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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, on his visit to the Republic of Korea**

**Comments by the State\***

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\* The present document is being issued without formal editing.



# **Comments of the Government of the Republic of Korea on the Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-recurrence**

## **1. Introduction**

1. The government of the Republic of Korea is pleased to have had a constructive dialogue with the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence during his visit in June 2022.
2. The government of the Republic of Korea is grateful to the Special Rapporteur for his recognition of its efforts to make progress in adopting a legal framework to address the serious human rights violations committed in the past and establishing truth seeking and memorialization process.
3. The current administration which started in May 2022 has taken an active stance on human rights issues, including the promotion of truth, justice, reparation, and guarantees of non-recurrence, based on its strong emphasis on universal values and norms. It will continue its efforts for the promotion of human rights by working closely with the human rights mechanisms, including the UN Special Procedures.
4. The government of the Republic of Korea thanks the Special Rapporteur for the opportunity to comment on his report and would like communicate its views and additional information on the issues mentioned in the draft report.

## **2. Overall Measures to promote truth, justice, reparation and non-recurrence**

### **A. Joining the Convention for the Protection of All Persons from Enforced Disappearance**

5. In January 2023, the government of the Republic of Korea acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (CED), one of the core international human rights instruments of the United Nations.

### **B. Amendment of the Criminal Code to include a definition of torture**

6. All forms of torture and cruel acts can be punished under the current law. Article 125 of the Criminal Act (Violence and Cruel Act) specially includes the elements of the crime to ensure the right not to be tortured under the Constitution (Article 12(2)) and specifically intends to punish human rights violations with cruel acts including violence and torture, in particular those committed by public officials in investigation agencies. Here “violence” refers to the “exercise of physical force against a body,” and does not have to be direct exercise of physical force against a person. “Cruel acts” cover all acts that afflict psychological and physical pain through means other than violence.

### **C. Request for *Ex Officio* Retrial on the Past Human Rights Violation Cases**

7. The government of the Republic of Korea has laid the judicial foundation for the retrials of the victims of past human rights violation cases. With regard to criminal cases, the victims may request *ex officio* retrial pursuant to the Article 420, Article 422 of the Criminal Procedure Act as such.

The government has also enacted laws, and established and operated commissions to seek the truth and restore the honor of the victims of grave human rights violations committed with anti-democratic or inhuman acts. The government enacted the *Framework Act on Settling the Past History for Truth and Reconciliation*, the *Special Act on the May 18 Democratization Movement*, the *Act on the Honor Restoration of and Compensation to Persons Related to Democratization Movements*, the *Special Act on Discovering the Truth of the Jeju April 3 Incident and the Restoration of Honor of Victims*, etc. and established and operated the Truth and Reconciliation Commission, the May 18 Democratization Movement Truth Commission, the Presidential Commission on Suspicious Deaths, etc. The Ministry of Justice has actively supported enacting the above laws and filed for *ex officio* retrials per the Commission's recommendations.

8. In particular, as for the Jeju April 3rd Incident, the *Special Act on Discovering the Truth of the Jeju April 3 Incident and the Restoration of Honor of Victims* (hereafter abbreviated as the "Special Act") was comprehensively amended on February 26, 2021, to newly insert a provision on the special grounds for retrial to enable them to file for a retrial even without an official ruling given the characteristics of the victims thereof, have the Jeju April 3rd Committee recommend the Minister of Justice to file for *ex officio* retrials, and ensure the Minister takes the relevant measures.

9. In accordance with the above amendment, the Ministry of Justice and the Supreme Prosecutors' Office established the "Joint Execution Group on Recommendation of Ex Officio Retrial of April 3rd Jeju Incident" at the Gwangju High Prosecutors' Office in November 2021. The Joint Execution Group applied for *ex officio* retrials for 941 persons convicted by the military court from February to May 17, 2023, and 821 persons were acquitted. On August 10, 2022, the Ministry of Justice and the Supreme Prosecutors' Office expanded the scope of the inmates eligible for the request for *ex officio* retrials by conducting retrials not only for those convicted by the military courts but general courts, which are not specified in the Special Act, and afterwards until May 11, 2023 applied for *ex officio* retrials for 20 who were convicted by general courts, all for the restoration of honor and remedy for the inmates and their bereaved families.

10. The government has actively filed for *ex officio* retrials on past human rights violation cases, and the current status of *ex officio* retrials on the major human rights violation cases of the past is as follows (as of May 17, 2023 / unit: person[s]).

Categories	Acquittal	Pending	Others (Withdrawal/Dismissal)	Total
Truth and Reconciliation Commission	30			30
<b>Violation of Emergency Measures</b>	217	1		218
<b>5·18 Democratization Movement-related incidents</b>	178	4	4 (withdrawal) and 1 (dismissal)	187
<b>Buma Democratic Uprising-related incidents</b>	6		3 (dismissal)	9
<b>Violation of the Martial Law Act in 1972</b>	119		1 (withdrawal)	120
<b>April 3<sup>rd</sup> Jeju Incident</b>	821	120		941
<b>Fishermen abducted to North Korea and returned</b>	15			15
<b>Total</b>	1,386	125	9	1,520

11. In particular, the Supreme Prosecutors' Office gave an instruction to actively carry out the honor restoration processes for those convicted or had indictment suspended in order to restore the honor of those involved in the May 18th Democratization Movement. In February 2021, regarding the case where the military prosecution or the prosecution suspended indictment based on the admission of charges by defendants, it changed the disposition to "not guilty", recognizing the action at issue as a "legitimate act to defend the

constitutional order”. Since then, it has changed the disposition regarding 86 people in total as of May 14, 2023 and applied for *ex officio* retrials for a total of 187 people who had been convicted.

12. On May 16, 2023, the Supreme Prosecutors’ Office also identified illegal detention of 100 “abducted and returned fishermen” who were kidnapped while working in the East Sea in 1968 and upon return were convicted of violating anti-communist law, among others. The Office instructed five prosecutors’ offices across the country that have jurisdictions to initiate an application process for *ex officio* retrials. So far a total of 15 people have been acquitted through the *ex officio* retrial of fishermen abducted and returned.

**D. Establishment of an accountability process or prosecution strategy to ensure the investigation, prosecution and sanction against the perpetrators of grave human rights violations**

13. The government has put in place measures to prevent human rights violations by state agencies during security investigations by stipulating special penalties in the National Security Act for cases where public officials with criminal investigation or intelligence duties abuse their authority to commit false accusation or perjury or falsify, destroy or conceal evidence regarding the crimes under the National Security Act. In addition, the Assembly and Demonstration Act provides for aggravated punishment of military personnel, prosecutors or police officers who interfere with lawful assemblies and demonstrations, to actively ensure the freedom of assembly and association and prevent human rights violations committed by state agencies during the process. The government will actively apply the aforementioned provisions to serious human rights violations that occur during public investigations and carry out investigations to thoroughly identify illegal acts and impose punishment commensurate with responsibility.

**E. Adoption of legislation or other measures to implement a shift in burden of proving damages from an illegal act in tort claims**

14. When claiming damages caused by illegal acts, the burden of proving damages falls under the claimant in principle. It is a major principle of civil law, both at home and abroad, since Roman law that the burden of proving damages shall fall under the plaintiff in all tort and default actions, let alone state compensation cases. It is realistically difficult for a party with less relevance to a fact to prove its non-existence, instead of a party in a close relationship to it proving its existence. Therefore, shifting the burden of proof for all state compensation cases must be carefully reviewed. However, in the civil cases of past human rights violations where compensation for damages is claimed against the state, the investigation reports of the Truth and Reconciliation Commission are generally used as strong evidence, as long as there are no special circumstances.

