

# Truth and Reconciliation

2022. 09.

Vol.

07

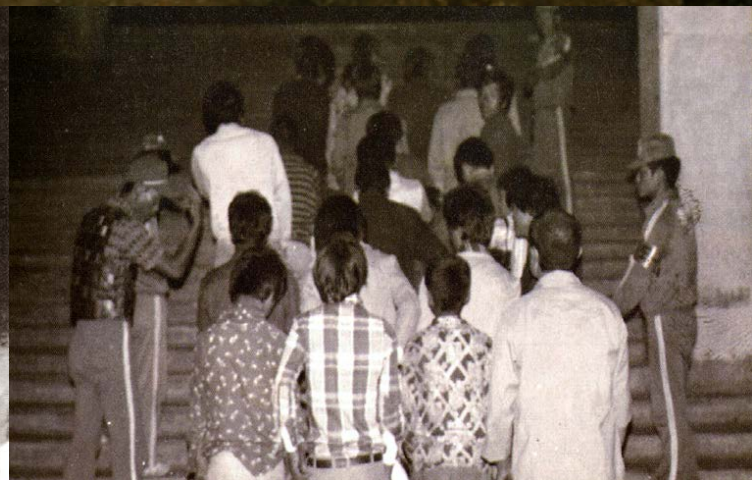
## Truth Uncovered After 35 Years

They, who were innocent,  
were not sheltered but forcefully detained  
by government forces.

Children who survived,  
they who were stripped of their dignity,  
suffer from trauma.

We now know that the state is to blame  
for not managing and supervising  
Brothers Home.  
And they cry out

Please.  
Let us live as ordinary citizens.



Truth and Reconciliation Commission,  
Republic of Korea

# Overview of the Truth and Reconciliation Commission of Korea

---

## Commission CI



Truth and Reconciliation Commission,  
Republic of Korea

A precise and discerning  
attitude in analyzing cases

An image of harmony like the  
greenery that covers this world

The impartial authority  
of a sound commission

The color green symbolizes hope and the color blue  
emphasizes the green

---

## About the Commission

The Truth and Reconciliation Commission of the Republic of Korea was relaunched on December 10 of 2020 following the revision of the Framework Act on Settling the Past Affairs for Truth and Reconciliation. The amendment was made as a response to the urgent calls of the survivors and victims' families who have sought truth and justice for past state violence.

The Truth and Reconciliation Commission in an independent investigative body that seeks to uncover the truth about anti-Japanese independence movements, history of the Korean diaspora overseas, civilians killed during the Korean War, various human rights violations during the authoritarian rule, and casualties by hostile forces.

Through this, we strive to move towards a better future.

Our commission will do our best in leading the way to uncovering the truth.



**Legal Basis** : Framework Act on Settling the Past Affairs for Truth and Reconciliation (amended on June 9, 2020)



**Investigation Period** : 3 years from the date of the first decision to investigate, can be extended up to one year

# Table of Contents

September 2022. VOL. 07

## [Feature 1]

### 04 Truth established by the government on Brothers Home case for the first time in 35 Years ... “A Serious Violation of Human Rights”

[Truth Found on Brothers Home (1)] TRCK Establishes Truth on “Brothers Home Human Rights Violation Case (1)”

### 08 Unconstitutional sub-paragraph 410 of the Ministry of Interior’s order Basis for indiscriminatory crackdown/ confinement

### 10 Mortality rate 13.5 times higher than public ... “Chemical restraint” also suspected

### 12 Those who reported on Brothers Home arrested ... The government took sides to conceal the truth

### 13 [Main chronology of events] The Brothers Home, from foundation to establishment of truth

## [Feature 2]

### 14 Truth Established for Case of Samchung Re-education Camp ... “Forced admission itself is illegal”

Comprehensive victim relief measures including revision of Samchung Re-education Camp Victim Act and establishment of trauma treatment center necessary

### 16 The forgotten human rights abuses at Samchung Re-education Camp... “There is no future without settling the past”

[Op-Ed] Thoughts on the truth-finding of Samchung Re-education Camp

### 18 Truth found on the case (1) of the killings by hostile forces in Youngam, South Jeolla Provice ... Many families fell victim

### 19 Truth found on the case of human rights violation of LEE Jae-mun during detention ... The first truth-finding on a suspicious death by the 2nd TRCK

### 20 Truth found on the case of North Korean civilian abduction by the Air Force Intelligence Unit

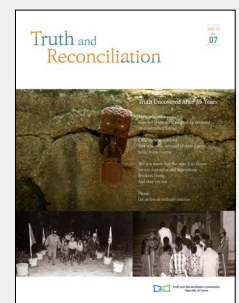
### 22 [The Stories that Lead to the Truth] Shootings at Iyapo, An-do, Yeosu by US troops “That day, corpses floated around the ocean like buoys”

### 26 Investigation on suspected burial sites and implementation of mid-to-long-term roadmap on exhumation of remains ... 37 sites including Seongam Academy appear eligible

### 28 Investigation report from first half of 2022 published... Application for truth-seeking promoted in Metro trains

### 30 The Supreme Court of Korea rules state must compensate for Emergency Measure #9

[Rulings] En banc ruling of Supreme Court on Case 2018da212610 on August 30, 2022



cover story

Truth Uncovered After 35 Years

**Publisher** Truth and Reconciliation Commission of Korea **Date of Publication** September 16 2022 **Reporter/Editor** External Relations Division

**Website** www.jinsil.go.kr **Address** 5F and 6F, Namsan Square Building, 173, Toegy-e-ro, Jung-gu, 04554, Seoul, Republic of Korea

**Tel** +82-2-3393-9700 **Organization, Design, Production** Salt Company

※ The views expressed in op-eds do not necessarily reflect the official position of the Truth and Reconciliation Commission of Korea.

# Truth established by the government on Brothers Home case for the first time in 35 Years ... “A Serious Violation of Human Rights”

[Truth Found on Brothers Home (1)] TRCK Establishes Truth on “Brothers Home Human Rights Violation Case (1)”



▲ Chairperson JUNG Geun Sik of TRCK holds a press conference on the truth findings of Brothers Home at the Grand Conference Room of the TRCK office in Jung-gu, Seoul, on August 24.

The 2nd Truth and Reconciliation Commission of the Republic of Korea (hereinafter TRCK) held its 39th committee meeting on August 23 at the Nam-san Square Building in Jung-gu, Seoul, and established that “the case of human rights violations at

Brothers Home (1)” has been found to be “a case of serious human rights violations by unjust exertion of governmental power.”

The TRCK established, after 35 years, that △ the rules of rounding-up vagrants to be

unconstitutional/illegal △ the process of inmates being confined to be illegal △ serious human rights violations were found in the management of Brothers Home △ suspicious acts were found in medical practices and the process of dealing with dead inmates △ the State, while aware of such acts in Brothers Home, tried to systematically downscale and conceal the case.

The TRCK formally announced its findings on “the human rights violations at Brothers Home” during the press conference held at 10 am of August 24 at the TRCK Grand Conference Room.

### **Human rights violations at Brothers Home the first application for truth seeking at TRCK**

The TRCK received the case of Brothers Home as its first application on December 10, 2020. Investigation was initiated last May, and the commission announced its first findings after 1 year and 3 months. Out of a total of 544 applicants, the results announced reflected investigation on the case of 191 applicants who applied before February 2021.

The TRCK secured multiple data that proves the state not only actively supported the establishment and management of Brothers Home but also turned a blind eye to the human rights violations occurring in the institution.

