massacres during the Korean War:** On December 8, 2008, the 2008 Nationwide Joint Memorial Service for the Victims of the Massacres during the Korean War took place at the Korean Buddhist History Museum. Prior to the ceremony, there was a memorial march from Jogye Buddhist Temple to Jonggak Station. Approximately 300 hundred participants including, Ahn Byung-Ook, the president of the Commission; Lee Hae-Dong, the president of the Presidential Commission on Suspicious Death in the Military; Jingwan, the chairperson of the Buddhist Human Rights Association, and representatives of numerous civic groups and bereaved family unions attended the service.

To celebrate the 60th anniversary of the proclamation of the Universal Declaration of Human Rights, a human rights declaration for the victims of massacres during the Korean War was recited by the bereaved family members and requiems were sung while a ritual dance for memorializing the deceased was performed. In particular, as recommended by the Commission, it is noted that some officials from the Ministry of Defense paid tribute and expressed their sincere condolences to the victims' bereaved family members.

#### **(4) Memorial Services and Performance**

① **Memorial Service for the Jeju Seottal Oreum Incident:** On August 7, 2008, after 58 years, the bereaved families of the Jeji Seottal Oreum Incident held their first joint memorial service to commemorate the victims. It was co-hosted by the 7.7 Manbaengdi Bereaved Family Association and the Jeju Baekjoilson Bereaved Family Association. The service included an opening ceremony for a memorial monument, reading truth-finding decisions, and an apologetic message from a Ministry of Defense official.

Approximately 400 participants attended, and among them a standing commissioner of the Commission, the Governor of Jeju Island, the Chairperson of the Jeju Autonomous Body, a congressman of the Democratic Party, the Planning and Coordinating Officer of the Ministry of Defense, the Director of the Truth-finding Implementation Division of the Ministry of Public Administration and Security, and representatives of the 7.7 Manbaengdi and Jeju Baekjoilson Bereaved Family Associations.

② **Memorial Tribute Meeting and the 33rd Anniversary of the People's**

**Revolutionary Party (PRP) Case:** On April 6, 2008, at Kyungbuk National University, the People's Revolutionary Party Organization Preparation Committee and Kyungbuk National University's Late Victims Promotion Committee organized a memorial tribute meeting. The event honored eight civilians executed after being accused of attempting to overthrow the military government in 1975. This case is noted for the government's fabrication of information and for the accused being hanged less than a day after the trial. On April 8th, the 33rd Anniversary of the People's Revolutionary Party Case was held at a Buddhist temple in Seoul. A performance team and two singers performed a memorial concert.

③ **Memorial Service for the Sancheong Massacre Incident:** On January 22, 2008, the bereaved families of the Sancheong Massacre Incident, in response to the verified truth of the incident, held a memorial service for the victims. More than 100 people joined for the service, including the bereaved families, standing commissioners of the Commission, the magistrate of the county and several government officials. A leader of the bereaved families urged that "follow-up measures should be implemented by the government, such as the exhumation of the victims' remains and various memorial activities."

④ **Memorial Service for the Sancheong Sicheon-Sanjang Mass Civilian Execution:** On April 6, 2008, a group of massacre victims' family members in the Sancheong Sicheon-Sanjang Dansung region held the 15th Memorial Service for the 59th Anniversary of the Civilians Massacre Case at a memorial site in Sicheon Township in Sancheong County on April 6th, 2008. This was the first service held after the Commission verified the truth on November 20, 2007, concerning the events of the case. Approximately 120 people attended the service, including the president of the committee of victims' family members and the President of the County Assembly and the Chief of Sicheon Township.

⑤ **The 57th Memorial Service for the Massacre Victims of Gochang County:** On April 15, 2008, the Gochang County Government and the Sacrificed Civilians of the Korean War Religious Celebration Commission held the 57th Memorial Ceremony for the Massacre Victims of Gochang County in Seonsan Village. The President of the Religious Celebration Commission, the President of the Surviving Family Commission, the Governor of Gochang-County, and the Secretary General of the Truth and Reconciliation Commission attended the event. The Secretary General read a memorial address on behalf of the President of the Commission. He also reported on the current investigation progress on the National Army's 11th Division in the Gochang Region Case.

⑥ ***I Could Not Speak*, a Play Related to the Ulsan Bodo League Massacre Case:** On April 11th, 2008, the 11th Ulsan Theater Festival was held at the Ulsan Culture Hall. Blue Horn, a theatrical troupe, performed the play, *I Could Not Speak*. The play, written by Blue Horn's director, is a drama about the events of the Ulsan Bodo League Massacre Case. The first scene begins with petitioners filing a petition to investigate the killing of more than 200,000 Bodo League members during the Korean War. This play served dual purposes of educating those unfamiliar with the Bodo League Massacres and offering an opportunity for the victims and the family members of victims to grieve.

⑦ **The 58th Joint Memorial Service for the Victims of the Massacres at Hampyeong:** On December 6, 2008, the 58th Joint Memorial Service for the Victims of the Hampyeong Massacres was held. This was the first memorial service held since the Commission verified the truth of the Hampyeong Massacres on August 27, 2008. Six

hundred people participated in the service, including bereaved family members, Democratic Party members, the County Commissioner of Hampyeong, the Chairman of the Hampyeong County Assembly, officials of the Commission, and the Ministry of National Defense.

In particular, according to recommendations by the Commission, the Ministry of National Defense presented a floral garland to the deceased and expressed sincere regret to bereaved family members. Pan-national joint meeting held to address the government's attempts to terminate the Truth Commissions' activities

On December 4, 2008, under the NGO sponsorship of K-Truth, a joint meeting was held to address the government's attempts to cease the activities of the Truth Commissions. Over sixty bereaved family members participated in the meeting and emphasized the necessity of people's solidarity against the government's efforts to terminate the truth commissions' activities.

## **V. Analysis of Verified Cases**

### **1. National Independence and the History of Overseas Koreans**

#### **1) Overview**

Anti-Japanese independence movements during colonial times were conducted at home and abroad. Thus, the activities to be verified are not limited to Korea. It is difficult to categorize cases involving independence and the history of Koreans, even when the verifiability of these cases has been determined by the Committee on Independence Movement. If the type of activity is the classification criteria, then cases can be divided into the following categories: the March 1st Independence Movement; mass movements by youth, laborers, and farmers; the Singanhoe movement; the Socialist movement; and the Anarchist movement

#### **2) Major Issues and Related Incidents**

##### **(1) Problems regarding work redundancy of government departments and conflicting investigation results**

Petitions in the independence movement category are directly and indirectly connected with the activities of the Ministry of Patriots and Veterans Affairs (MPVA) to reward national independence activists. Overlapping authorities between the Commission and the Ministry increase administrative burden and inefficiency. In order to deal with this problem, the following criteria was considered and approved on April 18, 2006 at the 6th session of the Committee on Independence Movement.

First, for cases that the petitioner already received a notification from the MPVA on the eligibility of compensation, and where the Committee on Independence Movement believes there is no more truth to be verified, the investigation will cease.

Second, for pending cases for which a request for compensation has been filed with the MPVA, the Commission will await the MPVA's decision. If the MPVA requests cooperation or the petitioner has personal issues, the MPVA and the Commission will launch a joint investigation.

Third, for petitions filed only with the Commission and not with the MPVA, the Commission decides on whether or not to launch an investigation.

##### **(2) Categorization of anti-Japanese independence movements and the history of overseas Koreans**

Article 2.1.1 of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation ("Framework Act") defines the scope of investigation for anti-Japanese movements as "anti-Japanese movements during Japanese rule, as well as in the years prior to colonialization." Therefore, the purpose is to trace the activities of independence movements beginning with anti-Japanese militia activities from 1894 to 1910 and the

anti-Japanese independence movement which lasted until Korea's liberation on August 15, 1945.

With regard to the scope of investigation for the history of overseas Koreans, Article 2.1.2 of the Framework Act defines this as "efforts by overseas Koreans to support Korea's sovereignty and enhance Korea's national prestige since the Japanese occupation to the enforcement date of this Act". The anti-trusteeship movement pertains to the category of upholding Korea's sovereignty. The case involving nurses and miners dispatched to Germany and to the Taekwondo case are both categorized as efforts enhancing Korea's national prestige.

### **3) Implications of Major Incidents**

#### **(1) Anti-Japanese movement**

Anti-Japanese movements occurred over half a century ago. Therefore, because of the length of time passed, the statements of petitioners and reference witnesses may be inadmissible in court, which complicates the task of finding evidence. Also, each case concerns an individual person, and the case is therefore difficult to clarify without reliable records of the person involved. It was difficult to trace their activities, as well as collect their records, when the activist was in a foreign country such as Japan, China, and Russia. Nevertheless, it is significant that the verification of these cases was conducted under these difficult circumstances.

First, for the cases of Lee Yun-Hee, Won Jong-Rin and Hong Seong-Hwan, the Commission was not the first to recognize and investigate into these matters. Their cases involved anarchist activities associated with anti-Japanese activities in Japan. A renewed examination of their cases by the Commission served to give better insight into the anti-Japanese movement.

Second, the cases of Lim Jong-Eop, Jeong Yong-San, Park Won-Geun and Yu Du-Hee were eligible for verification because of the association of the anti-Japanese movement with socialism, which constituted one part of the mass movements by youths and laborers.

Third, the Miryang Massacre was verified to have been falsely accepted as a fact. After information about the supposed massacre was briefly introduced in a document, rumors of the massacre spread and were quoted in studies without verification. This case is significant in that the false information of a massacre was disproved.

Fourth, there were also cases regarding the March 1st Independence Movement, the student movement, Singanhoe, and the Provisional Government in Shanghai and military financing.

#### **(2) History of overseas Koreans**

Cases regarding the history of overseas Koreans cover a wide scope, area, and time and require a more long-term approach to planning and investigation. The investigations that occurred at this time were the first of its kind on a national level. It is notable in that the investigations laid a foundation for future academic research by organizing and evaluating related records.

Only two petitions were received for the "Case of Korea's Economic Growth Contributions from Dispatched Korean Nurses and Miners in Germany", but

approximately 18,000 Koreans were involved. The case spans from the 1950s to 1970s and involves multiple countries such as Korea, Germany, and North American countries. The historical background, process, and contribution to Korean economy by the dispatched nurses and miners were dealt with as a whole, and false facts about commercial aid negotiations were disproven.

While the "Taekwondo Case" had only one petition, the investigation involved numerous Taekwondo masters who practiced abroad since the 1960s. Issues such as the proliferation of Taekwondo and its current status, the roles and contributions of Taekwondo masters, the International Taekwondo Federation (ITF), the World Taekwondo Federation (WTF), and the government were dealt with in a historical, comprehensive, and purposeful manner.

#### **4) Main Verified Cases**

##### **Contribution of Taekwondo on Heightening Korea's Prestige - Verified on September 9, 2008**

The Commission found that the martial art of Taekwondo has contributed to the heightening of Korea's prestige overseas, ie. throughout Europe, Asia, Africa, and etc. Taekwondo has grown in popularity over the last few decades and has become a popular sport practiced by some 60,000,000 people in more than 188 countries. Taekwondo's continual spread throughout the world, and its popularity is largely due to the instructors sent by Korea's Taekwondo Federation and the Korean government. Both organizations remain supportive of the activities of these dispatched instructors. The International Taekwondo Federation (ITF), established by Choi Hong-Hee in 1966, introduced Taekwondo internationally by hosting international competitions and dispatching instructors overseas. Their efforts remain a milestone in the rise of Taekwondo's popularity abroad.

Later, Taekwondo became more systemized and was eventually selected as an official sport in the Olympic Games. This is largely attributed to the efforts of the World Taekwondo Federation (WTF), founded in 1973, and its first president, Kim Woon-Yong. The Korean government recognized Taekwondo as an effective device in utilizing cultural diplomacy and has actively aided the dispatch of instructors overseas, the hosting of international Taekwondo competitions, and the securing of adequate budgets and facilities. Hereby, the Commission found that there has previously not been sufficient documentation and evaluation concerning the above-mentioned issue and ascertained Taekwondo's positive impact in reinforcing Korea's national prestige.

##### **Korea's Economic Growth Contributions from Dispatched Korean Nurses and Miners in Germany - August 5, 2008**

In accordance with the commission's findings, Korean miners were recruited and dispatched to Germany. The Korean government was involved in both their recruitment and dispatch. A total of 7,936 Korean miners were relocated to Germany between 1963 and 1977. In the case of nurses, a total of 10,723 registered Korean nurses were dispatched to Germany beginning in the late 1950s until 1976. The Korean government also played roles in the later stage of this period.

Between 1965 and 1975, the Korean miners and registered nurses in Germany

wired a total of USD 101,530,000 back to Korea, which comprised 1.6%, 1.9% and 1.8% of Korea's total export amount in 1965, 1966, and 1967, respectively. Considering that the foreign exchange rate was 100% and that the earned dollars in the past were valued much higher than today, Korean miners and nurses in Germany are estimated to have greatly contributed to Korea's economic growth.

The Commission found it untrue that the Korean government received commercial loans successfully from Germany in return for forcefully depositing the Korean miners and registered nurses' income in Commerz Bank in Germany. From Korea's total commercial loan of DM 150,000,000 from Germany, the German government issued DM 75,000,000 under the "Protocol concerning Economic and Technical Cooperation between the Government of the Republic of Korea and Germany" to guarantee the invoice payments of imported German industrial facilities.

It was also found that approximately 60% of the dispatched Korean miners and nurses have remained in Germany and other nations and contributed greatly in forming and developing Korean communities in their respective residing nations. The commission's findings report the dispatch of Korean miners and registered nurses to Germany was considered to be the Korean government's first attempt to relocate Korea's workforce overseas. Its impact on Korea's economic growth has been greatly underestimated and inadequately documented.

A significant finding reveals that the commercial loan from Germany was not a result of the German Commerz Bank forcefully withholding wages of the dispatched Korean miners and nurses. This was found to be false. The Commission, hereby, recommended the Korean government to collect relevant documents and make full use of them for educational purposes as well as to take adequate actions to prevent the spread of false information in this regard.

#### **Independence Activities of Yun Eung-Nyeom - Verified June 16, 2008**

A petition concerning independence activities of Yun Eung-Nyeom as a liaison officer between China and Korea was verified. The petition claimed that Yun as an adviser to the Transportation Bureau of the Provisional Government of Korea in Shanghai in the early 1920s assisted in transporting important nationalist activists out of the nation and collecting donations for Korea's independence in the Incheon region.

#### **Anti-Japanese Movement Activities of Won Jong-Rin - Verified on June 9, 2008**

A petitioner appealed for truth verification for Won Jong-Rin. According to the petitioner, Won was arrested by the Japanese police while engaged in anti-Japanese independence movement activities in May 1921 in Japan. The petitioner claimed that Won, together with his friend, established a socialist organization called the Hukdo-hoe in Japan. Upon returning to Korea, he promoted Korean independence by publishing an anti-Japanese magazine.

#### **Anti-Japanese and Anarchist Movement Activities of Hong Sung-Hwan - Verified on April 8, 2008**

A petitioner appealed for truth verification for Hong Sung-Hwan, a leader in the anti-Japanese movement in 1925. The petitioner claimed that Mr. Hong organized a socialist organization, called the Jagak-dan, and worked actively to enlighten farmers and to promote Korean independence. According to the petitioner, he also went to Japan in

1932 and published an anti-Japanese newspaper and magazine that promoted Korean independence.

**Anti-Japanese Movement Activities of Im Jong-Yeop - Verified on February 12, 2008**

According to a petitioner, during the Japanese colonial period, Im Jong-Yeop led a variety of anti-Japanese movement activities. He organized a youth movement and led a general strike against a Japanese textile firm. The Commission verified that Im was a leader in those activities and was also imprisoned for his involvement.

**Anti-Japanese Movement Activities of Jeong Yong-San - Verified on February 12, 2008**

According to a petitioner, during the Japanese colonial period, Jeong Yong-San led farmers in anti-Japanese movement activities. As a result, he was imprisoned at Daejeon Prison. On February 12, 2008, the Commission found that Jeong, besides being a leader of anti-Japanese activities, was also a leader in the reorganization of a communist party.

**Anti-Japanese Movement Activities of Yu Du-Hui - Verified on February 12, 2008**

According to a petitioner, in the early 1920s, Yu Du-Hui led a variety of independence activities, including a youth movement and the establishment of a local branch of the Shingan-hoe, a Korean independence activist organization. The petitioner also claimed that from 1929, Yu was imprisoned for eight years after he participated in the Joseon Communist Party Incident. On February 12, 2008, the Commission verified the truth of this case.

**Anti-Japanese Movement Activities of Park Won-Geun - Verified on February 12, 2008**

According to a petitioner, in 1934, Park Won-Geun was arrested and imprisoned for one and a half years by the Japanese authorities for engaging in various independence activities. On February 12, 2008, the Commission verified the truth of this case.

**The Independence Activities of Park No-Sun in Yeonhaeju - Verified in February of 2008**

A petitioner, the son of Park No-Sun, claimed that his father participated in independence activities against the Japanese Imperial Army after joining a militia group named the Daban Troops in a village called Daban near Khabarovsk, Russia in 1918. According to the petition, Park was actively involved in a military campaign against the Japanese Army in the Nicolsk and Ourssourisk regions until 1922.

**The Independence Movement Case of Lee Yun Hee - Verified on May 29, 2007**

A petitioner appealed for truth verification for his late father, Lee Yun Hee, who participated in the anti-Japanese independence movement in Japan and Korea throughout the 1920's.

**The Anti-Japanese Movement Case of Park Chang Rae - Verified on May 15, 2007**

A petitioner appealed for truth verification for his father, Park Chang-Rae, who

participated in the anti-Japanese independence movement as a student at Yeosu Fishery School. According to Commission findings, Park Chang-Rae, a student at the time, was imprisoned for a year for his involvement in the anti-Japanese movement. The Commission verified the truth on May 15, 2007.

#### **The Verification of Jeong Sang-Yun's Role in Founding the Cheolsan Branch of Shingan-hoe - Verified in May, 2007**

A petitioner, the son of Jeong Sang-Yoon, claimed that his father had active roles in founding the Cheolsan Branch of Shingan-hoe in 1928 and, as a result, was imprisoned for two years. Shingan-hoe emerged from two different groups with different ideologies. They merged to form a single organization which the Japanese colonial regime suppressed and later dismantled. Jeong was also involved in community outreach activities for aiding the nation's independence movement.

#### **The Jang Do-Won's Independence Activities in Hamheung - Verified on April, 17, 2007**

A petitioner, the son of Jang Do-Won, appealed for truth verification for his father who led independence activities in Hamheung during the March 1 Independence Movement. At the time, Jang was a teacher at the Hamheung Youngsaeng Middle School. He was arrested and held at the Seodaemun Prison by the Japanese Imperial Police.

#### **The Deportation of Anti-Trusteeship Social Activists - Partially Verified in April, 2007.**

A petitioner, the son of Shin Kyung-Deuk, appealed for truth verification. He claimed that his father and 19 other activists participated in anti-trusteeship activities and were deported to the Soviet Union where they were held in labor camps. The commission could only determine that one of the 19 activists listed had participated in the anti-trusteeship activities. The other claims have yet to be verified.

## **2. Massacres by Groups that Opposed the Legitimacy of the Republic of Korea**

### **1) Overview**

A total of 17 cases of massacres by groups that oppose the legitimacy of the Republic of Korea were investigated. Based on investigation results, it was revealed that the massacres were committed on a scale larger than what was petitioned to the Commission and included all of the South Korean areas occupied by North Korean forces. This indicates that before, during and after the Korean War, massacres were a general phenomenon with differences only in the perpetrators and pattern.

Most of the massacres in this category that were filed with the Commission occurred during the Korean War and can be divided into three time periods: Occupation, retreat, and post-retreat of the North Korean army. Perpetrators included the North Korean People's Army, local leftists, the North Korean law enforcement and police agencies, and local communist guerrillas. These incidents can be seen as another category

of massacres during the Korean War.

## **2) Major issues and related incidents**

### **(1) Criteria in deciding to investigation**

The Commission's Committee of Independence Movement assumed the responsibility of accepting or dismissing the petitions for those claiming to be victims of abuse by the North Korean People's Army and by leftists. The interpretation and application of Article 2.1.5 of the Framework Act in determining the initiation of investigation raised the need for establishing criteria.

Unlike illegal massacres by the South Korean military and the police during the Korean War period which are covered by the Commission's Committee on Massacres, the Committee on Independence Movement in Article 2.1.5 of the Framework Act defines massacres committed by groups opposing the legitimacy of the Republic of Korea as "terrorist acts, human rights violations, violence, massacres and suspicious deaths by parties that denied the legitimacy or were hostile towards the Republic of Korea from August 15, 1945, to the end of the authoritarian regimes". This expands the period and scope of investigation by the Committee on Independence Movement.

Discussions within the Commission have indicated that the selection criteria based on this definition would be too broad and therefore not align with the more stringent criteria of the Committee on Massacres. For example, if the provision is interpreted verbatim in cases involving groups that oppose the legitimacy of the Republic of Korea during the Korean War, then any death caused during battle can be eligible for investigation by the Committee on Independence Movement. As a result, cases of corporal damage, property damage, deaths in battle, forced arrest, and deaths after disappearance were dismissed except for those cases with compelling evidence. In missing person cases, various types exist such as murder, kidnapping, and voluntary border-crossing, voluntary enlistment in the North Korean People's Army, and forced drafting. Therefore, ample consideration was given before the launch of an investigation. If the MPVA previously decided on the case, or if a court previously ruled on it, then it was dismissed in order to avoid work redundancy. If the scope of the case, however, extended beyond what was originally petitioned, as in the Tongyeong Murder case, then it was accepted despite any previous rulings.

### **(2) Basis for the assumption and confirmation of victims**

The Commission's Committee on Independence Movement debated several times on victim identification problems. It was then decided that cross examinations be conducted between the claims of the applicant, the statements of the reference witnesses, and documentation such as government documents. The same criteria were not applied to all the investigations uniformly, but the overall process is as follows.

When statements are used as evidence, credibility is scaled differently according to the relationship of the witness to the petitioner or victim of the case. Priority for a statement is given to the reference witness rather than the petitioner, with the highest priority given to the reference witness chosen by the investigator. Also, in adopting statements by eye-witnesses, depositions by witnesses unrelated to the victims were given first priority. If the petitioner were the witness or victim, the details of the

statement are corroborated, and then validated based on reviewing the family register, the date of death, and other related documents. Witnesses are categorized according to what they witnessed, including for example, the arrest, the incident or sacrifice, the collection of bodies, or the burial of bodies. In addition, multiple statements by those who only heard about the incident, including friends and relatives are adopted.

Second, in order for certain documents to be adopted as evidence, even those written by the MPVA (example: list of Korean War victims by the MPVA), the police, other government organizations, or associations of bereaved families, these documents have to have identical information from different sources. However, the names listed on the U.S. Korean War Crimes Division (KWC) documents were identified as victims, because the KWC documents had been based on the statements of witnesses and offenders. Lists and KWC documents are critical in identifying the time and the place of the non-petitioned cases and their victims as well as the number of victims and even the existence of such incidents. This especially pertains to situations where not every case can be investigated.

### **(3) Scope of investigation and victims**

Massacres before and after the Korean War occurred throughout the nation in similar patterns, the main difference being only with different perpetrators. According to records of the Korean War Civilian Victims Foundation (<http://www.war625.com/>), a total of 992,019 South Koreans were victimized, including 374,160 civilians. The MPVA's List of Korean War Victims in 1952 records 59,964 victims.

These numbers are assumed to account for only part of the total number of victims. The same is true for the 1,600 petitioned cases of massacre by groups opposing the legitimacy of the Republic of Korea. Accordingly, previously unknown cases and victims were revealed in the verification process, and the question of how to deal with these non-petitioned cases was raised.

After rounds of discussion, the Committee on Independence Movement decided to deal with non-petitioned cases that became recognized during the investigation while still keeping the focus on petitioned cases. It was also decided that there be investigations into non-petitioned victims based on the petitioned cases at the local level, such as in Geumsan and Dangjin. Therefore, the Committee on Independence Movement focused on the confirmation and assumption of the petitioned victims, but non-petitioned victims were also recognized and recorded during investigation. The actual details of the incident were investigated in cases where the incident was confirmed through documents and statements of occurrence but where the involvement of the petitioned victim was uncertain.

## **3) Implications of major incidents**

### **(1) Massacres during the North Korean People's Army's occupation and retreat**

The massacres by groups opposing the legitimacy of the ROK were committed in North Korean Army occupied areas during its occupation and retreat. After the war turned against North Korea, orders were given to "eliminate all factors that could help the landing of UN troops." In Seocheon, on September 27, 1950, a total of 240 to 250 people including members of the military and police, right-wing group members, dignitaries of

the local community, and right-wing collaborators were locked in the warehouse of the Seocheon Registry Office and burned to death. These people had been captured, interrogated, and released by North Korean officials during mid-September, but they were recaptured on September 25 and killed on the 27th.

The list of massacres reads 23 people including rightists, prison guards, public servants, police officers and government workers killed in Wanju; 96 victims from pro-right-wing families killed in Cheonjang-ri, Haejae-myeon, and Muan-gun; 118 government officers and rightists massacred in Geumsan; 250 active members and veterans of the military and police and members of the right-wing group in Dangjin; 51 to 55 right-wing group members killed in Muju; 50 public servants and rightists detained at the Incheon Police Station; and three rightists dubbed "reactionaries" killed in Tongyeong.

Perpetrators were local leftists and North Korean soldiers, such as communist militia members, North Korean police officers, local communist guerrillas, and officers of the Communist Party and North Korean army. Victims were local government officers, their families, and members and leaders of right-wing groups. In some cases, all members of the family were killed including the children. These facts were confirmed by the statements of surviving villagers, documents and verdicts by the KWC, and the List of Korean War Victims published by the government in 1952. During the process, the investigation reinforced the validity of these documents.

## **(2) Identifying victims of non-petitioned cases through petitioned cases**

The Committee on Independence Movement made a decision to deal with non-petitioned cases recognized during investigation. The focus however was still placed on petitioned cases. Also, it was decided there be investigations into non-petitioned victims based on the petitioned cases at the local level. Examples include the cases in Geumsan and Dangjin.

In the Geumsan Incident, a total of 118 public servants and rightists were killed from July to November 1950 when the North Korean Army occupied the area. Perpetrators were communist militia, North Korean soldiers, and communist guerrillas. Massacres occurred even after the North Korean Army retreated. In November 2, 1950, the North Korean Army attacked and set fire to the Buri Police Station. Leaders of the local community and their neighbors were attacked, and 38 people were killed. The dead included the daughter and daughter-in-law of a community leader. Both of whom were shot when the attackers realized that the leader was absent.

The killings in the Geumsan area can be divided into retaliations against the Bodo League Incident, orders to kill rightists during the North Korean People's Army's retreat, and the victimization of civilians by communist guerrillas. The incidents indicate that massacres were committed repeatedly by groups opposing the legitimacy of the ROK during the periods of occupation, retreat and post-retreat of the North Korean Army from July to November 1950. Victims were killed indiscriminately, including babies and the elderly. The fact that residents in the Geumsan area were taken to Muju and killed by Muju leftists indicates that the local leftists were acting in cooperation with those in other areas.

In the Dangjin Massacres, it was found that government workers, current and former members of the military and the police, and right wing group members were killed by local North Korean police officers and leftists between July and September 1950.

Most of the victimizations took place early August 1950, especially between the night of September 27 and the following dawn, immediately before the retreat of the North Korean People's Army. 98 victims were identified, but the total death toll is estimated to reach 210, including those unidentified.

#### **4) Main verified cases**

##### **Daejeon Massacres – Verified on November 25, 2008**

The Commission verified that in late September 1950, North Korean soldiers massacred 1,557 people, including members of rightwing parties, American and South Korean POWs, foreigners, and Christians. The Commission reviewed the KWC Reports and other relevant documents, interviewed petitioners and reference witnesses, and conducted on-site investigations.