**F. Elimination of Statute of Limitations on the Crimes against Humanity for Justice**

15. In 2007, the *Act on Punishment of Crimes under Jurisdiction of the International Criminal Court* was enacted to exclude the application of the provisions on the prescription for public prosecution and sentence to “crime of genocide,” “crime against humanity,” “war crimes,” etc.

16. In 2011, the *Act on Special Cases Concerning the Punishment of Sexual Crimes* was amended that in cases of sexual crimes such as rape committed against minors under the age of 13 or persons with physical or mental disabilities, the prescription of public prosecution shall not apply, or the application thereof shall be extended or halted.

17. In 2015, the *Criminal Procedure Act* was amended to exclude the application of prescription for public prosecution to “a crime of killing a person.”

18. The enactment of the *Special Act on the Exclusion of the Statute of Limitations on the Crimes against Humanity* in July 2020 was proposed not to apply the statutes of limitations on the crimes against humanity and to stipulate the grounds for a retrial; and the enactment of the *Special Act on the Exclusion of the Statute of Limitations on the Crimes against Humanity* was proposed in November 2022, which does not apply the statute of limitations to state crimes against humanity, etc. The government will support legislative discussion in the National Assembly.

### **G. Elimination of Long-term Extinctive Prescription on the State Compensation of the Cases of Past Human Rights Violations**

19. The Constitutional Court decided in August 2018 that the long-term extinctive prescription (objective limitation period) shall not apply to serious human rights violations, and the Supreme Court recognized and reflected the decision of the Constitutional Court in relevant trials. The Ministry of Justice takes measures to ensure that relevant government agencies involved in litigation for state compensation respect the above decisions of the Constitutional Court and Supreme Court to prevent a situation where the victims of serious human rights violations cannot fully exercise their rights due to long-term extinctive prescription.

### **H. Measures to ensure prompt redress for victims of Past Human Rights Violations**

20. In cases of past human rights violations, there was a lack of standards, and the amount of compensation recognized in each case was different, even if there had been a judgment on compensation by the court. To counter this issue, the Ministry of Justice has organized the appropriate range of compensation fees by investigating and analyzing the precedents of past human rights violations. As a result, the so-called “fast track” procedures for past human rights violation cases were enacted in January 2018. If the amount of compensation recognized by the court is within the range of appropriate compensation mandated by the “fast track” procedures, the State shall not appeal against the amount of compensation, and the judgment is finalized at an early stage so that the victims can promptly seek a remedy.

### **I. Legal Aid**

21. The victims of past human rights violations are also eligible for legal aid under the applicable provisions of the Legal Aid Act, etc. through the Korea Legal Aid Corporation (affiliated organization under the Ministry of Justice) when they meet certain requirements such as income standards. Cases of retrials and state compensation can also be supported if they meet the requirements.

### **J. Activities of the Special Committee on Past Human Rights Violations by the Prosecution**

22. From December 2017 to May 2019, the Special Committee on Cases of Past Human Rights Violations by the Prosecution was active for fact-finding investigation, prevention of recurrence, and damage restoration regarding cases where human rights violations or abuse of power by the prosecution in the past were suspected.

23. Based on the deliberation of the Committee and the preliminary investigation of the Fact-Finding Investigation Taskforce of the Supreme Prosecutors’ Office, 15 individual cases and two cases of institutional problems in need of improvement (the publication of the facts about suspected crimes and representation without the submission of a letter of appointment) were selected as the subjects of investigation.

24. Through the Fact-Finding Investigation Taskforce of the Supreme Prosecutors’ Office, the Committee conducted a wide range of investigations, including various related

materials such as investigation and trial records, media reports and testimonies, as well as face-to-face interviews of prosecutors, investigators and witnesses.

25. The Committee worked for about a year and a half, beyond the initial six-month period, holding 57 meetings based on the findings of the aforementioned Fact Finding Investigation Taskforce of the Supreme Prosecutor's Office and presenting its findings and recommendations.

26. The recommendations of the Committee have been faithfully implemented, e.g., prosecuting cases where investigations were not sufficiently conducted (such as the bribery case of the former Vice Minister Kim) through prosecutorial investigations. The Prosecutor General expressed the intention of apology regarding the eight cases for which the Committee recommended the Prosecutor General to give an apology to (including cases of conveying apologies to the victims who died from police torture and their bereaved families); and the prosecutors filed for an emergency appeal against the final decision in the case of human rights violations in detention facilities (Brother Welfare Center case). The system was improved to prevent recurrence (the investigative review boards to ensure prosecutorial neutrality, improvement in appeals procedures, etc.).

## **K. Education on Human Rights**

27. The government has continued to provide human rights training with high expertise and suitability to the public officials responsible for legal administration to functionally support enhancing the trust in the government's exercise of public authority, a prerequisite for establishing the law and order of the state. Human rights violations would be prevented by training the public officials responsible for legal administration in human rights and cultivating their human rights awareness.

28. Human rights awareness training was provided to the public officials of the Ministry of Justice responsible for prosecution, correction, detention and immigration during a two-night and three-day camp. Internal human rights instructors of each job category with rich field experience gave training using in-house materials developed by the Human Rights Bureau, which covered understanding human rights, overcoming discrimination and human rights action plans.

29. The Institute of Justice is providing judicial and prosecution officials with continuous human rights training every year to enhance their understanding of human rights and raise human rights awareness. In particular, it has prioritized the training of correctional officials on measures to better protect human rights and prevent human rights violations, using the example of human rights recommendation.

30. One-day 1:1 tailored training for prosecutors and investigators was provided to prevent abusive words, behaviors and attitudes which may occur during investigation and raise their human rights awareness. A mock interrogation of a suspect with an actor playing the role of a suspect was video recorded, after which a communication professional provided feedback.

31. External human rights instructors who had been appointed among figures in academia, media and legal profession visited institutions to provide one-day training to those at the frontline agencies among the public officials of the Ministry of Justice of all job categories to incorporate advanced human rights awareness of academia and the civil society into the practices of legal administration.

32. Instructors from the Human Rights Investigation Division of Ministry of Justice provide human rights training to the trainees of the Institute of Justice.

	No. of Training	No of Trainee
2018	233	10,720
2019	252	11,819
2020	109	5,051
2021	159	7,017
2022	178	7,651
Total	925	42,258

## L. Access to Human Rights Records

33. Securing human rights records is essential to verify facts and establish truth. The government manages and preserves records in accordance with the Public Records Management Act and discloses information in accordance with the Official Information Disclosure Act. The relevant ministries submit materials needed for investigations related to human rights violations conducted by external agencies, such as the Truth and Reconciliation Commission and the May 18 Democratization Movement Truth Commission, in accordance with relevant legislations and ordinances.

34. In accordance with the Framework Act on Settling the Past for Truth and Reconciliation, the Truth and Reconciliation Commission is doing its best to establish truth by receiving materials from relevant government organizations. Pursuant to Articles 23 and 33 of the Framework Act, the Truth and Reconciliation Commission may request relevant organizations to submit records necessary for establishing truth, and those organizations are obliged to cooperate in the submission of records.

## 3. Forced Mobilization

### Legislation

35. Legislations related to compensation (The Ministry of Finance at the time was in charge) are as follows:

- The Act on the Operation and Management of the Claims Fund was enacted in February 1966. It stipulated general matters of the claims fund (including some grounds for civil compensation).
- The Act on Reporting Civil Claims against Japan was enacted in January 1971; Subject of report are victims of forced mobilization and forced conscription who are dead or who possess property rights; Reporting period is May 21, 1971 - March 20, 1972 (10 months); Registration agency is 30 tax offices nationwide
- The Act on Compensation for Civil Claims against Japan was enacted in December 1974; Compensation period: July 1, 1975 - June 30, 1977 (2 years); Paying institutions: 38 financial institutions (The Act on Compensation above was repealed by the National Assembly in December 1982.)