The TRCK found records from the investigation and hearings held by the Busan District Prosecutor’s Office Ulsan Branch in 1987, and papers kept in police stations including “summary trial records,” “list of arrestees,” and “juvenile delinquency records.” In addition, child information cards from each institution, personal information cards from Brothers Home, papers

from the Defense Security Command, and records of psychiatric drug administration were also acquired for truth seeking.

The Supreme Court of Korea, when it dismissed the extraordinary appeal against Brothers Home on March 11, 2021, stated, “This case is not just about judging whether the accused infringed the physical freedom of the victims. This case shows a more extensive human rights violation.” The court further stated, “We hope that the truth seeking by the TRCK will recover the dignity of the victims and the government will take steps to wipe their tears, further strengthening social integration.” The TRCK has been hard at work to investigate the case of Brothers Home in an objective and comprehensive manner according to this ruling.

### **105 additional deaths confirmed ... a total of 657 deaths**

The number of people who died at Brothers Home was confirmed to be 657. This is 105 more than the previously known 552 deaths. The TRCK confirmed this number after comprehensively investigating 14 different records, including statistics on mortality and the list of people who died, which records were secured for the first time.

It was also verified that inmates of Brothers Home died inexplicably while being moved to a medical facility (DOA, Dead on Arrival), and that death certificates were also fabricated.

It was confirmed that almost 38,000 inmates were confined at Brothers Home between 1975 and 1986, during which the city of Busan and the institution had a “foster agreement on accommodating/protecting vagrants.” The number of inmates reached 4,355 in 1984.



▲ Standing commissioner LEE Jae-seung explains newly found records uncovered during the investigation at the press conference.



▲ Chairperson JUNG Geun Sik consoles the victims who attended the press conference.

## The government must officially issue an apology and take practical steps towards recovery of victims

The TRCK concluded that this case is an extensive case of human rights violations including forced labor, physical assault, sexual violence, death, and disappearance under long term, arbitrary confinement, 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 TRCK announced that the government must 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 TRCK also recommended that the state strengthen its management and supervision of accommodation facilities so that inmates' human

rights are not violated, and that the National Assembly quickly consent to the ratification of the UN International Convention for the Protection of All Persons from Enforced Disappearance, which passed the State Council on June 21, 2022.

It was especially recommended that the city of Busan establish a budget, regulations, and system for a team dedicated towards investigating and assisting the victims of Brothers Home.

The TRCK plans to notify all relevant organizations of these recommendations and quickly move on to other applicants whose cases were not investigated this time around.

JUNG Geun Sik, the chairperson of TRCK stated, "the 1st TRCK, established in 2005, received 3 applications on forced confinement at accommodation facilities, but confinement at such facilities were not perceived as "governmental crimes" at the time. The 2nd TRCK, with a great sense of responsibility, found that the government




▲ PARK Sun-yi, one of the victims who attended the press conference, wipes away tears.



▲ PARK Kyeong-bo, Head of the Brothers Home Victims Association Advisory Board speaks of gives his opinion on the findings.

is accountable for the full-blown human rights violations in the case of Brothers Home.”

The chairperson continued, “the truth of human rights violations at Brothers Home was revealed after all this time thanks to the victims, families, and civil organizations who put so much effort into this case. As the case of Brothers Home was the grounds on which the 2nd TRCK was established, we will keep on seeking the comprehensive truth on this fact.” 

- ▶ **In the case of Brothers Home**, governmental authorities including the police forcefully confined people labeled as vagrants into Brothers Home, an accommodation facility run by a civil social welfare corporation between July 20, 1960, the date of Brothers Nursery Home’s foundation, and August 20, 1992, when the institution’s psychiatric ward closed. Inmates were severely violated of their human rights through forced labor, physical assault, violent acts, death, and disappearance.
- ▶ **The human rights violations at Brothers Home** became public in January of 1987 when the Busan District Prosecutor’s Office Ulsan Branch started investigating and the executives of the institution were arrested. However, the owner, PARK, was found guilty only on several charges such as embezzlement and was given a 30-month sentence in prison. After being released he returned to the social welfare business and the truth was buried.
- ▶ **In November 2018, MOON Moo-il**, the Prosecutor General of Korea filed an appeal against the not-guilty-verdict on the owners and executives of Brothers Home who were accused of illegal confinement, and formally apologized on November 27th for the negligent investigation on the case in 1987.



## Unconstitutional sub-paragraph 410 of the Ministry of Interior's order Basis for indiscriminatory crackdown confinement

[Truth Found on Brothers Home (2)] Unlawfulness of crackdown and confinement

▲ PARK In-keun, the owner of Brothers Home, receives an Order of Civil Merit (Dongbaeg Jang) from then president CHUN Doo-hwan, (photo credit: Brothers Home photo archives)

There were 38,000 inmates admitted to Brothers Home between 1975 and 1986. The TRCK found that the crackdown and confinement of these inmates had no legal basis,

The TRCK confirmed through the truth-seeking process that sub-paragraph 410 of the Ministry of the Interior's order (legislated 1975.12.15), "guidance on reporting, cracking-down, confining, protecting, returning, and dealing with the aftermath of vagrants" is unconstitutional and unlawful.

This sub-paragraph allowed for the crackdown squad formed by regional governments and police forces to forcefully confine those who were labeled as vagrants at accommoda-

tion facilities without a fixed term.

Investigation revealed that sub-paragraph 410 of the Ministry of the Interior's order is against the principles that everyone is subject to law, void for vagueness, prohibition of excess, due process of law, necessity of warrant, and legitimacy of system.

"If I (a police officer) judged that a person was emotionally a homeless person and vagrant, I sent that person to Brothers Home." "We did not check the existence of an address or a guardian at the police box. These procedures were performed at Brother Home." (Testimony from a Mr. KWON who was a police officer at Busan Jungbu Police Station, 1980-1987).





Even before the Ministry of Interior's sub-paragraph was established, the city of Busan and Brothers Home signed a consignment agreement for "protection and accommodation of vagrants" (July 1975 - December 1986). This agreement allowed for Brothers Home to officially become an institution that "finds, accommodates, protects, and leads vagrants and the homeless." A private institution was able to abuse its power and violate the physical freedom of people.

"△Make sure there are no beggars in the streets until the Olympic Games. △It is said that 40% of beggars are normal people. Check if they are affiliated with North Korea." (Orders for President CHUN Doo-hwan, 1981. 10.6)


The "Measures for the Protection of Beggars"

(1981. 10.8) was established as a result of President CHUN's orders. As such, the Office for Government Policy Coordination, the Ministry of Interior, and the Ministry of Health and Society cooperated to determine a goal for vagrant control and issued crackdowns. The results were reported directly to the president, and more institutions based on the Brothers Home model were built.

Investigation by the TRCK found that more than half of police officers in the Busan area were put into these crackdown operations. It was also confirmed through victims and testimonies that the police regularly received payment from Brother Home for each inmate brought into the institution.

The TRCK also found that some suspects of criminal cases who were found innocent were also detained at Brothers Home for an indetermined period. 15 violators of National Security Law or Anti-Communist Law were also labeled as unusual personnel and forcefully detained at Brothers Home.

Especially in the case of children, the procedures of consulting and investigation were not adhered to at all, and children were admitted only through the subjective judgement of controlling personnel such as police officers.

The identity registers of Brothers Nursery Home from 1967 shows that in "the reason for vagrancy" section, △parents gone missing △parents dead due to gas poisoning △parents died of suicide due to poverty and hardships △parents divorced of family conflict is repeated over and over, giving ground to suspicion that children were not closely consulted or investigated before admission. 