From September 25th to 27th, a majority of the victims were killed after being accused of suppressing, detaining, and murdering leftists. The approximate number of victims killed at different sites was estimated to be as follows: 500 victims killed at Daejeon Prison, 600 victims killed in the Yongdu Mountain areas, 110 victims killed at a cathedral and monastery, and 15 victims killed at the Daejeon Police Station. The execution locations for the remaining victims are unknown.

Most of the victims were male and their ages ranged from 20 to 40 years old. From mid-September 1950, as the war situation deteriorated for North Korean soldiers, they began to execute any suspects who could potentially aid UN troops. The massacres occurred in the beginning of October 1950. U.S. War Crime investigators conducted investigations on the massacres and wrote a full report concerning the incidents. In 1952, the Chungnam Provincial Office built memorial facilities for the victims' remains. The Commission recommended that the government amend the relevant records and provide peace and human rights education.

##### **Buyeo Region Massacres– Verified on November 11, 2008**

The Commission found that from July to September 1950, fifteen rightwing members were massacred by local leftists in the Buyeo region. Around the time of these killings, North Korean soldiers and local leftists forced South Korean students and youth to join the North Korean People's Army.

The Commission reviewed numerous records, including the RG 242 (National Archives Collection of Foreign Records Seized) and conducted interviews with witnesses.

The Commission found that even before the outbreak of the Korean War, tensions had arisen between leftists and rightists in the Buyeo area. The majority of the massacres conducted by leftists in the region occurred between mid-July to September 27, 1950. The victims, whose property was confiscated before execution, included three people: a politician, a village leader, and a rightwing organization member.

On September 27, 1950, leftists tortured and killed four rightwing activists. Two days later, North Korean soldiers tortured and executed a former journalist for being a rightwing activist. The Commission verified that the fifteen victims were leading members of rightwing organizations in the region.

The Commission confirmed that from August 1950 onward, North Korean

soldiers and local leftists in the Buyeo region forced 671 civilians to join the North Korean People's Army.

The Commission recommended that the government amend the Family Registry, revise the local history of the Korean War period to reflect the new findings, and promote relevant education.

### **Communist Sympathizers' Abduction of Shin Gyo-Sik in Cheongju - Verified on November 4, 2008**

The Commission found that a large number of civilians were massacred in September 1950 by local communist sympathizers and North Korean forces. Furthermore a considerable number of young people were forcibly drafted or abducted to meet the capacity of the North Korean People's Voluntary Army.

Victims in the Cheongju region were mainly accused of being right-wing sympathizers and arrested and then detained at Cheongju Prison or local police stations managed by North Koreans, at the time of the incident. Many of the victims were killed by left-wing sympathizers and North Korean forces on September 24th and 25th. The estimated number of casualties reached at least 234, and the petitioners, Shin Gyo-Sik and three others, were also identified to have been amongst them.

The majority of the victims of the incident were those classified as right-wingers; i.e., most people who were previously active members of the National Student Union, Daehan Youth Association, and other right-leaning organizations. They were detained at local prisons, police stations, and/or North Korean National Security Intelligence Service facilities only to be killed later,

Details of the incident were revealed by information sent on July 20, 1952, by the Minister of Internal Affairs in response to a request from the U.S. Army war crime investigation bureau chief who wanted to confirm the accuracy of the contents of the document, RG 153 KWC#41. The date of the incident and the number of victims were revealed in this document.

The North Korean National Security Intelligence Service was found to be responsible for issuing the execution order, and local left-wingers, including police officers, North Korean forces, and communist guerillas implemented thereof. In order to secure sufficient combat capacity, North Korea issued the Wartime Mobilization Order and established the Committee for Organizing the People's Voluntary Army. The number of people killed was listed as follows; Approximately 220 people were killed in the mountain areas near the prison, 14 people were killed within the prison, 120 were killed under the Seomun Bridge, and 95 people were killed in Sanseong-ri Cave.

Hereby, the Commission recommended that the government amend the relevant records, such as the Family Registry, in accordance with the above findings, revise the regional history concerning the Korean War, and educate accordingly.

### **Lee Seok-Sang Case: Victimized by Leftists - Verified on November 4, 2008**

The Commission found that from July to September 1950, rightwing landowners and their family members were executed by local leftists and North Korean soldiers. The Commission conducted an investigation on the ruling of the case by reviewing the victims list from the Korean War, as well as acquiring testimonies from survivors and witnesses.

Starting on July 20, 1950, North Korean soldiers occupying the area engaged in

sporadic civilian killings at Gimje. This includes mass killings, which occurred on September 27 and 28, as North Korean soldiers and local leftists evacuated Gimje County. At least 65 civilians were massacred by local leftists. Several notable execution incidents include the killing of Lee Seok-Sang, a wounded soldier, who was shot to death by North Korean soldiers on July 25, 1950; the killing of 14 rightwing activists and Christians by local leftists between July and August 1950; the execution of five men, including a policeman, by North Korean soldiers on August 2, 1950; the torture and killing of eight rightwing Christian activists and a South Korean soldier by local leftists; and the killing of Jeong Pan-Seok, five of his family members, and 15 village Christians by local leftists on September 27, 1950. Local leftists also killed 63 villagers, including a former police detective who served during the Japanese colonial period.

The Commission verified that at least 208 people, including former soldiers, policemen, landowners, rightwing group members and their relatives, were massacred either by North Korean soldiers or local leftists in the region. The Commission recommended the government amend the Family Registry and local history and to provide education on the massacre.

#### **The Case of the Massacre at Yangpyeong - Verified on July 3, 2007**

Thirty-two petitioners appealed for truth verification for 61 civilians massacred by the North Korean Army in Yangpyeong County between September 26th and 30th, 1950. The commission verified the truth by examining and investigating the Korean and U.S. Army records on Korean War crimes.

#### **Tongyeong Murder Case - Verified on June 24, 2008**

The Commission concluded three people were slain at a local brewery located in Ahnjeong-ri, Gwangdo-myeon, Tongyeong-si, Gyeongnam Province. The Commission's findings report that the victims were murdered by local leftists on August 30, 1950, during the beginning of the Korean War. On August 17, 1950, the Tongyeong area was seized by North Korea but recaptured two days later by the South Korean navy. At the time, the people of Gwangdo-myeon were still engaged in ideological feuds, and this lasted until September 11, 1950.

Cho Young-Ki and two others, who had been accused of being right-wing South Korean supporters, were lynched and killed by 10 local leftists at a brewery that was used as a headquarters for the left-leaning regional self-defense forces. Bodies were removed and buried in a nearby hillock. The Commission recommended correcting the dates of the victims' deaths in the Family Registry and revising relevant governmental records of the regional history in accordance with the findings.

#### **Massacre at Muan-gun - Verified on June 24, 2008**

The Commission verified that on October 3, 1950, leftists massacred 96 right-wing residents of Cheonjang-ri, Haejae-myeon, Muan-gun. Around 10:00 pm on October 3, 1950, four regional leftist leaders selected the execution lists for right-wing residents in the region. The selected families were bound and dragged by the leftist perpetrators to a nearby shore. The perpetrators executed the adult family members using knives, clubs, bamboo spears, and farm implements before pushing them off a cliff near the shore. Children under the age of 10 were executed by pushed them into a deep well.

While the Commission identified 96 victims, including 22 children and 43 women,

the total number may be as high as 151. The total number of leftist perpetrators is estimated to be 54. Because of the execution of women and children, this massacre reflects the inhumanity and brutality of the war. The Commission therefore recommended that this incident provide an opportunity for self-examination in regards to the atrocities of war.

#### **Geumsan Massacre - Verified on June 17, 2008**

The Commission found that at least 118 suspected rightists, including civil servants, were killed by left-leaning regional self-defense forces, communist guerillas, and the North Korean People's Army in Geumsan Country after the area was seized by North Korea. Most of these deaths were estimated to have occurred between July and November 1950. On September 25, 1950, a number of right-wing government personnel, including civil servants, serving the South Korean regional government were brought to Geumsan and executed. Their bodies were buried in a nearby hill called Bibimi-jae.

The massacre was conducted by members of an ad-hoc entity and of North Korean troops. They received their authority from the chief of an ad-hoc Geumsan police entity. At dawn, on November 2, 1950, a group of communist guerrillas overwhelmed the Buri-myeon Police Branch Office governed by right-leaning South Koreans, and incinerated the building after capturing those inside. Through the course of the assault, many villagers stood accused of collaborating with the South, and thirty-eight of them were executed.

The Commission also confirmed additional mass killings of civilians by communist partisans in locations such as Seokdong-ri, Namyi-myeon and Eumji-ri, Geumsan-gun. Most of the victims were either accused of being affiliated with South Korean governing entities or accused of having right-leaning ideas. Among the many innocent civilians, the accused also included members of the Korean Youth Association and the Korean National Association; both represented right-wing political organizations.

In spite of the accusations, the Commission discovered that the majority of the casualties were not the result of political disputes discussed above but the result of people's personal animosities and a desire to eliminate their adversaries. According to the Commission's investigation, the perpetrators of the Geumsan massacre were members of the regional self-defense force, communist partisans, North Korean troops, and local leftists residing in the area. The Commission recommended revising historical accounts kept in governmental archives in accordance with the findings.

#### **The Dangjin Massacres - Verified on June 2, 2008**

Twenty-five petitioners appealed for truth verification for 25 massacres conducted by leftists at a public cemetery in Dangjin, Chungnam between August and September 1950. The Commission verified that leftists massacred between 140-250 civilians at four sites in Dangjin. The commission recommended that the government amend the relevant records and promote local history education programs.

#### **The Case of Kim Sang-Yong: The Gochang Massacre - Verified on May 14, 2008**

Six petitioners appealed for truth verification for a massacre conducted by leftists at Gochang-myeon in Jeollabuk Province on September 28, 1950. The Commission ascertained that approximately 70 to 120 civilians, including Kim Sang-Yong, were massacred by the leftists. The commission recommended that government amend the

relevant records and promote local history education programs.

### **Seocheon Registry Office Massacre Case - February 12, 2008**

The 48 petitioners requested an investigation by alleging that 52 people were massacred by leftist forces in Seocheon County on September 27, 1950. The investigation results, along with documents and witnesses' testimonials, confirmed that approximately 250 Seocheon residents were confined in the Seocheon Registry Office storage room and burned alive at 1:00 a.m. on September 27, 1950.

Leftist forces attempted to eliminate anybody who could be of use to the UN forces. On September 25th, 1950, immediately after the UN forces arrived, the leftists captured approximately 250 people suspected of sympathizing with rightists and confined them in a 39.6 square meter storage room in the Seocheon Registry Office. They then proceeded to stack firewood around the storage room before pouring gasoline on it and setting it on fire.

The victims included police officers, family members of the South Korean army, and regional leaders. They were killed for actively participating in activities against communists, such as criticizing communism or attempting to communicate with South Korean army fleets. Victims with a high social status or strong right-wing tendencies were relocated to Daejeon Prison before being killed.

The Politics Protection Department executed this massacre under orders from the left-wing Seocheon County Labor Party Committee. The Commission confirmed the facts of this case and the extent of the damages by reviewing a variety of sources, including the U. S. War Crime Investigation Team Report, Daejeon Local Court Criminal Department, "The 2,980th Judicial Decision Judgment on April 8th, 1952", the Bureau of Statistics and Public Information's 1952 list of Korean War victims, and witness testimonials. Until now, many had criticized discrepancies in the number of victims. Testimonials and previous documents suggest that the number of victims ranged from 50 to 360 people, but the Commission confirmed that the actual number of the victims is approximately 250.

### **The Case of Chang Geum-Chul's Family - Partially Verified on November 27, 2007**

Three petitioners appealed for truth verification for the kidnapping and killing of Jang Geum-Chul's family by the North Korean Army and leftist force during July and August 1950. The Commission verified the incident and identified the victims but was unable to identify the perpetrators. Thus, the commission only partially verified this case.

### **The Case of Kim Tae-Hwan - Verified on November 27, 2007**

Twelve petitioners appealed for truth verification for the killing of 13 civilians, including Kim Tae-Hwan, by the North Korean army during the Korean War period. Referencing both the Korean and the U.S. records, the Commission verified this case on November 27, 2007. The Commission recommended that the government amend the relevant records and promote peace education

### **3. Massacres**

#### **1) Introduction**

The massacre cases examined by the Commission can be categorized into the following: mass killing after preventive detention, the Bodo League Incidents, executions of political prisoners, military and police suppression and killing of alleged North Korean People's Army collaborators, the Yeosu-Suncheon case, and deaths by the United States forces' bombings. The classification is based on similarities that can be seen among the offenders, the characters of victims, and the origins of the wartime atrocities.

These incidents represent the typical types of massacres that occurred following the Korean War. In the case of killings on alleged North Korean People's Army collaborators, the incidents occurred throughout the Korean War period and involved mass killings, as well as individual executions that were conducted as a way of military and police operations.

#### **2) Major controversial issues**

##### **(1) Criteria for confirming the identity of victims**

In the course of verifying massacres, the basic objective to consider is the method of confirming the identities of the victims. This can be a critical issue to address as it will ultimately lead to the identification of the victims of the massacres and the determination of the legitimacy of the wartime killings. Decades have passed since such massacres transpired, and except for close relatives of the victims, few witnesses, due to their age, are capable of providing an objective testimony of the harm inflicted upon the victims. Therefore, it is often quite difficult to secure any reliable statements from witnesses and confirm the actual course of events.

Identity confirmation of victims who petitioned for truth verification has been conducted in two ways. First, for the cases where there are official government records that can corroborate the harm done to the subjects of the investigations or for cases where there exists any statement issued by a third party witness except for relatives, or where remains or corpses are retrieved directly, the identities of victims are confirmed after a specific procedure of verification. Second, for cases involving only the petitioner's account or the relatives' testimony, the damages inflicted on the victims are acknowledged but regarded only as an "assumption" since the cases cannot be verified.

The petitioners claim that the government should be held accountable for truth verification since it is impossible for them to find any records or evidence that can objectively confirm the contents of the petitions or the wrongdoings inflicted upon the victims. Having limited access to government archives, the Commission is attempting to complete the careful review of petitions and confirm the identities of wartime victims in order to conduct a fair and reliable investigation and verification.

##### **(2) The number of victims and the scope of their sacrifices**

Upon reviewing the petitions submitted to the Commission, the number of victims of an incident initially tallied by the Commission is substantially lower than estimates by

academia, the bereaved families, and civic groups. In the course of actual investigations, it was found that some bereaved families did not file a petition for truth verification, which indicates there could be more victims than tallied. Due to this, a criteria needs to be established in calculating the number of total victims and identifying the scope of the damage during investigations and report writing. The bereaved families and NGOs have been especially interested in this matter.

To ascertain the number of victims and the scope of the harm inflicted on them as accurately as possible, a long term investigation was needed. It was nearly impossible however to determine the exact number of victims in these massacres since the events occurred long time ago. Therefore, the Commission announced the number of victims by declaring individual names one by one for those with official state records. Without the relevant records or documents, the testimonies of witnesses were used to estimate the number of victims.

There are few testimonies, evidence, or official government statistics that can help substantiate the number of victims and the scope of damages. The Commission has had no choice but to quote the research results by civil organizations. In reality, it is still quite controversial however for the Commission in officially using the findings from these research results.

### **(3) The extent of truth verification and the accountability of the government**

The most difficult issue in verifying the mass killings of civilians during wartime is to determine the amount of responsibility for such incidents. This is a considerably serious issue as it is related to the scope of accountability held by the government, and the Commission has no power or authority to punish perpetrators. It is historically significant for the sake of preventing any future occurrences where the government or perpetrators should wield its power arbitrarily against its citizens.

In most truth verification cases, the government was found accountable for the harm inflicted on the victims, but the extent of confirmed damages varies from incident to incident. Government culpability can also vary due to a lack of official records that can confirm that the government actually issued orders or instructions for the killings, and if any do exist, the documentation is limited. For this reason, most investigations rely on the statements of witnesses, but most key commanders have died, or even if they are alive, they refuse to offer any testimony. Therefore, it is extremely difficult to acquire recognition regarding damage committed by the perpetrators. To compensate for this, many truth-seeking investigations focus on witness accounts to examine the intermediary chain of command and order.

The stage of verification level of past wrong-doings would determines the content, the extent of future recommendations, and the scope of government or individual accountability. Therefore, when determining who is legally and politically accountable, the initial difficulty the Commission confronts is acquiring reliable sources of information from competent government agencies or from the U.S. records and key witnesses.

### **(4) Determining whether the incidents were accidental or intentional**

According to the Framework Act established by the Commission, the scope of truth verification covers incidents where there were "illegal" mass when executions of civilians orchestrated by the government. Individual killings that occurred accidentally

and randomly before and after the Korean War are not subject to truth verification. For instance, the Commission dismissed cases involving death due to United States forces' accidental bombings and general deaths caused by accidents during military and police war operations.

For civilian deaths caused by U.S. forces' bombings and military and police operations however, it is very difficult to determine whether such incidents were accidental, intentional, or organized beforehand without examining official records related to the wrongdoing and critical accounts from witnesses. The illegitimacy of such operations is generally concluded based upon standardized international wartime regulations and positive law from home and abroad.

The Commission decided that for aerial bombing incidents by U.S. forces, such as those conducted at Gokgyegul Cave in Danyang and on Incheon Wolmi Island, the U.S. forces should be held accountable for failing to consider that civilians en masse could possibly be victimized even if such bombing operations were found to be necessary for military purposes. If "the logic and intention" of the military are defined too narrowly, as was the case in the American's *Nogeuunri* Report in 2001, the offenders will often be granted immunity.

### **3) The Characteristics and Issues Regarding Key Incidents**

#### **(1) Systematic preventive detention orders following the Korean War**

The Commission found that following the Korean War, the government practiced "preventive detention" against the so-called "impure elements", or the alleged converted leftist across the nation, and then executed them en masse. Preventive detention has been known to be typically practiced in massacre incidents. In particular, preventive detention cases suggest that summary executions were planned and preceded beforehand, executed across the nation as a whole, and occurred simultaneously, but to date, this has not been properly discussed in Korea.

As a result of the close examination into the Jeju April 3rd Uprising Case, it was discovered that the Syngman Rhee government issued orders to illegally arrest or execute a considerable number of people based on allegations rather than going through proper judicial procedures. As soon as the Korean War began on June 25, 1950, the National Bureau of Public Order of the Ministry of Home Affairs issued instructions to all police bureaus nationwide, including the Jeju Police Bureau, to systematically implement preventive detention, and the proceedings thereof were often reported.

The Korean government arrested and later executed the so-called "impure elements" or "alleged leftists" due to fear of their possible collusion with the North Korean People's Army. It was found however that the Korean government based arrests of alleged collaborators on arbitrary criteria and executed most people based only on allegations or suspicions. In particular, the Jeju District Martial Law Headquarters illegally declared martial law before the central government officially declared it and supervised preventive detention in Jeju. The Jeju District Martial Law Headquarters were directly followed by the arrest, release, or summary execution of detainees.

#### **(2) Retaliation against alleged collaborators**

After the Korean War broke out on June 25, 1950, the North Korean People's

Army crossed the 38th parallel and advanced southward near the Nakdong River. The Korean government with the help of United Nations forces who landed at Incheon on September 5, 1950 eventually regained control of the Southern territory under the 38th parallel. The reclamation of Seoul took place on Sept. 28, 1950. After which, the most significant task before the Korean government was deciding what to do with the alleged collaborators of the North.

After the UN forces' Incheon Landing Operation and the North Korean People's Army's retreat, there were several cases of the military, police, and rightist youth organizations illegally killing or retaliating against the collaborators. In the process, a number of civilians were killed en masse throughout the nation. This was a typical type of massacre orchestrated by the Korean government after the Korean War.

There are some similarities among the alleged collaboration-related massacres. First, most victims, although some could have been collaborators during the occupation of the North Korean Army, were illegally executed without clear legal grounds or criteria. Instead, police and right-wing paramilitary groups may have acted on allegations or suspicions without following proper judicial procedures. Second, there were instances of people who retaliated due to personal disputes or vendettas. The Korean government or rightist youth organizations exploited the execution of accused collaborators to resolve personal feuds, which evinces that alleged collaborators were punished in an illegitimate and arbitrary manner without a clear policy established by the government. As the situation worsened, the Korean government released several statements and enacted the "Pro-Communist Punishment Law" and the "Execution Inhibition Law". In this regard, the Korean government should be held accountable for failing to protect its people and in some cases for aiding and abetting government agencies and private organizations in inflicting abuse against alleged pro-communists.

### **(3) The killings of civilians during the rooting-out of communist guerrillas**

Following the Korean War, guerilla operations arose in the mountainous regions and threatened public order. The success of the Incheon Landing Operation prevented travel to the North, and North Korean detachments in South Korea were unable to return to the North even after the signing of the armistice. They then engaged in guerilla warfare in the South Korean mountains. In response, the Korean government mobilized the military and police to suppress the communist guerrillas. The Korean government responded with a massive operation to subjugate them. In September 1950, the 11th Division of the Korean Army was established exactly for the purpose of suppressing communist guerrillas in the southern areas of the Korean Peninsula, such as in South Gyeongsang, Jeonnam, and Jeonbuk Provinces. Civilians were killed en masse as the military and police conducted scorched-earth policy operations to eliminate the communist guerrillas.

The incidents investigated by the Commission involved mass killings of villagers accused of collaborating with guerrillas. While the villagers may have collaborated, they only did so by providing accommodations and meals or transporting baggage, which was necessary to avoid being killed by guerrillas. At that time, villagers who lived in the same mountainous regions as the guerrillas were hiding in had little choice but to cooperate with the Korean Army during the day and with the North Korean Army at night.

At that time, the Korean government, military, and police issued orders to differentiate between the communists, communist collaborators, and villagers, but mass

killing operations were conducted according to only allegations and suspicions. As a result, villages were destroyed and civilians were executed on allegations of cooperating with communists. This suggests that the ROK Army only focused on operational efficiency and convenience as they tried to suppress the remnants of the North Korean People's Army. The death of so many innocent villagers during the operation indicates the indifference or negligence that the South Korean soldiers and police had towards the lives of civilians.

#### **(4) The killings of civilians by U.S. bombings**

Following the start of the Korean War, the U.S. army, navy, and air force participated as members of the United Nations forces and dominated the operation order. In particular, from the beginning, the U.S. Air Force controlled the air command.

Most South Korean civilian deaths associated with U.S. bombings occurred in the process of aerial bombardment. As the Commission verified, the U.S. Air Force bombings at Wolmi Island was in support of the Incheon Landing Operation of the UN forces. On the other hand, the U.S. Air Force bombings at Danyang Gokgaegul Cave and Sanseong-dong, Yecheon occurred while the U.S. Air Force attempted to prevent the North Korean People's Army from advancing south.

Even if massacres related to U.S. Forces transpired in the course of legitimate military operations, it is difficult to regard them as mere wartime usual accidents. The fact that aerial bombings continued to produce civilian deaths suggests that the U.S. Forces did not properly plan for the operations.

It is evident that in the course of planning for the aerial bombing operations, the U.S. Air Force sometimes failed to take into consideration the innocent civilians in the targeted areas. Mass killings by U.S. forces aerial bombings occurred mostly when the UN and Korean forces advanced north immediately after the outbreak of the Korean War in July and August 1950 with the Incheon Landing Operation, and during the retreat, when the North Korean People's Army and the Chinese People's Liberation Army advanced south after the January 4th Retreat of 1951.

The U.S. Air Force aerial bombings in South Korea were concentrated in areas densely populated with civilians. Considering this, the U.S. Army should have as a precondition distinguished civilians from the North Korean People's Army in the process of conducting reconnaissance operations and selecting bombing targets. The U.S. Air Force however engaged in indiscriminate bombing of the selected points and at low altitudes, with clear visibility of the ground, opened fire on innocent villagers. As a result, many civilians, including women and children, were sacrificed.

#### **(5) The nationwide of the Bodo League incidents**

Immediately after the start of the Korean War, between the end of June and the beginning of July 1950, the Korean government arrested, detained, and executed members of the Bodo League. The year prior, in June 1949, the Korean government organized the Bodo League with the intention of encouraging those associated with the leftists to turn themselves in so that they could be loyal ROK citizens. Around 300,000 people across the nation applied for membership at this time. The Korean government set a target quota for recruitment in each region, which led to many people applying for membership without ever having had any relations with leftists or leftist activities. With the start of the Korean War however, the government began arresting and killing Bodo

League members, fearing that they may collaborate with the North.

The Bodo League massacres were the largest mass killings during the Korean War period. Most of the Bodo League massacres occurred simultaneously across the nation. According to the Commission's investigation result to date, each incident seemed similar in terms of the procedures and the chain of command. For this reason, the Commission investigated the massacres to determine whether the government was involved in the systematic and intentional massacre of civilians. The scale, planning, and organization of the massacres reveal the Korean government's systematic policy to remove Bodo League members, potential enemies' life.

#### **(6) Suppression of the Yeosu-Suncheon Uprising and summary execution of suspected civilians**

The civilians of the Yeosu-Suncheon Incident were executed during the 14th Regiment's uprising and the Korean military's subsequent crackdown. The Yeosu-Suncheon Incident differs from other massacres in several aspects. The damages extended beyond the civilians of Yeosu and Suncheon and affected the eastern part of the Jeonnam Province and areas around the Jiri Mountain. In addition, the affected locations were not limited to specific places but scattered across areas that involved military and police operations in suppressing communist guerrillas.

South Korean soldiers stationed in the Yeosu and Suncheon region initiated the Yeosu-Suncheon Incident on October 19, 1948. This event became a catalyst for the enactment of the National Security Law and the establishment of the anti-communist regime in the Republic of Korea. It was also a prototype of all massacres during the Korean War period. In the course of the Korean army's operations, rebels belonging to the 14th Division and many civilians suspected of being rebel collaborators were targeted and killed. Many civilians were imprisoned by the military or police and later executed en masse after the start of the Korean War. Rebels or leftists guerrillas as well executed some civilians.

In this case, the grounds upon which the military and the police murdered civilians en masse was commonly called the "summary execution right" under martial law. Since the South Korean government was newly established at the time, the martial law had no legal foundation, and there were no laws or regulations in Korea at the time to support the legitimacy of martial law.

Under such 'martial law', the military and the police illegally tortured and killed civilians. In particular, the military and the police abused the "summary execution right" under the martial law, which has no legal foundation and did not justify the execution of civilians. As a result, many civilians were killed in the Yeosu-Suncheon Incident on allegations that they were cooperating with the rebels. Their executions did not involve any judicial proceedings and demonstrates that the term "summary executions" really meant 'massacres'.

#### **4) Main Verified Cases**

##### **Massacres in the Geoje Region – Verified on November 25, 2008**

The Commission found that from March to May 1949, at least 38 people were massacred by South Korean soldiers and police after being accused of collaborating with

North Korean soldiers. The Commission conducted interviews with perpetrators, survivors, and witnesses and reviewed various relevant records in order to verify the facts.

The Commission found that before the executions occurred, the victims were beaten and tortured by the perpetrators. Some of the victims were publicly executed in front of other villagers. It was also reported that the perpetrators killed innocent family members of suspects and executed individuals with the same name without properly verifying their identities. The Commission identified 38 victims, although it is assumed that the number of victims is higher. Thirty-five out of 38 of the victims' ages ranged from 20 to 30 years old, and the remaining three victims were women or in their teens. Most of the victims were either farmers or fishermen who provided food and assistance to red guerillas under the threat of death. Regardless of the villagers' predicament, the perpetrators accused them of collaborating with communists and proceeded to torture and execute the victims. The Commission recommended that the government offer an official apology, provide peace and human rights education to soldiers, police officers, and civil servants, and support memorial services on behalf of the victims.