36. Legislations for the investigation into the victims of forced mobilization and support are as follows:

- The Special Act on the Investigation of Victims of Forced Mobilization under Japanese Occupation was enacted on March 5, 2004 and was repealed on March 22, 2010. (Committee to Investigate the Victims of the Japanese Occupation of Korea)
- The Act on Assistance to Victims of Overseas Forced Mobilization Before and After the Pacific War was enacted on December 10, 2007 and was repealed on March 22, 2010. (Pacific War Victims of Forced Mobilization Assistance Committee)

37. The Special Act on Verification and Support for the Victims of Forced Mobilization under Japanese Colonialism in Korea was enacted and implemented on March 22, 2010, which established Commission on Verification and Support for the Victims of Forced Mobilization Under Japanese Colonialism in Korea

### **Official Apology**

38. Japan expressed apology and remorse to the entire Asian region for colonization and aggression through Prime Minister Murayama's "World War II 50th Anniversary Address" in 1995. In 1998, President Kim Dae-jung and Prime Minister Obuchi issued the "Joint Declaration on a New Korea-Japan Partnership towards the 21st Century," through which Japan expressed deep remorse and heartfelt apology for the colonial rule over Korea. On March 16 and May 7, 2023, on the occasion of the ROK-Japan Summit, Prime Minister Kishida confirmed the inheritance of the historical awareness of the previous cabinets, including the Kim Dae-jung and Obuchi Declaration. At the joint press conference of the ROK-Japan Summit on May 7, Prime Minister Kishida also said, regarding the victims of forced mobilization, "My heart hurts as many people suffered such difficulty and grief under the harsh environment at the time".

### **Compensation**

39. From 1975 to 1977, compensation for life and personal injury was provided through the Act on Compensation for Civil Claims against Japan. Compensation for life (those deceased from forced mobilization) is 300,000 won per person. The amount was set in accordance with the compensation for local reserve soldiers who died while supporting counter-espionage operations in 1974.; Property compensation (deposits, insurance, bonds, etc.): 30 won per 1 yen reported.

40. In 2005, the Joint Public-Private Commission determined that the compensation for the victims of forced mobilization in the past was insufficient and that the government had a moral responsibility to provide additional support to the victims.

41. The Special Act on Verification and Support for the Victims of Forced Mobilization under Japanese Colonialism in Korea was enacted in 2010 and compensation, unclaimed support fund, and medical expenses, among others, were provided. Compensation (the dead and missing people) is 20 million won per person. The amount was calculated by considering the level of compensation that Japan has provided out of moral responsibility to the victims of forced mobilization in the other ex-colonies, as well as similar cases in other countries.

42. From 1988 to 1995, Japan paid 2 million yen per Taiwanese soldier who died or suffered severe disability while serving in the military. In addition, from 1989 to 1993, the United States paid \$20,000 per person to Japanese American survivors of internment during World War II. Injury disability is 3 million won to 20 million won (depending on the level of disability). Unclaimed support fund: 1 yen is converted to 2,000 won. Medical support: 800,000 won per year.

### **Commemoration**

43. Since 2016, the National Memorial Service for the Victims of Forced Mobilization has been held annually to commemorate the victims' souls, comfort the grief of the bereaved families, and contribute to national reconciliation and social integration through the recognition of the historical significance of forced mobilization and the participation of the bereaved families and citizens.

44. It was held regularly at the History Museum each year as the largest event in the country (7 times since 2016).

- Location: Memorial Park, National Memorial Museum of Forced Mobilization under Japanese Occupation (100 Honggok-ro 320beon-gil, Nam-gu, Busan, Korea)

- Time: Around September and October each year, 13:00-15:00
- Highlights: eulogies, offering of flowers and incense, memorial performances, etc.

### **Truth-seeking efforts**

45. In accordance with Article 12 of the Special Act on the Investigation of Victims of Forced Mobilization under Japanese Occupation, the Committee for the Investigation of Victims of Forced Mobilization under Japanese Occupation established in 2004 has received reports of damage and conducted investigations in three rounds since February 2005; The first round of registration (February 1 - June 30, 2005); the second round (December 1, 2005 - June 30, 2006), the third round (April 1 - June 30, 2008) The total number of the damage reports received was 228,126 cases, and the number of cases where the victim was found was 218,639 cases (withdrawal, duplicated reports, determination being impossible, etc. occurred.)

## **4. Victims of “Comfort Women”**

46. The Korean government is working to “restore honor and dignity of the victims and heal their psychological wounds,” recognizing the 2015 Agreement between Korea and Japan on the issue of “comfort women” as the official agreement between the two countries.

### **Legislation**

47. The *Act on Livelihood Stability and Memorial Services, etc., for the “Comfort Women” Victims by the Imperial Japanese Army* was enacted in 1993. The Act aims to protect and support victims, help stabilize their livelihood and promote welfare, restore their honor through commemorative projects, investigate the truth, and contribute to advancing human rights.

### **Official Apology**

48. Japanese Cabinet Secretary Yohei Kono publicly apologized in 1993 for the Japanese military’s direct and indirect involvement in the establishment and management of the comfort stations and the transfer of comfort women. He admitted that in many cases, they were recruited against their will, through coaxing, coercion, and other means, and that administrative/military personnel were sometimes directly involved in recruitment. Meanwhile, the victims continue to demand that the Japanese government issue an official apology and accept legal responsibility.

### **Compensation**

49. The Ministry of Gender Equality and Family of the Republic of Korea has been providing various support to the victims for their livelihoods and stability. Financial assistance for living stability is currently 1,707,000 KRW as of 2023, which was increased by 5% from last year's figure, 1,626,000 KRW; average monthly care costs per person have increased by 7.9%, from 2,898,000 KRW to 3,126,000 KRW this year.

### **Commemoration**

50. In 2018, the Ministry of Gender Equality and Family designated August 14 as National Memorial Day for "comfort women" victims. The Ministry has been holding a commemoration ceremony since then to raise public awareness of the "comfort women" issue domestically and internationally and to promote its importance in civil society. The government also introduced the first national monument at the National Mang-Hyang Cemetery in 2018 to remember and honor the victims.

## **Prosecution and Punishment**

51. There have been difficulties in identifying the perpetrators who committed atrocities on the “comfort women” victims during World War II because it is a complex issue that involves the collective responsibility of the Japanese imperial army and the individual responsibility of the Japanese soldiers who committed crimes.

## **Truth-seeking efforts**

52. As part of the Korean government’s efforts, an inter-governmental task force organized by the Ministry of Foreign Affairs was established on January 24, 1992, with the participation of 17 ministries.

53. In 2017, the Ministry of Gender Equality and Family published a report on the “Comfort Women” issue in the Japanese military. This report comprehensively summarized historical facts and actual conditions of the Japanese military “comfort women” system. It also described the efforts of the Korean government and civil society to resolve the issue, as well as the political process of how the Korean and Japanese governments addressed the issue.

54. In August 2018, the Research Institute of Japanese Military Sexual Slavery was established to conduct systematic investigations and research on the Japanese military's "comfort women" issue and improve public understanding of the issue. It is currently working on a number of projects involving the collection, translation, and analysis of documents, such as official Japanese government documents and National Assembly records. It also publishes research reports and operates the "Archive 814" digital archive ([www.archive814.co.kr](http://www.archive814.co.kr)), which plays a critical role in raising awareness of the "comfort women" issue as a universal women's rights issue, through the dissemination of the archived materials.

## **5. Civilian Casualties from the Korean War**

### **Legislation**

55. Based on the Framework Act on Settling Past History for Truth and Reconciliation, the Truth and Reconciliation Commission is conducting fact-finding investigations.

### **Official Apology**

56. Following the fact-finding by the first Truth and Reconciliation Commission, the commission’s recommendation of apology by the state has been implemented. When local governments held memorial services, a video message from the President was delivered or nearby commanders read a written apology of the Minister of National Defense on the Minister's behalf.

