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South Korea's Embattled Truth and Reconciliation Commission　困難に直面する韓国真実和解委員会

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South Korea's Embattled Truth and Reconciliation Commission

Kim Dong-choon and Mark Selden

An interview with Kim Dong-choon, recently retired Standing Commissioner of South Korea's Truth and Reconciliation Commission

Since the formation of South Africa's Truth and Reconciliation Commission (TRC) to come to terms with the legacy of apartheid and colonialism, Commissions have sprung up in many countries that have sought to come to terms with painful legacies of colonialism, war, and internal strife. Nations with international and domestic traumas as diverse as Chile and Argentina, East Timor, and Sierra Leone have established TRCs.[1]

The Truth and Reconciliation Commission of South Africa, 1996

Few have dared to unearth the ghosts in the national closet associated with national division that gave rise to the Korean War and decades of dictatorship with the courage and commitment of Korea's TRC. Established in 2005, and now on the brink of suppression following the 2009 election of President Lee Myung-bak, TRCK merits close study for its attempts to heal the wounds of the past and build a common future in a nation that remains politically divided not only between North and South, but also within the ROK.

The Commission will complete its original four-year mandate in April of 2010. The former chair and one Standing Commissioner appointed by President Roh Mu-hyun finished their terms in December of 2009. Accordingly, President Lee Myung-bak appointed a new chair and standing commissioner, but the present commissioners have decided to extend their work only to June 2010, a decision which insures that many pending cases will be unresolved. With the appointment of a new chair and standing commissioners hostile to the spirit of the commission, as is the President of South Korea, a ban has even been issued on publication of the English text of the summary report of 2009 (See the full text of the report below).

The cover image on the banned TRC repot

This article presents that censored report in its English version as well as the Korean version, together with an interview with and an article by recently retired Standing Commissioner Kim Dong-choon, who took charge of investigating the Korean War massacres for the commission.

Interview with Kim Dong-choon

Kim Dong-choon

The achievements and the challenges of the TRCK

Mark Selden: What are the problems facing TRCK in the wake of the end of its four year term and the turnover in its leadership in December 2009?

Kim Dong-choon: The current leadership, including former Standing Commissioner Lee Young-jo who is the new president, holds different or even contradictory views from us about the necessity of the TRC. Where we stress the importance of bringing the commission's work to a timely conclusion, with important work remaining to be completed, the present leadership seeks to bring its activities to a premature close. For example, although more than 75% of cases concerning repression of Korean civilians by the South Korean dictatorship and military have been completed, significant numbers of others remain incomplete. In particular, cases involving US bombing of civilians and other atrocities remain to be investigated and resolved. I understand that the new standing commissioner who assumed my position, for example, supports the legitimacy of US indiscriminate bombing during the Korean War. The single most important issue may be the framing of the Commission's final report. With the Lee government bringing the TRC to closure this June, rather than granting a two-year extension as we proposed, I fear that the final report will not clearly reflect the core of the truth we have verified to date. The possibility exists that the final report will undermine many of the Commission's most important findings.

Excavation work by the TRCK

Another difficulty facing the TRCK is the lack of support and cooperation from governmental institutions. The police and the National Intelligence Service under the current Lee Myung-bak administration are uncooperative, a sharp contrast to our work with them during the previous Roh Mu-hyun administration. The former government placed great weight upon the Commission, and regarded it as an important accomplishment. Therefore, it required government agencies and other institutions to cooperate with the Commission. And in one important case regarding a wartime civilian massacre, President Roh visited Cheju Island to extend a direct apology. Non-cooperation by the police, military and intelligence will not only hamper the ability to investigate, it will also undermine attempts to reconcile victims through public rehabilitation ceremonies.

MS: What do you view as the Commission's achievements and shortcomings?