#### **Gwangju Massacres – Verified on November 25, 2008**

The Commission found that from February 1949 to October 1951, South Korean police illegally massacred dozens of civilians in Gwangju, Jeonnam Province on charges of collaborating with communists. In order to verify the facts, the Commission reviewed relevant police and army records as well as conducted interviews on the survivors and witnesses.

The Gwangju civilians residing in an area active with communist partisans were treated by the police as either communist collaborators or suspects and were therefore executed based on such accusations. Some of the incidents of police killings include: Suspected communist collaborators killed after being severely tortured; three civilians involved in a social gathering killed after being charged with failing to report their "meeting" to the police and army; a physically disabled civilian killed after arriving late for roll call; people killed for supplying food to suspected communist collaborators; and village leaders killed after being accused of communist collaboration.

The Commission identified 23 victims, most of whom were unarmed farmers. The police based their justification for execution on suspicions of communist collaboration rather than following proper judicial procedures.

The Commission recommended that the government offer an official apology, provide peace and human rights education for the police, and support memorial services on behalf of the victims.

#### **Cheongwon Bodo League Incidents – Verified on November 4, 2008**

The Commission found that from early to mid July 1950, South Korean police and the Counter-intelligence Corps (CIC) massacred members of the Bodo League in the Cheongwon region. Beginning in late June 1950, the police imprisoned Bodo League members throughout the Cheongwon region. Then, in the following month, the imprisoned members were executed at over eight different sites. In relation to these incidents, the Commission reviewed various reports and conducted on-site investigations.

During the massacres, at least 232 civilians were killed, but the Commission could only identify 165 victims. The identified victims' age ranged from 20 to 30 years

old. In Cheongwon County, the Commission exhumed 332 remains, 235 bullets, and 300 other victim-related articles. At the time of the exhumation, the victims' were found to have been arranged in a line with their hands bound and forced to kneel. Some remains showed bullet holes or fragments.

On July 10, 1950, a victim managed to survive the incident. She was present at the killing field with her husband and other Bodo League members before being shot by South Korean soldiers. While the others died, she only lost consciousness. The Commission recommended that the government offer an official apology; provide peace and human rights education for soldiers, police, and civil servants; support memorial services on behalf of the victims, amend the Family Registry, and provide permanent facilities to preserve the victims' exhumed remains.

#### **Massacre at Yeongdeok, Jipum-myeon - Verified on November 4, 2008**

The Commission found that from December 1949 to January 1950, South Korean soldiers executed unarmed civilians without due process at Yeongdeok Jipum-myeon. The Commission reviewed various reports, including the Special Committee Report of the National Assembly on massacres and the G-2 Periodic Report of the Korean Military Advisory Group of the US Army, and conducted on-site investigations and acquired testimonies from petitioners and reference witnesses.

The Commission concluded that between December 1949 and January 1950, South Korean soldiers tortured and killed civilians en masse based on the suspicions that they were collaborating with communist guerillas in the region. The Commission identified at least 34 victims and found that the majority of them were farmers and their ages ranged from 20 to 40 years old. Communist partisans forced the civilians to supply food which may have lead South Korean soldiers to assume that they were collaborators rather than victims of coercion. However, instead of formally charging the civilians, the soldiers responded with executions.

The Commission recommended that the government offer an official apology, provide peace and human rights education to police and civil servants, and support memorial services on behalf of the victims.

#### **The Massacres at Naju Dado-myeon - Verified on October 21, 2008**

The Commission found that from July 1950 to May 1951, in Naju Dado-myeon, South Korean soldiers indiscriminately killed innocent civilians while subduing red guerrillas. The Commission verified the identities of 133 unarmed civilian victims, which included women, children and the elderly.

According to a daily police report at the time, the police claimed to have killed 'communists' while engaged in a skirmish. According to statements of witnesses and references however, the soldiers and police force massacred unarmed civilians. Having reviewed all available information and data, the Commission concluded that the soldiers and police indeed killed innocent civilians. In particular, it found that the survivors of the massacres still suffer from psychological trauma and physical injury. The Commission recommended that the government offer an official apology, support memorial work for the victims, document the findings in historical records, provide medical treatment for injured survivors, and strengthen peace and human rights education.

#### **The Massacres in the Namwon Region - Verified on October 21, 2008**

The Commission verified that from December 1950 to March 1951, South Korean soldiers and police ignored proper judicial procedures as they massacred civilians in the Namwon region while subduing Red guerrillas. The Commission interviewed survivors, witnesses, and perpetrators of the massacre. The Commission also examined documents at the Ministry of Defense and Army Headquarters.

By reviewing Korean War records of the Army Headquarters, the Commission found that according to these reports, South Korean soldiers were involved in subduing Red guerrillas in the Namwon region from the end of 1950 to the beginning of 1951. After having heard the statements of the survivors and witnesses however, the Commission confirmed that most of those killed were actually innocent civilians rather than Red guerrillas.

The Commission verified that the South Korean soldiers and police indiscriminately killed innocent civilians, including women, children, and the elderly. It identified 90 victims. The Commission recommended that the government offer an official apology, provide support for memorial work, and promote peace and human rights education for soldiers and police.

#### **The Massacres at Gimpo - Verified on October 7, 2008**

The Commission verified that from September 28, 1950, to January 4, 1951, Gimpo residents were accused of collaborating with communists before being massacred by the South Korean police. The commission estimated that during this period the police killed more than 600 civilians, including women and children, but the Commission was only able to identify 110 victims. The commission recommended that the government offer an official apology, provide support for memorial work, promote peace and human rights education, and take relevant measures to permanently preserve the remains of victims by giving them a proper burial and honoring their memory.

#### **The Massacres at Haenam County - Verified on July 8, 2008**

One hundred twenty-three petitioners filed for truth verification for several massacres conducted by the South Korean police and right-wing groups in Haenam County from August 15, 1948 to the Korean War period (1950-1953). The petitioners claimed that the victims were accused of being communists or communist collaborators, which led to their execution without trial. The Commission verified that 159 innocent civilians were killed by the South Korean police and right-wing groups. The commission recommended that the government offer an apology, conduct memorial services for the victims, amend the relevant records, and promote peace and human rights education.

#### **The Massacres at Cheongdo - Verified on July 8, 2008**

Twenty-eight petitioners filed for truth verification for several massacres conducted by South Korean soldiers at the Cheongdo and Gyeongsan cobalt mines from February 1949 to February 1951. The Commission verified that 132 civilians were killed.

#### **Gurye Massacre after the Yeosun Incident - Verified on July 8, 2008**

The Commission ascertained that between late October 1948 and July 1949 in Gurye, shortly after the Yeosun Incident, a large number of civilians were extra-judicially killed and sacrificed as South Korean troops and police forces conducted military operations to subdue communist rebellion forces. The mass killings in the Gurye region

are considered separate from the Yeosun Incident.

Approximately 800 civilians were massacred, among which, but only 165 victims were identified after going over various historical records stored in Korea's National Archives, Historical Records of Subjugating Communist Insurgents in the South Korean Army Headquarters (1954) and statements from witnesses and field research.

The South Korean troops and police forces captured, tortured, and executed civilians accused of collaborating with local leftists or rebellion forces. It has been verified that villages located near insurgent bases were incinerated and the residents accused of collaboration before being executed during the "clean-up" operation of communist insurgents. A series of these mass killings occurred between late October 1948 and early 1949 near Gurye when the 1st and 2nd Battalions of the 3rd Regiment of the South Korean army were based in the region.

Gurye Police Office detained civilians suspected of collaborating with local communist partisans and commonly tortured their captives before executing them and concealing their bodies in nearby areas or on Mt. Bongseong. The members of the Korean Youth Association in Gurye also directly or indirectly abetted these systematic operations of mass killings by providing sometimes groundless accusations and supporting the extermination of those affiliated with communist guerrillas or local leftists.

The Korean Youth Association in Gurye mostly assisted with the removal and burial of bodies after the executions. A typical accusation they made against victims would allege that the victim joined a left-leaning organization such as the Socialist Labor Party in South Korea. Other accusations that resulted in death were as minor as the victim having resided near areas targeted by the military or being related to suspected victims.

The South Korean troops and police forces commonly conducted indiscriminate arrests, detention, or imprisonment. They also tortured and summarily executed people without adequate confirmation procedures or legitimate judicial processes. The proclaimed martial law at the time was not supported by any legality, and thus the administrative and judicial authorities of the chief commander under martial law were subject to revocation.

Furthermore, the administrative and judicial authority given during the proclaimed martial law were arbitrarily interpreted and implemented by regional chiefs, thereby increasing the number of civilian casualties. Even if the martial law were legitimate, the principle of non-combatant immunity was often neglected.

Perpetrators often practiced a type of extra-judicial punishment in conducting summary executions. This was often misunderstood to be a given right that allowed them to arbitrarily kill civilians. Even with martial law, summary executions should abide by military regulations. Thus, massacres by the South's authorities could not be justified in any way.

The Commission found that the killing of innocent civilians by the public authorities in Yeosu and Suncheon greatly transgressed the constitutional legality given to the military and police force at the time. They failed their sacred obligations of protecting the lives and property of civilians. Hereby, the Commission advised the government to officially apologize to the bereaved families of the victims, restore the honor of the dead, revise the historical records in accordance with the findings, and reinforce education on sustaining peace.

### **Ganghwa Case of Civilian Executions - July 8, 2008**

The Commission concluded that the Ganghwa Regional Self-defense Forces accused and killed 139 civilians residing in the Ganghwa, Seokmo, and Jumun island areas around the time of the January 4, 1951 retreat (1.4 Retreat). Details of the executions began to surface when a group of residents in Ganghwa registered their deceased family members as victims under the Korean War Veteran Memorial Law. During the registration period, details about the victims, as well as perpetrators, emerged and revealed enough information to speculate the circumstances surrounding the incident.

At the time of the massacre, the Ganghwa Regional Self-defense Forces assumed that if North Korean troops occupied the region, those with left-leaning tendencies and their families would collaborate with the North. Therefore, preemptively eliminating the accused was thought of as a strategically beneficial objective. A chain of similar mass killings occurred in 12 different townships in the Ganghwa, Seokmo, and Jumun island areas. The mass executions administered after the 1.4 Retreat often occurred with deliberate neglect or abetting from the South Korean and U.S. forces.

At the time of the killings, the South Korean and U.S. forces were gathering intelligence on secret military tactics and the enemy's strategic movements along the West Coast. In the course of their missions, they aided right-wing civil organizations, such as the Ganghwa Self-defense Forces, by providing combat equipment and supplies. These mass summary executions against civilians are considered by some to be a crime against humanity. The victims' pain and suffering have been passed to their descendants who faced various forms of social discrimination and prejudice.

While direct responsibilities for the incidents may be directed at the respective civil organizations involved and its autonomous governing entities, the South Korean government must also be held accountable since they neglected their obligations to administer and control the regional authorities' activities. The Commission found that the Ganghwa Self-defense Force, an organization beyond the control of any U.S. or South Korean authorities, was provided arms by the government. The arms were then used to assault civilians. The government's action of giving arms allowed for the deaths of innocent villagers.

After uncovering these findings, the Commission advised the government to officially apologize to the victims' bereaved families, seek reconciliation between the victims and perpetrators, and arrange adequate emergency alternatives considering Ganghwa's geographical circumstances.

### **Uljin Massacre - Verified on June 3, 2008**

The Commission ascertained that at least 256 civilians were killed in Uljin, Gangwon Province after being accused of collaborating with local leftists. The incident occurred between September 26, 1950 and late December, 1950. A total of 256 victims were identified through thorough reviews of historical documents, testimonies from witnesses and petitioners, and records from the Uljin Police Station. Extensive field research was also conducted throughout the region. The perpetrators were identified as the Uljin Police, CIC, and the 3rd Army Division of South Korea.

On October 20, 1950, the 3rd Army's reserve forces searched for villagers accused as being leftist. They based their hunt on lists of names submitted by local right-wing organizations and the village chiefs. Approximately 40 people accused of collaborating with the North, along with many others scheduled for execution, were confined at the Uljin Police Station and summarily executed or buried alive in the Budul

Valley, Hujeong-ri.

Between October and November 1950, the Uljin Police Office released some of the prisoners transferred from subordinate police branches in the region, but approximately 250 of the remaining prisoners were segregated for summary execution. They were killed and buried in the Olsi Valley, Shinrim. On November 26, 1950, officers from the Onjeong Police Branch shot and killed 12 captives en route to the Uljin Police Office.

In the late fall of 1950, several local villagers were indicted of offering food to their relatives who were seeking refuge after having been accused of treachery. The villagers were executed in a valley in Sagye-ri, Buk-myeon by officers from the Hadang Police Branch. According to the Commission, a total of 256 identified victims, including many innocent civilians, were massacred in a series of mass killings conducted by the 3rd Army's reserve forces and the South Korean local police forces. The victimized villagers were blamed for holding certain positions during North Korea's occupation over the region or for registering with organizations considered traitorous.

However, most of the accusations were fomented rather spontaneously and the victims' charges were summarily administered by the public authorities of South Korea. At the time of the incidents, many voluntary North Korean collaborators had already escaped and crossed the border to the North once the South seized the area, and thus, the civilians who impulsively or involuntarily joined the local leftists became victims. The Commission also found cases where villagers were charged with irrelevant accusations.

These summary executions committed against mass amounts of civilians are considered by many to be a crime against humanity. The victims' pain and suffering were subsequently passed down to their descendants who faced various forms of social discrimination and prejudice. After uncovering such findings, the Commission advised the government to officially apologize to the bereaved families of the victims, conduct adequate human rights education, and hold memorial services for those who were wrongfully prosecuted and murdered.

### **U.S. Force's Bombing of Gokgyegul Cave in Danyang - Verified May 20, 2008**

Fifty-three petitioners submitted a petition for truth verification for the U.S. Air Force's Bombing Incident of Gokgyegul Cave in Sang-ri, Yeongchun-myeon, Danyang-gun in North Chungcheong Province. The event occurred on January 20, 1951, during the Korean War. Even though there were not any North Korea soldiers in the area, as insisted by the petitioners, the U.S. Air Force bombed a cave sheltering a group of civilians, as well as strafed them as they tried to escape from the bombing. The bereaved families requested for 1) the appeasement of the spirits of the deceased through truth verification, and 2) positive efforts by the Korean and U.S. governments on problem-solving, proper reparation, and compensation.

#### *\* Refugee Control and Bombing of the Cave and Civilian Mass Victimization*

On January 3, 1951, the day before the withdrawal from Seoul, at the internal meeting of 8th U.S. Army, Lieutenant General Ridgway authorized the Chief Commander of I Corps and IX Corps to block refugee movements. This authorization included the right to fire on civilians ignoring the refugee control order and to request air strikes. Lieutenant General Ridgeway then informed the South Korean army of this decision.

Due to the use of the representative coordinates on Mosquito Mission Reports

(MMR) however, a detailed record regarding the bombing of the cave was never recorded, but on the U.S. Army G-3 Journals and S-3 Journals of January 20, the attack had been clearly stated. Most people in the cave suffered burns and suffocated to death due to the use of napalm bombs. Others, who barely escaped from the cave, were killed or wounded by aircraft strafing. Although the eyewitnesses testified that the U.S. forces visited the cave and investigated the results of the bombing and mass civilian victimization, no follow-up measures were taken.

*\* Numbers and Characteristics of Victims and Responsibility of the U.S. Army*

The total number of victims of this incident is estimated to be over 200 with 167 of them identified. The rate of juvenile victims under the age of 19 is considerably high at 62%. The number of female victims exceeds the number of male victims.

This incident involved a large number of non-combatant civilians being killed by U.S. bombing operations. Pursuant to the International Humanitarian Law, U.S. forces had violated three responsibilities at that time: ① U.S. forces did not conduct any complementary measures to protect the refugees affected by the blockade. ② Especially knowing that there were large numbers of refugees in the area, U.S. forces should have decided whether to bomb the cave only after conducting proper reconnaissance verifying that the people in the cave were indeed NKPA soldiers. ③ U.S. force's bombing operations and incinerations in the vicinity of the cave and Yongchun-myeon, Danyang-gun indicate indiscriminating bombing beyond the boundary of the operation and without proper regard for the refugees in the area.

### **Namyangju Suspicion of Treachery Case - Verified on May 6, 2008**

From October to December 1950, police and security forces, later reorganized as the local defense force, massacred at least 118 Jinjeop residents, including their family members, on charges of treachery. In early October 1950, when the South Korean army reclaimed the Namyangju region, Yangju and Jinjeop police officers, along with Jinjeop security police, detained approximately 200 people, including the family members of those suspected of treachery during the North Korean occupation. The victims were relocated to the township office storehouse and executed.

In the middle of December 1950, shortly before the retreat of the South Korean army on January 4, 1951, the police and security forces executed 260 civilians suspected of collaborating with the North Korean Army during their occupation of the region. Following a recommendation order from the Gyeonggi Provincial Police, the police and security forces secretly buried the bodies. This massacre differs from the October massacre in that it occurred before the South Korean army retreat in December and many of the victims were women, children, and the elderly.

Based on the materials and statements related to the case, the Commission estimates that there were more than 460 victims, including missing people and those who are unaccounted due to lack of identification by relatives after the families relocated. The Commission only identified 118 victims. The perpetrators were identified as the Jinjeop police, security force, and the local defense force commanded by the police. Considering that they massacred civilians without evidence and based their actions on presumptions that the victims would cooperate with the enemy, the actions of the perpetrators represent a crime against humanity.

At the end of December 1950, immediately after the massacre, local residents petitioned for a special investigation into the crime. In response, a South Korean

inspection team was assembled. Composed of military officials, prosecutors, and police officers, they interrogated the perpetrators. During this time, a document related to the case surfaced. This document specifically detailed the Gyeonggi Provincial Police order that led to the massacre and the immediate cover-up that followed.

The special inspection team's investigation disregarded this, and instead concentrated its efforts on the testimonies of the perpetrators. Compared to the size of the case, the investigation was poorly conducted as evidenced by distortions in the perpetrators' motives and the victims' characteristics. As to whether the perpetrators stood trial and were punished, it remains unknown. The Commission recommends that the government officially apologize and provide support for memorial-related projects and work, and provide human rights education for the general public.

### **The Korean National 11th Army Division in the Gochang Region Case - Verified on April 8, 2008**

The Commission's investigation results found that from December 1950 to March 1951, the Korean National 11th Army Division stationed in Jeonbuk Gochang region perpetrated mass executions of civilians while searching for communist guerrillas. The Commission identified 273 victims, although the total number is likely higher considering that some families did not file a petition, or were relocated, or killed.

The first incident occurred on December 22, 1950, as refugees moved from the Dongho-ri region to an area near the Simone-myeon Seashore. Upon encountering them, the 11th Army Division indiscriminately shot and killed 200-300 refugees. Another incident occurred on January 5, 1951 when the 11th Army Division, 6th Company pursued 150-200 refugees. After capturing the refugees, the soldiers bound each person with straw ropes before executing them with light machine gunfire. A day later, the 6th Company performed a house-to-house search in Sangha-myeon and executed twelve to sixteen local residents by shooting them in an open area next to Sangha Elementary School.

On March 13th, 1951, after a scouting soldier was killed near Sangha-myeon, the 11th Army Division killed approximately 50 local residents while searching for communist sympathizers. At the same time, near the Sangha-myeon Seashore, a group of civilians were killed by being indiscriminately fired upon by the 8th Company of the 11th Army Division.

At the time, the 11th Army Division justified these types of incidents by emphasizing the difficulty in distinguishing civilians from guerrillas. They reasoned that any dangerous threat must be eliminated and reasoned that mass executions prevented communist sympathizers from disrupting military objectives. It may have been necessary to place certain restrictions on people considering the instability of the situation at the time. As a whole, people's basic liberties were limited in order to guard against national security threats, and society was disorganized during the Korean army's reclamation process. On the contrary, the Korean army's mass execution of unarmed and non-resisting civilians without proper due process violated both international human rights and Korea's guaranteed constitutional rights.

When a nation deprives its citizens' of life, or punishes people by physically restraining them, a nation must abide by the law and have proper reason to conduct such actions. The perpetrators of this case failed to follow established legal standards. Therefore, the Commission recommended that there be an official government apology,

support for psychological counseling, and human rights education for soldiers and police officers.

#### **Incheon Wolmi-do Bombing by the US Force - Verified on February 26, 2008**

The Commission ascertained that the residents in Wolmi island (Wolmi-do) were killed on September 10, 1950, by U.S. bombing of the area. At least 10 victims were verified by the Commission to have been killed, but it is believe there were more victims killed. The bombing was executed by U.S. marine aircrafts of Carrier Division 15 led by Rear Admiral Richard W. Ruble.

The objective was to saturate the eastern half of Wolmi-do. The marine aircrafts (VMF-214, VMF-323) that launched from the USS SICILY and USS Badoeng Strait dropped 95 napalm bombs, rocketed and strafed the east side of Wolmi-do and thoroughly destroyed the area. Wolmi-do was a strategically important area for the Operation of Incheon Landing.

The saturation of Wolmi-do was executed in order to eliminate all possible threats which could negatively affect U.S. forces their planned fleet bombardment on the 13th and 14th of September, 1950. In preparation for fleet bombardment by naval ships, the U.S. forces saturated the populated east side of Wolmi-do with napalm bombing, rocketing and strafing of houses and inhabitants.

There is a strong likelihood that U.S. forces were aware of the numerous civilians living in Wolmi-do, but there was no evidence that they took any cautionary action such as giving civilians prior warning or discriminating civilians areas to lessen the number of casualties. The weather was clear on the day of the bombing and one of the firing altitudes for the planes was only 100 ft. Civilian inhabitants and residential areas should no doubt have been visible. On the contrary, since early in the morning, the U.S. forces napalmed numerous small buildings and strafed children, women and the elderly in open areas. The devastation of Wolmi-do cannot be justified under the principle of discrimination or the principle of proportionality.

#### **Ulsan Bodo League Massacre - Verified on November 27, 2007**

Two hundred sixteen petitioners appealed for truth verification for several massacres, numbering over ten, which occurred in Ulsan throughout August 1950. According to the petitioners, over 870 innocent Bodo League members were killed by South Korean police. The Commission was able to verify the truth, but only 407 of the 870 victims were identified.

The Commission recommended to the government to restore the victims' honor, offer an official apology, establish memorials for the victims, and revise historical and public records to reflect the new findings. It is also recommended that the government promote peace and human rights education programs and amend any relevant laws.

#### **Goyang Massacre Incident - Verified on November 20, 2007**

Four petitioners appealed for truth verification for 240 civilians massacred by right-wing groups at Goyang. These paramilitary groups, supported by the South Korean police, claimed that the victims were North Korean collaborators. After conducting the investigation, the Commission found that the right-wing groups illegally arrested and killed unarmed civilians. The Commission could verify the identities of only 26 of the 240 victims.

### **Killing of Civilians by the US Force Bombing: Sansung-dong, Yecheon Bombing Incident - Verified on November 20, 2007**

The Commission ascertained that at least 51 residents were killed at Sansung-dong, Yecheon due to U.S. Air Force bombing. It is stated in official military documents dated January 19, 1951 that the U.S. Air Force conducted three bombings with 18 fighter-bombers, including the F9F, F4U, and AD. The fighter-bombers dropped Napalm bombs over Sansung-dong and strafed houses and inhabitants in the area.

Although at that time North Korean forces were concentrated in the vicinity of Hakga Mountain, no enemy was present in Sansung-dong. Therefore misreading the coordinates is assumed as a possible reason for the attacks. According to the Mosquito Mission Report, "many people in white in area of DR 6457," yet at that time, most Korean civilians wore white clothes. Therefore, this could be offer another explanation for the bombings against the people of Sansung-dong.

The 'area bombing' policy for the elimination of the North Korean troops' possible shelter in this area seems to be not an indispensable strategy of military necessity. Due to these bombings, only the innocent civilians became victims, therefore it cannot be justified under the "Principle of Proportionality". Even according to the U.S. documents, North Korean soldiers were not present at Sansung-dong.

At the time of incident, Sansung-dong village was an "undefended village", pursuant to the positive law of Article 25 of The Hague Convention Respecting the Laws and Customs of War on Land (1907) and the U.S. Army's Rules of Land Warfare. Also, according to the Draft Rules of Air Warfare (1923), it was not the military target. As reported by the villagers' recollections, there was prior warning of the bombing for the villagers. Therefore, the U.S. Air Force violated the "Principle of Precaution".

The U.S. Air Force was found not to have performed the "Principle of Distinction" in distinguishing between the South Korean unarmed civilians and North Korean soldiers. But the fact that the U.S. Air Force regarded any person in white as a suspicious enemy violated "the Principle of Presumption of civilian character in case of doubt".

A considerable number of bombing victims were also women and children who should be persons specially protected by the 4th Geneva Convention (1949) and should have been distinguished by air patrols as reported in other patrol mission reports. In order to justify a bombing, the target must be specified. Even then, the specified target should verified as a military target. Even if it is a military facility, considerations still must be given as to whether any civilians dwell in the area or not. In the case of the Sansung-dong bombings however, the U.S. Air Force conducted indiscriminate area bombing, violating the "Principle of Discrimination".

### **The Sancheong Massacres - Verified on November 20, 2007**

One hundred thirty-two petitioners appealed for truth verification for 129 civilians massacred by the South Korean army in Sanchong County, Gyeongsangnam Province. The petitioners claimed that the massacres took place between July 1949 and January 1950. The Commission verified that 129 civilians were massacred. The Commission recommended that the government offer an apology, conduct memorial services, restore the victims' honor, revise the related laws, amend the relevant records, and promote human rights education.

### **The Jeju Seottal Oreum Massacre Case - Verified on November 13, 2007**

Two hundred seventeen petitioners appealed for truth verification for 218 civilians massacred by the South Korean Army at Seottal Oreum on Jeju Island on August 20, 1950. Almost a month before the massacre, on July 16, 1950, the civilians were arrested and detained by the South Korean police without a specific charge. They were later formally accused of being communist sympathizers.

The Commission verified that no evidence existed to support such a charge. The Commission recommended to the government to restore the victims' honor, offer an official apology, establish memorials for the victims, and revise historical and public records to reflect the new findings. It is also recommended that the government promote peace and human rights education programs and amend any relevant laws.

### **The Hampyeong Massacre - Verified on July 3, 2007**

Eighty-four petitioners appealed for truth verification for 249 civilians massacred in Hampyeong County (now Gwangju City) by the South Korean army from November 20, 1950 to January 14, 1951. The Commission found that during the process of subduing red guerrillas, the South Korean army massacred the civilians without given them a trial. The Commission verified that the military killed 249 civilians and wounded nine others. It recommended that the government offer an apology, conduct memorial services, and revise the relevant records and documents.

### **The Naju Massacre - Verified on June 12, 2007**

Twenty petitioners appealed for truth verification for over 74 civilians massacred in Naju, Jeollanam Province by the South Korean Army on January 20, 1951. The Commission verified that the army, acting on suspicions that the civilians may be North Korean Army collaborators, killed the people without following proper judicial trial. While the death toll was estimated to be approximately 74 to 140 civilians, the commission could only identify 31 victims. The Commission recommended that the government offer an apology, restore the victims' honor, and establish measures to prevent similar incidents from reoccurring in the future.

### **The Mass Murder of Accused Leftists in Naju - Verified on April 17, 2007**

Twenty seven petitioners filed for truth verification for a mass murder that occurred in Naju on February 26, 1951. According to the petitioners, a total of twenty-eight villagers were summarily executed without a trial at Cheolcheon-ri, Bonghwang—myeon in Naju City after they were accused of collaborating with communist guerrillas. The Commission found that the Naju Police Special Forces were responsible for the atrocity and recommended that the government officially apologize to the victims, restoring honor to the dead, and implement preventive measures.