### **Compensation**

57. As there is no special law on compensation, victims currently seek compensation by individually filing state compensation lawsuits.

### **Commemoration**

58. Local governments hold memorial services in cooperation with the Bereaved Families Association. The Korean government supports the budget related to the memorial services, and memorial parks for the victims are currently under construction by the government (the Ministry of the Interior and Safety is in charge, and it is expected to be completed by 2024.).

## Truth-seeking efforts

59. The first Truth and Reconciliation Commission conducted fact-finding of individual cases, and the second Truth and Reconciliation Commission has also received multiple reports and is currently conducting fact-finding.

## 6. Human Rights of Adoptees in Inter-country Adoption

### Legislation

60. The government started to publicly engage with intercountry adoptions since the family court's approval is required to adopt a child from overseas, in accordance with the amendments made to the *Special Adoption Act* in 2012. Following this decision, the Republic of Korea joined the Hague Convention on Protection of Children and Cooperation in Request of Intercountry Adoption. To ratify the Convention, the government has endeavored to introduce relevant domestic laws, submitting motions to the National Assembly to amend the *Special Adoption Act* and adopt the *Intercountry Adoption Act*.

### Official Apology

61. In 1998, President Kim Dae-jung invited intercountry adoptees to the Blue House and apologized for the situation when the state could not protect children in need of protection and sent them overseas. The Minister of Health and Welfare Kim Geun-tae participated in a 2004 International Korea Adoptee Association gathering to express his sincere regret.

### Compensation

62. For returned adoptees who have been un-adopted or deported after failing to obtain citizenship, the National Center for the Rights of the Child provides services such as housing, living expense, therapy, education, social interaction, and also supports their search for biological family through its comprehensive support program to protect transnational adoptees.

### Commemoration

63. In accordance with the amendments made to the relevant law in 2005, the government designated May 11 as National Adoption Day to foster a sound adoption culture and to promote domestic adoption. Since 2006, the government has hosted commemorative events, inviting adoptive families and awarding outstanding contributors.

### Prosecution and Punishment

64. The government ensures the agencies comply with the relevant regulations through a biannual audit and inspection of adoption agencies. If an agency is found to have violated any regulations, the government will take administrative action per the Special Adoption Act and other relevant laws.

### Truth-seeking efforts

65. To identify the approximate number of adoptees who have limitations in exercising their rights for not being able to obtain their citizenship, Korea Adoption Services (now the National Center for the Rights of the Child) conducted an extensive survey on transnational adoptees in 2012. For adoptees whose citizenship status cannot be identified, the government regularly checks on their status through the National Center for the Rights of the Child and

provides education and promotional activities on citizenship acquisition through relevant local organizations.

66. Furthermore, the government is making efforts to ensure that there are no gaps in the adoption records of the adoptees by imposing an administrative action on adoption agencies that are found to have omitted or destroyed any adoption records without any prior notice during the audit and inspection period.

## **7. Abducted and Returned Fishermen from North Korea**

67. Addressing the issue of abduction by North Korea is a basic responsibility of the government to protect its people. Therefore, the government will resolve this issue as the highest priority when inter-Korean dialogue resumes. Under the current circumstances where inter-Korean dialogue has been halted, it will continue to urge North Korea to resolve the abduction issue through various efforts.

### **Legislation**

68. In accordance with *the Act on the Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement*, subsidies for resettlement and housing are provided for those abducted by North Korea for three or more years and returned to North Korea. Consolation money is provided to the families of abductees who have been repatriated to Republic of Korea after three or more years of detention in the North Korea. The government also established a committee to deliberate on the compensation for the abducted fishermen and a support group under the Ministry of Unification. The law was intended to legislate the state's responsibility to guarantee the fishermen's public safety.

### **Official Apology**

69. No official apology has been issued by the North Korean authorities so far.

### **Compensation**

70. The government has compensated the fishermen with 1,773 million KRW in the form of a resettlement and housing fund. Since 2012, the government has endeavored to help the fishermen socially integrate into Korean society. The government has provided tailored life-care services through counseling the fishermen with home visits, providing quarantine supplies and food, and building networks with medical facilities and administrative welfare centers near their residences.

### **Prosecution and Punishment**

71. As it is the North Korean authorities that conducted the abduction, it is challenging to identify the perpetrators and punish them.

### **Truth-seeking efforts**

72. The government has consistently demanded the North Korean authorities to resolve the abduction issue through ministerial meetings and the South-North Red Cross Talks since the inter-Korean Talks in 2000. Between the reunion event for the South-North Korea separated families in 2000 and the event in 2018, the government tried to identify the abductees in North Korea and help them reunite with their families. The government inquired about the fate of 180 abductees, and the North Korean authorities confirmed 22 survivors and 42 deaths. The authorities refused to confirm the status of 116 abductees. Nineteen of the survivors were able to attend the event.

73. The government has urged the North Korean authorities to repatriate the abductees to the Republic of Korea at the United Nations General Assembly and Human Rights Council, and through the international organizations, including the International Committee of the Red Cross. Also, the government has helped the concerned individuals file an appeal letter to the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID). One hundred-eleven letters have been filed to the WGEID, and the North Korean authorities have replied to 57 cases, constantly stating that the issue had been politically maneuvered and had nothing to do with the humanitarian missions of the WGEID.

## **8. Gwangju Uprising (The May 18 Democratization Movement)**

### **Legislation**

74. The government took four legislative measures, such as punishing perpetrators, providing reparation for victims, restoring the honor of victims, and participating in truth-seeking activities. In 1995, the National Assembly enacted the *Act on Special Cases Concerning the Prescription for Public Prosecution Against Crimes Disrupting Constitutional Order* and the *Special Act on the May 18 Democratization Movement*, providing a legal basis to prosecute military leaders involved in serious human rights violations during the Gwangju Uprising.

75. Also, regarding the reparation programs for the victims, the *Act on Compensation for Persons of Distinguished Service to the May 18 Democratization Movement* in 1990 specifies the criteria of monetary compensation for victims, and the *Act on the Honorable Treatment of Persons of Distinguished Service to the May 18 Democratization Movement* in 2000 involves provisions on financial assistance for victims and other non-monetary programs to improve the accessibility of medical and educational services and employment for victims. In 2018, the *Special Act on Investigating the Truth of the May 18 Democratization Movement* was enacted to ascertain the whole truth of severe violations of human rights by the military during the Gwangju Uprising.

### **Official Apology**

76. After the June 10 Uprising in 1987, respective new governments made several official apologies to the victims and their families. They paid their respects to the victims' contribution to democratization.

77. Former President Kim Young-Sam, former President Kim Dae-Jung, former President Roh Moo-Hyun, and former President Moon Jae-In participated in the official anniversary ceremony, consoled the victims, and issued official apology to the bereaved families. In addition, the Ministry of National Defense also issued official apology three times, respectively in two times in 2018 and 2020.

### **Compensation**

78. The government has provided compensation to victims and their families. Also, the victims, depending on their income level, are receiving additional support, such as medical insurance, home loans, and education and employment assistance.

Years	Number of persons who received cash compensation	Total amount of cash compensation (million won)	Cash compensation per person (million won)
1990	2,219	142,171	64.0
1993	1,832	38,771	21.1
1998	464	27,456	59.1
2000	473	18,572	39.2
2004	109	4,827	44.2
2006	426	13,639	32.0
2015	284	5,683	20.0
Total	5,807	251,119	43.2

## Commemoration

79. In 1997, the government built a cemetery for the remains of the victims. It was designated as the 5.18 National Cemetery in 2002. A memorial park named ‘May 18 Liberty Park’ was built on the then-military base site where citizens were arrested and tortured. The brig is a memorial site to remember the Gwangju Uprising. A government-led plan is now in progress to restore the old provincial office building, which was a base for civil resistance against the martial law forces, to its original state at the time of the uprising. The building will be used to commemorate those killed in resisting the martial law forces.