KDC: I began to work on historical rectification issues more than a decade ago with civil society organizations prior to my appointment as a Standing Commissioner in 2005. The Commission's goal was to create favorable conditions for achieving historical, political and legal justice through revealing long-suppressed truths. Like all other truth commissions throughout the world, our commission did not pursue justice through the legal system. Especially atrocities that occurred during the war may not be resolved exclusively by legal procedures. Given the massive scale of victimization of the Korean population in the course of the Korean War, one which took the lives of more than two million people, it was impossible to resolve civilian victimization issues through the courts. We sought instead to bring to light a counter-narrative through the voices of long-silenced victims, and through the investigation of official government and military records and unofficial records such as the press, but above all through citizen testimony. This was particularly challenging in a society which remains at war (there has been no peace treaty between North and South, or involving the US or the UN) and which anti-communism remains deeply entrenched. We can think of the airing of citizen grievances pertaining to the Korean War as a form of democratization from below, a new stage in achieving human rights in Korean society.

North Korean Premier Kim Il Sung prepares to sign armistice agreement on July 27, 1953. General Nam Il (right), head of the communist delegation at Panmunjom.

Truth or Justice?

MS: Might not some say that this was an approach that favors truth over justice in the sense that it failed to privilege compensation for victims?

KDC: From the outset of legislative activities we chose not to emphasize either compensation for victims or punishment of perpetrators (whether South Korean, North Korean or American). In part, this was a product of our experiments and experiences in the course of government-administrated attempts to deal with the past since the demise of the military regime in 1987. Viewed from another angle, however, it also reflected serious divisions within and between the Korean government and society. Under the circumstances, the first step, I thought, was fact finding without reference to compensation or judicial punishment. By airing the truth of the Korean War, determining what really happened and who were the perpetrators and victims, I hoped that social awareness about Korean War massacres and atrocities could be enhanced. This would make it possible both to provide a form of social punishment to perpetrators, including those named and those unnamed, while restoring the legitimacy of victims.

MS: What about government compensation to victims?

KDC: The Commission officially recommended that the government enact a special law to compensate victims, for example, payment of medical bills in case in which we verified mass victimization. But in my view, establishing the truth and rehabilitating victims' reputations was the primary task and the foundation for reconciliation.

In the 90s we had the experience of Kwangju victims seeking compensation. The result was to divide the victims among themselves—money became more important than establishing truth—and compensation issues overshadowed the very tasks of reconstructing the whole truth and punishing perpetrators.

During the Korean War, I found more than half of those who had fought for independence before 1945 were killed, mainly by those who had collaborated with the Japanese and then assumed positions of authority under the Americans after 1945. The U.S. occupation of Korea in 1945, and the Korean War, can be viewed as an extension of colonialism in the sense that the U.S created and supported the Rhee Syngman government. Like its predecessor under Japanese rule, Rhee's was a regime maintained by foreign troops. The mass killings among Koreans can be understood as a postscript to colonialism. In this case, precisely identifying the perpetrators would not be very meaningful. In any event, the magnitude of the perpetrators' crimes and the passage of time make it almost impossible to punish the perpetrators, nearly all of whom are, in any event, long dead. What can be done is restore the reputation and dignity of families that had long suffered injustice.

Who were the victims? Who the perpetrators?

If a massacre creates direct victims, we can also say that the survivors and family members of the victims also become victims. The majority of these victims' sufferings came from the discriminatory treatment they experienced as second-class citizens. In some cases, property was confiscated, or educational opportunities were blocked, while some people were ostracized as "Reds." For thirty to forty years, these survivors and family members suffered in this way.

This victimization impacted not only family members, but also society-at-large. In other words, the massacres had far-reaching social effects. The stigmatization of the family members as "second-class citizens" or "untouchables" became a cautionary tale for others, warning them of the consequences of acting against the government. This situation reveals the underlying brutality of Korean society under the U.S. military-backed dictatorship.

Although it is important to recover the dignity of the family members, it is also imperative to reveal this history to Korean citizens in order to begin healing our society's ills. Given the severity of these social ills, it is imperative that we reveal past wrongdoings as a way to show that any wrongdoing will ultimately be uncovered. The potential impact of such a lesson would be profound.