## 4. Human Rights Abuses

### 1) Outline

The cases reviewed by the Committee on Human Rights Abuses are classified into two categories: Cases that received irrevocable court judgments and all others. The cases which received irrevocable court judgments can be further divided and classified into two sub-categories: Cases regarding the violation of the National Security Law and cases pertaining to all other laws. Cases regarding the violation of the National Security Law include cases where the victims were defectors from North Korea, relatives of defectors to North Korea, fishermen abducted by North Korea, Korean-Japanese, and domestic political prisoners. The other category includes cases where victims suffered torture and abuse during criminal investigations without a final court ruling.

### 2) Major issues and related cases

**(1) Illegal or clearly unfair execution of public power:** The Commission judged the following acts to be illegal exercises of public power: the death of a college student by heat stroke during military training not being clearly attributed, an unlawful government order being used in a secret operation to obstruct the repatriation of a Korean-Japanese to the North which accompanied a serious infringement of the freedom of decision, and equal opportunity seriously being limited by an unlawful government order in the 23rd and 24th bar exam interviews. This is an expansion of the role of the Commission which emphasizes that public power must be exercised according to the constitution and the law. It also clarifies the necessity of forensic investigation in seeking the truth in historically important events.

**(2) Serious infringement of human rights:** The basic law states infringement of human rights as death, serious injury, or disappearance. The Commission included illegal detention and abuse of victims in all irrevocably judged court cases.

Some examples are the case of torture and abuse of Kim Ik-Hwan and his family and the 1980 Sabuk case. There were some uncertainties in the cases involving violations of other constitutional rights such as freedom of speech, property rights and labor rights. In line with general principles of international law and related declarations, property rights and labor rights were included in the category of human rights, but if judged under these violations alone, it was difficult to see them as serious infringements of human rights. If combined with the torture and abuse the victims suffered however, the cases were all judged to be serious infringements of human rights.

In cases such as the suspected torture of Wi Cheong-Ryong, the former chief prosecutor of the Ministry of Justice, the forced relinquishment of the Buil Scholarship Foundation assets, the case of the 23rd and 24th bar exam interview disqualifications, the unlawful government order in a secret operation to obstruct the repatriation of a Korean-Japanese to the North, and the case of forced labor on construction sites, these were not seen as cases of serious infringement of human rights.

**(3) Reasons for reexamination:** For the irrevocably judged cases, basic law allows the

initiation of an investigation if there is reason for reexamination under the Civil Suit Procedure Law and Criminal Suit Procedure Law.

① There was a question as to whether a reason for reexamination should be established before the initiation of an investigation or if the investigation should be initiated with a high probability of having a reason for reexamination. The Commission concluded that the clarification of any issues regarding the granting of a retrial should be the subject of truth finding. Thus, any case with a high probability of having a reason for reexamination was investigated, and on completion of the truth verification process, a decision would be made on whether there should be a retrial.

② Another problem was whether or not to consider the cases judged under the Law of National Defense involving a court martial as irrevocably judged court cases. The court martial cases under the Law of National Defense before November 1954 had no constitutional ground and had with it no appeal procedure, which denied subjects the right to have trials before judges of the court. Thus, these cases deemed unconstitutional by the Commission. For example, when investigations on the case of Choi Neung-Jin (1951) began, the Commission did not consider the court martial to be under the basic law.

③ Cases of illegal detention by government investigation agencies are defined as a crime under Criminal Suit Procedure Law, Article 420, Paragraph 7. Here, illegal detention is seen as (a) detention without a warrant and (b) investigations by an investigation agency that does not have proper jurisdiction. In the category of detention without a warrant, not only were there cases involving long term detentions without a warrant but also numerous cases of urgent arrests and arrests of flagrant delict which normally requires exceptional approvals under a specific procedure by the court, whereby only general warrants were issued. In such cases, while the warrants were not illegal, the period of unauthorized detention was illegal. Cases in the category of investigation by an investigation agency that did not have proper jurisdiction include the investigation of civilians by military investigation bodies such as the Korea Army Counter Intelligence Corps, Army Security Forces, and Special Security Command, the forced relinquishment of the Buil Scholarship Foundation assets through an investigation conducted by the Korea Central Intelligence Agency without legal grounds, and the violation of emergency measures against Oh Jong-Sang.

④ In establishing that there was torture and abuse in the cases of Article 420 Paragraph 7 of the Criminal Suit Procedure Law, it was difficult to provide supporting evidence other than the statements of victims on whether there was no expressed confession by the accused. The cases of torture and abuse were acknowledged if there was corroborative evidence, such as the testimony of other interrogators, coherent testimonies by multiple victims, deposition by warders and family about sequelae and its treatment, the testimony of interrogation officers, and the extensive analysis of other circumstances.

#### **(4) Methodology of investigation**

① For the Korean-Japanese cases, in question was the validity of the documents certified by the consulate as evidence. Consulate statements do not have any legal authority, so they are not regarded as officially produced by a government representative. Instead, validity was assessed by the Commission on whether the court examined its validity as special evidence, on the qualification of the consul, and on whether the contents of the documents corresponded to facts.

- ② For the investigation of suspicious deaths, the Commission extended beyond cross-examinations between the related parties and introduced a public-trial type of evidence finding process which grants participants the right to inquire and ask questions. This was adopted because of the importance of applicants being able to raise suspicion and find the truth.
- ③ In the case of the torture and abuse of Kim Ik-Hwan and his family, where the victims were unable to properly give depositions, psychological treatment was provided.

### **3) Analysis of the meaning of major cases (1) Suspicious cases of North Korean spy fabrication**

Suspicious cases of North Korean spy fabrication are divided into three categories: ① The case of someone who crossed the border from North Korea into South Korea; ② the case of someone who was kidnapped to North Korea during the Korean War and then returned to South Korea later to join his family, or someone who went to North Korea together with his family and returned to South Korea; and ③ fishermen kidnapped by North Korea.

① The first type of fabrication applies to the case of the North Korean refugee, Yang Jun-Ho; the torture case of the former chief prosecutor of the Ministry of Justice, Wi Cheong-Ryong; and the falsification of espionage charges against Lee Soo-Keun. Most of these cases occurred in the 1950s and 1960s. Yang Jun-Ho was sentenced to 10 years in prison. Wi Cheong-Ryong died during the investigation, and Lee Soo-Keun was sentenced to death.

② The second type applies to the spy fabrication case of Lee Jun-Ho and Bae Byung-Hee, the falsification of espionage charges against Seok Dal-Yun and others, the case of Kim Gi-Sam, and the torture and abuse of Kim Ik-Hwan and his family. The defining feature of these cases was that the families of the accused were punished as well. Lee Jun-Ho and Bae Byung-Hee were mother and son while Seok Dal-Yun, Park Gong-Sim, Chang Je-Young, and Kim Jeong-In were family members or friends of Park Yang-Min, a North Korean spy detached to South Korea. Usually the spies from North Korea were detached to South Korea in the 1960s for a single tour. Yet, the victims were punished for espionage activities in the early 1980s which was statute-barred. They were tortured and abused while being interrogated on the frequency of their dispatches from North Korea, on their specific espionage activities, and on their visits to North Korea.

③ The third type applies to the Taeyoungdo abduction case, the case of returned fisherman Kang Dae-Gwang, the case of kidnapped fisherman Seo Chang-Deok, the falsification of spy charges against Jeong Sam-Geun, and the case of returned fisherman Baek Nam-Ok and five others in violation of the Anti-communist Act and the National Security Law. These cases are related to fishermen who were abducted by North Korea or who crossed the Northern Limit Line (NLL) and were detained in North Korea before they returned to South Korea in the 1960s. The victims were punished based on willful negligence (connivance or acknowledgement of crossing the border; knowing that they were doing so). Meanwhile, the government forced residents of the area to monitor one another for ten years and punished them a second and third time on the pretext of admiration of North Korea in the 1980s. These cases are distinctive in that during the process of comprehensive investigation and fabrication, the cases not only involved the

victims themselves but encompassed the entire village as well. The victims were upset by the false testimony of the villagers while the villagers resented the victims for giving their names during interrogations. A deep mistrust among villagers emerged, which led to the dismantling of the community for many years.

## **(2) Suspicious cases of spy fabrications regarding Korean-Japanese**

The suspicious cases of spy fabrications involving Korean-Japanese are categorized into two types.

① The first type involves the victims in Korea who would meet their relatives in Japan to exchange money. This applies to the case of Shin Gui-Young and his family, the case of Cha Pung-Gil, the case of Lee Jang-Hyung, and the case of Kim Yang-Gi. Such cases are similar in that the victims met their relatives in Japan with regard to routine issues and their relatives (without the victims' knowledge) were members or leaders of the Pro-Pyeongyang Federation of Korean Residents in Japan. Communicating with each other was punished since it was regarded as divulging national secrets. Furthermore, their visits of Japan were deemed by investigation agencies as visits to contact leaders of an espionage group. When the identity of the contact in Japan was unclear, an identity statement of the consulate was falsified by a member of the Korea Central Intelligence Agency to infer receipt of instruction for anti-state activities. Even though the identity statement of the consulate was a simple investigative document with no legal authority, the court, under a clear violation of principles of the court that states that all judgments should be based on legal evidence, decided to accept the document as if it were written by a public official on duty. In addition, investigation agencies, without reasonable evidence, disrupted Korean residents in Japan by condemning all organizations critical of the Korean government, even those not associated with the Pro-Pyeongyang Federation as anti-national organizations.

② The second type of spy fabrication involving Korean-Japanese is that which pertains to Korean-Japanese raised in Japan, came to Korea to study, and were later accused of spying. The victims lacked appropriate protection against the fabricated charged due to their lack of understanding of Korean policies and language. Such a case applies to the Korean-Japanese student Lee Jong-Soo accused of violating the National Security Law. The Korean-Japanese people accused and punished by the Korean government as spies organized a prisoner of conscience community and applied for investigation at the Commission. These fabrication cases caused serious disruption in the Korean community in Japan and further alienated the victims who bore a strong distrust towards Korea from the rest of the Korean-Japanese community.

## **(3) Suspicious cases of political-related fabrications**

The 1950s were times of rapid change in domestic politics. Political-related fabrication cases include the case of Jo Bong-Am of the Progressive Party, the case of Jo Yong-Su of the Minjok Daily, the forced relinquishment of the Buil Scholarship Foundation assets, the case of Oh Jong-Sang in violating the emergency measures issued during the Yushin period which followed the revision of the constitution to allow three consecutive terms of presidency, the death case of Kim Gyeong-Suk of the YH Labor Union, the case of the OSonghoe in the early 1980s, the case of the Aramhoe, and the Sabuk strike in 1980.

The case of Kang Ki-Hoon is different from the cases above, because it involves

forgery. It is however closely related with the others in that all of the cases involve the public security ruling system. The punishment for these cases was usually harsh. Jo Bong-Am, Jo Yong-Su, and the members of the People's Revolutionary Party were sentenced to death and executed.

These cases are distinctive in that the victims were framed as being spies or pro-communist groups, because they supported peaceful reunion with North Korea or dialogue between the two Koreas which was against the government's policy at the time. Furthermore, the cases of Kim Gyeong-Suk, Oh Jong-Sang, and the Sabuk strike are unique in that the victims were members of the general public.

#### **(4) Other cases**

The fabricated Guro farmland lawsuit case was an example of the government's abuse of power in implementing development plans. The forced relinquishment of the Buil Scholarship Foundation assets on the other hand was an example of severe infringement by the Korea Central Intelligence Agency of the freedom of speech and property rights. The 23rd and 24th national bar exam, in which the victims were disqualified for interviews, demonstrates illegal reprisal against people involved in the democratization movements and is a violation of human rights.

#### **4) Main verified cases**

##### **The Fabricated Espionage Charge against Lee Jun-Ho and Bae Byung-Hee - Verified on December 19, 2008,**

Lee Jun-Ho and his mother, Bae Byung-Hee, were accused of abetting a North Korean spy's espionage activities. Lee was sentenced to serve seven years, and his mother was sentenced to serve three years in prison. They appealed for truth verification to the Truth and Reconciliation Commission on May 17, 2006. The Commission found that they were illegally arrested and detained by the Seoul Metropolitan Police. Hereby, the Commission ascertained that the truth was verified and recommended that the government offer an official apology, restore the victims' honor, and hold a retrial.

##### **Fabricated Espionage Case of Gu Myeong-Seo – Verified on November 18, 2008**

The Commission found that in 1985, the Defense Security Command (hereafter referred to as DSC), did not have the jurisdiction needed to conduct investigations on civilians. Nevertheless, they forcibly detained a civilian, Gu Myeong-Seo (then 33 years old), and through the use of torture, coerced him to falsely confess that he was a North Korean spy and punished him accordingly.

The Commission reviewed trial records, the ruling and other relevant documents, as well as interviewed reference witnesses and former investigators of the DSC in order to verify the facts of the incident.

In 1985, Gu operated a restaurant where a customer introduced him to a Korean-Japanese man known as "Mr. K". The customer suggested to Gu that "Mr. K" may help his business. Gu followed this advice and visited Japan five times to retrieve business funds from "Mr. K".

Meanwhile, information was given to the South Korean authorities that Mr. K was a member of the Jochongnyeon (the pro-North Korean residents' league in Japan). In

September 1985, without a warrant, the DSC arrested Gu at his home. Military investigators beat and tortured Gu for 41 days without providing a proper arrest warrant.

After being detained by the DSC, Gu was forbidden to see a lawyer or his family for 79 days. Eventually, Gu falsely confessed that he was a North Korean spy and was subsequently sentenced to seven years' imprisonment before being released on parole in May 1991.

The Commission found that although Gu met Mr. K in Japan, there was not any clear evidence that Mr. K was a senior official of the Jochongnyeon. The Commission also could not find sufficient evidence regarding Gu's espionage activities. Instead, the Commission confirmed that his false confession was due to the torture administered by military investigators.

The Commission recommended that the government offer an official apology to the victim and his family and take relevant measures to restore the victim's honor, such as a retrial.

### **Disqualified Case for Civil Servant Examination - Verified on November 18, 2008**

The Commission found that in 1980, the government deliberately disqualified former student demonstrators from the civil servant examination. The Commission verified that the Minister of Government Administration ordered interviewers to disqualify applicants who participated in student demonstrations. As a result, the applicants were barred from passing the interview portion for two years.

In 1980, the Ministry of Government Administration (MGA) instituted that "Candidates who participated in demonstrations while attending college are barred from recruitment". The following policy was subsequently implemented by interviewers. The National Security Agency provided the MGA with a blacklist of student demonstrators. The MGA then order their interviewers to disqualify any candidates on the list.

A former official of the MGA testified that he received orders regarding the policy from the Minister of the MGA. Interviewers 'Y' and 'S' also testified that "at that time, an official demanded that they reconsider recruiting former student demonstrators for the civil servant position". Taking this demand into account, the interviewers unfairly disqualified five civil servant candidates during interviews.

As a result, in January 1982, one of the disqualified interviewees committed suicide. The Commission recommended that the government offer an official apology to the late victim and to his bereaved family members and also take relevant measures for others, such as nullifying the disqualification of former interviewees.

### **Suspicious Death of Major Yun Tae-Hyun - Verified on October 21, 2008**

The Commission concluded that the summary execution of Major Yun Tae-hyun, accused of violating an operation command, was hastily imposed without following judicial procedures appropriate to his rank, e.g., court-martialing him. The Commission verified the case by thoroughly reviewing relevant case documents from the Korean Army Archive and testimonies from infantrymen of the 21st Regiment.

Born in Gongju, Chungnam Province in June 1919, Yun Tae-hyun was involved in activities of the Independence Army, which was based in Shanghai under the authority of the Korean Provisional Government. After being appointed an officer, Yun was sent on a subjugation operation against the North Korean People's Army in the Samchuck-gun region in April 1950.

Yun was assigned as a battalion chief of the 21st Regiment of the 8th Division Army, and it was amid combat operations in the Danyang, Poonggi, and Youngju regions when he was summarily executed on July 17, 1950, after being accused of failing to follow operation commands. The execution order came from the commanding officer of the 21st Regiment.

At the time of the incident, the 8th Division Army consisted of two regiments. Due to inferior combat equipment and capacity, the two regiments struggled to engage the North Korean People's Army in the region. When the 1st Battalion, led by Yun, failed to defend its post and retreated, the commanding chief of the 21st Regiment reprimanded Yun for violating operation commands and summarily executed him.

A witness, only to be revealed by his surname, Song, testified at the Commission:

On the evening of July 17, a young man wearing only his underwear stood next to a pit. Behind him were two MPs with Calvin rifles. They shot him from behind; the young man who was killed turned out to be Major Yun Tae-hyun.

In addition, a captain of the 3rd Battalion of the 21st Regiment (also revealed only by his surname, Maeng) testified that Yun was executed, because he violated a commanding order. The only legitimate judicial background applicable to Yun's death is the Army Instruction

No. 12 issued by the Army Chief of Staff describes the authority given to those ranking higher than squad leaders, such as an authorization to use summary execution only if one deserts from his missions without given orders. The No. 12 instruction was authorized at 11:00 a.m. on July 25, 1950, weeks after the Yun's execution, and was annulled in July 1951 by Army Instruction No. 191. Hereby, the summary execution of Yun could not have been bound by the Army Instruction No.12, i.e., there was no legality in Yun's death.

The authority for summary execution fails to meet any judicial ground in Korea's legal system. Furthermore, Korea's Martial Law and Act on the Organization of National Armed Forces described the composition of the court-martial and remitting procedures thereto. Therefore, the implementing of summary executions due to a failure to follow orders is against human rights such as the right to life and the right to fair trial. The army instruction by the Army Chief of Staff that allowed the summary execution of Yun did not have any legal ground in Korea's constitution thus making the execution an illegitimate exercise of public power.

Army Instruction No. 191 which annulled summary executions shows that the Armed Forces of the Republic of Korea has obligations to abide by rule of law. The Armed Forces of the Republic of Korea has since repented for past summary executions by wording it as "dishonorable". Conversely, according to the Ministry of Defense, although Yun Tae-hyun was discharged from his post as of August 20, 1950, he was posthumously awarded the Medal of Military Merit Hwarang in December 1950. Hereby, the Commission recommended the government apologize to the bereaved family of Yun and take appropriate measures to reinstate the honor of the deceased.

### **The forced staff layoff and advertiser coercion of the *DongA Ilbo* - Verified on October 21, 2008**

From 1974 to 1975, the government seized control of the news media. The Commission confirmed that the KCIA (the predecessor of the National Intelligence

Service), during Park Chung-Hee's regime, orchestrated the well-known forced staff layoff and advertiser coercion of the DongA Ilbo. According to the Commission's investigation, the KCIA summoned companies with significant advertising contracts to the infamous KCIA facility in Seoul's Namsan area. The KCIA had company representatives sign a pledge to cancel their advertising contracts with the news company, including the daily DongA Ilbo and DongA Broadcasting. Individuals who purchased smaller advertising contracts were either called in or physically detained and threatened with tax audits. Before advertising could resume, the KCIA demanded that five senior ranking newspaper section chiefs would have to report to them. The DongA Ilbo accommodated the government with these demands. Besides attacking the advertisers, the KCIA forced the DongA Ilbo to fire 49 journalists and "indefinitely suspend" 84 others. The removal of any individuals potentially critical of the government effectively suppressed the media. The Commission during the investigation found that DongA Ilbo executives aided the government by "cooperating with the suppression of press freedom, claiming that the journalists were being fired for managerial reasons rather than admitting that the terminations were forced by the regime". With the Commission's finding, DongA Ilbo will have a hard time avoiding responsibility for damaging the freedom of the press, the livelihoods of its journalists, and its own honor. Instead of protecting journalists who stood by the newspaper to defend its honor and press freedom, the DongA Ilbo surrendered to the unjust demands of the Yusin regime (Park Chung-Hee's Administration) by firing the journalists at the government's insistence. In a report issued on October 29, 2008, the Commission recommended that the government and the DongA Ilbo "apologize to those who were fired and make appropriate amends" for what is defined as "a case in which the state power apparatus, in the form of the KCIA, engaged in serious civil rights violations".

### **The Dongmyeong Timber Corporation case - Verified on October 17, 2008**

The Commission verified that in 1980, the newly emerged military junta confiscated properties belonging to the Dongmyeong Timber Corporation (DTC). In June 1980, to justify the confiscation, the junta deliberately labeled the DTC an anti-social and corrupt corporation. While the junta did not accuse the DTC of a specific crime, they still investigated them. Around June 15, 1980, military investigators arrested DTC executives and illegally detained them from 15 days to two months. During the detainment, the investigators tortured the detainees and coerced them into writing promises that would surrender the DTC properties to the military junta. Then, based on those written promises, all of the DTC's properties were sold to Busan City and the Korea Land Corporation. This incident and its direct influence over government cabinet members and ministers demonstrated the power wielded by the newly emerged junta. Besides the junta's abuse of political power, they also violated basic human rights by abolishing the press, persecuting Buddhist monks, seizing private property, and establishing a labor camp known as the Samcheong Educational Corps. This case is a typical example of the junta violating constitutionally guaranteed rights by illegally exercising public power. Commission recommended the government take relevant measures to prevent the recurrence of any incident that may threaten constitutional order, measures to promote democratic citizenship, and measures to establish an administrative system to protect political dissidents, as well as to offer an apology to the victims and bereaved families.

### **The National Security Law Violation Incident of Korean-Japanese Student Lee Jong-Su - Verified on September 23, 2008**

The Commission found that the Defense Security Command (DSC) went beyond their jurisdiction by illegally detaining Lee Jong-Su and punishing him on fabricated charges. Lee was born and raised in Japan. With the intention of being a Korean language teacher in Japan, he entered Korea in April 1980. He studied Korean at a governmental language school for a year and in 1981, he enrolled at Korea University. In November 1982, Defense Security Command officers arrested him at his house without a warrant.

Lee was illegally imprisoned for 39 days and was forced to confess to his “criminal activities” in espionage after suffering brutal beatings and torture. The DSC had fabricated the espionage charge after they were unable to find any evidence. Lee later denied the espionage charge before the public prosecutor and stated that he issued the false confession to escape further torture while being detained. Due to threats by a DSC investigator however, Lee withdrew his statement. During the trial, Lee frequently requested a Japanese translator due to his lack of Korean, but the court declined his request. When he presented a Japanese language petition, the court rejected it.

Lee was eventually sentenced to ten years in prison on the espionage charge but was released in June 1988, five years and eight months later. Due to this incident, Lee was unable to continue his studies. As a Korean-Japanese, he had originally been permitted to stay in Korea for four years, but this was reduced to one year. The Commission recommended that the government apologize to Lee and his family and hold a retrial or take relevant measures to restore his honor.

### **The Human Rights Abuse Case of Lim Seong-Kook - Verified on September 9, 2008**

The Commission ascertained Lim Seong-Kook was forcefully taken by the Gwangju Security Forces and tortured during his twenty eight hours of detention. At the time of the incident, the Gwangju Security Forces did not have investigative jurisdiction and furthermore abused its power by repeatedly torturing Lim Seong-Kook during the interrogation. He died two weeks after his release as a result of injuries suffered during torture.

Without a warrant, the Gwangju Security Forces forcibly detained Lim Seong-Kook in July 1985 and placed him under custody on an espionage charge alleging that he was in contact and cooperating with North Korean spies. The landlord’s family, with whom Lim had a close relationship with until his arrest, was imprisoned for meeting Lim's brother who had been dispatched as a spy from North Korea in 1969.

The security forces’ interrogators in Gwangju were aware of the restrictions of the judicial measures while investigating civilians. Nevertheless, they illegally arrested and interrogated Lim. In accordance with combined statements from eye witnesses and other references, including the interrogators, it was found that Lim was wrongfully detained and tortured, which was the main cause of his death.

Lim suffered severe damage from physical and mental suffering from the torture he received. No adequate medical treatment however was given to him after he was released. Furthermore, as the main income earner, Lim’s family suffered severe financial difficulties after he died. The unjust discrimination the family received from their neighbors drove them to relocate to Gunsan in the Jeonbuk Province.

After enduring decades of silence, the bereaved family petitioned the Presidential

Truth Commission on Suspicious Deaths and the National Human Rights Commission of Korea to find the truth concerning Lim's death. Their petitions were rejected however, because they either missed the application period or the statute of limitations had expired.

Lim's family testified that people neglected or failed to believe in their claim that his death was a result of the public authority's harsh interrogation tactics. Additionally, they stated that they did not know which authorities were responsible for Lim's forceful abduction and torture. In particular, fear of further persecution for seeking the truth inhibited them from bringing the case to attention.

This case indicates that widespread fear and distrust of public power is deeply rooted in Korean society and suggests that it is necessary to implement adequate education on preventive measures concerning manipulation of public power and protection of human rights. Hereby, the commission recommended the government to offer a formal apology to Lim's family and conduct adequate acts for reconciliation.

### **The Fabricated Espionage Case of Oh Ju-Seok - Verified on September 9, 2008**

The Commission found that National Security Planning (NSP) agents illegally arrested and punished Oh Ju-Seok on fabricated criminal charges. In May 1980, Oh (then 51 years old) traveled to Japan on a business trip, where he met his Korean-Japanese relative. Three years later, in March 1983, NSP agents arrested him at his house without a warrant.

Oh was investigated for 58 days without the presence of a lawyer. During the interrogation, he was brutally tortured and beaten by NSP investigators. He was indicted on charges of disclosing national secrets and accepting money from his relatives in Japan. During the trial however, he denied such charges and stated that he made a false confession due to the brutal torture and pressure he received from the investigators.

Oh was sentenced to seven years in prison for espionage but was released on parole in December 1988, five years and eight months later. After this incident, he suffered discrimination and disgrace for the espionage charges and had great difficulty returning to an ordinary life. This is a typical case of the 1980s for a person with Korean-Japanese relatives. They were detained under fabricated accusations, beaten, and finally charged as a North Korean spy before being imprisoned. The Commission recommended that the government apologize and take relevant measures, such as a retrial to restore the honor of the victim.

### **Abuses of Governmental Power against the Guro Farmland Owners - Verified on July 8, 2008**

The Commission verified that the government abused its power by fabricating facts concerning the Guro farmland owners. In 1942, the Japanese Ministry of Defense confiscated the land of 200 farmers in the Guro area. The farmers continued to use the land under the supervision of the Central Land Administration Bureau, even after Korea's liberation in 1945. Beginning in 1961, the government constructed an industrial complex and some public housing on the land. In 1964, the farmers claimed rightful ownership of the land and brought several civil action lawsuits against the government. The rulings for many of these cases were not passed until after 1968.

By that time, the government began appealing the rulings. They appealed three cases in 1968 and one case in 1970. They accused the defendants of defrauding the government and launched an investigation. The prosecutor arrested the accused without

warrants or explanation and coerced them into surrendering their rights through the use of violence. The Commission's investigation did not uncover any evidence that supports the accusations that the Guro farmland owners were defrauding the government.

A lack of evidence and the fact that the civil action suit rulings were already passed did not deter the government from demanding the defendants to surrender their rights. After 40 of the defendants refused to accept such a demand, several lawsuits were brought against them. The prosecution accused them of fraud and attempted to punish the defendants by holding criminal trials.

Official documents verify that the defendants were eligible for farmland distributed by the government under the Farming Land Reform Act. The farmers therefore had a right to the land. Although most of the defendants were cleared of suspicion, the government conducted a second investigation to punish them. The Commission recommended the government officially apologize, hold a retrial, and conduct relevant measures for the defendants.

### **The Fabricated Espionage Charge against Kim Yang-Gi - Verified on June 23, 2008**

Petitioner Kim Yang-Gi appealed for truth verification regarding his being falsely accused and convicted on an espionage charge. Kim argued that his conviction was a result of a false confession after being illegally detained and tortured. The Commission verified that the Gwangju Security Forces illegally confined and severely tortured Kim during the interrogation. Furthermore, the Commission ascertained that the rules for gathering evidence were violated and recommended that the government officially apologize and hold a retrial.

### **The Fabricated Spy Case of Five Fishermen Kidnapped to North Korea - Verified on June 3, 2008**

The Commission's investigation into North Korea's kidnapping of the five fishermen found that the organization overseeing investigations illegally detained and interrogated the returning men and their families. Based on the organization's fabrications, the detained were falsely accused and punished for espionage.

