Korea Jeju 4.3 Human Rights and Peace Island Act 2021: A Righteous Social Healing of Jeju 4.3 Grand Tragedy Through Jeju Massacre Consultation

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Abstract

As Jeju people hopes to make an effort to find its place for 4.3 Grand Tragedy in the Sun, they will contribute to world peace beyond the Jeju 4.3 Tragedy. It will be a starting point that Jeju people propose to U.S. Congress "the Korea Jeju Human Rights and Peace Island Act 2021". It was meaningful that Jeju National University students suggested their idea about enactment of Jeju 4.3 Reconciliation Act to U.S. Congress at the meeting of both office of Congressman Mark Takano and Congresswoman Judy Chu on May 1, 2019. It may be going forward for us to do Jeju Massacre Consultation based on Jeju 4.3 Reparative Justice with cooperation of both U.N. lawyer and international law professors. It would be a historic achievement in the Human Rights and Democracy in 21st century similar to the Civil Liberty Act 1988 to Japanese Internment cases and the Hong Kong Human Rights and Democracy Act 2019 to Hong Kong democratization.

Key words:
place for 4.3 Grand Tragedy in the Sun, the Korea Jeju Human Rights and Peace Island Act 2021, Civil Liberty Act 1988, the Hong Kong Human Rights and Democracy Act 2019, Jeju 4.3 Reconciliation Act.

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1) I wrote an article "Social Healing of Jeju 4.3 Grand Tragedy Through Tolerance at World Environment and Island Studies (Volume 8, Number 3: September 30, 2018) pp.127-136.

고창훈. 2018. 섬으로부터의 편지 : 다랑쉬굴 4.3의 불관용 정치와 문명. 제주: 디자인누리 출판사. pp. 8-9. I tell Jeju people started social healing process of Jeju 4.3 Grand Tragedy in April of 1995 for memorial services of victims with their name list on the altar. I wrote a memorial speech about Jeju Islanders' Tolerance make us to move towards the next step for social healing of Jeju 4.3 Grand Tragedy.
Introduction: Three Points in Regards to U.S. in the Jeju 4.3 Grand Tragedy in 2020’s.

We emphasize three points in regards to the U.S. and the Jeju 4.3 Grand Tragedy at the North Carolina Jeju 4.3 Reparation conference in May of 2017: (1) More public awareness of the issue in the US is necessary; (2) A government administration more sympathetic would be helpful; (3) A lawsuit or other such action in the US may help draw attention to the case (Ko. 2018a :134). On September 20, 2019, we had ‘Jeju World Peace Academy Howard Univ. Workshop: Resolving Jeju 4.3 Grand Tragedy through Reparative Justice.’ UPI says that “South Korean victims who were wrongfully charged with insurrection during an anti-communist crackdown from 1948 to 1949 and thrown in jail for defying violent paramilitary and military forces, are to receive more than $4 million in compensation for wrongful imprisonment following the Jeju 4.3 massacre (UPI, “South Korea Jeju Massacre victims awarded $4M in damages,” by Elizabeth Shim: August 21, 2019).” In a word, we can interpret it happened Jeju 4.3 reparative justice declaration by Korea Jeju District Court.

At the Global Peace Bulteok Assembly of Jeju World Peace Academy, on August 6, 2019, American journalist, Mr. Donald Kirk suggests building of 4.3 Buckchon House for Jeju 4.3 widows” through U.S. government’s donation because American Provisional Military Committee didn’t stop wiping out villages suspected of harboring communists at that time. In 2019, we had two Jeju 4.3 conferences such as Jeju 4.3 Reparative Justice Conference in University of Pennsylvania on April 29, 2019 and the U.N. Symposium on Human Rights and Jeju 4.3 on June 20, 2019 which emphasizes more awareness of the issue having 4.3 testimony in the U.S.