80. May 18, the first day of the uprising, was designated as a national anniversary in 1997. The Ministry of Patriots and Veterans Affairs holds an annual commemorative ceremony at the 5.18 National Cemetery. High-ranking government officials, including the president, lawmakers, and many mourners from all over the country, attend the ceremony.

## Prosecution and Punishment

81. In 1994, a civil organization made up of victims, bereaved families, and activists filed charges against 35 persons, including former President Chun Doo-Hwan and former President Roh Tae-Woo, responsible for severe human rights violations during the uprising. However, the Seoul District Prosecutors’ Office, which oversaw the investigation, decided not to prosecute all 35 persons on the reasoning that a “successful coup d’état cannot be punished” in July 18, 1995.

82. The prosecutor’s decision caused great resistance from the public. In the end, special laws were enacted in December 1995, and a Special Investigation Division was established, which led to the general re-investigation of the incident. After completing the investigation, the Special Investigation Division indicted only 16 of 91 persons accused by the victims. In addition, the crimes applied to them were limited to ones that destroy constitutional order, such as military coup and high treason. However, serious human rights violations and crimes against humanity, such as murder, kidnapping, torture, massacre, and forced disappearance, were not applied.

83. The experts have evaluated that the decision had two limitations. Firstly, the defendants’ crimes against the state were judged, but their crimes against humanity which were committed against the people of Gwangju were not properly punished. Secondly, the investigation and prosecution were limited to a few high-level elites, and, therefore, middle-level officers who performed brutal military operations at the scene of the incident were not prosecuted.

84. The May 18 Democratization Movement Truth Commission, established by the government in 2019, is currently investigating crimes against humanity and the non-humanitarian acts such as massacre, illegal prosecution, black burial, illegal detention, and torture committed by the military during the uprising and the suspects.

## Truth-seeking efforts

85. In March 2018, 38 years after the incident, the Special Act on Investigating the Truth of the May 18 Democratization Movement was enacted. In December 2019, the May 18 Democratization Movement Truth Commission began investigation activities to find out the truth of the incident.

86. Initially, the Commission was supposed to investigate for up to three years with a capacity of 50 investigators. But as the law was amended in 2021, the number of investigators increased to 70, and the investigation period was extended to four years. The Commission is now proceeding with 21 fact-finding tasks, including gun-firing at civilians, mass killing, illegal arrest, torture, secret burials, forced disappearance, and sexual violence committed by the military. After completing the investigation activities in December 2023, the Commission will submit the official report to the Presidential office and the National Assembly and hold a public reporting event. The Commission is currently collecting testimonies from 20,000 former martial law soldiers and 5,000 victims, analyzing various records, and conducting field investigations.

87. There had already been five truth-finding efforts before the Truth Commission's activities. From July 1988 to December 1989, the National Assembly launched "the Special Truth-Finding Committee of the 5.18 Gwangju Democratization Movement" and conducted investigation activities, including public hearings. Still, the committee failed to adopt the final report. In 1994, the prosecution's investigation began as the victims and their families accused 35 suspects at the Seoul District Prosecutors' Office. The prosecution's investigation uncovered many new facts but ended without prosecuting the perpetrators.

88. In December 1995, when the Kim Young-Sam government enacted special laws, the prosecution's investigation resumed. The prosecution's investigation is part of the activities for the criminal indictment of the perpetrators. It revealed many new facts and provided a substantial body of documents for subsequent truth-finding activities. However, the prosecution's investigation could not reveal the overall nature of the atrocities perpetrated by the military in Gwangju.

89. In August 2005, the Ministry of National Defense established the ad-hoc committee to investigate past wrongdoing, including the Gwangju Uprising. This committee dealt only with the circumstances in which martial law forces opened fire on the people and committed mass killings on the outskirts of Gwangju rather than the whole picture of the incident. The committee adopted the final report and recommendation in July 2007.

90. In September 2017, under the order of the president, a special investigation committee was established in the Ministry of National Defense to investigate helicopter shootings by the military and bombing plans by Air Force fighters during the Gwangju Uprising. The committee adopted the official report in February 2018, concluding that it was confirmed that martial law forces used military helicopters to fire and that the fighters were armed and waiting for sortie, but further investigation is needed to ascertain to whether it was aimed at Gwangju.

91. In August 2018, under the president's direction, a joint investigation team consisting of the Ministry of National Defense, the Ministry of Gender Equality and Family, and the National Human Rights Commission of Korea conducted a preliminary investigation into sexual assault incidents at the time of the uprising. The result of the investigation was transferred to the Truth Commission.

## 9. Jeju 4·3 (April 3<sup>rd</sup>) Incident

### Legislation

92. The *Special Act on Discovering the Truth of the Jeju 4-3 Incident and Restoration of Honor of Victims* (referred to as the *4-3 Special Act*) was enacted upon agreement of both ruling and opposition parties on January 12, 2000. The *4-3 Special Act* contains provisions for establishing the Committee on Discovering the Truth of the Jeju 4-3 Incident and the

Restoration of Honor of the Victims under the jurisdiction of the Prime Minister and its Working Committee, which is under the jurisdiction of the Governor of Jeju. Fact-finding investigations and identifying victims and their bereaved families are also included in the Act.

93. Through the partial amendment of the *4·3 Special Act* on January 24, 2007, the scope of the victims was expanded to include sentenced inmates in addition to the deceased, the missing, and the suffering from the aftereffects. The scope of bereaved families was also expanded to the de facto survivors who hold a memorial service for the victim or take care of their grave as collateral blood relatives within the fourth degree of consanguinity in addition to victims' spouses, siblings, and lineal ascendants and descendants. The amended Act also included supporting the establishment of the Jeju 4·3 Peace Foundation in 2008 and investigating mass graves from the incident.

94. General amendment of the *4·3 Special Act* was made on March 23, 2021, which included creating special retrials for the sentenced inmates and providing special support, such as consolation money for the victims. Also, the Committee should establish a subcommittee on additional fact-finding, composed of nine persons, including four recommended by the National Assembly.

95. Partial amendment of the *4·3 Special Act* on January 11, 2022 required the government to compensate 90 million KRW for the deceased and the missing and 90 million KRW or less for sentenced inmates suffering from aftereffects.

### **Official Apology**

96. On April 3, 2006, for the first time as a head of state, the former President Roh Moo-hyun attended and made a public apology for the abuse of state power at the 58<sup>th</sup> Anniversary of the Jeju 4·3 Incident commemoration ceremony.

97. On April 3, 2021, the Minister of National Defense and Commissioner General of the Korean National Police Agency attended the 73<sup>rd</sup> Anniversary of the Jeju 4·3 Incident commemoration ceremony and made a public apology.

### **Compensation**

98. Through the amendment of the *4·3 Special Act* (enforced on April 12, 2022), compensation for the victims was stipulated by law and implemented for the first time among the incidents that caused civilian casualties before and after the Korean War.

99. Recipients are victims and their bereaved families, who would be paid the share in inheritance under the Civil Act. The amount of compensation is 90 million KRW or less per victim; the deceased and the missing were paid 90 million KRW, while the suffering from the aftereffects and the sentenced inmates: 90 million KRW or less, taking into consideration of disability class, rate of loss of labor capacity, and days of confinement. Application period is from June 1, 2022 to May 31, 2025, and payment would be made from June 1, 2022 to December 31, 2026. (2022 budget: 181 billion KRW (approximately 137.5 million USD))

### **Commemoration**

100. As an annual event, a national commemoration ceremony is held in a solemn atmosphere to restore the honor of the victims and their bereaved families, improve human rights, and promote national unity on April 3 in Jeju 4·3 Peace Park. April 3 was designated as a national day through the amendment of the Regulations on Various Anniversaries in March 2014. The ceremony involves a silent tribute, flower offering, incense burning, commemoration speech, and reciting stories of bereaved families.