On July 22, 1967, the crew of the fishing vessel, Song-yang, operated off the coast of Soyeonpyeong-do when a North Korean coastal defense ship kidnapped them. After a month of captivity, the North Koreans released the fishermen on the West Coast where they were met by Korean police officers who promptly questioned them before releasing them without charges.

In December 1968, a year after the kidnapping, a special investigation organization interrogated, without a warrant, five of the fishermen in regards to their work at the time of the incident. While it had been determined that sea currents carried the Song-yang within range of the North Korean coastal defense ship, the organization accused the men of escaping to North Korea and then infiltrating South Korea for propaganda purposes. The organization illegally detained all of the men, including one of their wives, for eighty-eight days. The wife was accused of receiving counterfeit money and coded messages from three unidentified men thought to be spies, as well as accused of failing to notify the authorities.

During the imprisonment, the organization subjected the victims to abusive interrogation tactics, including torture and assault. Initial reports indicated the Song-yang to actually have been in South Korean waters at the time of the kidnapping, but the

interrogators coerced the fishermen to sign false statements saying otherwise. The organization also falsified charges against the wife after they detained her on accusations of accepting counterfeit money. No specific evidence of the unidentified men existed neither was there any evidence of anyone of that nature visiting her house. The counterfeit money of 500,000 won and the coded message were not found or mentioned in any investigation document, and no report describing such an incident was ever submitted to the court.

The fishermen were sentenced to serve between one to five years in prison. The wife was sentenced to serve one year in prison and one year of probation. As they served their sentences, their families encountered discrimination due to the stigma of being related to suspected North Korea spies. This ostracizing negatively affected many of the family members' employment prospects as they were unable to obtain jobs. Besides the social stigmatization the victims experienced after their release, the fishermen suffered psychological trauma from torture and abusive treatment.

The special investigation organization did not limit the scope of the probe to the fishermen. Instead, they extended their interrogations to village acquaintances. Such wide sweeping investigations further ostracized the men and disrupted the amicable relations of the community by exacerbating hostility and discrimination. The Commission recommends that the government apologize to the victims and reexamine or take action of similar level to repair the damage and restore the honor of the victims and their families.

#### **The Falsification of an Espionage Charge against Lee Jang-Hyung - Verified on May 20, 2008**

Petitioner Lee Jang-Hyung appealed for truth verification concerning an espionage charge he was held under. Lee pleaded that his charge was fabricated and that he endured a series of abuses by the state, such as an illegal arrest and long term detention. The Commission found that Lee's false confession was a consequence of illegal confinement and inhumane torture conducted during the interrogation. The Commission ascertained that the petition was verified true and recommended that the government offer an official apology and hold a retrial.

#### **The 1980 Sabuk Case of Human Rights Infringement - Verified on April 8, 2008**

The Sabuk case refers to the outbreak of violence during a miners' protest strike in Sanbuk, Gangwon Province in 1980. The dispute began when miners complained of poor working conditions. After a police car traffic incident, the strike escalated into a battle between police officers and protestors.

The Dongwon Corporation, the largest domestic mining company, experienced rapid growth from the 1960s to 1970s due to government support and a low cost mining policy. Miners however suffered from low wages, unsafe working conditions, abusive management practices, and poor union representation. These problems culminated into a labor strike. While protestors directed their anger at the Dongwon Corporation, they also criticized union management for allowing such conditions to proliferate.

On April 21, 1980 a police vehicle injured a group of protestors after colliding into them. The police officers, rather than offering assistance, fled the scene. This incident, along with the frustrations stemming from the labor dispute, exacerbated the tensions felt by the protestors. They responded by destroying the Dongwon Corporation's Sabuk office and assaulting company executives, including the union leader's wife, who

was beaten after the protestors failed to locate her husband.

On April 22, police officers arrived to suppress the demonstration but were met with resistance. Protestors threw rocks and other objects at them killing one officer and injuring 70 others. Local residents tried to prevent further casualties by sending injured police officers to the hospital. Some miners organized patrol parties to maintain the peace and prevent crime. They also protected the local armory to prevent the flow of weapons and explosives from entering the demonstrations.

According to the Truth Commission investigation results, the president of the tripartite commission announced a peaceful resolution on April 24, three days after the incident began. The Martial Law Enforcement Headquarters (MLEH) however investigated the case and detained 200 miners and local residents on suspicion of instigating group demonstrations, assaulting police officers, and assaulting the wife of the local union leader.

The MLEH investigators, composed of national and military police officers, employed torture and beatings to exact confessions. These tactics were not limited to men. Approximately 40-50 women, including pregnant women, were sexually assaulted resulting in miscarriages and psychological trauma. Among 81 suspects, 32 were indicted for a lynching incident and assaulting a police officer. Because of the Constitution for Revitalizing Reform and the Special Law on National Security, the laborers' rights were limited. Furthermore, the labor union failed to perform its normal function of defending the interests of its members. The government's labor administration, management, and welfare measures also lacked the proper human resources and budget to be effective.

Those accused and later released were still closely monitored and suffered limited employment opportunities. Despite the MLEH's instructions for employers to reinstate them, many were forced to retire early. The accused were essentially blacklisted after being investigated even though the MLEH had a reputation of detaining people without adequate evidence. Besides inflicting damage on individuals, the investigations destroyed community trust. The forced confessions often resulted in innocent people accusing one another to avoid torture.

The events in Sabuk also affected the nation. After organizing a coup d'etat on December 12, 1979, the new military authorities led by Chun Doo-Hwan regarded the demonstration in Sabuk as an opportunity to justify the use of martial law. During an emergency meeting on April 30, 1980, the military attempted to eliminate the threat of expanding democratic aspirations. While the Sabuk case, labor strikes, and educational institutions represented these aspirations, the military authorities denounced them as instigators of "confusion, disorder and injustice" and declared that there should be "stern action against these unlawful acts".

For the Sabuk case, the Commission recommended that the government formally apologize to the victims for violating their human and civil rights and inflicting physical and psychological trauma. The government should also offer compensation and take necessary measures to ensure reconciliation with the victims. For the wife of the union manager, it was recommended that the government offer psychological counseling to treat any traumatic effects suffered from the assault and to reconcile with those involved in the incident.

**The Case of Compulsory Labor on Public Land Development - Verified on March 11, 2008**

Petitioners, Seo Soo-Chang (16 years old and in 11th grade at the time), Shin Soo-Hyun (27 years old and engaged in commerce at the time), and Hwang Joong-Min (19 years old and unemployed at the time), requested a truth verification at the Commission. They alleged that in Jeollanam Province, they were assaulted by police officers of the Wando Police Station without legal cause in June 1961. They testified to the Commission that after they were confined to a detention center they were relocated to a highway expansion construction site. They remained at this location for 140 days from June 20 to November 10, 1961.

The Commission verified the truth on the basis of data from an outline of national land development, building development rules on national land, a history of the Korean army revolution, and interviews with the petitioners and the police officers who were present at the time. On March 11, the Commission released their decision on the verification of the truth. The result of investigation disclosed that the military regime restrained and forced thousands of people nation wide, including the petitioners, to compulsorily work in order to development. Furthermore, it was verified that they were physically assaulted while being transported to the police station for investigation.

Lee, a police officer, confessed to the assault, and Seo Soo-Chang stated that he witnessed Hwang Joong-Min being hit in the detention house at the police station. The government actions violated the principle of proper legal process by forcing them to work on public land development construction sites. In addition, the repeated instances of illegal forced labor by military authorities have important historical implications in terms of establishing measures to protect human rights. The Commission recommended an official government apology for infringing on the victims' human rights as well as their civil liberties.

### **The YH Labor Union Leader Kim Gyeong-Suk's Suspicious Death Case - Verified on March 11, 2008**

Choi Soon-Young (the former Chief of the YH Trade Union and a National Assembly member of the Democratic Labor Party from 2004 to 2008) petitioned for an investigation into the suspicious death of Kim Gyeong-Suk and the government's illegal use of power against the YH Labor Union in 1979. On August 9, 1979, the YH Trading Company president announced the company's closure and fired 187 female employees. The YH Labor Union appealed to the Sinmin (New Democratic) Party, the main opposition party to Park Chung-Hee's administration, to prevent the closure. On the fourth floor of the Sinmin Party building, the union members initiated a sit-in demonstration.

At 10:00 a.m. on August 10th, as confirmed by the Truth Commission, the Chief of the Secretary's Office of Cheongwadae (Presidential Office) organized a joint meeting with the Director of the Korean Central Intelligence Agency and the Minister of Public Administration and Security to discuss possible solutions. Afterwards, they reported on the situation to President Park Chung-Hee. In order to regain control and suppress the resistance, the President approved the use of police officers to forcefully disperse the demonstration. The decision was implemented at approximately 2:00 a.m. on August 11th.

The incident resulted in the death of one union member, Kim Gyeong-Suk. According to the Police, Kim died in the following manner:

She severed her artery 30 minutes before the strike dispersion

operation began and committed suicide after plunging from the fourth floor window overlooking a parking lot in the rear of the Sinmin Party building.

The Commission found no mark to indicate that she cut her artery. Instead, they discovered a fatal laceration on the back of her head caused by being struck with an object, possibly a circular pipe. The investigation also found that the unit assigned to disperse the demonstration used illegal tools in the suppression of protestors, such as bricks, iron pipes, and chairs, rather than riot batons. Approximately one hundred people, including female employees, executive staff members, Sinmin Party members, and reporters, suffered injuries.

While it has been suspected that the laceration sustained by Kim resulted from her striking an object as she fell, no object in the area existed that could have produced such an injury at the time of her death. Thus it is highly probably, judging by the angle and location of the laceration, that an unknown person struck Kim on the backside of her head before she fell from the fourth floor.

Her exact time of death and the cause of her fall were also inconsistent. On August 11th and 12th, police reported that Kim fell during the forced dispersion, but on August 13th the report changed and declared that she committed suicide by jumping from the fourth floor at 1:30 am, which was before the initiation of the operation, according to testimonials from her colleagues, the initial medical examiner, and the postmortem examiner.

In the "Related Case Outline of the Autopsy Request," written by the Mapo Police Office, they reported the time of her fall to be 2:03 am on August 11, 1979, well after the forced dispersion began. At the time, Kim's colleagues denied this but no related investigation report was recorded. A reexamination of the NISI (National Institute of Scientific Investigation) and Seoul National University Legal Medicine Department's autopsy reports disclosed that the NISI's estimation of her time of death was groundless.

A police officer identified as Mr. Bae was the first to discover Kim and send her to the hospital. He went to the area after hearing someone yell, "A person is falling," immediately after the initiation of the operation. Riot police, the chief of accidental death cases, and the information department's detectives offered similar statements. Mr. Bae also stated that the incident occurred when plain-clothed police officers, the first unit to enter the hall, arrived.

Besides her time of death, the location she landed was also disputed. According to data from a group of Korea Broadcasting System (KBS) reporters present during the incident, and from police officers' testimonials, Kim actually landed at the bottom of the emergency staircase, not near the basement entrance as originally recorded by police reports.

The Commission also analyzed a variety of information, such as Kim's autopsy report at the NISI, photos of the Sinmin Party building, and the Presidential Office's protocol records. Autopsy reports requested from the NISI and Seoul Nat'l University Legal Medicine Department were reanalyzed. Investigators conducted interviews on 70 people, including the Chief of the Secretary's Office, the Minister of Public Administration and Security, and a transport police officer who served at the time of Kim's death.

In the aftermath, the YH Union members experienced limited employment opportunities and continual scrutiny from the state due to their involvement in the

demonstration. For the government, their oppressive response to the demonstration, coupled with President Park Chung-Hee's illegal expulsion of Sinmin Party President Kim Young-Sam from the National Assembly further strengthened the people's resistance and aspirations for democracy. These actions served as a catalyst for a series of protests that followed.

#### **The Falsified Espionage Charge against Yang Jun-Ho - Verified on November 27, 2007**

Yang Jun-Ho was accused of collecting classified military information and sentenced to ten years' imprisonment. During his probation, after serving seven years of his prison term, Yang appealed for truth verification. The Commission found that Yang was illegally confined and tortured during the interrogations. The Commission verified the petition was as true, and the government was advised to officially apologize and restore the honor of the victim and hold a retrial.

#### **The Fabricated Espionage Charge against Seo Chang-Deok - Verified on November 27, 2007**

In 1967, Seo Chang-Deok was abducted by the North Korean Coast Guard while fishing near Yeonpyung-do and was later returned to South Korea. Seventeen years after the abduction, Seo was accused of being an informant for North Korea and sentenced to ten years of imprisonment. The Commission found that Seo was illegally detained and tortured while being interrogated by the Jeonju Security Forces. This resulted in Seo's false confession. The Commission recommended that the government officially apologize, restore the honor of the victim, and hold a retrial.

#### **The Suspicious Death of Wi Cheong-Ryong, the Director of the Prosecution Bureau of the Ministry of Justice - Partially Verified on November 20, 2007**

In late November 1961, the Director of the Prosecution Bureau, Wi Cheong-Ryong, was taken to a KCIA investigation cell located in Goyang-gun and kept for twenty days. Wi was accused of espionage and found dead around noon on December 24, 1961. Seventeen days later, Lee Hu-Rak, a publicist chief of the Supreme Council for National Reconstruction, announced, "Wi Cheong-Ryong committed suicide right after his espionage charges were revealed."

The petition regarding Wi Cheong-Ryong's suspicious death was filed at truth verification on December 12, 2005. The Commission was unable to determine if the state engaged in human rights abuses but confirmed that convicting Wi on an espionage charge without concrete evidence violated the rules of evidence. The Commission ascertained that the petition was partially verified and recommended that the government officially apologize and invalidate the relevant records in accordance with the findings.

#### **The Fabricated Forgery Charge against Kang Ki-Hoon - Verified on November 13, 2007**

During the Roh Tae-Woo administration (1988-92), self-immolation became a frequent practice to protest against the government. When Kim Ki-Seol immolated himself in May 1991, he left a note stating that his death was for democracy and demanded the resignation of President Roh. In order to undermine any negative effects this may have had on the government and suppress the student demonstrations, the prosecutors investigated Kim's fellow associates in order to find a possible suspect they

could falsely charge for forging the note. Kang Ki-Hoon became the prime suspect and was convicted of forgery. The Commission found that Kang Ki-Hoon's handwriting did not match the writing on the note and that Kim Ki-Seoul wrote the note himself. The Commission recommended that the government officially apologize and hold a retrial.

#### **The Martial Court's Abuse of Power in the Oh Jong-Sang Case - Verified on October 30, 2007**

On May 17, 1974, KCIA officers arrested Oh Jong-Sang after he voiced criticism of the government's policies to a highschool student. Oh was imprisoned for a week at the KCIA building before receiving a seven year prison sentence from the Emergency Martial Court. He appealed his case to the High Court and his prison sentenced was reduced to three years.

Oh then appealed to the Supreme Court, but it upheld the High Court's decision of a three year prison term. The Commission investigation began on July 10, 2007 and concluded on October 30, 2007. The Commission found that the Emergency High Martial Court abused its power and authority by fabricating information against Oh Jong-Sang. The commission recommended that the government offer an apology, hold a retrial, and offer restitution.

**The Falsification of an Espionage Charge against Jo Bong-Am - Verified on September 18, 2007** Jo Bong-Am, the leader of the Progressive Party (JinBo in Korean) and a rising politician, earned over two million votes more than Syngman Rhee during the presidential election held on May 15, 1956 and quickly became a threat to Rhee's government. Jo and several senior staff members were soon arrested and interrogated after being accused of conspiring to commit treason.

The Korean Special Forces detained them before they were summarily executed. The commission found that the Special Forces' detainment of Jo was illegal and violated the rules of evidence. The Commission recommended that the government officially apologize, hold a retrial, and restore the honor of the dead.

#### **The OSonghoe Incident - Verified on July 3, 2007**

Lee Gwang-Ung, a teacher at Kunsan Jeil Secondary School, and eight other personnel were accused of founding an anti-national organization named OSonghoe, which praised communism and conspiring to commit treachery. Lee and the others were arrested and convicted at the Jeonju Provincial Court on May 24, 1983. His appeals to the Seoul High Court and the Supreme Court on July 28 and December 27 of that same year were unsuccessful.

The Commission found however that the petitioners were illegally detained and tortured during the interrogations at the Jeonbuk Provincial Police Station. The Commission ascertained that the findings met the prerequisites for a retrial since the rules of evidence were violated. The Commission also advised the government to officially apologize and hold a retrial.

#### **The Aram-hoe Incident - Verified on July 3, 2007**

A total of eleven residents of Geumsan and Daejon held regular meetings between May 1980 and July 1981. The participants included a teacher, student, salary man, soldier, housewife, et al., all of whom knew one another from their school days. They were taken to the Daejon Police Office and arrested soon after their arrival on charges of holding

inappropriate gatherings and engaging in traitorous conversations.

They were accused of violating the National Security Law by constituting a treasonous organization and praising the enemies of the nation. They received punishments ranging from a maximum of ten years of imprisonment to probation. The commission found that the investigative organizations involved, including the Chungcheongnam Provincial Police Station, illegally confined, tortured, and improperly charged the victims without sufficient evidence. The Commission recommended that the government hold a retrial and offer an official apology to the victims.

#### **The Fabrication of an Espionage Charge against Seok Dal-Yun - Verified on June 26, 2007**

The accused, Kim Jeong-In, Seok Dal-Yun, Park Gong-Shim, et al., are all relatives or close friends of Park Yang-Min, who was exiled to North Korea during the Korean War. The accused were charged with engaging in espionage and collaborating with North Korea. Kim Jeong-In was sentenced to death, and Seok Dal-Yun was given a lifetime sentence. Seok Dal-Yun and two other petitioners appealed for truth verification in regards to this incident. The Commission found that the accused were illegally detained and tortured at the KCIA. The Commission advised the government to officially apologize and hold a retrial.

#### **The Fabricated Espionage Case of Kang Dae-Gwang - Verified on June 19, 2007**

In July 1968, Kang Dae-Gwang, a fisherman, was kidnapped while fishing. He was taken to North Korea and repatriated to South Korea four months later. In 1978, ten years after his return, the South Korean authorities imprisoned him on an espionage charge. Five of his friends were also imprisoned, for failing to report a North Korean spy to the South Korean government. Kang received a ten-year prison sentence while his friends each received three-year sentences. The Commission found that the government illegally detained Kang and his friends and used torture tactics to elicit false confessions from them. The Commission recommended that the government offer an apology and hold a retrial.

#### **The Fabricated Espionage Case of Cha Pung-Gil - Verified on June 19, 2007**

Cha Pung-Gil traveled to Japan after receiving an invitation from his father. He worked for a Japanese firm from June 1976 to March 1979. On August 7, 1982, he was taken to the Agency for National Security Planning (NSP) for interrogation and was illegally detained for over 66 days. During the interrogation, authorities coerced Cha into falsely confessing that he was a North Korean spy. Based on his confession, he received a ten-year prison sentence. The Commission verified that Cha was illegally detained for interrogation and therefore should have been granted a new trial. The Commission also found that the NPA interrogators violated Cha's rights by using abusive tactics during the interrogation process.

#### **The Forced Relinquishment of Buil Scholarship Association Property - Verified on May 29, 2007**

A petitioner appealed for truth verification for the forced relinquishment of Kim Ji-Tae's property in 1961. The property included stocks and investments in the Busan Daily Corporation, Busan Munhwa Broadcasting Corporation, and Korea Munhwa

Broadcasting Corporation, and real estate from the Buil Scholarship Association.

On May 16, 1961, General Park Chung-Hee seized power of the government after leading a military coup. He asked for financial support from Kim Ji-Tae. When Kim declined, the military junta imprisoned him. According to the petitioner's testimony, the junta released him without punishment after he relinquished his property to the government. After the investigation, the Commission found that the military junta abused and unjustly exercised its power by forcing Kim Ji-Tae and the Buil Scholarship Association to relinquish their property. The Commission recommended that the government offer an apology and compensate the victims for the damages.

### **The Falsification of an Espionage Charge against Lee Soo-Keun - Verified on December 19, 2006**

Lee Soo-Keun, the former vice president of the Korean Central News Agency in the Democratic People's Republic of Korea, was exiled to the Republic of Korea through the Demilitarized Zone on March 22, 1967. Lee then worked as an analyst at the KCIA until he was caught by KCIA agents en route to Cambodia with forged passports on January 27, 1969. After returning to South Korea, Lee was charged with violating the National Security Law and the Anti-communist Law by secretly collecting classified information and taking it out of the country. A death sentence was imposed on Lee on May 10, 1969, and he was executed two months later on July 2.

The Commission ascertained that the KCIA illegally confined Lee, thereby meeting prerequisites for a retrial in accordance with provision 7 under Article 420 and Article 422 of the Criminal Law. The Commission also stated that Lee's illegal confinement during interrogation and the prosecution's sole reliance on the defendant's statements violated the rules of evidence. The Commission recommended that the government officially apologize, subsequently restoring honor to the dead.

### **The Taeyoungho Abduction - Verified on December 5, 2006**

Five petitioners filed for truth verification for an abduction case involving the crew of the Taeyoungho, a fishing vessel. The crew was captured by the North Korean Coast Guard while fishing on the North Korean side of the Military Demarcation Line (MDL). Shortly after returning from a four month detention in North Korea, the South Korean authorities convicted them of violating the Anti-communist Law.

The Commission found that the Buan Police Office illegally confined and tortured the crew during interrogation. The violation of their rights therefore necessitates a retrial. Additionally, the Commission verified that the abductees' espionage charge was falsified. The prosecution, lacking sufficient evidence, failed to abide by human rights and by the rules of evidence. The Commission recommended the government to officially apologize to the victims and hold a retrial in accordance with the findings.

### **The Falsification of an Espionage Charge against Jo Yong-Su - Verified on November 28, 2006**

Jo Yong-Su, founder of the progressive newspaper, the *Minjok Daily*, was sentenced to death after being accused of treason after the May 18 Coup led by Park Chung-Hee. Jo and seven others were executed on Dec. 21, 1961. The commission ascertained that they were illegally detained at the Joint Investigation Bureau, which violated the rules of evidence, and therefore they should have been granted a retrial. The

commission recommended that the government officially apologize to the victims and hold a retrial based on the findings.

**The Torture Case of Kim Ik-Hwans' Family - Verified on November 28, 2006**

A petitioner appealed for truth verification for the KCIA's arrest in September 1971 of three of Kim Ik-Hwans' family members on espionage charges. The three victims were later released after being tortured and interrogated. The commission verified that the Kim family was illegally arrested, detained, and tortured. The Commission recommended that the government offer an apology and medical care to the victims to treat long-term injuries sustained from the incident.

**The Fabricated Espionage Case of Kim Gi-Sam - Verified on July 4, 2006**

In December 1980, Kim Gi-Sam was taken to the Agency for National Security Planning (NSP) for interrogation on an espionage charge. He remained in detention until a court sentenced him to seven years in prison in November 1981. In November 1983, he appealed the case, but it was rejected. He filed a petition with the Commission stating that he was wrongly accused and imprisoned. The Commission found that the government violated Kim's rights by illegally detaining him at the NSP. A retrial therefore should be granted. On February 12, 2008, the Commission found that the NSP fabricated the truth by torturing Kim until he gave a false confession. The original judgment passed by the court is thereby invalid. The commission in this case recommended that the government offer an apology and hold a retrial.

**The Falsified Espionage Charges against Shin Gui-Young - Verified on January 10, 2006**

Shin Gui-Young was sentenced to ten years of imprisonment for allegedly collecting classified military information after receiving an order from Shin Soo-Young, a senior member of the Chosen Soren in Japan. Shin Gui-Young was convicted in the Busan District Court in 1980 and released after serving his full prison term. The Commission ascertained that the enforced confinement and torture inflicted upon Shin violated the right against torture and the rules of evidence. The Commission recommended that the government offer an official apology and hold a retrial in accordance with the findings.

## **VI. Major Achievements and Further Agendas**

### **1. Major Achievements**

#### **1) Overview**

For the past three years, the Commission investigated many cases that had been distorted or concealed in the past. In addition to truth-finding, the Commission helped restore the honor of many of the victims and bereaved families, and the government was urged to strive towards reconciliation according to the recommendations of the Commission, such as the offering of official state apologies, memorial service support, reexamination, registration of historical records, and providing peace and human rights education programs. Below is a summary of the accomplishments of the Commission year by year.

The initial period of the Commission's establishment in 2006 was focused on raising public awareness and support by instituting an operational framework. Victims and bereaved families across the nation were urged to apply for investigation through concentrated PR activities. Expert investigators were hired by the Commission. The Commission was organized in a manner conducive to efficiency. Furthermore, the budget for exhumation and field research was secured, and various laws and regulations were enacted and revised. Lastly, individual committees within the Commission were organized to establish a firm foundation for operation.

In 2007, the Commission launched a series of intense investigations that resulted in truth verification for many cases. Investigations were initiated into cases related to the independence movement and the history of overseas Koreans during the Japanese colonization period, illegal massacres due to the abuse of public power during the Korean War period, and the human rights abuses that occurred after liberation during decades of authoritarian rule. Along with verdicts on the truth, recommendations were made to the government in restoring the honor of the victims.

Meanwhile, a Reconciliation Committee along with the Regulations on Executing Recommendations on Past Settlements were established which improved the effectiveness of the implementation of recommendations. The exhumation of massacre victims from the Korean War period was undertaken for the first time on a national level. Nationwide surveys on the status of victims were also conducted, which established a foundation to pursue reconciliation efforts.

In 2008, with the goal of completing all investigations before the expiration of the Commission, further efforts were made towards finding the truth, which were enhanced by the experience of the past two years and strengthened by increased investigative competencies. As a result, by October 31, 2008, the Commission had investigated 3,269 cases among a total of 10,962 (29.9%), and among them, issued truth verification decisions on 1,813 cases.

In terms of reconciliation, the President of the Republic of Korea apologized on behalf of the nation for the illegal activities committed by state officials. This was

accompanied by legal and political reconciliation measures after the court issued their rulings for reexamination or exonerated the victims. In addition, the Commission's activities were announced abroad by foreign reporters and news releases, and active cooperation was cultivated through exchanges with other countries experienced in past settlement issues. This strengthened the image of the Commission, as well as Korea's reputation of preserving human rights.

## **2) The Administration of truth-finding cases and recommendations**

### **(1) Application, classification, and investigation of petitioned cases**

Under Article 19 of the Framework Act, 10,860 applications were submitted directly to the Commission, while 246 applications were submitted to local governments and overseas embassies over a period of one year (December 1, 2005 ~ November 30, 2006). At the beginning, public recognition was low. The application period, however, remained limited. Much effort was then launched to encourage the victims and families to apply for investigations within the given period of time. For promotional efforts, the Commission held a series of road exhibits throughout the country and abroad. The publicity generated included meetings with 16 local metropolitan governments, field research briefings, visits to Russia, the U.S., and Japan, as well as mass media advertisements.

The Commission quickly classified and assigned the 10,860 petitioned cases. After careful review, the Commission decided on the initiation, dismissal, withdrawal, or transfer of the investigations. In order to improve the efficiency of the investigation, cases with similar or identical content were merged and for cases involving several incidents submitted on a single application, they were separated into several cases.

On April 25, 2006, the Commission decided to begin investigations on 388 submitted cases; 3 related to the anti-Japanese independence movement including the Hwanggan Marketplace independence movement, 382 related to massacres such as the Goyang Geumjeong Cave Incident, and 3 related to human rights abuses, including the Lee Soo-Keun espionage case. In February 2006, all applications were reviewed, and among the 10,860 cases submitted, 9,154 of them (84.2%) were chosen for investigation.