On September 19, 2019 at the 2019 Global Ageing Network Biennial Conference in Toronto Canada, its President, Ms. Katie Sloan announced Jeju Island as venue for the 2021 GAN Biennial Conference: Korean Care Into Global Humanity. On September 20, 2019, we had a Jeju 4.3 Reparative Seminar at the Howard University in Washington D.C. The participants agreed to try law suits in the U.S. court through ‘Jeju Massacre Consultation’. The 70th Yeosu– Soonchun Uprising Anniversary Conference participants on October 19, 2019 and Students Association of College of Social Science of Jeju National University of S. Korea at Jeju 4.3 and World Peace conference will support “Jeju Massacre Consultation” in the U.S. court if it will be possible in 2020. We can hold the Six–Party Talks Plus Paris Culture (6+1) Forum re: Legislating Democracy in East Asia: The 1947 Taiwan and 1947 Korea Jeju Uprising which succeeds in Philadelphia 6+1 Culture Forum on April 29, 2019. On November 21, 2019 JNU students decided to consider 10,000 Global Signatures Movement for enactment of the Korea Jeju Human Rights and Peace Island Act 2021 in U.S. Capitol if they get supports from participants of both Jeju World Peace Academy and Jeju Earth Resilience Academy participants from September 21 to October 5, 2020 in Jeju Island of S. Korea.
Jeju 4.3 Massacre Consultation 2020 in U.S. Court 2020.

It was a historic decision that Presiding judge, Jaegal, Chang, judge Chung Sung-jin and judge Seo, Youngwoo of the Korea Jeju District Court made about 18 Jeju 4.3 survivors. We can look at “the course of events” of defendant, Mr. Park Dong-soo as below. (Jaegal et al. 2019. 97–122):

“A. The defendants are those who were detained by the military and police in Jeju between the Fall of 1948 and July 1949, when the Jeju 4.3 incident (Special Act on Discovering the Truth of the Jeju 4.3 Incident and the Restoration of the Honor of Victims, Article 2 section 1 has defined the Jeju 4.3 Incident as “an incident in which lives of inhabitants were sacrificed in the riot that arose on April 3, 1948 starting from March 1, 1947 and in the process of armed conflicts and suppression thereof that took place in Jeju Province and the suppression thereof until September 21, 1954:”) was underway and were transferred to various prisons on mainland Korea from around December 1948 to July 1949, where they had been held in prison for a period of time.

B. The defendant sought a retrial of their decision in 2017.4.19, citing “short-term (Article of Military Law) December 4281, July 4282 detainee list”, in which their names and age during the incident, occupation, domicile, demur, judgement, date, sentence and prison cells were listed in one column for each subject…

C. The court decided on 2018.9.3. to reexamine the case for ‘Although no evidence was found to confirm that the defendants were guilty at the time, evidences such as the indictment, the court records, rulings, details listed in the list of inmates, the statement of the defendants, documents related to the execution of some defendants, and the fact-finding report on the Jeju 4.3 incident should be examined’ to find reason for the defendants being transferred to the district and placed in prison. Furthermore, there are reasons for the review as set forth in Article 420 No. 7, and 422 of the Criminal Procedure Act.’, and the decisions were made during that period…”

They concluded that “… Therefore, the prosecution against the defendants shall be rejected according to Article 327 section 2 of the Criminal Procedure Act, which states, “Where the procedure for instituting public prosecution is void by reason of its having been contrary to the provisions of Acts:” all charges against the accused should be dismissed…”

On September 20, 2019, as we had Jeju 4.3 Reparative Justice Conference at Howard University, we discussed the possibility of the Jeju Massacre Consultation project 2020 with professor Carlton Waterhouse and Lennox Hinds with additional advice from professors Kunihiko Yoshida, Eric Yamamoto, Lee, Yungchul, Oh Seung-jin and American journalist Donald Kirk. We reached at potential conclusion that we can try to get decisions of U.S. court about Jeju 4.3 Grand Tragedy. On September 22, 2019, distinguished professor of Rutgers Law School and Lawyer Lennox Hinds recommended that “… I was generally familiar with the Jeju Massacre, I specifically requested that you send me all relevant materials including your book and other documents that you believe establishes a basis for U.S. culpability for the Crimes Against Humanity and other violations of International Humanitarian Law committed during the massacres.” (Hinds. 2019). If we get agreement with both World Environment and Island Institute of Jeju National University and World Association for Island Studies, we can get a meaningful analysis of our options concerning possible legal remedies against the United States if we send the Jeju Court Decisions 2019, and other material facts, documents, reports and evidence to lawyer that we believe establishes culpability of the U.S. government for either omission or commission of those international crimes.

We also understand that many reparations issues gain public attention in the US from a
lawsuit. The comfort women statues gained public attention from a lawsuit, as did the Holocaust litigation. We think including the testimony would powerfully emphasizes the continuing need for social healing and would strengthen the argument for U.S. participation. If we can do it collaboratively and globally, we can do a lawsuit or other such action in the US may help draw attention to the case in 2019 (ibid. pp.134–135).