## Mortality rate 13.5 times higher than public ... “Chemical restraint” also suspected

[Truth Found on Brothers Home (3)] Human rights violation and treatment of the deceased

▲ The Brothers home forced inmates to labor at the construction site of the institution. Inmates were also forced to work at other similar construction sites. (photo credit: Brother Home photo archives)

Inmates of the Brothers Home were controlled under military style formation, and physical assault, violence, and sexual assault happened regularly. The medical care of inmates was also unconventional. Common medical treatments were administrated by inmates who had no medical training. The inmates were vulnerable to transmittable diseases such as typhoid fever and tuberculosis.

“The Brothers Home was managed in military style as seen in operational terms such as quarters, platoon leader, and company commanders. For newcomers

or dissidents, physical assault was common, and often times inmates were beaten for looking at a manager in their eyes” (“New Democratic Party Investigation Report of Brothers Home,” 1987. 2.4).

The mortality rate of Brother Home inmates was higher than that of the public. Investigation revealed that 135 inmates died in 1986 at Brothers home, which resulted in a mortality rate of 4.30%, 13.5 times higher than the public mortality rate of 0.318% during the same period. The death by tuberculosis rate was even higher. 0.41% of inmates at Brothers



Home died of tuberculosis in 1986. This was 29.2 times that of the general public, which stood at 0.014% during the same period.

The investigation by the TRCK found supporting evidence that inmates of Brothers Home were “chemically restrained” through over-administration of psychiatric drugs. Brothers Home purchased 250,000 tablets of Chlorpromazine (drug that treats schizophrenia) in 1986, which is enough to administer to 342 inmates twice a day for a year (there were 395 inmates in the mental sanatorium at that time). The expenditure for “mental patients’ medicine” in 1986 was 12,670,000 KRW, which was 10,150,000 more


than the cost of medicine for regular patients.

It was found that the Brothers Home widely used drugs including psychotropic medicine, sometimes arbitrarily administering such medicine without a doctor’s prescription. It was revealed that Brothers Home arbitrarily administered drugs to misfitting or rebellious inmates and used the psychiatric ward as a “probation ward.”

Inmates were forced to labor when the Brothers Home facilities were expanded/moved to Yongdang-dong in 1962 and Jurye-dong in 1975. The government ordered other similar institutions to follow the “Brothers Home Model” to save construction costs rather than supervising forced labor.

The investigation also revealed that Brothers Home embezzled outstanding wages that were compensation for the inmates’ forced labor and intended to be saved for independence after discharge. The average deposit in 1986 was 550,819 KRW per person, but the average payment was 204,729 KRW per person. The difference amounts to 346,090 KRW per person.

The TRCK views this as embezzlement of savings. This was revealed through a close study of the “donation account ledger” that the prosecutor’s office confiscated during its investigation of PARK, the owner of Brothers Home.

The Brothers Home also denied opportunities for inmates to contact their family and kin, and forcefully changed their identity so that inmates will be reported as missing by their family. School-aged children were also denied of their right to mandatory education. 

# Those who reported on Brothers Home arrested ... The government took sides to conceal the truth

[Truth found on Brother's Home (4)] The government and the City of Busan attempted cover-ups

The TRCK confirmed that all government organizations in the Busan area including the city of Busan, the police, and the Ministry of National Security systematically downplayed and concealed the case.

On March 24, 1987, the director of the 2nd bureau of the Ministry of National Security hosted a meeting with relevant organizations “to discuss the issue of Brothers Home.” The meeting was held the day after 30 inmates escaped from Brothers Home and exposed the reality of the institution. On March 26, high-ranked officials including the president’s chief of political affairs, the director of the 2nd bureau of the Ministry of National Security, the vice minister of the Ministry of Internal Affairs, the deputy director of the Supreme Prosecutor’s Office, the chief of the National Police Agency, the chief secretary of the prime minister, and the vice mayor of Busan met to discuss how to reorganize Brothers Home. However, only the issue of inmate disturbance was discussed, and no measures were taken.

The investigation revealed that even after the case of Brothers Home was exposed in 1987 and prosecutors started to investigate, the Ministry of Health and Social Affairs adhered to their opinion that forceful confinement of vagrants is necessary.

The city of Busan especially attempted to conciliate the petitions and lawsuits of victims and their families, and allowed the owner and his kin to re-take control of Brothers Home.

Under such protection by officials, the owner, PARK, even sued the petitioner for false accusation and had the petitioner arrested.

The petitioner had petitioned governmental of-

fices and the police in August 1982, to investigate Brothers Home regarding his brother’s human rights being violated while detained in the institution.

Afterwards, the Busan Bukbu Police Station commenced investigating the owner of Brother Home of violation of punishment for violence act, embezzlement, foul play, and disposal of corpses, but other than having the petitioner and the owner meet face to face, no actual investigation was conducted. Moreover, the owner PARK sued the petitioner for false accusation and the petitioner was arrested on October 15, 1982, and the family of the petitioners were forced to print an apology in the newspaper on October 28, 1982. The petitioner was sentenced to 8 months in prison and 2 years of probation in December of the same year.

“I confirm that all my misunderstandings about Brothers Home was entirely false, and thus I apologize to the owner of Brothers Home.” (part of the apology printed in Hankook Daily Newspaper, October 28, 1982)



▲ The apology printed in a newspaper by the arrested petitioner’s family.

## [Main chronology of events]

# The Brothers Home, from foundation to establishment of truth

〈Source: Major news agencies' reports〉

|  |  |
|--|--|
| 1960. 7. 20                              | PARK Sung-hak (before name-change to PARK In-geun) founds Brothers Nursery Home in Busan   |
| 1969. 12                                 | Changes name of corporate body to "Brothers Home" (lists employment agency as business objective)  |
| 1975. 7. 25                              | Signs "foster agreement on accommodating/protecting vagrants" with City of Busan   |
| 1979. 4. 25                              | Changes name to "Social Welfare Corporation Brothers Welfare Center"   |
| 1986. 7                                  | Fabricates death certificate of inmate KIM Gye-won, who was beaten to death in the Ulju working facility   |
| 1986. 12. 21                             | Prosecutor KIM Young-won of Busan District Prosecutor's Office Ulsan Branch starts investigation   |
| 1987. 1                                  | Prosecutors seize and search Brothers Home (1.16) and PARK In-geun is arrested (on grounds of special imprisonment etc) (1. 17)  |
| 1987. 1. 29 - 2. 1                       | New Democratic Party investigates Brothers Home and the City of Busan → Announces results on Feb. 4  |
| 1987. 3. 23                              | 35 inmates of Brothers Home escape and holds tell-all interview  |
| 1987.6 - 1989. 7<br>*Court Rulings       | <ul style="list-style-type: none"> <li>- 〈Busan District Court Ulsan Branch〉 sentences PARK In-geun to 10 years in prison and KRW681.78 million (1987. 6. 23)</li> <li>- 〈Daegu High Court (1st appeal)〉 sentences PARK In-geun to 4 years in prison and no fines (1987. 11. 12)</li> <li>- 〈Supreme Court〉 reverses ruling on PARK In-geun stating that he cannot be punished for special imprisonment (1988. 3. 8)</li> <li>- 〈Daegu High Court (2nd appeal)〉 sentences PARK In-geun to 3 years in prison (1988. 7. 7)</li> <li>- 〈Supreme Court〉 reverses ruling stating that PARK In-geun cannot be punished for unlawful imprisonment and sends case back to Daegu High Court (1988. 11. 8)</li> <li>- 〈Daegu High Court (3rd appeal)〉 As per the opinion of the Supreme Court, finds PARK In-geun innocent of daytime imprisonment and sentences him to 2 years 6 months in prison (1989. 3. 15)</li> <li>- 〈Supreme Court〉 rejects appeal. 3rd appeal ruled as final judgement (1989. 7. 11)</li> </ul> <p>※ Found innocent on special imprisonment, only partially guilty of embezzlement etc.</p> |
| 1992. 12. 21                             | PARK In-geun returns as CEO of corporation   |
| 2016. 6                                  | PARK In-geun dies  |
| 2018. 11 - 2019.2<br>*Prosecutor General | <ul style="list-style-type: none"> <li>- MOON Moo-il, Prosecutor General, files emergency appeal (nighttime imprisonment) (2018. 11. 20)</li> <li>- MOON Moo-il, Prosecutor General, apologizes to victims of Brothers Home. (2018. 11. 27)</li> <li>- MOON Moo-il, Prosecutor General, files emergency appeal (daytime imprisonment) (2019. 2. 22)</li> </ul>   |
| 2020. 4. 23                              | Court en banc hears case of Brother Home   |
| 2020. 5. 20 - 12. 10                     | Revision Framework Act on Settling Past Affairs for Truth and Reconciliation passed at National Assembly<br>→ 2nd TRCK accepts Brother Home case as first application (2020. 12. 10)   |
| 2021. 3. 11                              | Supreme Court* rejects emergency appeal → Task force expresses regret and requests that the TRCK expedite investigation<br>* The Supreme Court states "We hope that the truth seeking by the TRCK will recover the dignity of the victims and the government will take steps to wipe their tears, furthermore strengthening social integration."   |
| 2021. 5. 27                              | 2nd TRCK decides to investigate case of human rights violation at Brothers Home  |
| 2022. 8. 23                              | 2nd TRCK establishes truth in case of human rights violation at Brothers Home  |