Most important, in my view, is social punishment. In the case of the Commission's reports, the names of individual perpetrators were all removed. This was written into the original law that set up the TRC. It represented a compromise between the parties at the time. The Commission was to reveal the processes and unearth the incidents, but not create a case for prosecution of individuals whose crimes were, for the most part, committed more than half a century earlier. In one case, when the Commission inadvertently revealed the name of a perpetrator, veterans sued the Commission President and the Standing

Commissioners. The trial was eventually suspended with no punishment. In this case, since foreign media had provided the names, they were in the public domain.

MS: How have the media covered the work of the Commission?

KDC: We have had to contend with the fact that the biggest Korean newspapers have ignored or suppressed our important findings and resolutions. The conservative press fails to recognize the relationship between past wrongs and present injustices facing many Korean citizens and those of other countries. They lack sensitivity or historical consciousness of the common features in U.S intervention in the Korean War and current wars in Iraq and Afghanistan in terms of civilian victimization. Especially, the big three newspapers, *Chosun Ilbo*, *Donga Ilbo* and *Jungang Ilbo*, were uniformly hostile and provided little coverage except to point out Commission errors. This remained consistent throughout. But TV, notably KBS and MBC, which were initially favorable to the Commission during the Roh Moo-hyun presidency, shifted following the election of Lee Myung-bak and ceased to cover our work. Only the *Hankyoreh* and *Kyunghyang Daily*, the progressive media, consistently followed our work.

MS: What can be said about changing historical understanding and social consciousness as a result of the Commission's work?

KDC: The most responsible subject, the Ministry of Defense, has thus steadfastly refused to recognize their misdeeds. But we felt a little change in attitude among ordinary Koreans. The most important results have been the changing views of historical tragedies in many local communities. This is partly a result of the fact that local media covered our work extensively. When a case is resolved, the Commission organizes an official memorial service involving the bereaved is held at the county seat. Such a service involves the Governor, the military, the police and other officials together with the victim families. In addition, a monument consecrates the victims. But it has not been possible to do this everywhere. In areas such as Cholla, the victims have recovered their dignity through such official recognition. But in other areas where local leaders are hostile to the Commission, this has been impossible.

The future of the truth and reconciliation movement

MS: What do you envisage as the future of the truth and reconciliation movement?

KDC: In a sense, we still stand at the initial stage despite having already accomplished much. By this I mean that it is crucial civic groups rather than government now take the leading role in dealing with the past. The current conservative government seemed to be using every means to roll back all achievements of the previous liberal governments. In order to fully realize the goal of dealing humanely with the past, new kinds of movements will be needed. We must urge government to implement the TRC's recommendations of following-up measures; compensation, establishing a foundation, official apology, restorring the dignity of the victims, correcting governmental records, human rights education, and rewriting Korea's modern history.

The Forum on Truth and Justice, a newly formed citizens organization formed with the support of activists and former TRC staff, seeks to perpetuate and deepen the Commission's work. The Forum will continue to investigate cases, release documents, and issue reports, though it will lack the official imprimatur of the TRC. With the TRC now closing its operations, it is not possible for former staff to use documents uncovered by the Commission. To do so would be to invite a lawsuit. But where statements by victims and perpetrators have been published, either by the TRC or by the press, these enter the public domain. It is also possible for victims to take legal action demanding release of statements gathered by the TRC. There have been a few court victories of this kind. In short, efforts are being made to continue the work of the TRC through citizen organizations.

The report of the Truth and Reconciliation Commission can be found here.

Kim Dong-choon, professor of sociology at Sung Kong Hoe University, served as a standing commissioner of the Truth and Reconciliation Commission, Republic of Korea from December 2005 to December 2010. He is author of many works in Korean, and in English, including The Unending Korean War: A Social History*, which has been translated into English, German and Japanese.*

Mark Selden is a coordinator of The Asia-Pacific Journal. He visited sites of TRC investigation of massacres in South Korea in summer 2009.

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Note

[1] Wikipedia's "Truth and Reconciliation Commission" entry offers a panoramic survey of the TRC phenomena with particular attention to South Africa.

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