Meanwhile, for cases where "the Commission believes that it is necessary to conduct an investigation into a case for the purposes of the Framework Act in historically important cases", independent investigations under the Commission's Mandate can be conducted according to Article 2 of the Framework Act. Based on this, eight cases were investigated including the case of the international introduction of Taekwondo and the enhancement of Korea's national prestige, the Bodo League massacres, the massacre of inmates at penitentiaries across the nation, the Yeosu-Suncheon Incident, the National Defense Army Incident, the Assassination Attempt of August 15, the case of the violation of the presidential decree by Oh Jong-Sang, and the case of press consolidation in 1980.

Among these cases, the Taekwondo case and Oh Jong-Sang case were completed, and the other six remain under investigation.

### **(2) Truth verification (or Non-Verifiability) Decisions**

#### **① Truth verification of independence movement cases**

The Commission conducted investigations into cases related to the anti-Japanese

independence movement before or during Japanese colonization and the history of overseas Koreans who were sacrificed for their efforts in protecting the sovereignty of the nation. The truth was verified in 15 cases regarding the independence movement, which was sub-classified into cases related to the March 1st Independence Movement, the mass movements of youth, laborers, and farmers, the Singanhoe movement, socialist movements, and anarchism.

The case of Lee Yun-Hee, who conducted independence movement activities in Heuguhoe ("Dark Friends Society") in the 1920s and the case of Lim Jong-Eop, along with seven other cases, were socialist or anarchist activities. The Commission, however, saw these as anti-Japanese independence movements and investigated them. Because of the amount of time that has passed, with anti-Japanese movements having occurred more than half a century ago, and because the cases are related to individuals, many of the statements of the petitioners and reference witnesses were inadmissible as evidence. Activities occurring overseas also present a challenge as they were difficult to trace. Due to these difficulties, it was challenging to investigate the truth, and as a result, 14 cases were ruled unverifiable.

Through literature and statements, the Commission verified that the massacre of the Miryang Independence Movement activists took place, but the Commission could not confirm if civilians were killed by rifle fire. This case serves as a prime example of the Commission's investigations amending an error in widely accepted history.

Under the direct authority of the Commission, three cases regarding the history of overseas Koreans were investigated: The case of the anti-trusteeship movement, the case of Korea's economic growth contributions from dispatched Korean nurses and miners in Germany, and the case of the international introduction of Taekwondo and the enhancement of Korea's national prestige.

In the "Case of Korea's Economic Growth Contributions from Dispatched Korean Nurses and Miners in Germany", it was determined that the remittance of their money contributed greatly to the economic growth of Korea; but contrary to popular belief, the government did not receive commercial aid from Germany with the wages of miners and nurses as security.

## ② Truth verification of massacres

A total of 7,802 cases on illegal massacres due to the abuse of public power during the Korean War were received by the Commission. The number of cases would increase by 1,659 to a total of 9,461 if cases of massacres by groups opposing the legitimacy of the ROK were included. 9,461 cases represent 86% of the total cases received by the Commission.

The Commission investigated the Bodo League massacres, the military and police suppression of alleged North Korean People's Army collaborators, the Yeosu-Suncheon Incident, the U.S. Forces Bombings, and the malicious acts of the North Korean People's Army and leftist forces. The subjects of investigation included the scope of the massacre in question, victim identification, sequence of events, offenders, chain of command, and damages suffered by the bereaved families.

Cases of preventive detention, as in the cases of the Jeju and Cheongdo massacres, occurred immediately after the start of the Korean War and were systematically conducted by the National Bureau of Public Order within the Ministry of Home Affairs. The findings revealed that martial law was illegally enforced and that the police were directly involved with ordering preventive detention, as well as the imprisonment, release,

and execution of victims.

Cases related to alleged North Korean Army collaborators include the Goyang Geumjeong Cave case, the Uljin massacres, and the Ganghwa massacres. After the recapture of Seoul on September 28, 1950, these killings illegally transpired on suspicion and allegations without a clear standard or basis for handling North Korean collaborators. In many cases, killings were conducted because people in a given community wanted to exact vengeance on one another due to personal issues or disagreements.

Cases of U.S. forces bombings include the Danyang Gokgyegul Cave Incident, the Yecheon Sanseong-dong Incident, and the Wolmido Bombings. In these cases, bombings occurred in heavily populated areas without regard for civilian casualties and resulted in the death of many innocent lives including those of women and children.

The Commission also investigated the Ulsan Bodo League massacre case and the Cheongwon Ochang Warehouse Bodo League massacre case. In particular, in the Ulsan Bodo League massacre case, the Commission found a list of members from the Ulsan Bodo League that was used as an important piece of evidence in verifying the truth. It documents that the police systematically managed Bodo League members before and during the start of the Korean War. It also functioned as an “execution list” during massacres.

The Yeosu-Suncheon Incident represents a cornerstone in the enactment of the National Security Law and the establishment of the anti-communist regime in Korea. During rebel suppression operations, the military and police attempted to increase efficiency by killing civilians on the bases of accusations rather than through the conduct of trials.

A total of 1,659 cases of massacres related to groups that opposed the legitimacy of the ROK were reported, with most of them having been committed by the North Korean People's Army, local leftists, and partisans before and after the Korean War. Among these, the Commission investigated 196 cases that occurred in the areas of Yangju, Jumunjin, Wanju, Gapyeong, Gochang, Geumsan, Dangjin, Tongyeong, and Muju. Through this, it was verified that broad massacres were conducted by the North Korean People's Army and by leftists during the Korean War.

In particular, the Seocheon Registry Office massacre by leftists was verified by documents of the U.S. Korean War Crimes Division, the Daejeon Local Court rulings, the Ministry of Patriots and Veterans Affairs (MPVA) List of Korean War Victims and other reports and witness statements. The massacre was also described in a novel because of the tragic and traumatic effects it had on the local community.

Along with truth-finding activities, the Commission proposed appropriate recommendations such as official state apologies, corrections to the Family Registry, memorial service support, amendment of historical records, peace and human rights education, revision of human rights-related laws and systems, and support for the medical expenses and living costs for the victims.

### **③ Truth verification of human rights abuses and falsified charges**

The Commission investigated human rights violation cases and falsified accusation cases that occurred due to the abuse of public power from the time of liberation to the period of authoritarian rule. The cases were divided into those that had irrevocable court judgments and those that did not, and then they were categorized by type and period. As of October 2008, a total of 59 cases of human rights abuse were investigated.

Most of the cases of human rights abuse investigated by the Commission took place during times of political unrest, in the 1950s and 60s, after the May 16th Military Coup, the Yushin period, and during the 1980s. The abuses occurred in the form of illegal detentions and torture by investigation agencies such as the police, the Army Counter Intelligence Corps, the Army Security Forces, the Korea Central Intelligence Agency, and the National Security Planning Agency.

In particular, on most of the cases that received confirmed rulings, the prosecutors and court acknowledged the falsified confessions attained by investigators through illegal detention and torture. The espionage falsification cases involved people who crossed into the South from the North, abducted fishermen, had relatives in North Korea, and the Korean-Japanese, and occurred in the 1960s and 1980s.

Cases related to people who crossed into the South from the North include the spy fabrication case of Yang Jun-Ho (1955) and the falsification of espionage charges against Lee Soo-Keun (1969); cases related to those with relatives in North Korea include the spy fabrication cases against Seok Dal-Yun (1980), Kim Gi-Sam (1980), and Lee Jun-Ho and Bae Byeong-Hee (1985); cases related to abducted fishermen are Baek Nam-Ok and five others (1968), Gang Dae-Gwang (1968, 1978), Seo Chang-Deok (1984), and Jeong Sam-Geun (1985); and cases related to Korean-Japanese are the spy fabrication cases of Shin Gui-Yeong and his family (1980), Cha Pung-Gil (1982), Lee Jang-Hyeong (1984), and Kim Yang-Gi (1986).

Regarding these cases, the Commission not only verified the truth behind these events, but revealed other facts as well, such as the collective victimization of family members and relatives, torture, forced depositions of villagers that led to the destruction of local communities, and the disruption of the Korean community in Japan.

The cases of Jo Bong-Am of the Progressive Party (1958), Jo Yong-Su of the Minjok Daily (1961), the spy falsification of Kim Yong-Jun (1975), and the Aramhoe (1989) and OSonghoe (1982) Incidents were politically motivated, involved fabrication of evidence, and in violation of the National Security Law. These incidents occurred mostly in the 1950s, after the May 16th Military Coup, the Yushin period, and after the 1980s, both of which were periods marked by times of political unrest.

In addition, the case of Oh Jong-Sang's violation of emergency measures (1974), and the case of Kang Ki-Hoon's forged will (1991) are representative cases of falsification during the political transition period. Furthermore, the fabricated Guro farmland lawsuit case, which involved an abuse of judiciary rights for the sake of advancing government plans, was also investigated. The Commission recommended an official state apology and reexamination of the case.

Investigations were also conducted on cases such as the forced donation of the Buil Scholarship Foundation assets, the obstruction of the repatriation of Korea-Japanese to the North, and the disqualification of the 23rd and 24th bar examination interviewees. In these cases, a state apology, new legislation to relieve damages, and measures to cancel the disqualification status were recommended.

### **(3) Recommendations and submission of investigation reports**

#### **① Recommendations**

Recommendations of the Commission contribute greatly to national solidarity and the growth of democracy by restoring the honor of the victims and families, preventing reoccurrences, and fostering reconciliation between the offenders and victims. As of

October 31, 2008, 1,753 cases among the total 1,813 cases had recommendations to the government.

Recommendations included official state apologies, correction of the Family Registry, reexamination, memorial services, the correction of historical records, archiving of historical files, legislation for relief of damages, restoration of damages, peace and human rights education, indemnity of damages, and treatment of aftereffects. Furthermore, many efforts were made to resolve past conflicts and create a social environment for greater solidarity in the future.

To ensure that the recommendations by the Commission were properly executed, the "Regulations on the Establishment and Operation of the Recommendations Follow-Up Board" was enacted upon request (August 27, 2007, Presidential Decree No.195), and as a result, the Recommendations Follow-Up Board was established under the Office of the Prime Minister. In 2008, this organization was incorporated into the Ministry of Public Administration and Security after restructuring the cabinet.

In order to better fulfill the "Measures of the State and Commission for Reconciliation" according to Article 4 of the Framework Act, the Reconciliation Committee was established on June 19, 2007 to administer reconciliation and memorial efforts, establish a road-map for settling the past, investigate psychological damages and development of review programs for reconciliation, and to search for methods to improve recommendations for each individual case.

In addition to these efforts, the Commissioner and members of the Commission consoled the victims' families by participating in joint regional memorial and prayer services in Jeju, Hampyeong, Goyang, Yeosu, Mungyeong, Ulsan, Sancheong, Gochang, Gyeongsan, Haenam, and Ganghwa.

In regards to the Ulsan Bodo League massacre Incident, on January 14, 2008, President Roh Moo-Hyun, on behalf of the nation and in accordance with the Commission's recommendation, apologized for the illegal acts committed by the government during the Korean War. For the Goyang Geumjeong Cave and Naju Dongbakguljae cases, the local police commissioner and police chiefs participated in the memorial services and expressed deep regret and offered apologies.

As of October 2008, the court decided to hold retrials for 9 of the 24 cases that the Commission recommended for reexamination. Among these, exonerated were the people involved in the case of Jo Yong-Su of the Minjok Daily, the abduction of the Taeyoungbo fishing boat, the fabrication of espionage charges against fishermen, the spy fabrication case of Cha Pung-Gil, and the spy fabrication case of Seo Chang-Deok.

#### **- President Roh Moo-Hyun Apologizes for the Victims of the Ulsan Bodo League Massacre**

President Roh Mu-Hyun publically apologized for the government's illegal exercise of public power. On January 24, 2008, President Roh expressed the government's position regarding the settlement of historical issues and offered an official comprehensive apology regarding the illegal exercise of power by past governments. Through a videotaped message, President Roh made a sincere apology to the victims and the bereaved families of the Ulsan Bodo League massacre incident.

The Commission held a memorial event for the victims of the Ulsan Bodo League massacre. After the presidential apology, a condolence speech and performance followed. Present at this event was the President of the Commission, the Minister of Government

and Home Affairs, the Head Secretary of Civilian and Social Affairs of the Roh Administration, the Mayor of Ulsan Metropolitan City, the Congresswoman of the Democratic Labor Party, the Head of the Ulsan Policy Agency and the Divisional Army Commander of the Ulsan Region.

Around five hundred citizens participated at the event, including leaders of the bereaved families' organizations and civil society. Before the event, on November 27, 2007, the Commission verified the truth of the Ulsan Bodo League massacre. In the early period of the Korean War in August of 1950, 407 innocent civilians from the Ulsan region were massacred by ROK soldiers and the police. Although President Roh made similar apologies in 2003 and 2006 for the atrocities of the past authoritarian governments against civilians, this was the first time a comprehensive presidential apology was given.

**<Summary of President Roh Moo-Hyun's Message>**

*"Dear Citizens of Ulsan and Bereaved Family Members of the Bodo League Incident,*

*The Bodo League Incident was a great tragedy in our modern history. I, as President and on behalf of the people, sincerely apologize for the illegal acts committed by past state authorities. I deeply apologize on behalf of the country for misconduct in the past by the government. I also express my sympathy to the victims and families. I pray for the innocent victims, and I convey my deepest condolences to their bereaved families.*

*I also offer words of apology to all victims, including their families, who were abused by state power. We should take this as a lesson so as to prevent this kind of incident from happening again. The Commission aimed to achieve genuine reconciliation by finding the truth, easing the grievances of those unfairly treated, and restoring their honor. This is to restore the damaged morality and trustworthiness of state authority."*

**② Submission of investigation reports**

According to Article 32 of the Framework Act, the Commission reports its activities twice a year to the President and National Assembly in order to publicize these events and create public consensus. Since its establishment, five reports have been issued by the Commission. The 1st investigation report in 2006 reported the general situation of the Commission and the list of cases to be investigated. The 2nd investigation report included the status of investigations into cases by type, region, and category including the decisions of seven cases such as the case of Jo Yong-Su of the Minjok Daily.

In the first half of 2007, the 3rd report was published. It included 24 case decisions, including the 11th Army Division Incident at Hampyeong. In the 4th report, 25 cases were decided, including the case of Jo Bong-Am of the Progressive Party. In the first half of 2008, the 5th investigation report was submitted and included 50 case decisions and recommendations for the Seocheon Registry Office massacre and the U.S. bombings in Wolmido.

For each publication, 2,500 copies were distributed to the National Assembly, government, organizations related to past settlement, research groups, libraries, civic groups, and modern history researchers in order for the findings and recommendations to be integrated into the decision-making of policies and research. After investigating 1,412 cases related to violations of the presidential emergency measures, the "Special Report on the Investigation into Violations of the Emergency Measures" was submitted to the president and National Assembly. In March 2007, a discussion session with experts was held to review the unconstitutionality or illegality of the emergency measures and to seek methods to redeem and restore the honor of victims.

### **3) Other activities to support truth-finding**

#### **(1) Support for efficient investigations**

After the enactment of the Framework Act, many actions were taken to increase the efficiency and expertise of investigations such as the establishment of the Commission and its sub-commission, security of manpower and budget, and the enactment of various laws that aided in setting the processes and procedures of the Commission.

After launch, the Commission organized commissioners' meetings, sub-commissions, and the Reconciliation Committee. It then operated advisory groups and the honorary member system to select cases for investigation, make decisions, and conduct reconciliation efforts. From December 22, 2005, to October 31, 2008, a total of 83 commissioners' meetings were held, with 879 cases handled. In addition, the Commission hired more than 130 professional investigators to secure expertise in manpower and educated over 80 officials from central and local governments to strengthen their investigative capabilities.

At the time of establishment, the Commission was organized into a headquarters, 3 bureaus, 3 departments, and 13 teams. Over the course of investigations however, the secretariat was reorganized six times to strengthen the investigative functions of planning, PR, and supplementary functions. This also included cooperation with other Complementary Activities such as exhumation. Currently, the Commission is organized into a headquarters, 4 bureaus, 1 aide, 1 office, 4 divisions, and 14 teams.

Meanwhile, the Commission's budget was secured for operation and investigations. The allocated amount of budget was as follows: In 2006, KRW 9.7 billion; in 2007, KRW 12.5 billion including costs for increasing manpower; and in 2008, KRW 19.7 billion. (USD 1 = KRW 1,466 as of Dec. 3, 2008)

The necessary evidence needed to verify the truth was collected from documents stored at organizations in Korea and abroad, and efficient investigation was made possible through the production and collection of records. Not only were the archives of past settlement-related organizations used, but the documents of the National Archives of Korea and National Assembly, and overseas documents from the U.S., U.K., Russia, China, and Japan were also included in the fact-finding process. In order to efficiently manage these documents for investigations, a document management system was established to organize, utilize, and maintain the produced and collected documents systematically.

#### **(2) Joint efforts in exhumation and truth-finding**

In addition to truth-finding investigations, exhumation and fieldwork was conducted through a service contractor to find the necessary evidence and to build a foundation for reconciliation. It also promoted the Commission's activities to the local community and people. For a period of six months starting from December 2006, the Commission investigated an estimated 154 burial grounds scattered across the nation, and immediately began exhumations at 37 locations. Beginning with Bongseong Mountain in Gurye, Jeonnam in June 2007, a total of approximately 400 bodies were found, and in the cobalt mines in Gyeongsan, 240 bodies and 1,085 artifacts including bullet shells, seals,

and nametags were discovered. 110 bodies were found at Cheongwon Bunteogo. 34 bodies were found at Gollyeonggol in Daejeon. 13 bodies were found at Bongseong Mountain in Gurye.

In 2008, exhumations were underway at seven spots in five locations; Bunteogol and Jigyeonggol in Cheongwon; the cobalt mines in Gyeongsan; Maegok-dong, Suncheon in Jeonnam Province; Galmyeongdo, Gujado-ri, Uisin-myeon in Jindo; and Won-ri and Oegong-ri in Sicheon-myeon, Sancheong-gun, Gyeongnam Province.

The exhumations related to the illegal massacres from the Korean War were significant in that they were the first government-led effort in 50 years and represent a response to the bereaved families' demands for such activities. Since 2008, the Commission received 41 applications from local governments and 33 were selected for joint exhumation of potential burial grounds.

Since 2007, service contractors were hired to conduct field studies on massacres, and in 2008, the Basic Fact-Finding investigation of civilian sacrifices was jointly conducted with local autonomous governments. In 2007, a total of nine areas and 8,600 victims were subject to field studies: Ganghwa, Gongju, Cheongwon, Gurye, Yeongam, Gochang, Yecheon, Cheongdo, and Gimhae. In 2008, six areas are currently under investigation: Inje, Yeongdong, Imsil, Yeonggwang, Yeongcheon, and Hamyang. These Basic Fact-Finding investigations were jointly conducted with relevant local governments in 71 affected urban and rural areas and resulted in increased investigation efficiency. It also gave the local governments and residents a better understanding of the activities of the Commission.

### **(3) Truth-finding and reconciliation efforts through international cooperation**

The Commission raised public support for past settlement activities and increased recognition by making cases accessible to the local and international press and fostered international cooperation. It also applied great effort in soliciting the opinions and requests of bereaved families and experts by hosting discussion meetings with bereaved families and civic groups.

By providing its decisions and recommendations on past settlement cases to the press, the Commission created positive public awareness and consensus on its activities and the settlement of the past. In addition, newsletters in Korean and English were distributed to experts and scholars in Korea and abroad to publicize and raise the understanding of the Commission's activities.

In particular, special articles were prepared for major foreign press outlets such as ABC, AFP, AP, BBC, International Herald Tribune, Japan Focus, The New York Times, NHK, The Observers, South China Morning Post, Süddeutsche Zeitung, and the Sydney Morning Herald. The information on the activities of the Commission, U.S. bombing-related incidents, and exhumations led to an increased awareness and support for Korea's past settlement cases and the activities of the Commission.

The Commission also participated in an international cooperation and exchange with visits to Spain, South Africa, Chile, Argentina, Peru, U.S., Germany, Japan, and China. With Chile, the Commission signed a Memorandum of Understanding (MOU) to share past settlement results and experiences, as well as engage in human exchanges. Current negotiations for an MOU with Argentina are in progress. For Indonesia and Spain, experts in the field of past settlement were invited to Korea to share their experiences.

## **2. Further Agendas**

The Commission has conducted investigations on approximately 1/3 of all filed petitions, which totaled approximately 45% of all filed cases. The truth verification of the remaining petitions is scheduled to be completed before the Commission's mandate ends in 2010. Critical parts of the Commission's mission consist of constituting policy guidelines, reinstating the honor of the dead, and establishing operational manuals to manage the archives as well as suggesting alternative measures to prevent similar incidents from reoccurring, and publishing a comprehensive report to submit to the National Assembly and the president within six month from the date of the commissions' expiration.

### **1) Completing truth verification within the term**

Among all of the filed petitions, the Commission verified a total of 3,269 petitions (approximately 30%) since its establishment three years ago. This does not meet the quota given to the Commission at the beginning of its term. Field research manuals however have been solidly developed, and the research results keep improving every year. Analytical methodologies on documentation and research materials including testimonies of petitioners and witnesses were also expedited. Thus, overall research capacity was greatly enhanced. The Commission's primary priority is completing the filed petitions and verifying the truth. Besides assuming responsibility to rectify Korea's distorted past, the results of these cases also represent a sense of closure for the bereaved families, a feeling many have longed for most of their lives.

The Commission intends to complete verification on commission-initiated investigations by 2009. The above-categorized cases are mostly conducted by the Commission's Bureau of Investigation on Massacres and include massacres against the Bodo League members and their collaborators (1,990 cases), cases related to Yeosun Incident (719 cases), and the mass killings of prison inmates across the nation (619 cases).

In the course of the truth verifications, the following work was conducted: archival research on the aerial bombings by the United States forces, field research on the psychological damage of victims sustained through interviews, surveys on the latest updates on victims of civilian mass killings, and exhumation work. Other than the measures described above, innovative measures to maximize the accuracy and expedite the investigative process shall also be considered.

For the Commission, completing filed petitions is a minimum task to offer to the memory of the victims and the bereaved families who have waited so long to tell their stories. There is a moral obligation to present accurate history.

### **2) Reconciliation and follow-up measures after truth verification**

The Commission has been tasked with a responsibility of verifying the truth of the past; and thereby fostering reconciliation between the victims and their perpetrators. The Commission is also entitled to offer recommendations to reinstate the honor of the victims and mediate reconciliation between the confessed perpetrators and victims, to revise policies in order to prevent any similar atrocities from reoccurrence, and to

establish truth-finding research institutes.

Follow-up measures are to be implemented by the Recommendations Follow-up Board under the Ministry of Public Administration and Security. Little progress however has been made in conjunction with an establishment of a truth-finding research institute. Due to the limited amount of time, it is urgent that the Commission provides well planned methodologies to restore the honor of the victims and their bereaved families, to reconcile with the perpetrators, to establish memorial monuments, to establish and manage the memorial archives, and to complete the overall plan to found a concerned research center or archive to preserve the historical legacies introduced through the Commission's findings.

The Commission's additional responsibilities include indicating and documenting the recommendations for each truth verification in a comprehensive report and thus provide preventive measures against future human rights abuses by public power, provide reconciliation of the past, and provide an opportunity to advance democracy in the country.

In conjunction with the implementation of the recommendations from truth verification, the Recommendations Follow-up Board was established in the Ministry of Public Administration and Security. The Commission, in cooperation with the Recommendations Follow-up Board, must regularly examine and analyze the planning and implementation processes of recommendations in order to revise inefficiencies in the relevant policies, systems, or procedures.

The Commission also needs to plan the enshrinement of victim remains and plan future exhumation work by instituting applicable regulations or laws and by securing the necessary finance and procurement measures. Documentation of investigative records including biannual reports to the National Assembly and the president and the utilization of these materials are essential for any future academic research and for raising public awareness on the issue. Concerned laws and systems must also be supplemented, and all documented reports from the Commission's investigations should be systematically categorized, filed, and stored at an archival institute such as the National Archives.

### **3) Judicial preparation to prevent the reoccurrence of similar atrocities**

The majority of petitions at the Commission are filed against illegal acts conducted by public power. Therefore, it is critical to prepare appropriate judicial reforms to prevent the reoccurrence of similar incidents. Particularly, the significance of educational needs on the Commission's work should not be undermined. Education is a critical element in raising public awareness so as to foster an accurate understanding.

### **4) Publication of the comprehensive report**

The Commission is obligated to publish and to submit it to the president and the National Assembly a comprehensive report encompassing the overall content of the activities and investigative results within six months after the expiration of its mandate. The report must cover not only the truth verification of individual petitions but also the overall guidelines to institute further policy-making and be a role model for other countries seeking a similar course of history in terms of truth-seeking. Furthermore, the Commission must offer the government systematic recommendations for truth-finding measures so as to reconcile with the past atrocities and prepare a firm foundation to build a brighter future.

The Commission must complete its remaining tasks, and achieve a concrete settlement of the past by revealing untold stories, thereby leading to reconciliation. Upon successfully completing its mission, the Commission will assist in building a more unified nation, constituting a role model for other nations that choose to pursue truth-seeking activities. As a result, the truth and reconciliation activities of the Commission would show to the international community that the Republic of Korea as a nation is committed to protecting human rights.

## Appendices

### 1. Outline and Full Text of the Framework Act Clearing up Past Incidents

#### 1) Outline of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation (May 09, 2005)

##### § Objective

Immediately after the Republic of Korea was founded, the country experienced the tragedy of a civil war, which was exacerbated by a global power struggle between foreign nations. After the war, a succession of tyrannical and authoritarian regimes that promoted national security and economic growth at the cost of human rights led to reprehensible results: human rights abuses, fabricated charges by those in power against political enemies and even mass killings of civilians.

To rectify past wrongdoings, a number of laws have recently been introduced. There is however neither conformity among the laws nor connection between them. Each one deals with a single incident, and each provides different provisions for fact-finding, for restoring unfairly tarnished reputations and for compensation. In addition, the laws do not address the issue of reconciliation, a necessary part of rectify past wrongdoings.

Thus, the purpose of this Act is to foster national legitimacy and reconcile the past for the sake of national unity by (i) honoring those who participated in the anti-Japanese movements; (ii) investigating incidents regarding human rights abuses, violence and massacres that occurred since Japanese rule and up to the present time, specifically during the nation's authoritarian regimes; and (iii) exposing distorted and covered-up truths.

##### § Main points

1. The title of the Act shall be changed from “The Framework Act for Identification of the Truth and Reconciliation” to “The Framework Act on Clearing up Past Incidents for Truth and Reconciliation.”

2. The purpose of the Act shall be to investigate violations during Japanese rule as well as in the years following liberation, including human rights abuses, killings, and suspicious deaths committed without regard for democracy and human rights; and to identify perversions of the law and cover-ups (Article 1 and Article 2).

3. The Commission on Clearing up Past Incidents for Truth and Reconciliation shall be established, first, to discover the truth and second, to work on reconciliation matters (Article 3).

4. A total of 15 members of the Commission shall be appointed by the President, with eight recommended by the National Assembly, four by the President, and three by the Chief Justice of the Supreme Court (Article 4).

5. The investigation period shall be four years, and if necessary, it may be extended for an additional two years (Article 25).

6. No person shall be misrepresented as a suspect in newspapers, magazines, broadcast programs, etc. solely because he or she once held a certain post in administrative, military, judicial or other organizations subject to the investigation

(Article 31).

7. Cases that were not sufficiently investigated by the Presidential Truth Commission on Suspicious Deaths for reasons such as lack of time may be reopened for further investigation under the Act (Article 3 of the Addenda).

## **2) Full Text of the Framework Act Clearing up Past Incidents for Truth and Reconciliation**

Enacted by Law No. 7542, May 31, 2005

### **Chapter 1**

#### General Provisions

##### Article 1 (Purpose)

The purpose of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation (hereinafter referred to as the Act) is to foster national legitimacy, to reconcile the past for the sake of national unity by honoring those who participated in anti-Japanese movements and to investigate incidents regarding human rights abuses, violence, and massacres occurring since the period of Japanese rule to the present time; specifically during the nation's authoritarian regimes.