# Truth Established for Case of Samchung Re-education Camp ...

## “Forced admission itself is illegal”

**Comprehensive victim relief measures including revision of Samchung Re-education Camp Victim Act and establishment of trauma treatment center necessary**

The 2nd TRCK held its 34th meeting on June 7 at the Namsan Square Bldg and established the truth on the “Case of Samchung Re-education Camp Victims” (41 applicants). The commission confirmed that the case is a large-scale human rights violation by illegal governmental power.

Past governments limited victims of Samchung Re-education Camp to “those who were wounded or those who died” at the camp, but the Commission included victims who were forcefully admitted to the camp as well. The truth found through this investigation includes cases of 41 confirmed applicants out of a total of 113 cases whose applications were received before May 31.

The case of Samchung Re-education Camp is a large-scale human rights violation that occurred at Samchung Re-education Camp, a concentration camp installed within a military base. 60,755 people were arrested under the Martial Law #13 ordered on August 4, 1980, and among those, about 40,000 were sent to Samchung Re-Education Camp to be re-socialized, perform labor, and taken into care and custody. In the process many were coercively detained and physically assaulted. At least 54 died during their time at the camp due to harsh military

training and assault, and 367 died of aftereffects after the duration of the camp, bringing the total death to 421.

The Presidential Truth Commission on Suspicious Deaths pointed out that case of Samchung Re-education Camp showed human rights violations, but its unlawfulness was never officially confirmed.

However, as the Supreme Court ruled that the Martial Law #13, the legal basis for Samchung Re-education Camp, is unconstitutional and void, the case of the camp was officially confirmed as a case of human rights violation through unlawful administration of governmental power.

### **Retrials of victims and revision of Samchung Re-education Camp Victim Act recommended**

As per the ruling of the Supreme Court of Korea, the TRCK admitted that Samchung Re-education Camp itself is a “large-scale human rights violation case by unlawful governmental powers.” The commission decided that all inmates who were forcefully admitted, not only those who were injured or who died, were vio-

보호감호사안부

|             |                |  |
|-------------|----------------|--|
| 계 호         | 계 [redacted] 호 | 계 [redacted] 호                                     |
| 수 리 일 자     | 1980. 12. 20.  | 1980. 12. 20.                                      |
| 성 명         | [redacted]     | [redacted]   |
| 본 적         | 경남 [redacted]  | 전라 [redacted]                                      |
| 주 거         | " " [redacted] | 부산 [redacted]                                      |
| 주 민 등 록 번 호 | [redacted]     | [redacted]   |
| 성 별         | 남              | 남  |
| 연 령         | [redacted]     | [redacted]   |
| 검 거 관 서     | 승천포경찰서         | 부산진경찰서   |
| 수 용 부 터     | 용천재 27사단       | 용천재 27사단   |
| 조 사 의 견     | 라              | 나  |
| 결 정 일 자     | 1981. 1. 16    | 1981. 1. 16  |
| 요 지         |                |  |
| 집 행 지 위     | 1981. 1. 25    | 1981. 1. 25  |
| 비 고         |                | 출소신청<br>주: 158<br>출소: [redacted]<br>날: 1981. 1. 25 |

2

▲ The registration of care and custody at Samchung Camp, one of the data collected for truth finding.

lated of their human rights.

The TRCK found that the re-socialization education and labor that were enforced on detainees on the basis of Martial Law #13 is a human rights violation including forced labor, an act that violates the constitutional right of physical freedom. The care and custody that was conducted under Martial Law #13 and the former Social Protection Law (legislated 1980. 12. 18, Law #3286) Article 5 Paragraph 1 violated not only the right to physical freedom but also right to trial.

The TRCK found that at least 100 people were found guilty of escape or disturbance during the Samchung Re-education Camp period under the Martial Law Article 15 and former Social Protec-

결 정 서

1981보신자 [redacted] 호

|               |                           |
|---------------|---------------------------|
| 본 적           | 부산 [redacted]             |
| 주 거           | 부산 [redacted]             |
| 보 직 업         | 배상                        |
| 호 주 민 등 록 번 호 | [redacted]                |
| 자 성 명         | [redacted] ( [redacted] ) |
| 생 년 월 일       | [redacted]                |

|         |                                 |
|---------|---------------------------------|
| 주 문     | 피보호자에 대한 출소를 명한다.               |
| 이 유     | 별지와 같음.                         |
| 적 용 법 조 | 사회보호법 부칙 제 5조 제 2항, 제 32조 제 3항. |

1981. 8. 24


사회보호위원회

|     |            |
|-----|------------|
| 위원장 | 서정박안허장장    |
| 위원  | 동해일경성상장    |
| 위원  | 권창홍상난재환    |
| 위원  | [redacted] |
| 위원  | [redacted] |
| 위원  | [redacted] |
| 위원  | [redacted] |

▲ An "order of release" form (1981), part of the materials collected for truth finding.

tion Law article 43. However, as these rulings were decided under unlawful governmental forces, the commission recommended that retrials under criminal procedure laws be conducted.

The TRCK also recommended that the government revise the current "Act to Recover the Honors and Compensate Samchung Re-education Camp Victims" be revised so that all people who were taken into the camp be included.

It was also recommended that the government take measures to find truth and relieve victims of Samchung Re-education Camp even after the TRCK's activities are terminated, and make comprehensive efforts such as establishing a trauma treatment center for the victims. 

# The forgotten human rights abuses at Samchung Re-education Camp... “There is no future without settling the past”

[Op-Ed] Thoughts on the truth-finding of Samchung Re-education Camp



▲ The press conference on “Samchung Re-Education Camp Victims vs the State” held by Lawyers for a Democratic Society (Minbyun) on November 16, 2021

The Samchung Re-education Camp that started in August 1980 was a 20th century slaughterhouse of human rights. There was no such thing as human rights in the arrests made. The process was farcical, a comedy at best.