## Truth-seeking efforts

101. A Fact-finding Investigation Report on the Jeju 4·3 Incident was approved on October 15, 2003. A data survey was conducted targeting 28 domestic and foreign institutions and countries and obtained 10,594 related data. The Jeju 4·3 Peace Foundation carried out an additional fact-finding investigation. The additional fact-finding investigation was conducted in three stages: March 2012 - December 2016, July 2017 - February 2018, and January 2019 – December 2020.

## 10. Yeosu-Suncheon 10·19 Incident

### Legislation

102. On July 20, 2021, the Special Act on Discovering the Truth of Yeosu-Suncheon 10·19 Incident and Restoration of Honor of Victims (hereafter the Special Act on Yeosu-Suncheon Incident) was enacted upon the agreement between the ruling and opposition parties. It established the Committee on Discovering the Truth of Yeosu-Suncheon 10·19 Incident and Restoration of Honor of Victims under the Prime Minister and the Working Committee on Discovering the Truth of Yeosu-Suncheon 10·19 Incident and Restoration of Honor of Victims in Jeollanamdo. The Act also addresses fact-finding investigations and the identification of the victims and bereaved families.

103. On January 21, 2022, the Ordinance of the Special Act on Discovering the Truth of Yeosu-Suncheon 10·19 Incident and Restoration of Honor of Victims was enacted (hereafter the Ordinance of the Special Act on Yeosu-Suncheon Incident). It covers the structure and operation of the Committee, the coverage of reports for fact-finding, and the range of medical and living support fund, among others.

104. On March 15, 2023, the Ordinance of the Special Act on Yeosu-Suncheon Incident was amended. It extended the reporting period for the victims and their families (January 21, 2022-December 31, 2023) and stipulated the grounds for exclusion, avoidance, and abdication of the Committee members.

### Official Apology

105. On January 21, 2022, the Prime Minister Kim Boo-kyum participated in the first round of the Committee and apologized to the victims and their bereaved families of the Yeosu-Suncheon Incident.

### Compensation

106. The Special Act on Yeosu-Suncheon Incident (which took effect on January 21, 2022) established the grounds for providing medical (treatment fees, care fees, equipment fees) and living support fund to those who have been decided as the victims of the Yeosu-Suncheon Incident.

### Commemoration

107. A joint-commemoration ceremony is held every October 19 to commemorate the victims of the Yeosu-Suncheon Incident and reflect on its historical meaning. The ceremony serves as an occasion for national harmony.

108. The 74th Anniversary Joint Commemoration Ceremony of the Yeosu-Suncheon 10·19 Incident was held as follows.

- Time / venue: October 19, 2022 (Wednesday) 10:00 / Gwangyang Citizen Square (Jeollanamdo, Gwangyang)

- Participation size: approximately 500 people (the bereaved families, the Minister of the Interior and Safety, the governor of Jeollanamdo, the members of the National Assembly, the members of the Provincial Assembly, etc.)
- Budget used: 170 million won of the national expenditures
- Highlights: silent tribute, offering of flowers and incense, memorial address, the bereaved reading their stories, etc.

### **Truth-seeking efforts**

109. Since its formation on January 21, 2022, the Working Committee has received reports on fact-finding for a year (6,800 cases). From the start date of the first investigation (October 6, 2022), it would be conducting investigations for two years, after which it will write a report within six months.

110. The scope of those who report is limited to the victims, their bereaved families, relatives of the victims, and persons who have specific facts regarding truth-seeking. Yeosu-Suncheon 10·19 Incident Truth-Seeking Investigation Report Preparation Task Force will be established to secure the objectivity of the reports in the future.

111. As Yeosu-Suncheon Incident resulted in multiple victims in Jeollabukdo and Gyeongsangnamdo near Jirisan as well, ex officio investigation into Jeollabukdo Namwon has been carried out (October 6, 2022). This involved meeting with town people in Namwon related to Yeosu-Suncheon Incident, visiting sites, collecting documents of Namwon, among others.

112. It commissioned various research projects for fact-finding, including explaining and translating domestic materials and materials abroad related to Yeosu-Suncheon Incident; excavating, analyzing, and recording oral materials; conducting research on the activities of suppression units of Yeosu-Suncheon Incident; excavating the remains of the victims; and DNA identification.

## **11. Brothers' Home (Mass Accommodation Facility)**

### **Legislation**

113. The "Legislative Bill on the Investigation of the Truth and State Responsibility in the Brothers' Home Incident According to the Directive of the Ministry of Home Affairs" was submitted to the National Assembly but was discarded on July 15, 2014, due to the expiration of the term of the National Assembly. The bill was proposed again but discarded again on July 25, 2016, due to the expiration of the term of the National Assembly.

114. On January 17, 2018, the National Human Rights Commission of Korea submitted the "Decision to Express Opinions on Enacting a Special Act for Brothers' Home and Recommend Joining the International Convention for the Protection of All Persons from Enforced Disappearance" to the National Assembly. On April 10, 2019, the Busan Metropolitan Council enacted the "Ordinance on the Restoration of Honor and Support for the Victims of the Brothers' Home Incident in Busan Metropolitan City."

115. Currently, there is no separate law that solely deals with Brothers' Home case. However, the victims can apply for an investigation by the Truth and Reconciliation Commission of the Republic of Korea according to the Framework Act on Settling the Past Affairs for Truth and Reconciliation. An investigation is now in progress.

### **Official Apology**

116. The Public Prosecutor General (Moon Moo-il) met with the victims of Brothers' Home on November 27, 2018, and apologized.

## **Prosecution and Punishment**

117. The prosecutors investigated Brothers' Home and indicted the head of Brothers' Home for special confinement and embezzlement in 1987 and a partial conviction was made for embezzlement. When the second Truth and Reconciliation Commission decides that the truth is found for the Brothers' Home incident, human rights violations occurring in Brothers' Home, including the perpetrators of the violations, are expected to be identified at the national level.

## **Truth-seeking efforts**

118. On August 23, 2022, after one year and eight months of investigation, the Truth and Reconciliation Commission concluded that the case of Brothers' Home is a case of extensive human rights violations including forced labor, physical assault, sexual violence, and disappearance under long term, arbitrary detention, which happened as a result of labeling civilians as vagrants and locking them up, during which process governmental powers took an active role or supported or looked the other way. The Truth and Reconciliation Commission recommended that the government formally apologize to victims who were confined at Brothers' Home and their families, and that the state must find ways to recover the honor of the victims and heal their trauma. The Truth and Reconciliation Commission also recommended that the state improve its management and supervision of social care facilities so that human rights of the residents are not violated, and that the National Assembly quickly agreed to the ratification of the UN International Convention for the Protection of All Persons from Enforced Disappearance, which was passed by the State Council on June 21, 2021 and the National Assembly on December 8, 2022. The Commission recommended that the city of Busan reorganize its budget, regulations, and organizational system for better assisting the victims of Brothers Home.

119. The Busan Metropolitan City established a report center for the Brothers' Home victims and commissioned relevant research. In 2018, the Prosecution's Committee for Past Affairs in Supreme Prosecutors' Office investigated the case of 1987 Brothers' Home. The Committee revealed that there were illegal orders, such as the prosecution's command to withdraw from the investigation or reduce the amount embezzled by the head of Brothers' Home. Moreover, the prosecution determined the directive of the Ministry of Home Affairs enacted in 1975, "Guidelines for Vagabond Report, Control, Accommodation, Protection, Return, and Post-management," was unconstitutional and unlawful.