##### Article 2 (Scope of Investigation)

① The Committee on Clearing up Past Incidents for Truth and Reconciliation (Hereinafter referred to as the Commission), in accordance with Article 3, shall determine the facts for the following cases.

1. Anti-Japanese movements during Japanese rule, as well as in the years following Korea's liberation
2. Efforts by overseas Koreans to uphold Korea's sovereignty and enhance Korea's national prestige since the Japanese occupation to the enforcement date of this Act
3. Mass illegal victimization of civilians from August 15, 1945 to the Korean War period
4. Incidents of death, injury or disappearance, and other major acts of human rights violations, including politically fabricated trials that were committed through illegal or seriously unjust exercise of state power, such as the violation of the constitutional order from August 15, 1945 to the end of the authoritarian regimes
5. Terrorist acts, human rights violations, violence, massacres and suspicious deaths by parties that denied the legitimacy or were hostile towards the Republic of Korea from August 15, 1945 to the end of the authoritarian regimes
6. Incidents that are historically important and incidents that the Commission deems necessary under paragraph 3 to investigate in order to achieve the purpose of this Act

② In the case that there is final and conclusive judgment from a court, incidents under paragraph 1 shall be excluded, provided that the incidents may be included as a cause for a retrial according to the Civil Proceedings Act and the Criminal Procedure Act and deemed necessary for the investigation by resolution of the Commission under paragraph 3.

Article 3 (Establishment and Independence of the Committee on Clearing up Past Incidents for Truth and Reconciliation)

- ① The Committee on Clearing up Past Incidents for Truth and Reconciliation shall be established to address matters defined under this Act.
- ② The Commission shall carry out the following work.
  1. Decisions on matters for investigation and its initiation
  2. Investigation proceedings
  3. Decision of results on investigations and determination of feasibility of investigations
  4. Research for measures on reconciliation and other necessary work
- ③ The Commission independently addresses matters which fall within the purview of its authority.

**Chapter 2**

Organization and Operation of the Commission

Article 4 (Composition of Commission)

- ① The Commission shall be comprised of fifteen commissioners, including four standing commissioners.
- ② The President shall appoint, with recommendation from the National Assembly, eight persons to be commissioners (including two standing commissioners) and nominate four persons (including two standing commissioners). The Chief Justice of the Supreme Court shall nominate three persons.
  1. A person who has been working as a full-time professor in an authorized university for ten years or more
  2. A person who has been working as a judge, prosecutor, military judicial officer, or lawyer for ten years or more
  3. A person who has been working as a public official with grade III or higher for ten years or more
  4. A person who has been working on historical research or the compilation of historical documents for ten years or more
- ③ The President shall appoint a commissioner as the Chairperson of the Commission.
- ④ The Chairperson and standing commissioners of the Commission shall be appointed as public officials serving political service.

Article 5 (Terms of Chairperson and Commissioners of the Commission)

- ① The term of office for the Chairperson and commissioners of the Commission shall be two years. The consecutive appointment may be extended for one additional term. If the investigation period expires in accordance with Article 25, then the term of the commissioner expires six months after the expired date of the investigation.
- ② In the event the term of office of a commissioner expires or is vacant, his/her successor shall be recommended or nominated within 30 days after the expired date or vacancy and immediately appointed by the President.
- ③ The term of office for the succeeding commissioner shall start anew.

#### Article 6 (Establishment of Sub-commission)

- ① The Commission may establish a sub-commission to conduct any necessary work, including investigations.
- ② The provision of the sub-commission regarding organization, duties, and operation is based on the rules of the Commission.

#### Article 7 (Duties of Chairperson)

- ① The Chairperson shall act as a representative and supervise the administration and duties of the Commission.
- ② In the event the Chairperson of the Commission is unable to perform his/her duties for an unforeseen reason; a standing commissioner pre-designated by the Chairperson shall act on behalf of the Chairperson.
- ③ The Chairperson of the Commission may recommend to the President to introduce bills on affairs falling under the jurisdiction of the Commission.
- ④ When the Chairperson of the Commission performs duties related to the budget of the Commission, he/she shall be deemed to be the head of a central governmental institution under the provision of Article 14 of the Budget and Accounts Act.

#### Article 8 (Guarantee of Commissioners' Status)

- ① The commissioners shall independently conduct their investigation without any instruction or interference.
- ② The commissioners shall not be removed from his/her office against his/her will except in the following events.
  1. In the event that any physical or mental handicap prevents him/her from performing his/her duties
  2. In the event that he/she has been sentenced to imprisonment
- ③ A commissioner falling under subparagraph 1 of paragraph 2 above may be dismissed from his/her office by resolution of consent by 2/3 or more of total commissioners

#### Article 9 (Disqualifications)

- ① A person who falls under any of the following subparagraphs shall be disqualified for the position of commissioner:
  1. A person other than a citizen of the Republic of Korea;
  2. A person who falls under any subparagraphs of Article 33 of the State Public Officials Act;
  3. A person from a political party; and
  4. A person who is registered as a candidate (including preliminary candidate) in any such election as held under the Act of the Election of Public Officials and the Prevention of Election Malpractices.
- ② A commissioner falling under any subparagraph of paragraph 1 above shall ipso facto, retire from his/her office.

#### Article 10 (Prohibition of Concurrent Offices of Commissioner)

- ① The commissioner shall neither concurrently take the office falling under any of the following subparagraphs nor perform the duties thereof during his/her tenure in office:

1. A member of the National Assembly or any local council;
  2. A public official from another state institution or local government (excluding a public educational official); and
  3. Other positions or affairs as determined by the rule of the Commission.
- ② The commissioners shall neither join a political party nor participate in political activities.

#### Article 11 (Refusal of Commissioner)

- ① A commissioner shall, if falling under any of the following subparagraphs, be excluded from participation in the deliberation and resolution.
1. If the commissioner or any person who is or was the commissioner's spouse is an offender or victim concerned in the relevant investigation of past incidents.
  2. If the commissioner is or was a blood relative of the offender or victim concerned in the relevant investigation of past incidents.
  3. If the commissioner was involved in any criminal investigation or trial procedures with respect to the relevant investigation of past incidents.
  4. If the commissioner has testified or conducted an evaluation with respect to the relevant investigation of past incidents.
  5. If the commissioner participates or participated in the relevant investigation of past incidents as an agent of the party concerned.
- ② The party concerned may, if any cause for difficulty exists in expecting the impartial deliberation and resolution of the commissioner, make a request for refusal to the Commission.
- ③ Any commissioner may voluntarily refrain from the deliberation and resolution on the relevant petition if he/she falls under any of the subparagraphs of paragraph 1 or paragraph 2.

#### Article 12 (Meeting Proceedings and Resolution Quorum)

Each Chairperson of the Commission and the sub-commission shall individually preside over the meeting of the Commission and the sub-commission, and the resolution thereof shall, except as otherwise provided by this Act, require the consent of a majority of the incumbent commissioners.

#### Article 13 (Publication of Proceedings)

The proceedings of the Commission shall be accessible to the public unless deemed otherwise by the Commission or sub-commissions.

#### Article 14 (Secretariat)

- ① A Secretariat shall be established to address the general affairs of the Commission.
- ② There shall be one Secretary General and the necessary staff members in the Secretariat. The Secretary General shall be appointed by the President on the recommendation of the Chairperson of the Commission after deliberation of the Commission.
- ③ Public officials of Grade III or higher from among Secretariat staff shall be appointed by the President on the recommendation of the Chairperson of the Commission. Public officials of Grade IV or lower shall be appointed by the Chairperson of the Commission

on the recommendation of the Secretary General.

④ The Secretary General shall, under the direction of the Chairperson of the Commission, exercise overall control of the affairs of the Secretariat and command and supervise the staff belonging thereto.

⑤ Necessary matters concerning the organization and operation of the Secretariat shall be prescribed by the rule of the Commission.

#### Article 15 (Advisory Organ)

① The Commission may establish an advisory organ in order to seek advice on matters necessary for the performance of its duties.

② The members of the Advisory Organ under paragraph 1 are appointed by the Chairperson by resolution of the Commission from among the following: researchers of history, forensic medical specialists, social or religious leaders, public officials with professional knowledge and experience, and representatives of the relevant non-governmental organizations.

③ The Commission may have an advisory organ for each sub-commission.

④ Necessary matters concerning the organization and operation of the advisory organ shall be prescribed by the rules of the Commission.

#### Article 16 (Guarantee of Staff Status)

① The staff members of the Commission shall not be retired, suspended, demoted, or removed from his/her office against his/her will except in instances where there is confirmation of punishment or disciplinary action.

② The staff members of the Commission, excluding dispatched public officials, secure rights and responsibilities as an official in the special government service under the National Public Service Law for the duration of the Commission's activities.

#### Article 17 (Establishment of Disciplinary Committee)

① Under the Commission, a disciplinary committee shall be established to resolve disciplinary action against the Commission staff.

② The composition, authority and deliberation procedure, types and effects of disciplinary actions, and other necessary matters shall be prescribed by the rule of the Commission.

#### Article 18 (Composition and Operation of Commission)

Except as provided by this Act, matters necessary for the organization of the Commission shall be prescribed by Presidential Decree, and matters necessary for its operation shall be prescribed by the rule of the Commission.

### **Chapter 3**

#### Duties and Authorities of Commission

#### Article 19 (Petition of Investigation)

① A victim, sufferer, his/her family or relatives, or a person who has known specific facts regarding an issue to be investigated by the Commission may file a petition.

- ② The petition under paragraph 1 (referred to above) shall be submitted within one year after the enforcement date of this Act.
- ③ The scope of any blood relatives or person possessing specific knowledge under paragraph 1 is defined by the Presidential Decree.

#### Article 20 (Method of Petition)

- ① The petition under Article 19 shall be written and include the following subparagraphs. If special circumstances prevent it from being written, an oral petition may be substituted.
  - 1. Name and address of petitioner
  - 2. Objectives of petition and reason for filing
- ② Necessary matters related to the procedure and method of the petition that falls under paragraph 1 shall be prescribed by Presidential Decree

#### Article 21 (Rejection of Petition)

- ① The Commission shall reject a petition that falls under any of the following subparagraphs.
  - 1. The contents of the petition does not fall within the scope of the matters subject to investigation by the Commission
  - 2. The contents of the petition are deemed evidently false or ill-founded.
  - 3. The petition contains identical facts to previously dismissed petitions
    - a. Exceptions of this are any petitions containing critical material not included in previous petitions and requiring further investigation.
- ② The Commission may, after initiating the investigation of a petition, reject it if it falls under any subparagraph of paragraph 1.

#### Article 22 (Initiation of Investigation)

- ① In the event that a petition of the investigation does not fall under paragraph 1 of Article 21, the Commission will initiate an investigation of a petition and conduct the necessary investigation without delay.
- ② The Commission, if deemed necessary before the investigation, may conduct a preliminary investigation to determine whether or not to initiate the investigation.
- ③ The Commission may investigate a petition under official authority if it has sufficient support to admit it as a historically important event considered critical to identifying the truth.

#### Article 23 (Methods of Investigation)

- ① The Commission may investigate petitions by such methods as prescribed in the following.
  - 1. To require a respondent or reference witness to submit a written statement
  - 2. To request a respondent or reference witness to be present or to hear his/her statement
  - 3. To require the party concerned, a person involved, or the related entity/facility/organization to submit such materials as deemed relevant to matters subject to investigation
  - 4. To refer to the party concerned, facility, organization, or the related entity for such facts or information as deemed relevant to matters subject to investigation

5. To appoint an appraiser and request an appraisal

② The Commission may, if deemed necessary for the investigation, have a commissioner or its staff conduct the methods of the investigation under paragraph 1 above.

③ The Commission may allow a commissioner or its staff to conduct an on-site inspection or evaluation of any such place, facility (hereinafter referred to as the party concerned), or material as deemed relevant to matters subject to investigation.

④ In the case that the Commissioner or its staff records a statement in accordance with subparagraph 2 of paragraph 1 above, the provision of Article 147 or Article 149 or paragraph 2 of Article 200 in Criminal Procedure shall apply.

⑤ The Commissioner or its staff may request any party concerned in an on-site investigation to submit relevant materials or articles. The party concerned is required to respond to the request without delay.

⑥ In the case of any request for necessary materials or articles under subparagraph 3 of paragraph 1 and paragraph 5; provision of Article 110, Article 112, Article 129, Article 131, and Article 133 may apply, provided that any relevant party that rejects such submission shall explain in detail to the Commission.

⑦ In the event that the Commission concludes there is no reason to reject such submission after the explanation under paragraph 6; it may instruct the party concerned to submit the materials or articles by resolution of the Commission.

⑧ A concerned party that receives a request for materials or articles related to the on-site inspection or investigation from the Commission should not reject such submission without reasonable ground. An exception may be permitted if the appropriate minister (a head of any relevant institution belonging to the President and the National Assembly) submits an explanation within five days after the date the request for the materials or articles was received. The minister must quote that the information the Commission requested is classified information regarding the military, diplomacy, or North Korean relations, and the release of such material would endanger national security.

⑨ In spite of the provision of paragraph 8, the head of any relevant institution that is requested to submit related material or articles shall allow exclusive inspections of the materials or articles by the commissioners, provided that the Commission shall not release the articles or materials to the public.

#### Article 24 (Order of Accompanying)

① The Commission may issue an order of accompanying by resolution if a person possesses critical material regarding distortions or obstructions of truth, such as anti-democratic and human rights abuses. The order of accompanying may also be issued for a person requested to be present under subparagraph 2 of paragraph 1 in Article 23 and does not respond to the order three times or more without reasonable explanation.

② The warrant of accompanying under paragraph 1 shall contain the name and address of the person subject to the warrant of accompanying, reason for the order of accompanying, place to accompany, issued date, expiration date, written assurance that after the expiration date the warrant of accompanying shall be returned, and also, in case of a rejection of the order, a person subject to the warrant of accompanying shall be fined for negligence with his/her signature or the seal of the Chairperson of the Commission. For the person whose name is unclear and subject to the warrant; appearance, physique and other characteristics that may distinguish the person may be stated, and in the case that the

address of a person subject to the warrant is unclear, the address may be omitted.

③ The order of accompanying is executed by presenting the warrant of accompanying to a person subject to the investigation.

④ The order of accompanying is executed by a staff member of the Commission.

⑤ If a respondent is in prison or a detention center (including military prison or military detention center), the order of accompanying is executed by a prison officer entrusted by a staff member of the Commission.

⑥ If a respondent is a service-person on active duty within the territory, a commander belonging to the territory has a duty to cooperate with the staff member of the Commission to execute the order of accompanying.

#### Article 25 (Period of Investigation)

① The Commission shall investigate petitions for two years with a possible two year extension if needed.

② If unable to complete the investigation within the period defined in paragraph 1, the Commission may request an extension of two years from the President and the National Assembly three month before the expiration of the investigation.

③ Under paragraph 1 and paragraph 2, the Commission may conclude the investigation before the expiration date if the Commission decides it is unnecessary to continue.

#### Article 26 (Decision of Investigation)

After the Commission completes an investigation, and if they determine the facts of the incident, the conclusion of the investigation shall be decided by resolution of the Commission.

#### Article 27 (Decision of Impossibility of Investigation)

If unable to resolve an investigated case, the Commission may determine it unverified providing they state reasons for this decision.

#### Article 28 (Notification of Decision and Raising of an Objection)

① In the event of a decision of rejection under Article 21, a decision of initiation of the investigation under Article 22, a decision of investigation under Article 26, and a decision of impossibility of investigation, the Commission shall immediately notify related petitioners under Article 19 and respondents and reference witnesses under Article 23 of its decision by specifying the cause.

② If a petitioner or respondent of the investigation is dead or whereabouts is unknown, his/her spouse or linear ascendants or descendants shall be informed.

③ When providing a notification under paragraph 1 and paragraph 2, the Commission shall inform the petitioner of the procedure, period, and other necessary matters, including information to raise an objection if needed.

④ In the event that a person notified under paragraph 1 and paragraph 2 objects to the contents of the notification, the person may raise a written objection to the Commission within 60 days after receiving the notification.

⑤ The Commission shall make a decision on an objection within 60 days after receiving the objection, and provide a written decision to the person responsible for raising an

objection of the result without delay.

⑥ Necessary matters regarding procedure under Article 4 shall be prescribed by Presidential Decree.

#### Article 29 (Dispatch of Public Official)

① The Commission may, if deemed necessary for the performance of its duties, request the head of any related entity to dispatch a public official under his/her control to the Commission. The dispatched official shall cooperate with the Commission on the condition that it does not impede on his/her duties.

② The public official who is dispatched to the Commission under paragraph 1 shall perform duties for the Commission, separate from the entity to which he/she belongs.

③ The head of the related entity responsible for dispatching a public official under his/her control to the Commission under paragraph 1 shall not take unfavorable measures against the dispatched public official in terms of personnel matters and treatment.

#### Article 30 (Protection of Commissioner)

① A person shall not assault or threaten a commissioner, staff member, reference witness or appraiser, nor shall any person coerce or interfere with the duties of a commissioner, staff member, or appraiser for an investigation. This includes assaults or threats intended to coerce resignation or interruption of an investigation.

② A person shall not suffer any disadvantages such as dismissal, suspension from office, reduction of salary, or transference for cooperating with or providing related information for an investigation.

③ The Commission shall prepare necessary measures to protect reference witnesses and appraisers, secure relevant materials, and prevent any obstruction of the investigation.

④ The Commission may provide necessary compensation or support to a person who obtains or submits critical materials for the investigation, and may recommend he/she be granted amnesty. The contents, procedures, and other necessary matters for this support or compensation are prescribed by the rule of the Commission.

#### Article 31 (Protection of Respondents)

① A person shall not be misrepresented as a suspect in any newspapers, magazines, broadcast programs (including internet newspaper and broadcasting), and other publications solely based on a past position he/she held in an administrative, military, judicial or other organization subject to the investigation, except in a case that is proven factual and related to the public good.

② Under paragraph 1 or paragraph 2 of Article 32, a person shall not disclose the contents of the investigation regarding the respondents and the accused to newspapers, magazines, broadcasting media (including internet newspapers and broadcasting) and other publications before the release of the Commission's final report.

③ The Commission shall prepare measures to protect the privacy and honor of the respondents during the investigation proceedings.

#### Article 32 (Report and Presentation of Opinions)

① The Commission shall prepare an investigation report and present it to the President

and the National Assembly twice a year.

② The Commission shall be given six months before and an additional six months after the expiration of the investigation to prepare a comprehensive report to submit to the President and the National Assembly.

③ The Commission shall provide a respondent under Article 23, his/her spouse, lineal descendant, or concerned person with an opportunity to state his/her opinion. In this case, the person who states his/her opinion may request to read related material of the evidence based on the investigation report and may appoint a lawyer.

④ The overall report under paragraph 2 shall include recommendations under any of the following subparagraphs.

1. State Remedial measures to rectify the damage and honor of the victims and sufferers

2. State Remedial measures to account for unverified investigation results

3. State Remedial measures to prevent past incidents from reoccurring in the future

4. Matters related to correction and reorganization of the Act, System, Policy and Common Practice

5. Matters related to legal and political reconciliation involving the perpetrators of past incidents

6. State Remedial measures for the further development of national reconciliation and democracy

7. State Remedial measures to conduct education and promotion to foster historical consciousness

8. Other matters that the Commission deems necessary to achieve the purpose of this Act

⑤ The related entities receiving any recommendation under paragraph 4 shall respect and attempt to implement the proposed recommendations.

⑥ The Commission shall release the report to the public, provided that sections of the report may be inaccessible to the public if the Commission deems it an endangerment to national security, reconciliation, or democracy.

⑦ The Commission shall not release any information pertaining to ongoing investigations to the public.

#### Article 33 (Consultation with State Institutions)

① A related state administrative institution or local governmental institution has a duty to provide active cooperation and to provide facilities necessary for the Commission to perform its duties and investigation.

② The Commission may, if deemed necessary for the performance of its duties, entrust a relative institution, such as a local governmental institution, with certain tasks or collaborate with the related institution on the investigation.

③ A related state institution involved in the investigation may establish a special organization, such as a commission or an investigation under its institution.

### **Chapter 4**

#### Measures of State and Commission

#### Article 34 (Duties of the State)

The State shall endeavor to rectify damages and restore the honor of the victims of past incidents, to take measures of appropriate legal / political reconciliation, and to take

necessary measures to reconcile and unify the nation.

#### Article 35 (Prohibition of Unfavorable Measure)

A person shall not inflict unfavorable measures towards another person due to the results of the investigation.

#### Article 36 (Damage and Rectification)

① The Executive Administration shall take appropriate measures to rectify damages and restore the honor of the victims, sufferers, and bereaved family in accordance with the results from the investigation.

② The provision under paragraph 1 shall not be applied if other legal regulations are applying similar provisions.

#### Article 37 (Recommendation of Special Release and Rectification for Victims)

The Commission may recommend the President to pardon or exonerate a person convicted or whose job was forfeited or suspended due to obstructed facts. The related state institution shall respect the decision and recommendation by the Commission.

#### Article 38 (Reconciliation for Perpetrators Cooperating with the Investigation)

① For a perpetrator actively cooperating with the Commission by confessing his/her crime during the investigation, and his/her admitted contents comply with the facts of the investigation, the Commission may recommend to the relative institution that immunity be granted during the criminal investigation or trial procedure or to mitigate the punishment. In the case of being convicted in the criminal procedure, the Commission may recommend the President to grant a pardon or exoneration as prescribed in the Act.

② The related state institution shall respect the decision and recommendation of the Commission.

#### Article 39 (Settlement between the Perpetrator and the Victim or Bereaved Family)

The Commission and the Executive Administration actively recommend a compromise between the perpetrator and victim, or for the perpetrator to offer repentance to the bereaved family and for the bereaved family to offer forgiveness to the perpetrator.

#### Article 40 (Establishment of Foundation on Clearing up Past Incidents)

① The Executive Administration may fund the establishment of a research foundation for past incidents. The foundation would operate and manage a memorial business and historic materials center.

② Under paragraph 1, different types of funds shall not obstruct or negatively affect one another.

③ The foundation of clearing up past incidents executes duties described in the following subparagraph.

1. Operation and management of memorial business and historic materials center
2. Support for further investigation
3. Support for cultural and academic activities related to clearing up past incidents
4. Other necessary duties

- ④ The independence of the foundation in clearing up past incidents is guaranteed.

## **Chapter 5**

### Supplementary Rules

#### Article 41 (Confidentiality)

A person, who is or was a commissioner, advisory member, or staff member of the Commission, and any other person who performed or performs affairs for the Commission after having been dispatched or entrusted by the Commission, shall not disclose any confidential information including materials and articles, nor shall they use them for other purposes.

#### Article 42 (Prohibition of False Impersonation)

A person shall not exercise the authority of the Commission by impersonating a commissioner or its staff.

#### Article 43 (Prohibition of Use of Similar Name)

Any persons other than the Commission shall not use the name of the Commission on Clearing up Past Incidents for Truth and Reconciliation or any other name that is similar thereto.

## **Chapter 6**

### Penal Provisions

#### Article 44 (Legal Fiction in Application of Penal Provisions)

A person other than a public official from among the commissioners of the Commission shall be deemed a public official in the application of penal provisions under the Criminal Act or any other Act.

#### Article 45 (Penal)

① A person who falls under any of the following subparagraphs shall be punished by imprisonment for no more than 3 years or by a fine not exceeding 20 million won:

1. A person who files a false petition under Article 19 with the intentions of damaging another person's honor or being aware that it obstructs the performance of duties of a commissioner

2. A person damages the honor of another person; living or deceased, by publishing material in violation of the provision of paragraph 1 and paragraph 2 of Article 31

② A person under any of the following subparagraphs shall be punished by imprisonment for no more than 2 years or by a fine not exceeding 10 million won:

1. A person who discloses confidential information in violation of the provision of Article 41

2. A person who exercised the authority of the Commission by impersonating a commissioner in violation of the provision of Article 42

#### Article 46 (Mitigation of Punishment)

① In the case of a confession before detecting a criminal act, the punishment may be

mitigated or remitted.

② The confession under paragraph 1 shall be done before the expiration of the decision on the investigation by the Commission.

#### Article 47 (Fine for Negligence)

① A person who falls under any of the following sub-paragraphs shall be punished by a fine not exceeding 10 million won:

1. A person who submits false materials or provides a false statement for the purpose of harming a respondent or reference witness under paragraph 1 of Article 23

2. A person who responds falsely to inquiry under subparagraph 4 of paragraph 1 in Article 23

3. A person who rejects or refuses the on-site investigation under paragraph 3 of Article 23 without reasonable ground

4. A person who does not follow the order of accompanying under Article 24 without reasonable ground

5. A person who is in violation of paragraph 2 of Article 30; imposing unfavorable measures on a person providing or has provided information related to the investigation

6. A person who is in violation of provisions of Article 35; imposing unfavorable measures on other persons

7. A person who is in violation of provisions of Article 43 which stipulates against using the name of the commission or any other name that is similar thereto

② A fine for negligence as prescribed in paragraph 1 shall be imposed by the Chairperson of the Commission in accordance with the Presidential Decree.

③ A person dissatisfied with any disposition of a fine for negligence as prescribed in paragraph 1 may raise an objection to the Chairperson of the Commission within 14 days after being notified of such disposition.

④ If a person subject to a disposition of a fine for negligence under paragraph 1 raises an objection under paragraph 3, the imposition authority shall notify the appropriate court without delay, which in turn, shall proceed to conduct a trial for the fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

⑤ If an objection is not raised within the period as prescribed in paragraph 3, and the fine for negligence is not paid, the fine for negligence shall be collected by referring to the practices of dispositions on default of national taxes.

#### **Addenda**

##### Article 1 (Enforcement Date)

This Act shall enter into force 6 months after the date of its promulgation. Provided that the commissioners and staff of the Commission are appointed and the rule concerning the enforcement of this Act has been enacted and promulgated, then the preparation for its establishment may be conducted before this Act enters into force.

##### Article 2 (Application Example Concerning Commencement of Term of Office of Commissioners)

The term of office of commissioners initially appointed under this Act shall be deemed to commence on the date when this Act enters into force.

Article 3 (Interim Measures of Suspicious Death Incidents and Suspicious Death Cases in the Military)

- ① Cases that were insufficiently investigated by the Presidential Truth Commission on Suspicious Deaths for reasons such as lack of time may be reopened if the Commission deems it necessary for further investigation under Article 22.
- ② In the case an investigation is subject to paragraph 1, the statute of limitations of public prosecution shall be from the date of the criminal act to the time of the accusation or request for an investigation.

## 2. Frequently Asked Questions about the Commission

*It seems that the mission of the Commission is quite different from previous transitional justice efforts (such as the Presidential Truth Committee on Suspicious Deaths), due in large part to the emphasis on reconciliation.*

The correct title for the commission mentioned in the parenthesis above is the “Presidential Commission on Suspicious Deaths in the Military”. As indicated in its name, there is a clear distinction in its scope of investigation compared to our commission. It only deals with cases in the military, while our commission broadly deals with human rights abuses beginning Korea's democratization process to the end of the authoritarian regime of 1992. Additionally, there was also a commission named the Presidential Truth Commission on Suspicious Deaths, which ceased its investigative activities on June 30, 2004. The other commissions in Korea involved in related truth-finding work investigated distinct areas covering either different time periods or different sectors of society.

Although there are several other past-related commissions in Korea, they are quite different from our commission in terms of their mission and objectives. We believe truth-finding work is an initial step to reaching reconciliation. Without it, the achievement of reconciliation would be practically impossible. All of the above-mentioned commissions are dedicated to uncovering the truth from past wrongdoings. In this sense, they share the same qualifications to investigate cases for reconciliation, which is the fundamental goal of all truth-finding activities.