Farmers who brawled with neighbors, supporters of Kim Dae-jung, middle school and highschool students, workers’ union members, petty thugs, candidates from the opposition party, security commanders, reporters, comedians, and citizens who had no criminal records were arrested without access to lawyers or right to respond.

Most victims did not even know why they were being taken away. The people that the military regime labeled as gangsters were actually petty thugs. The real gangsters had already escaped thanks to

the cooperation of the police, leaving only those on the bottom to be taken away.

Almost 40% of those arrested had no criminal record. Excluding fines, 70% of all admitted to Samchung Re-Education Camp had clean records. This shows how inhumane and unorganized this whole scheme was.

The victims, who were divided into 25 divisions around Korea, had to endure hell. People were put into “purification education” for two to four weeks, then into “volunteer labor” for six months, then protective custody for one to seven years.

The hardest part of this process was volunteer labor. It was essentially a military style forced labor camp. Many were injured or even killed while enduring violence, cold weather, and hunger.



Some people who resisted became disabled or were shot to death. Many suffered from the aftermath including psychological or physical disabilities after release.

Samchung Re-Education Camp is a human rights abuses, a scapegoat by the new military government to lay the foundation for its regime. Such event is unseen in the history of mankind, almost on the level of Auschwitz.

There were talks of government compensation after several administrations passed, but nothing was realized. The reparation was limited to those who were injured or killed during the camp. For the former, the compensation was only several million won, and for the latter, ten million won or so.

There has been no reparation for slave-like labor for years. The state only compensated for those who were injured or killed, but they made it sound like the entire group of victims was paid back for their suffering. That is also violence by the state.

Now it has been ruled that Martial Law #13, the legal basis of Samchung Re-Education Camp, is illegal. Then those who were wrongfully detained under that law must be compensated for unlawful internment and there should be reparation for the period illegally detained per social protection law.

It is a relief that the 2nd Truth and Reconciliation Commission was launched. The 2nd TRCK put its utmost effort into finding the truth on the case of Samchung Re-Education Camp. The greatest achievement by the TRCK's investigation is that they found all victims of Samchung Re-Education Camp, not just those who were injured or killed, should be compensated for the suffering.

I feel a that a knot in my heart was untied. The TRCK also recommended that the Samchung Re-Education Camp Victim Act be revised to in-

“  
There is no future for a country  
that does not settle the past  
”



**LEE Manjeok,**  
Executive, Association for Victims  
Under the 5th Republic  
President of Samchung Re-Education Camp  
Victims Association

clude these newly found truths. However the National Assembly has yet to act on the TRCK's recommendations.

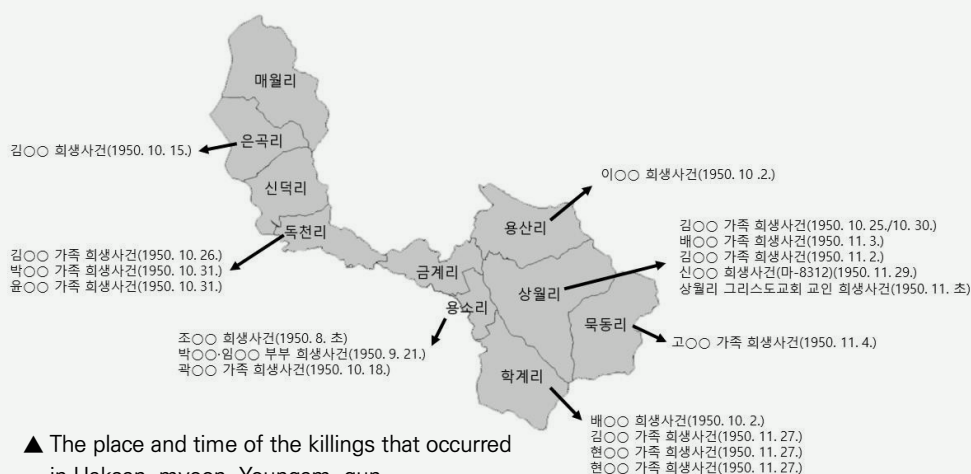
The legislative sector must hurry to act on the TRCK's decision. Those who were wrongfully interned, those who became disabled, and those who suffered, all must be found.

At the same time, a memorial monument for those who died must be built. There should be free treatment for the victims who were injured at the Camp and a trauma relief center must be established, as well. To prevent another case of wrongful state power abusing the rights of innocent citizens, we must build a human rights center for Samchung Re-Education Camp victims and remember history.



# Truth found on the case (1) of the killings by hostile forces in Youngam, South Jeolla Province ...

## Many families fell victim



▲ The place and time of the killings that occurred in Haksan-myeon, Youngam-gun, South Jeolla Province



▲ The Christian Martyr Memorial in Sangwol-ri, Youngam-gun, South Jeolla Province

The 2nd TRCK held its 39th meeting at the Nam-san Square Building in Jung-gu, Seoul, on August 23 and established the truth on “the case (1) of killings by hostile forces in Youngam,” which occurred in Haksan-myeon, Youngam-gun, South Jeolla Province.

This is a case in which 133 civilians were killed by regional leftists and partisans between early August and November of 1950 in Haksan-myeon, Youngam-gun. The victims were killed because they were either family of police officers, right-wing, family of such people, or Christians.

The TRCK found that many of them were family members. 24% were under 10 years old and many were in their 50s and 60s. almost 41% were women and 60% of the victims worked in agriculture or were homemakers.

The culprits of this case were regional leftists and partisans - most cases happened before se-

curity measures had yet to be recovered after the North Korean army retreated. The majority of killings occurred between October and November of 1950, when regional leftists, who were familiar with the region, took an active stance. The victims were killed because they were right-wing, such as police officers, government workers, or members of the Agency of the Korean Youth or their families. some victims were also killed because they were affluent or Christian.

The TRCK recommended that, even during war time, the state must protect the lives and freedom of its citizens, and since it failed to do so the government must officially apologize to its victims and their families. the Commission also recommended that measures for memorial services be established, wrongful historical records be corrected, and peace and human rights education be implicated. 🇧🇪

# Truth found on the case of human rights violation of LEE Jae-mun during detention ... The first truth-finding on a suspicious death by the 2nd TRCK

**Could not receive outside medical health for being a political prisoner on death row ... Apology and recovery of honor recommended for state**

The 2nd TRCK held its 39th meeting at the Namsan Square Building in Jung-gu, Seoul, on August 23 and established the truth on “the case of human rights violation of LEE Jae-mun during detention.” This is the first truth-finding by the 2nd TRCK among the applications it received on suspicious deaths.

LEE Jae-mun was detained at the Seoul Detention Center for being a member of People’s Front for the Liberation of South Korea. LEE died on suspicious terms on November 22, 1981, after been given the death sentence in 1980. This case was also investigated by the Presidential Truth Commission on Suspicious Deaths.

At the time of his arrest in 1979, LEE still bore self-inflicted scars. He was detained for a long time at the Namyong-dong interrogation room of the Korea Central Intelligence Agency where he suffered torture and assault.

The TRCK found through testimonies by former police officers who worked at the interrogation room in Namyong-dong, the reason for appeal document by LEE Jae-mun, and from other people who were tortured for separate cases that LEE was tortured before he was fully recovered from the self-inflicted scars made at the time of his arrest, and this caused his health to rapidly deteriorate.

LEE and his family asked for outside medical treatment and adequate care for his weakened gastrointestinal health, but the Ministry of Justice and



▶ LEE Jae-mun, who died of mysterious causes at the Seoul Detention Center on November 22, 1981.

the Korea Central Intelligence Agency did not allow it. Hence LEE died at the Seoul Detention Center without receiving basic medical care.