## **12. Seosan Gaechokdan (Pioneering Group)**

### **Legislation**

120. Although there is no legislation or draft bill specifically for the victims of the Seosan Gaechokdan (Pioneering Group) case, the victims can apply for an investigation by the Truth and Reconciliation Commission of the Republic of Korea according to the Framework Act on Settling the Past Affairs for Truth and Reconciliation.

### **Official Apology**

121. The second Truth and Reconciliation Commission confirmed the truth of the Seosan Gaechokdan case on May 10, 2022, and recommended that the state apologize to the victims and their families and take appropriate measures to restore their honor.

### **Compensation**

122. According to the testimonies and relevant data of the victims, approximately 1,700 were detained in the Seosan Gaechokdan. However, it is difficult to estimate the correct

number of victims since there are no registers or other materials to identify the victims. The second Truth and Reconciliation Commission recommended that the state take appropriate actions such as compensation for victims (members of the pioneering group) and enactment of a special act.

### **Commemoration**

123. The Truth Finding Committee of the Seosan Gaechokdan (Chairperson Jeong Yeong-chul) annually holds the “Memorial Service for the Seosan Gaechokdan Victims” at the Muyeonchong in the Municipal Hope Cemetery Park on the date the Seosan Gaechokdan was established (November 14). In 1978, the city of Seosan formed the Municipal Hope Cemetery Park and reburied those without relatives in a joint grave called the Muyeonchong.

### **Prosecution and Punishment**

124. The leader of the Seosan Gaechokdan committed corruption, such as embezzling operating expenses. As a result, the group members worked without sufficient food. The Gaechokdan supervisor organized a “relief team” to surround the settlement area of the Seosan Gaechokdan with guard posts and monitor them all day. In addition, the officers assaulted the members when they were caught running away. The Gaechokdan leader and supervisor passed away, and the officers could not be investigated due to their unknown whereabouts.

### **Truth-seeking efforts**

125. On December 16, 2020, the victims (287 applicants) applied for investigation by the second Truth and Reconciliation Commission. Accordingly, the Truth and Reconciliation Commission began investigating the related materials (356 national records) and collecting testimonies.

126. On May 10, 2022, the Truth and Reconciliation Commission revealed that illegal state power seriously violated the human rights of victims in terms of forced detention, forced labor, assault, death, forced marriage, etc. The Commission recommended the government apologize to the victims and their family members and take appropriate measures to restore the damages and their honor. Moreover, the abandoned salt fields at the time changed into arable land, and the land value rose due to the continuous input of forced labor by the Seosan Gaechokdan members and settlement residents. The Commission recommended that appropriate measures, such as compensation and enactment of a special law, need to be taken in accordance with the intent of Article 6 (Distribution of Land) of the *Act on Temporary Measures for Self-sufficiency Guidance Projects* (Act No. 2039) considering the degree of participation of each applicant.

## **13. The Samcheong Concentration Camp**

### **Legislation**

127. Based on the Act on the Restoration of Honor and Compensation for Victims of the Samcheong Concentration Camp, the Deliberation Committee for the Restoration of Honor and Compensation of Victims of the Samcheong Concentration Camp operated from 2004 to 2015. Based on the Framework Act on Settling Past History for Truth and Reconciliation, the Truth and Reconciliation Commission conducted fact-finding investigations.

### **Compensation**

128. When the victim filed a report to the Deliberation Committee for the Restoration of Honor and Compensation of Victims of the Samcheong Concentration Camp, compensation

was provided through the Committee's deliberation and decision-making procedures (2004-2015).

### **Truth-seeking efforts**

129. The Ministry of National Defense formed its own Truth Seeking Commission and announced in 2007 that the Samcheong Concentration Camp was illegal and there were human rights violations. The Deliberation Committee for the Restoration of Honor and Compensation of Victims of the Samcheong Concentration Camp conducted fact-finding investigations from 2004 to 2015. The Truth and Reconciliation Commission established the truth.

## **14. Emergency Measures**

### **Legislation**

130. In 2013, the Constitutional Court ruled that Emergency Measures No. 1, 2, and 9 were unconstitutional, and the Supreme Court en banc decided that Emergency Measures No. 1, 4, and 9 were unconstitutional.

131. The Truth and Reconciliation Commission confirmed that 1,050 were subject to a retrial, and in July 2021, the Supreme Prosecutor's Office confirmed that 864 of them were retried. The Prosecutor's Office processed *ex officio* retrials for 218 among the 864 people, while other victims had to request a retrial directly to court to recover their criminal damages.

### **Compensation**

132. The first Truth and Reconciliation Commission investigation (2005-2010) shows approximately 1,140 victims were punished for violating the Emergency Measures. The acquitted victims in the retrial are proceeding with a compensation lawsuit against the state. However, in the case of victims who already received compensation related to the Democratization Movement, some cases had not recognized state liability. There were also some cases that the court had held that the emergency measures were not tortious as an act of governance or have dismissed claims on statute of limitations grounds.

### **Truth-seeking efforts**

133. The first Truth and Reconciliation Commission analyzed 1,412 violations of Emergency Measures and confirmed the truth in 2008. In December 2021, the second Truth and Reconciliation Commission published a sourcebook on the retrial status of the Emergency Measures violations, which include human rights restoration and the challenges that the victims face; the progress, achievements, and limitations of damage relief; and decisions on each case and retrial status.

## **15. Golryeonggol Civilian Massacre (Korean War Victims)**

### **Legislation**

134. According to the Framework Act on Settling the Past Affairs for Truth and Reconciliation pertinent to the Daejeon Golryeonggol issue, victims and bereaved families applied for investigation by the Truth and Reconciliation Commission. Between December 10, 2020 and December 9, 2022, 94 cases were submitted.

## Official Apology

135. On January 24, 2008, then President Roh Moo-hyun sent a video message to a memorial service for the victims of the “Ulsan Bodo League Massacre” and officially apologized by stating, “I would like to apologize and offer my condolences again to all those who were killed or damaged by the wrongdoings of the past state power and to the bereaved families.”

136. On October 27, 2010, then Commissioner Cho Hyun-oh apologized at the “Memorial Service for the Chungnam Bodo League Massacre Victims and Truth-Finding Rite,” saying, “Although it was during the war, I would like to express my regret and reflect profoundly on the unfortunate history in which precious lives were sacrificed by the state power which had the duty to protect the lives and wealth of the people.”

## Compensation

137. The bereaved families of the victims, whose truth was confirmed by the first Truth and Reconciliation Commission, claimed damages against the state individually or through the association of the bereaved families. The victims received 80 million KRW, the spouses received 40 million KRW, the parents and children received 8 million KRW, and the siblings received 4 million KRW. It took more than two years for the bereaved families who filed lawsuits against the state to receive the compensation. The second Truth and Reconciliation Commission will continue cooperating with the relevant agencies and the National Assembly to legislate a comprehensive compensation and reparation act for the victims. As of July 2022, an amendment to the *Framework Act on Settling the Past Affairs for Truth and Reconciliation* has been proposed to the National Assembly to eliminate the statute of limitations for the right to claim national compensation and provide all-inclusive compensation and reparations.

## Commemoration

138. The “Joint Memorial Service for the Daejeon Golryeonggol Civilian Massacre Victims” is held annually at Golryeonggol on June 27. To comfort the bereaved families of the victims massacred before and after the Korean War and contribute to reconciliation through healing and overcoming the past wounds, the MOIS decided to build a national reconciliation and commemoration facility (Sannae Peace Park) at the Golryeonggol Massacre site in 2016. Construction is scheduled to be completed in 2024. Furthermore, the MOIS is currently excavating the Golryeonggol remains before constructing the facility.

## Prosecution and Punishment

139. The truth-finding decision report by the first Truth and Reconciliation Commission revealed the agencies, titles, and positions of the perpetrators, but the names remained anonymous. According to the current law, the perpetrators cannot be punished since the statute of limitations has expired, and most are already dead. To prevent the recurrence of such massacres, the first Truth and Reconciliation Commission recommended institutional reform, such as elimination of the statute of limitations for war crimes and crimes against humanity, such as massacres.