*To what extent is reconciliation a goal of the Commission and what mandate do you have?*

The Commission does not have any authority to prosecute or provide economic compensation to victims, but it has some authority to investigate filed cases and submit recommendations to the concerned governmental organizations. We must also submit investigated reports to the President and the National Assembly twice a year, and afterwards, report the findings to any interested parties. Although the Commission does not have direct authority to prosecute, petitioners are still empowered through using the Commission's findings for judicial settlements, often resulting in some kind of compensation.

*How does the Commission pursue reconciliation (Truth-telling/Apologies from perpetrators/Reparations from the courts)?*

Measures below are used to seek reconciliation between perpetrators and victims.

1. By listening to the victims' narratives and by truth-telling through the Commission's investigative reports,
2. Through recommendations to public authorities that they give formal apologies to victims,
3. Through recommendations to the court for retrials and judicial settlements,
4. Through restoration of honor to the victims by submitting recommendations to the government and conducting memorial services, etc.
5. Through recommendations for revisions to modern history according to newly-verified truth from the Commission.

*I have read the 2008 brochure, which explains the framework of reconciliation well. I would just like to have some additional information in order to better understand the activities of the Commission, government, and civil society in terms of reconciliation efforts. I am trying get clarification as to whether the Commission marks a turning point in transitional justice in Korea in regards to reconciliation. Could you direct me to previous reconciliation efforts in South Korea (in the post-military regime period)?*

The investigative scope of the Commission largely covers three different areas: Overseas independence movements during the Japanese occupation, Massacres before and during the Korean War, and human rights abuses during Korea's democratization. There were previous efforts to seek truth and settle past wrongdoings. In 1948, a special law was passed to prosecute Japanese collaborators during Japan's colonial regime, yet it was annulled in 1951. This law is largely acknowledged as unsuccessful. In addition, a large number of those accused of collaborating with the Japanese occupational government were never brought to trial.

Secondly, in the political vacuum after the fall of Syngman Rhee in 1960, the victims' families of the Korean War protested to demand settlement for their grievances. The Korean National Assembly responded by investigating the massacres. However, after the May 16 Military Coup of 1961, the military oppressed those activities and abolished further investigation.

Although during the period of military dictatorships in Korea little attention was given to the truth-finding work in the governmental arena, there were constant movements among civil groups and the public dedicated to rectifying past incidents; the Gwangju Democratization Movement in 1980, the Student Demonstration at Konkuk University in 1987, etc. These are good examples of how people and civil groups continued to pursue the truth even under severe authoritarian repression. In 1995, a valuable lesson was proven with the prosecution and sentencing of two former authoritarian rulers of Korea, Chun Doo-Hwan and Rho Tae-Woo; even successful coups can be punished.

Laws for rectifying the past were passed under the Kim Dae Jung government (1998-2003). On October 17, 2000, then President Kim Dae-Jung inaugurated the Presidential Truth Commission on Suspicious Deaths to investigate the death of citizens opposed to past authoritarian regimes in South Korea. Earlier that year, on January 15, the enactment of the Special Act to Find the Truth about Suspicious Deaths created the commission and established its mandate to investigate deaths upon the request of petitioners, to report its findings and recommendations to the president, and to identify perpetrators of human rights abuses for prosecution.

*How would you compare the investigative powers and missions of the Presidential Truth Commission on Suspicious Deaths (PTC), with its sizable budget and staff, but lack of powers to subpoena, seize, or pardon, to those of the Truth and Reconciliation Commission? Has the lack of investigative powers stymied the Commission?*

Due to insufficient authority, lack of cooperation from other governmental organizations and lack of time, the PTC has not been able to reveal the truth to the fullest possible extent. By undertaking full-scale and thorough reinvestigation of unverified cases of the First Term Commission, the Second Term Commission has verified a further 11 cases as 'suspicious deaths'. The Second Term Commission has concluded a total of 20

cases, including 9 dismissal cases. Through the investigation of individual cases of suspicious death, the Commission has revealed illegal violations of human rights by past authoritarian regimes.

The PTC has brought to light the authoritarian regimes' actual practices of repressing the democratization movement, the abuse of state power and routine infringements of basic civil rights. This has given the government grounds for clarifying Korea's shameful history, and the opportunity to develop the country into a democratic state with a high awareness of human rights.

However, the PTC's investigations were greatly hampered by the negligence of the Military Information Headquarters and the National Intelligence Service in providing materials and documents connected with the deaths, and their prevention of the investigators' from approaching targets to be investigated. Investigations of suspicious deaths were accompanied by many difficulties, which included the fact that state power involved in the deaths may have tried to systematically to hide the real facts, that none of the scenes of the death had been preserved, that some documents and evidence were lost, and that some crucial witnesses had died or had lost their memories.

*I saw on the web site that an MOU was recently signed with Chile in the area of transitional justice. What other nations has the Commission worked with or looked to for guidance? Are there any other nations that the Commission or Korean government has formal agreements with in the realm of transitional justice?*

Many other countries also share similar stories as Korea. Not to mention the countries involved in World War I and II, there are still many countries out there offering exemplary stories in regards to truth-finding work. Among those, we can easily take exemplary cases from South Africa, Chile, Argentina, Peru, Rwanda, Cambodia, Indonesia, Spain, Canada, and the U.S. Our commission tries to build an international alliance to make the truth-finding process easier for the respective nations involved. Currently, we are working toward developing an MOU with Argentina.

*In terms of the proposals for a special pardon, reinstatement, or reduction of penalties, how often are these proposals honored and/or accepted?*

The Commission is only empowered with submitting recommendations in accordance with its findings.

*How does the Commission pursue reconciliation between offenders, victims, and victims' families? Was this a part of the mandate of past truth commissions in Korea?*

Through recommendations, the Commission has assisted in bringing about formal apologies from the government, retrials on previous judicial cases, documentation of historical records, memorial services, etc.

*What are some examples of legal and political reconciliation measures for offenders? What are some examples of measures for national reconciliation and integration?*

After completing each investigation, the Commission concludes whether the truth was verified or not. Every investigation report includes recommendations to the government (the government is ultimately the responsible party for most of the cases filed at the Commission). Common recommendation measures include official apologies from the government, retrials, memorial services, and education about human rights and

sustainable peace, etc.

*In your opinion, would you say that the State has shown respect for Commission proposals and decisions to this point? Are there any guarantees of this?*

To implement recommendations, the Commission submits its findings to the Recommendations Follow-Up Board of the Commission, which is under the Ministry of Public Administration and Security. As of May 2008, a total of 49 findings from the Commission were submitted to the Recommendations Follow-Up Board of the Commission.

*Has the Reconciliation Foundation been established yet? If so, what services and exhibitions have been held?*

The Reconciliation Foundation has not been established yet. The Commission is currently working towards this and expects to see a draft by March 2009.

*What is the role of the Reconciliation Commission? Is there any information as to the scope, power, and organization of this proposed body?*

The Reconciliation Commission was constituted on June 19, 2007 in order to deliberate and resolve issues concerning restoring honor to victims, issuing special pardons for the victims, recommending reinstatements, preventing similar cases from reoccurring, etc.

### 3. Primary Media Coverage of the Commission's Activities

Name	Content	Date
ABC	Korea's Secret Massacre Revealed	May 19, 08
AFP	Seoul begins unearthing brutal past	Jan 26, 08
	Dead give up their secrets in S Korea	Jan 25, 08
	After decades of silence, S. Korea starts unearthing brutal past	Jan 25, 08
	South Korea's president apologies to nation for wartime massacres	Jan 23, 08
Allnewsweb.com	Forgotten South Korean victims of the Cold War	Dec. 9, 08
AP	Children 'executed' in 1950 South Korean killings	Dec. 7. 08
	AP Impact: Truth emerges too late for Kim, Soo-im	Aug 16, 08
	In Korea's 'crying' cave, 100s died in US attack	Aug 4, 08
	AP Impact: Seoul probes civilian 'massacres' by US	Aug 4, 08
	Korean War pilot: 'We're not lily-white'	Aug 3, 08
	Buried truth of Korea killings exposed; Korean War records show U.S. ambivalent during 'brutal chapter'	July 6, 08
	AP Impact: US wavered over S.Korean executions	July 6, 08
	Families tell of Korean War Bloodbath	June 30, 08
	Shooter grew 'speechless' at 1950 Korea killings	May 19, 08
	Thousands killed by US's Korean ally	May 19, 08
	Fear, secrecy kept 1950 Korea mass killings hidden	May 18, 08
	'Forgotten War' yields another secret	Apr 14, 07
	S. Korea to excavate massacre sites	Apr 4, 07
	Asia Times	South Korea and the US at odds
BBC	New evidence of Korean war killings	Aug 22, 08
	Unearthing proof of Korean killings	Aug 19, 08
The Canadian Press	South Korean investigation uncovers truths of a cold-blooded slaughter	May 18, 08
The Christian Science Monitor	Korea's Bid for Truth and Reconciliation	Mar 3, 06

The Chosun Ilbo	Lee team unveils blueprint for slimline government	Jan 17, 08
	Newspaper man cleared 47 years after execution	Jan 17, 08
	Truth Commission rules in scholarship case	May 30, 07
	National Truth Commission starts work on Thursday	Nov 30, 05
	Parties agree on truth commission	May 2, 05
The Daily Telegraph	More than 100,000 massacred by allies during Korean War	Dec 29, 08
	Death squads and mass graves: the full horror of the Korean War, finally unearthed	May 19, 08
	President apologizes for Ulsan massacre	Jan 23, 08
Democracy Now	Interview with Charles J. Hanley	Aug 7, 08
Detroit News	Panel unearths truth of Korean massacre	May 19, 08
The Dong-A Ilbo	Female Korean spy was framed	Sept 18, 08
Far Eastern Economic Review	The True Legacies of Roh and Chen	Mar 14, 08
The Hankyoreh	439 civilians confirmed dead in Yeosu-Suncheon Uprising of 1948	Jan 8, 09
	War victims' rights,	Dec 8, 08
	Fate of S. Korea's truth commissions hangs in the balance	Dec 2, 08
	Lee administration is trying to 'bury all the new history we have learned'	Nov 26, 08
	Conservative March	Nov. 24, 08
	DongA Ilbo and the government are told to apologize for past civil rights violations	Oct 30, 08
	[Editorial] Truth and the spirit of a free press	Oct 30, 08
	[Editorial] Courting the past	Sept 27, 08
	Truth committees face uncertain fate	Sept 4, 08
	Commission urges S. Korea to negotiate with U.S. gov't for restitution and initiate memorial project.	Aug 5, 08
	Civic organization on Yasukuni denied non-profit status	Apr 15, 08
	[Column] Distorting nation	Apr 3, 08
	[Editorial] The historic acquittal of Jo Yong-su	Jan 17, 08
	Truth Commission clears activist and indicts government	Nov 13, 07
Families of eight wrongfully executed political prisoners awarded compensation	Aug 23, 07	

	KAL 858 bombing investigation launches again	July 13, 07
	Waiting for the truth; A missed deadline contributes to a lost history	June 26, 07
	We cannot turn our backs on the unjustly accused	Apr 30, 07
	[Editorial] When will the truth emerge surrounding U.S. troops' killing of civilians?	Apr 16, 07
	The people need to ask for truth regarding massacres	Apr 5, 07
	Gov't to excavate remains from wartime massacre sites	Apr 5, 07
	Findings shed light on dark period of Korean history; Gov't commission reevaluates those punished under Park Chung-hee's 'Emergency Measures'	Jan 25, 07
	20 years later, father still seeks truth in son's death	Jan 15, 07
	[Column] Truth Commission's work has just begun	Dec 7, 06
	1973 Kim Dae-jung kidnapping ordered by KCIA	Aug 3, 06
	New commission must pursue the truth	Dec 1, 05
	[Editorial] The truth, the past, and Jo Bong Am	Aug 13, 05
	Shooting at the truth commission	July 13, 04
International Herald Tribune	Korean war survivors tell of carnage inflicted by U.S.	July 21, 08
	From a brutal past, a South Korean village strives for reconciliation	Feb 19, 08
	South Koreans visit their own killing fields	Nov 21, 07
	Redemption comes too late for many accused during S.Korea's red scare	Mar 10, 07
The Japan Focus	Korea at 60	Sept 1, 08
	The Korean War mass graves	Aug 1, 08
	South Korea, Crimes and Concealment	Aug 1, 08
	Summer of Terror: At least 100,000 said executed by Korean ally of US in 1950	July 23, 08
	The South Korean massacre at Taejon: New evidence on US responsibility and coverup	June 23, 08
	A Small Town Caught in the Cross-fire of the Korean War	Mar 4, 08
	The people's revolutionary party 8	Oct 5, 07
JoongAng Daily	Reopening old wounds or finding the truth?	Dec 10, 08
	35-year-old murder conviction tossed	Nov 29, 08

	New list of Japanese collaborators stirs new anger	Apr 30, 08
	The new government's 'to-do' list is packed full	Feb 25, 08
	Roh apologizes for killings of leftists by a past regime	Jan 25, 08
	Pay bombing victims, U.S. urged	Nov 23, 07
	Truth commission: Reverse conviction	Nov 14, 07
	Agency to seek KAL bombing truth	July 12, 07
Korea Broadcasting System (KBS)	Panel unveils probe results on civilian killingsProf.	Aug 14, 08
	Jose Alvarez Junco, reconociendo a las victimas de injusticias pasadas	Aug 8, 08
	Assembly passes history probe bill	May 3, 05
The Korea Herald	My town's massacre site	Aug 20, 08
	Park decrees undermined justice	Jan 31, 07
	Past wrongdoing probe embarrasses Park	Jan 31, 07
	Past arbitrary rulings hit judges	Jan 30, 07
	Looking back in anger	Aug 4, 04
The Korea Times	'439 Civilians Killed in 1948 massacre'	Jan 9, 09
	Turning Back the Clock	Dec 10, 08
	Search for Truth, Reconciliation	Dec 4, 08
	Reconciliation Commission seeks to build int'l alliance	Oct 14, 08
	Truth Commission chief visits Chile to sign MOU	Aug 8, 08
	Verification of Truth	May 27, 08
	Truth and reconciliation	Apr 30, 08
	Roh apologizes for massacres of 'leftists' in 1950	Jan 24, 08
	Executed Daily head cleared by court	Jan 17, 08
	Newspaper publisher acquitted 47 years after his execution for 'helping North Korea'	Jan 16, 08
	Korea lacks confession culture	Nov 29, 07
	Pardon recommended for activist Jo	Sept 28, 07
	No Gun Ri Coverage and the Associated Press	Dec 11, 08
	GNP leader receives mixed report card	Mar 23, 05
	Uri compromises on past issues	Sept 14, 04
	Uri to set up committee to correct history	Aug 1, 04
	Laying to rest ghosts of Korea's dark past Facing the past	May 24, 04 Dec. 09, 08
Korea at 60	Sept 1, 08	

Kyunghyang Daily News		
The News-Herald	Wars underscore the need for a free press	May 25, 08
The New York Times	South Korea Says U.S. Killed Hundreds of Civilians	Aug 3, 08
Ohmy News	South Korea: Burying the Past in the Present	Jan.22, 09
The Seoul Times	Korea's bid for truth and reconciliation; Probe starts for past wrongdoing, abuses of power	Dec 21, 07
South China Morning Post	Facing up to the past in S Korea	Jan 6, 08
Süddeutsche Zeitung	The fear of their own history	Apr 21, 08
	Die Vermessung verschwiegener Verbrechen	Sept 6, 08
The Sydney Morning Herald	South Korea owns up to brutal past	Nov.15, 08
Taipei Times	Dead give up their secrets in S. Korea	Jan 25, 08
The Times	The true story of Kim Soo-im, a passionate Korean 'spy'	Aug 21, 08

#### 4. Web Sites of Other Truth Commissions: Home and Abroad

ORGANIZATIONS	HOME PAGES
Austrian Research Centre for Post-war Trials	<a href="http://www.nachkriegsjustiz.at/">www.nachkriegsjustiz.at/</a>
Bereaved Family Union of Goyang Geumjeong-gul Massacre (S.Korea)	<a href="http://haxalg.y.jinbo.net/bbs/zboard.php?id=gjandno=68">http://haxalg.y.jinbo.net/bbs/zboard.php?id=gjandno=68</a>
Busan Democratic Memorial Association (S.Korea)	<a href="http://www.ohminju.or.kr/main/index.asp">http://www.ohminju.or.kr/main/index.asp</a>
Canadian Center for Victims of Torture	<a href="http://www.ccvr.org/">http://www.ccvr.org/</a>
CIMON WIESENTHAL CENTER	<a href="http://www.wiesenthal.com/">www.wiesenthal.com/</a>
Commission for Reception, Truth and Reconciliation in East Timor	<a href="http://www.cavr-timorleste.org/">http://www.cavr-timorleste.org/</a>
CSVr (Centre for the Study of Violence and Reconciliation)	<a href="http://www.csvr.org.za">www.csvr.org.za</a>
Dasan Human Rights Center (S.Korea)	<a href="http://rights.or.kr/new/">http://rights.or.kr/new/</a>
Democracy Park of Korea	<a href="http://www.demopark.or.kr/en/">http://www.demopark.or.kr/en/</a>
Memorial to the Murdered Jews of Europe	<a href="http://www.holocaust-mahnmal.de/en">http://www.holocaust-mahnmal.de/en</a>
Documentation Center of Cambodia	<a href="http://www.dccam.org">www.dccam.org</a>
Dr. Gregory H. Stanton, President	<a href="http://www.genocidewatch.org">www.genocidewatch.org</a>
Estonian International Commission for Investigation of Crimes Against Humanity	<a href="http://www.historycommission.ee/">www.historycommission.ee/</a>
European Court of Human Rights	<a href="http://www.echr.coe.int/echr/Homepage_EN">http://www.echr.coe.int/echr/Homepage_EN</a>
Extraordinary Chambers in the Courts of Cambodia	<a href="http://www.eccc.gov.kh">www.eccc.gov.kh</a>
Memorial and Human Rights Center	<a href="http://falstadsenteret.no/engtemp.htm">http://falstadsenteret.no/engtemp.htm</a>
Fedefam	<a href="http://www.desaparecidos.org/fedefam/">www.desaparecidos.org/fedefam/</a>
Freedom House	<a href="http://www.freedomhouse.org/template.cfm?page=1">http://www.freedomhouse.org/template.cfm?page=1</a>
Genocide and Resistance Research Centre of Lithuania	<a href="http://www.genocid.lt/centras/en/">http://www.genocid.lt/centras/en/</a>
House of Sharing (Comfort Women; S. Korea)	<a href="http://www.nanum.org/eng/index.html">http://www.nanum.org/eng/index.html</a>
Indian Residential School Truth and Reconciliation Commission	<a href="http://www.trc-cvr.ca/historicalintroen.html">http://www.trc-cvr.ca/historicalintroen.html</a>
INSTITUTE FOR JUSTICE AND RECONCILIATION	<a href="http://www.ijr.org.za/">www.ijr.org.za/</a>
International Center for Transitional Justice	<a href="http://www.ictj.org/en/index.html">http://www.ictj.org/en/index.html</a>

Iraq Foundation	<a href="http://www.iraqfoundation.org/">http://www.iraqfoundation.org/</a>
Khulumani; a support group, a social movement, a strong voice (South Africa)	<a href="http://www.khulumani.net/">http://www.khulumani.net/</a>
Korea Democracy Foundation	<a href="http://www.kdemocracy.or.kr/sub_01/engsub_01.asp">http://www.kdemocracy.or.kr/sub_01/engsub_01.asp</a>
Mauthausen memorial KZ-Gedenkstatte	<a href="http://www.mauthausen-memorial.at/index_open.php">http://www.mauthausen-memorial.at/index_open.php</a>
MEMORIAL AND MUSEUM AUSCHWITZ-BIRKENAU	<a href="http://www.auschwitz.org.pl/">http://www.auschwitz.org.pl/</a>
Memorial and Museum Sachsenhausen	<a href="http://www.stiftung-bg.de/gums/en/index.htm">http://www.stiftung-bg.de/gums/en/index.htm</a>
MINBYUN (Lawyers for a Democratic Society; S. Korea)	<a href="http://minbyun.org/">http://minbyun.org/</a>
Museum of the History of Polish Jews	<a href="http://www.jewishmuseum.org.pl/">http://www.jewishmuseum.org.pl/</a>
National Association of Professors for Democratic Society	<a href="http://www.professornet.org/">http://www.professornet.org/</a>
National Commission for Forced Disappearances, Argentina	<a href="http://www.mundoandino.com/Argentina/National-Commission-on-the-Disappearance-of-Persons">http://www.mundoandino.com/Argentina/National-Commission-on-the-Disappearance-of-Persons</a>
National Human Rights Commissions of Korea	<a href="http://www.humanrights.go.kr/english/index.jsp">http://www.humanrights.go.kr/english/index.jsp</a>
Nation's Memory Institute of Slovak Republic	<a href="http://www.upn.gov.sk/">www.upn.gov.sk/</a>
North East Asian History Foundation (S.Korea)	<a href="http://english.historyfoundation.or.kr/MA/">http://english.historyfoundation.or.kr/MA/</a>
Northern Ireland Human Rights Commission	<a href="http://www.nihrc.org/">http://www.nihrc.org/</a>
The Austrian Reconciliation Fund	<a href="http://www.reconciliationfund.at/index.php">http://www.reconciliationfund.at/index.php</a>
State Museum at Majdanek	<a href="http://www.majdanek.pl/">http://www.majdanek.pl/</a>
People's Alliance (S. Korea)	<a href="http://www.peoplepower21.org/">http://www.peoplepower21.org/</a>
Presidential Commission on Suspicious Deaths in the Military	<a href="http://truthfinder.go.kr/">http://truthfinder.go.kr/</a>
Rally for the Return of Refugees and Democracy in Rwanda (RDR)	<a href="http://www.rdrwanda.org/">http://www.rdrwanda.org/</a>
Robert F. Kennedy Memorial: Center for Human Rights	<a href="http://www.rfkmemorial.org/">http://www.rfkmemorial.org/</a>
The Arab Association for Human Rights	<a href="http://www.arabhra.org/HRA/Pages/Index.aspx?Language=2">http://www.arabhra.org/HRA/Pages/Index.aspx?Language=2</a>
The Avalon Project at Yale Law School.	<a href="http://avalon.law.yale.edu/subject_menus/imt.asp">http://avalon.law.yale.edu/subject_menus/imt.asp</a>
The Buchenwald und Mittelbau-Dora/Memorials Foundation	<a href="http://www.buchenwald.de/">http://www.buchenwald.de/</a>
The Equity and Reconciliation Commission, Morocco	<a href="http://www.ier.ma/">http://www.ier.ma/</a>
The Independence Hall of Korea	<a href="http://www.i815.or.kr/EN/">http://www.i815.or.kr/EN/</a>

The Institute of Korean Historical Studies	<a href="http://www.kistory.or.kr/">http://www.kistory.or.kr/</a>
The Institute of National Remembrance	<a href="http://www.ipn.gov.pl/">www.ipn.gov.pl/</a>
THE INTERNATIONAL ASSOCIATION OF GENOCIDE SCHOLARS	<a href="http://www.genocide.ba">www.genocide.ba</a>
The International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania	<a href="http://www.komisija.lt/en/">http://www.komisija.lt/en/</a>
The International Council on Human Rights Policy	<a href="http://www.ichrp.org/">http://www.ichrp.org/</a>
The Investigative Commission on Japanese Collaborators' Property	<a href="http://www.icjcp.go.kr/en/greetings.htm">http://www.icjcp.go.kr/en/greetings.htm</a>
The Korean Council for the Women Drafted for Military Sexual Slavery by Japan	<a href="http://www.womenandwar.net/english/index.php">http://www.womenandwar.net/english/index.php</a>
The Library of Congress	<a href="http://www.loc.gov/">www.loc.gov/</a>
THE NATIONAL ARCHIVES	<a href="http://www.archives.gov/">www.archives.gov/</a>
The National Commission for Truth and Reconciliation Report (Retting Report; Chile)	<a href="http://www.usip.org/library/tc/doc/reports/chile/chile_1993_foreward.html">http://www.usip.org/library/tc/doc/reports/chile/chile_1993_foreward.html</a>
The National Committee for Investigation of the Truth about the Jeju April 3 Incident	<a href="http://www.jeju43.go.kr/english/index.html">http://www.jeju43.go.kr/english/index.html</a>
The Presidential Committee for the Inspection of Collaborations for Japanese Imperialism	<a href="http://www.pcic.go.kr:8088/pcic/english.htm">http://www.pcic.go.kr:8088/pcic/english.htm</a>
The South African Truth and Reconciliation Commission (Videotape collection at Yale Law School Lillian Goldman Library)	<a href="http://www.law.yale.edu/trc/index.htm">http://www.law.yale.edu/trc/index.htm</a>
The Truth and Reconciliation Commission, Peru	<a href="http://www.cverdad.org.pe/ingles/pagina01.php">http://www.cverdad.org.pe/ingles/pagina01.php</a>
The Truth and Reconciliation Commission, Sierra Leone	<a href="http://www.trcsierraleone.org/drwebsite/publish/index.shtml">http://www.trcsierraleone.org/drwebsite/publish/index.shtml</a>
The United Nation Office of the High Commissioner for Human Rights	<a href="http://www.ohchr.org/EN/Pages/WelcomePage.aspx">http://www.ohchr.org/EN/Pages/WelcomePage.aspx</a>
The World Press on the 1956 Revolution	<a href="http://www.rev.hu/rev/">www.rev.hu/rev/</a>
Truth and Reconciliation Commission	<a href="http://www.doj.gov.za/trc/">www.doj.gov.za/trc/</a>
Truth Commission on Forced Mobilization under the Japanese Imperialism, Republic of Korea	<a href="http://www.gangje.go.kr/en_index.asp">http://www.gangje.go.kr/en_index.asp</a>
United States Holocaust Memorial Museum	<a href="http://www.ushmm.org/">www.ushmm.org/</a>
United States Institute of Peace	<a href="http://www.usip.org/index.html">http://www.usip.org/index.html</a>
Yad Vashem The Martyrs' and Heroes' Remembrance Authority	<a href="http://www.yadvashem.org/">www.yadvashem.org/</a>
National Archives of Japan	<a href="http://www.archives.go.jp/english/index.html">http://www.archives.go.jp/english/index.html</a>
National Diet Library	<a href="http://www.ndl.go.jp/en/index.html">http://www.ndl.go.jp/en/index.html</a>

## GLOSSARY

과거사정리, 과거청산 過去事正理, 過去清算  
settling the past, settlement of the past, dealing with the past,  
liquidation of past wrongdoings

국제협력, 國際協力  
International Cooperation, International Networking, International Public Relations

기각, 棄却, dismissed

발굴, 發掘, exhumation

사전조사, 事前調查, Pre-investigation, Preliminary Investigation

소위원회, 小委員會, Sub-commission

신청인, 申請人, petitioner, applicant

보도연맹, 保導聯盟  
Bodo League, National Guidance Alliance,  
Kookminbodoyeonmaeng (National Guidance Alliance),  
National Rehabilitation and Guidance League

보류, 保留, reservation

유해, 遺骸, remains

위원장, 委員長, President, Chairperson

이송, 移送, transferred

적대세력, 敵對勢力  
the group which oppose the ROK,  
the group which oppose legitimacy of the ROK,  
the group which oppose the ROK's constitution, leftists, the leftwing

직권조사, 職權調查  
Ex-officio investigation, Commissioners decided to investigate

전원위원회, 全院委員會, Commissioners' Meeting

진실규명, 眞實糾明, verified, truth verification, truth ascertain, decision

진실규명불능, 眞實糾明不能, unverified

집단희생, 集團犧牲

Massacres, Civilian Massacres, Massacres

취하, 取下, withdrawal

해외동포사, 海外同胞史

History of Overseas Korean, History of Koreans Overseas

Truth and Reconciliation  
Activities of the Past Three Years

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