The TRCK found that the Ministry of Justice abandoned its responsibility towards detainees, and that the Korea Central Intelligence Agency disallowed outside medical care because LEE was a political prisoner on death row, ultimately causing LEE’s death.

The TRCK recommended that the government apologize to LEE and his family and take adequate measures to recover their honors and make amends.

JUNG Geun-sik, the chairperson of TRCK stated, “This truth-finding declares that the state has the responsibility to respect the basic rights of prisoners, such as the right to health and livelihood, regardless of their status as death row or political prisoners. This is meaningful because it implies that similar measures should be taken to protect the human rights of future prisoners.”



## Truth found on the case of North Korean civilian abduction by the Air Force Intelligence Unit

**The state must recover the honors of the victims and apologize... providing opportunities for family reunions also recommended**

The 2nd TRCK held its 38th meeting at the Namsan Square Building in Jung-gu, Seoul, on August 9 and established the truth on “the case of North Korean civilian abduction by the Air Force Intelligence Unit.”

Three agents sent on mission to North Korea abducted a civilian middle-school student in the

Hwanghae Province sea area on October 10, 1956, on grounds of spy activity. They then detained the victim at the Air Force Intelligence Unit office in Oryu-dong, Guro-gu, Seoul, for four years, forcing free labor and ultimately holding him for 66 years.

The applicant, KIM Joo-sam, was a second year




◀ The press conference on the case of the North Korean civilian who was abducted by the Air Force Intelligence Unit. The victim, KIM Joo-sam (middle), the legal counsel, LEE Gang-hyuk (left), and Lim Joong-cheol (right), who worked with KIM, were present.

of being forced to become a South Korean citizen and for being continuously monitored by the police but was not able to find sufficient proof due to the passive attitude of the state. Thus, KIM requested that the TRCK find the truth of the state's wrongdoings.

As this case occurred immediately after the Korean War while an intelligence war was in full rage, most information was closed off and there was very little evidence left to use as evidence. However, the TRCK gathered testimonies from the applicant and those who worked as agents in the Intelligence Office, and based on this, found applications for compensation from the Ministry of National Defense Special Mission Executor Compensation Committee to prove these testimonies to be true.

The TRCK found it to be a serious violation of human rights including freedom of the body and freedom of movement that the Air Force Intelligence Unit abducted a North Korean civilian on grounds of collecting information and forced that person to live in South Korea.

Therefore, the TRCK recommends that the state apologize to the victim, take measures to recover his honor, and find ways to allow him to reunite with his family in North Korea.

JUNG Geun-sik, the chairperson of TRCK, stated, "this case is a tragedy that occurred at the height of conflict between South and North Korea. Through the establishment of truth on this case, the civilian victim who was abducted by South Korea must have his honor restored and given a chance to reunite with his family in North Korea." 

student at Youngjeong 1 Middle School in 1956. At his home, in a desolate sea area in Youngeon-ri, Hwanghae Province, he was abducted by three Air Force Intelligence Unit officers in air force uniform. KIM was with his four sisters at that time as his mother had to work late.

KIM was taken to Baengnyeongdo for a two-day investigation, then taken to Incheon, eventually being detained at the Air Force Intelligence Unit office in Oryu-dong, Guro-gu, Seoul. He was interrogated on the geological information including the locations of North Korean troops, and held at the office for four years of forced labor.

KIM sued the government for damages on grounds

[The Stories that Lead to the Truth] Shootings at Iyapo, An-do, Yeosu by US troops

## “That day, corpses floated around the ocean like buoys”



▲ The peaceful beaches of Iyapo today (photo by CHOI Gyu-hwa)

August 3, 2022. The sky was clear with not a cloud in sight. The day of the shootings, 72 years ago, when Mr. LEE Chun-hyuk was a 16-year-old boy, the weather was also sweltering hot. Among the seven family members who were on the escape boat, his father, mother, and two sisters - seven and three-years-old - did not survive that day.

Between the three who survived, both his sister and brother passed away, and now he is alone. He is the only known survivor of the case known as “the Iyapo US military shootings.”

### The boy that summer

The sea of Iyapo was shining brightly under the sun, and the pebbles of Mongdol beach were heating up. The fifth memorial ceremony was held at the Peace Park near the hill that leads to the village. All participants were safely under the shade



▲ LEE Chun-hyuk pays his respect at “the Memorial Ceremony of the 72nd Anniversary of the Iyapo US Military Shootings” on August 3, 2022 (photo by KANG Byeon-gu)

of the tent.

The ceremony this year was more special than others, as a monument with a picture of that day was put up. The unveiling of the monument was followed by dedication of flowers by the participants. Under the instructions of the MC, people took turns dedicating flowers and paying their respects.

Mr. LEE Chun-hyuk, 88, carefully approached the monument. He was handed a white chrysanthemum to bestow on the monument that bore a painting of his younger days. He stood there for a long time, giving a silent prayer.

### The escape ship departed Busan

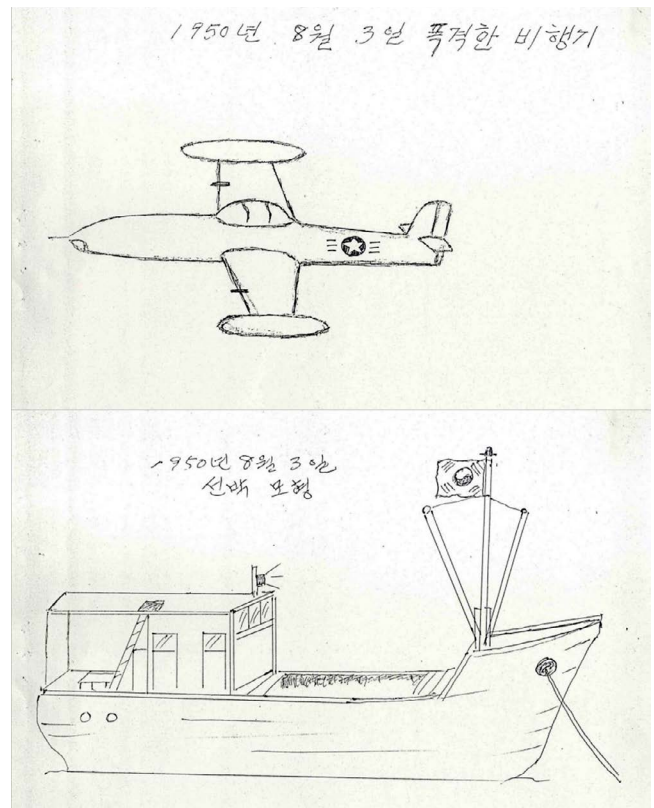
On the afternoon of August 2, 1950, there were 300 evacuees fleeing on the wooden cargo ship. The boat was full of evacuees, from the deck to the cabins. The terrace on the gunwales of the ship were practically touching the waters because of the weight of the people.

When evacuees fled to Busan from all over the country, the government ordered that they be dispersed to nearby islands. Sungnam Elementary School, the place where LEE Chun-hyuk's family were lodging, was to be converted into a barrack for US military forces.

The evacuees left Busan on July 21 and spent a week in Chungmu, then another five days in Yokji-do. The government then divided the evacuees into three boats and issued them to move once more.

The ships eventually parted ways in the ocean. One of them were passing the sea in front of An-do. The sound of gunfire broke the silence. It was the police from Yeongam Police Station, who were in An-do at the time. The police, through flags, ordered for the boat to anchor their ship.