## Truth-seeking efforts

140. In 2010, the first Truth and Reconciliation Commission investigated the Golryeonggol Civilian Massacre and revealed the truth of the circumstances, the process of victimization, scale of the massacre, identities and characteristics of the victims, reasons for victimization, the perpetrators and their systems of command and order, illegality of the wrongdoings, damages to the bereaved families, etc. The Truth and Reconciliation Commission

recommended that the state take appropriate legal and institutional measures for national reconciliation and integration and to restore honor for the victims and their families.

141. Since the launch of the second Truth and Reconciliation Commission in 2020, cases of many bereaved families who could not apply for fact-finding earlier are under review (94 applications).

142. The second Truth and Reconciliation Commission is exerting efforts to identify the victims who have not yet been revealed and will further clarify the truth the first Truth and Reconciliation Commission has not been able to uncover, such as the specific details of the massacre order and the command and order system of the perpetrators.

## 16. Seongam Academy

### Legislation

143. In 2018, the Gyeonggi Provincial Assembly enacted the “*Ordinance to Support the Victims of the Gyeonggi Seongam Academy Incident*.” On September 19, 2019, a bill on the Clarification of Truth and Compensation for the Seongam Academy Incident was proposed. However, it was discarded by expiration. Currently, there is no separate law that solely deals with the incident. However, victims can apply for an investigation by the Truth and Reconciliation Commission according to the *Framework Act on Settling the Past Affairs for Truth and Reconciliation*.

### Compensation

144. Gyeonggi-do (province) provides medical assistance to victims of Seongam Academy in the country with a maximum limit of 5 million KRW annually and runs a restoration and healing project called the “Outreach Counseling Room” for the victims.

### Commemoration

145. The Seongam Academy Damages Support and Memorial Service Committee holds an annual memorial event on September 30, the day Seongam Academy officially closed.

### Prosecution and Punishment

146. When the second Truth and Reconciliation Commission confirms the truth of Seongam Academy, the human rights violations within Seongam Academy, including the perpetrators, are expected to be investigated and revealed at the national level.

### Truth-seeking efforts

147. The second Truth and Reconciliation Commission began an investigation in May 2021 and is currently investigating human rights violations at the Seongam Academy based on victim testimonies and collected data from relevant ministries. It includes legal issues of policies for children in need of protection during the authoritarian regime, structural causes and practices of public power that were applied in the crackdown process, and the operation status of the academy.

148. Gyeonggi Province established the Seongnam Academy Victims’ Report Center in 2020 and commissioned a research study on the case.

## **17. Forced Conscription and Greening Projects**

### **Legislation**

149. Based on the Framework Act on Settling Past History for Truth and Reconciliation, the Truth and Reconciliation Commission is conducting fact-finding investigations.

### **Official Apology**

150. The Ministry of National Defense plans to review the recommendation implementation plan, including state apology, in accordance with the recommendations of the Truth and Reconciliation Commission.

### **Compensation**

151. The victims are currently compensated by individually filing state compensation lawsuits.

### **Truth-seeking efforts**

152. The Ministry of National Defense established its own Truth-Seeking Commission and conducted truth seeking in 2007. According to the Report on Truth Seeking of Forced Conscription and Greening Projects, there were illegal acts committed at the government level. The second Truth and Reconciliation Commission is also conducting investigations.

## **Additional Information 1: Recording Oral Statements and Histories from the Survivors and Relevant Witnesses of the Forced Mobilization under Japanese Occupation**

153. A project has been established to facilitate the production and collection of primary historical materials, including the testimony of victims, and help the government manage and build up objective evidentiary materials. A joint government-private response has been made to the pending issues arising from the forced mobilization under Japanese Occupation since March 2020 because of the sharp drop in the number of survivors and history distortion issues, such as Japanese past industrial facilities listed as UNESCO World Heritage Sites. As the number of survivors from forced mobilization is decreasing, it is rather urgent to secure testimony.

154. The government completed recording the testimonies of 74 people as of June 2022 and is expected to interview 70 more people within this year. The oral statements of victims and the survivors of the forced mobilization to the Japanese Sado mine have been added since 2021.

	Period	Interviewees	Recorded hours
1st Stage	Sep. 2020 - Jun. 2021	24 survivors	45
2nd Stage	Jul. 2021 - Jul. 2022	50 survivors and witnesses, etc.	70
3rd Stage	May - Dec. 2022	70 survivors, witnesses, etc.	120

155. The recordings have been used in exhibitions and press releases. “Exhibition of Forced Mobilization Testimony” has been co-hosted with the Center for Historical Truth and Justice at the Museum of Japanese Colonial History in Korea since July 2021. “Exhibition of the Indelible Legacy of History” has been co-hosted by the Ministry of Foreign Affairs at the National Memorial Museum of Forced Mobilization under Japanese Occupation from September to December 2022. The special exhibition of “Koreans, Becoming Japanese Miners” is being held at the National Memorial Museum of Forced Mobilization under Japanese Occupation from August 2022 until February 2023

156. The government plans to conduct the 4th Stage of recording oral statements and histories. One hundred survivors, their bereaved families, and relevant persons, including perpetrators, witnesses, and researchers, will be interviewed and recorded, which will take 150 hours. The recording of oral statements and histories will be utilized for publication, content business, and archive building.

## **Additional Information 2: Repatriation of the Remains of the Victims of the Forced Mobilization under Japanese Occupation**

157. Repatriation is intended to comfort and heal the pain and sorrow of the victims and their bereaved families by returning the remains of Koreans who were forcibly mobilized during the uprising against Japan to Korea through intergovernmental consultations.

158. The remains in the Sakhalin region of the Russian Federation were repatriated, and the Korean cemeteries were identified. Through seven repatriations, 85 bodies returned to Korea (1 in 2013, 18 in 2014, 13 in 2015, 11 in 2016, 12 in 2017, 16 in 2018, and 14 in 2019). Fifteen thousand five hundred thirty-nine graves in 96 cemeteries were confirmed in three rounds of investigations. The Korean government is planning to repatriate 16 remains of the victims of forced mobilization from Sakhalin. The repatriation is affected by the international affairs, such as the war in Ukraine. Nonetheless, when the repatriation is finalized, an

overseas joint memorial ceremony for excavating remains and a memorial and enshrinement ceremony for bereaved families and key government figures in Korea will be conducted.

159. A body of the victim who was forcibly mobilized to the Tarawa region in the Republic of Kiribati during World War II was identified. The governments of the Republic of Kiribati and the Republic of Korea discussed the return of the body (December 10, 2019). Due to COVID-19 and a local lockdown in the Republic of Kiribati, it became difficult to continue the discussion. The repatriation will be made when the local lockdown in the Republic of Kiribati is lifted. The Korean government will continue to have consultations with the concerned countries and institutions.

160. When the repatriation is finalized, there will be an overseas memorial ceremony, a homecoming ceremony (Incheon International Airport), and a domestic memorial service (Yeonggwang, Jeollanam region).

### **Additional Information 3: Establishment of National Violence Trauma Healing Center**

161. The Truth and Reconciliation Commission recognized the need for medical and counseling support for the mental and physical pain and aftereffects of the victims of incidents and their families, such as collective sacrifice and human rights violations.

162. The trauma healing project for the victims and their bereaved families has been carried out since 2017 as part of a National Task, which is to resolve historical issues in line with public expectations.

163. Yang Hyang-ja, a member of the National Assembly, proposed a bill in September 2020 to establish a national violence trauma healing center. The *National Violence Trauma Healing Center Establishment and Operation Act* came into force on June 8, 2022. The construction of the center is expected to be completed in December 2023.

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