The escape boat had no choice but to anchor at Iyapo, An-do. As they had not been given any rations since leaving Yokji-do, the evacuees were thirsty and hungry. But the police never came. The people had to spend the night on the boat.



▲ Pictures of the airplane and escape boat that LEE Chun-hyuk's later brother, LEE Chun-song, drew for the 1st TRCK. Quoted from the "Report of US Military related killings in the Honam Area" (TRCK, 2010).

### The US fighter jet that machine-gunned the escape boat

It was now August 3. The evacuees needed to feed themselves. The boy, LEE Chun-hyuk ate what food his father brought back from the village.

A little over 9 am, jet fighters flew in from the direction of Sori-do, south of Iyapo. There were four of them. They flew over with a roar, then circled back to Iyapo.

The four fighters flew side by side above the still waters of Iyapo, made a circle, then headed towards the ship. Then they changed their formation into a single line and started to dip and fire towards the escape boat. There were six machine guns on

front of the jets shooting out bullets thicker than a grown man's fingers. As the jets passed above the boat, evacuees fell like dominos.

The people who were at the gunwale of the ship dropped into the sea, and those who had ducked fell to the ground. Each fighter passed through, shooting out bullets.

There was blood everywhere and body parts were cut off. People ran to take cover in the cabins. But the staircase was already full of corpses. The planes came back and ambushed the ship with bullets. The bullets pierced the deck and killed those in the cabins.

The evacuees realized that the fighters were only shooting at the evacuee ship, and leaving out the other boats out in the sea. They needed to swim to the beach to survive.

The fighters approached for a third round. This time the four planes flew side by side. Because the radius of shooting was wide, there was no way that anyone on the ship could survive.

The evacuees started to jump into the water, despite not knowing how to swim. LEE also jumped off the ship. He brought the float that the island people used to catch fish and put his mother on top. His mother was carrying his baby sister on her back.

But there were too many people on the float and his mother fell off. He managed to hold on to her but the weight of the baby and the blanket was too heavy to pull her on top.

LEE had no choice but to swim to the beach. A plane passed by without shooting. The jets circled the sea above Iyapo once more then went back toward Sori-do.

Iyapo became still again. LEE was left with his

younger brother and his older sister. The others were nowhere to be seen. His father and seven-year-old sister had been shot on the boat, and this mother with the baby never came up from the deep waters.

Out of 350 evacuees who were on the ship, 150 died and 50 were injured from the shootings.

### The truth yet to be told

The shootings by US troupes at Iyapo was not known for a long time. The late LEE Chun-song, brother of LEE Chun-hyuk, applied to the 1st TRCK to find the truth in 2005, and the truth was established in 2010.

The established truth is as follows: "Civilians who were being moved to islands in the Namhae area from Busan via escape ships were killed by US military shootings.

The main agents of shooting are estimated to be US fighter jets, but because there are no direct records of shootings or papers of any kind, it is not definite." Questions arise.

What happened to the Youngam Police who were in An-do at the time? Why did they not show up? The fighter jets were not on their way to another location but headed exactly to Iyapo to shoot at the ship.

It is certain that they were aiming at the civilian evacuee ship. Who sent the coordinate that specified the location of the ship to the fighters?

### Yeosu citizens bring the memories back to life

The case of Iyapo was kept under the surface for a long time. Only after the civilian government of





▲ A shaman gut ceremony during the Memorial Ceremony of the 72nd Anniversary of the Iyapo US Military Shootings on August 3, 2022. The performer looks like he is holding the mournful escape ship full of the victims' souls up towards the sky. (Photo by Choi Gyu-hwa)

President KIM Young-sam came into power that brothers LEE Chun-hyuk and LEE Chun-song met the villagers of Iyapo, An-do to hear their testimonies.

Even after the truth finding of TRCK in 2010, the case of Iyapo did not draw much attention. Only in 2017 did the regional press led by “Yeosu Net Tong News” start to write stories about the case.

There were no real memorial ceremonies until 2018, when a small-scale ceremony was first held, and searches for the wrecked escape shop were conducted around the same time. Some parts of the ship were found.

YANG Young-je, a novelist from Yeosu, has covered the case for a long time. He met numerous villagers of Ando to find the truth behind the Iyapo killings. Because many were hesitant to speak out, he took cover as a fisherman and asked about the event.

The non-fiction novel based on these materials, “Two Boys,” was published in 2022. The novel shows that the souls of those who were killed in Ayapo are still in the cold water.

“The white clothing on the corpses swelled up like buoys. Those bodies drifted to the west side of the island during high tide then floated up to the east side during low tide, coming back again during high tide, not being able to leave Iyapo” (119).

The first memorial ceremony held under the cooperation of the government and citizens was held on August 3. The families of the deceased and the Memorial Association for the Victims of Iyapo US Military Shootings applied to find truth through the TRCK on the August 18. The ball has been now passed on to the 2nd TRCK. 📖📷

Written/photographed by **KANG Byeun-gu**,  
the author of “The Story Told by the Island”

### Reference

- TRCK Report, “US Military related killings in the Honam Area,” 2010
- YANG Young-je, “Two Boys,” Book21 Arte, 2022 (Descriptions of the shootings follow the accounts written in this book)
- SHIM Myeong-nam, “Do you know the Iyapo US military shootings, the Nogeun-ri like incident that occurred in Yeosu?” Oh My News (2018. 8. 4)
- Yeosu Net Tong News (www.netongs.com) articles on the Iyapo incident

# Investigation on suspected burial sites and implementation of mid-to-long-term roadmap on exhumation of remains ... 37 sites including Seongam Academy appear eligible

**Inquiry of 318 burial sites around the nation ... Will start exhumation in later half of 2022**

After a commissioned study of 381 burial sites around the nation, the TRCK has determined 37 locations as potential exhumation sites. There are more than 1800 suspected bodies in the 37 sites.

The TRCK commissioned Pukyong Industry-University Cooperation Foundation to perform an “investigation on suspected burial sites and implementation of mid-to-long-term roadmap on exhumation of remains” between December 2021 to July 2022.

The results found that five sites in the Metropolitan area and Gangwon Province, fifteen sites in the Chungcheong Province, six sites in the Gyeong-sang Province, and ten sites in the Jeolla Province are potential burial sites of victims by mass civilian killings or killings by hostile forces during the Korean War.

Among human rights violation cases, the location of Seongam Academy, where detained children’s rights were violated, was found as a potential exhumation site.

An exhumation at Seongam Academy will be the first case in Korea to perform such act on a human rights violation case. A pre-exhumation investigation by Gyeonggi Province in 2018 found that there are an estimated 150 bodies buried at the Seongam Academy site.



▲ The final report of the commissioned study

The commissioned study aimed to △ create a comprehensive record on potential burial sites of killed civilians △ perform an on-site investigation of whether an exhumation is possible △ implement an evidence-based roadmap for future exhumations for the TRCK △ find a sustainable policy direction for exhumation.

The TRCK decided to start a gradual exhumation at these 37 sites starting in the later half if 2022. The Commission will also start solving issues facing the 45 potential sites that were found during this study and create a mid-to-long-term roadmap for exhumation.

The report recommended that the exhumation




▲ Remains that were exhumed at Boonteogol, Cheongwon, North Chungcheong Province.

be performed in multi angles - △ directly performed by the Commission △ performed in cooperation with regional governments △ performed by regional governments - to be effectively accomplished, and that exhumation become part of the memorial program of regional governments.

The researchers emphasized the need for a control tower of exhumation and proper burial of remains even after the termination of the 2nd TRCK, and that the government must take the lead in creating such branch.

The 1st TRCK exhumed 1617 remains of bodies from ten sites including the Cobalt mines in Gyeongsan, North Gyeongsang Province, throughout ten exhumations between 2007 and 2010.

The report from this study can be found at the TRCK website ([www.jinsil.go.kr](http://www.jinsil.go.kr), Korean only). 



▲ The suspected burial site at Seongam Academy in Gyeonggi Province.

# Investigation report from first half of 2022 published... Application for truth-seeking promoted in Metro trains

Includes truth findings on cases including Samchung Re-Education Camp and Seosan Pioneering Group



▲ Cover of "The 1st Investigation Report of 2022"

The TRCK published the "The 1st Investigation Report of 2022" on August 16. The third of its kind, this report includes the full decisions from truth findings on twelve cases including Samchung Re-Education Camp and Seosan Pioneering Group.

Volume 1 (Remarks) consists of △ the Organization and Operation of the TRCK (chapter 1) △ statistics regarding applications, decisions to

commence investigation, progress of investigation, truth-findings, and recommendations (chapter 2) △ activities of the Commission including promotion, data collection, and external activities (chapter 3) △ future projects (chapter 4).

Volume 2 consists of two chapters. chapter 1, "Mass Civilian Killings," includes the entire report of truth findings on three cases such as "civilian



▲ The promotional advertisement in a Metro train.

killings by the police and military forces in Jindo, South Jeolla Province (1).”

The second chapter of volume 2, “Human Rights Violations,” contains the entire report of truth findings on two cases including the case of “South Korean fishermen of vessel Geunsul who were abducted by North Korea and later repatriated.” seven decisions on human rights violations by unlawful government powers are also included in this chapter, such as the ones on the “Seosan Pioneering Group” and “Samchung Re-Education Camp.” Out of these seven cases, four were decided to be incapable of truth finding.


The investigative report is written, in accordance to the Framework on Settling Past Affairs for Truth and Reconciliation, to report to the President and the National Assembly. Reports are published twice a year, and after the term of the Commission expires, a comprehensive report is published. The report can be downloaded at the TRCK website

([www.jinsil.go.kr](http://www.jinsil.go.kr), Resources, available in English).

### Advertisement to encourage applications commenced in Metro trains

The TRCK started subway ads to promote applications to find the truth, which deadline is on December 9. Advertising in Metro Line 1 started on June 18, and ads in Metro Line 2, the most occupied line, started on August 22.

In addition, posters to promote applications were hung at every metro station in Seoul, Busan, Daegu, Incheon, Daejeon, and Gwangju so more citizens could learn about the applying for truth findings.

Actor JANG Hyun Sung, the Honorary Ambassador for the TRCK and MC of SBS “The Stories that Lead to the Truth” is featured in the poster. The poster reads, “Waiting, for you. Tell us, the truth,” and lists the period and method of applying for truth finding. 

# The Supreme Court of Korea rules state must compensate for Emergency Measure #9

[Rulings] En banc ruling of Supreme Court on Case 2018da212610 on August 30, 2022



◀ The Supreme Court ruled en banc that the Emergency Measure #9 is unconstitutional on August 30, 2022 (photo credit: Youtube channel of the Supreme Court of Korea).

## [2007] The 1st TRCK establishes truth on violation of the Emergency Measure

The 1st TRCK established the truth on “OH Jong-sang’s violation of the Emergency Measure” on October 30, 2007, stating the case to be “a serious violation of human rights, as an unconstitutional Emergency Measure pressed citizens into excessive criminal punishment, and a violation of the state’s responsibility to protect the basic rights of its people.”

In addition, the Commission at that time recommended that, as according to data collected, 589 cases and 1140 victims who were charged with violation of the Emergency Measure were found, the state find a way for reparation of these acts.

## [2013] The Supreme Court finds Emergency Measure #9 to be unconstitutional and void, rules criminal retrials innocent

The Supreme Court of Korea ruled en banc on April 18, 2013 that “Emergency Measure #9 violates the basic rights of Koreans stated in the constitu-

tion, and even under the Yushin constitution or current constitution, unconstitutional and void” (Case 2011chogi689).

The victims who were found guilty under the Emergency Measure were found innocent through retrial in accordance to Criminal Trial Law Article 325.

## [2014] The Supreme Court rejects lawsuit for state compensation

The victims individually sued the state for compensation, but even though the Supreme Court ruled that the Emergency Measure is unconstitutional and void, it still viewed that the legislation and implementation of the Presidential Emergency Measure cannot be applied to Article 2 of the State Compensation Act, which states that “the state is liable where public officials inflict damage on other persons by intention or negligence in violation of their duties, in violation of statutes” (Supreme Court of Korea Ruling October 27, 2014. Case 2013da217962, Su-

preme Court of Korea Ruling March 26, 2015. Case 2012da48824).

However, under Article 325 of the Criminal Procedure Act, in some cases of high probability the state was found liable. Even in such these cases the victims were responsible for proving their innocence.

## [2022] The Supreme Court rules that the state is liable for compensation

In the following years, lower courts ruled that the legislation of the Presidential Emergency Measure and its implementation by lower government agencies such as investigative institutions or courts were illegal acts, and therefore the state is liable for compensation.

On August 30, 2022, the Supreme Court of Korea, in an en banc ruling, concluded that “Under the patently unconstitutional and void Emergency Measure #9, from its legislation to implementation, government employees neglected their duty to protect citizens. And therefore those who suffered damage including forced investigation or serving prison time after being found guilty under this measure are liable to demand compensation from the state,” overturning its previous ruling (Supreme Court of Korea Ruling August 30, 2022. Case 2018da212610, en banc ruling).


The Supreme Court had ruled the Emergency Measure to be unconstitutional and void in 2013, but because not all victims were found eligible for compensation, the victims had no choice but to file against the government individually. The Supreme Court, which had rejected this claim 8 years ago, overruled their decision and concluded that the state is liable for compensation. 15 years have passed since the 1st TRCK found the truth for the victims in 2007.



▲ SONG Gi-in, the chairperson of the 1st TRCK gives a press conference regarding the “2nd Investigative Report of 2006” which included the ruling on the Emergency Measure.

But many victims already received final rulings or passed their statute of limitations during those years. For true reconciliation to occur, compensation must be expanded to include such victims.

The final recommendation by the 1st TRCK in the truth finding for victims of the Emergency Measure was as follows:

***“The National Assembly of Korea should take legislative measures to compensate for the damages and recover the honors of the victims who violated the Emergency Measure.”*** 

HA In-jun, Lawyer, Officer of External Division,  
Legal and Reconciliation Committee

※ The truth findings from the 1st TRCK can be downloaded at the TRCK website.

The report by the 1st TRCK, based on 1412 rulings by the court related to violations of Emergency Measures (“2nd Report of 2006” pp 279–442), states that 1140 people violated Emergency Measures #1 through #9 and that those who violated #1 and #4, which were emergency military law courts, amounted to 115 people.

We wait, **for you.**  
Tell us, **the truth.**



## We accept applications for

- **Civilian casualties during the Korean War**  
(by the South Korean military, police, US military, North Korean military, Left-wing or Right-wing forces)
- **Human rights violation by the state**  
(forced detention, abducted then repatriated fishermen, Samchung Re-Education Camp, Seosan Pioneering Group, Seongam Academy, Brothers Home)
- **Korean independence movements against Imperial Japan and history of overseas Koreans**



Scan the QR for related information

Jang Hyun Sung  
Honorary Ambassador for  
The Truth and Reconciliation Commission of Korea



Truth and Reconciliation Commission,  
Republic of Korea