Jeju 4.3 Peace Island Village Cares in the Context of U.S. Government Administration 2020

It is important to recognize the topic of, “A government administration more sympathetic would be helpful” about resolving Jeju 4.3 Grand Tragedy. “I cannot but to stress the importance of a sympathetic administration (or a member of the administration who is sympathetic) (Ko.2018b). During the 1990s, Stuart Eizenstat (of the Clinton Administration) played a critical role in persuading the German government to negotiate for Holocaust Reparations. On the other hand, the Bush Administration (2001–09) was quite unsympathetic to similar calls for reparations brought by comfort women and victims of Japanese aggression during World War II.

In August of 2019, we have one conservative American journalist who suggests solution through U.S. government’s donation for building of Buckchon–ri 4.3 House at the lower level of reparation through his interview with KCTV about building issues of Buckchon 4.3 House of Sharing with Jeju 4.3 widows even though we didn’t have any conclusion about issues of USA government’s clear responsibility in the Jeju 4.3 Grand Tragedy among scholars until now beyond the situation blame each other about issues of Jeju 4.3. It will be one of trauma village center for Jeju 4.3 widows. “Two direct testimonies provide eloquent memories of the fears of people on Jeju about the American soldiers whom they occasionally encountered”, at the 19th World Peace Island Forum: 4.3 Human Rights, Reparative Justice and Reconciliation on April 29, 2019 at University of Pennsylvania (Kirk. 2019.p.124).

“At the modern House of Sharing in Bukchon, a scenic village of rice farmers and fishermen on the northern coast, old women recall in graphic detail the killing of hundreds in January 1949. A guide shows visitors the burial ground where large stones are strewn as the bodies were found. Small mounds mark the graves of children.”


On September 19, 2019 as President of Global Ageing Network, Katie Sloan announced venue of the 2021 GAN Biennial Conference as Jeju Island South Korea, we think about a cluster of Jeju Peace Island Village Care models such as Buckchon 4.3 House Sharing for 4.3 widows, Dongkwang 4.3 Dark Tourism Center, Chungsoo Humanity Model for Seniors Assembly(No-In-Bang), Ora Peace House, Gangjeong 6+1 Culture Forum by Jeju World Peace Academy, Osaka Jeju Village 4.3 Tower model through Jeju Village Healing Research project from 2019 to 2022. For example, GAN Korea invited two board members of GAN for creating ideas into Buckchon, Dongkwang and Chungsoo on May 27, 2019. We also have a testimony from two villagers afternoon on August 4, 2019.

… villagers in recent years have been offering first-hand memories of the horrors. Song Seung–moon, for instance, described the torching of five buildings in his village of Orari on May 1, 1948. A rightist youth group from the mainland of South Korea, whose members had
left North Korea to escape communist rule, was believed responsible. By the time that particular incident was over, 246 people had died… Not far from Jeju International Airport, where many were buried, 91-year-old Kim Chang-ju says “most of my friends were killed.” Kim, who was working at the airport, saw U.S. helicopters overhead. On the slopes of Mount Halla, he says a U.S. army communications unit was humming away. He takes all that as evidence of American involvement though he saw no Americans in his village. (Kirk ibid.2019).

In September of 2021, if villagers appeal their solution to GAN members during the 2021 GAN Biennial Conference, it will be applications to point of “A government administration more sympathetic would be helpful.”


We understand there are many strong Korean NGOs in the United States. For example, comfort women statues have been erected in at least 8 different parks throughout the US. Regarding (1) Jeju 4.3 group showed their efforts to get 110,000 signatures from Korean people from January 1 to October 30, 2018, which speaks USA responsibility and asks for an apology from USA government to Jeju people.” (Ko. 2018). In March and April of 2019, Jeju National Students have succeeded to get some signatures from Jeju people.

On April 19, 2019, Chang Hoon Ko, Professor Emeritus, Jeju National University, S. Korea summarizes 30 years-long Jeju 4.3 Peace Island Movement at UN Symposium reception:
“Welcome to The UN Symposium on Human Rights and Jeju 4.3!”

Today I want to celebrate Korean Government, Korean Congress, Jeju Special Self-Governing Province and Jeju 4.3 Peace Foundation to talk about Jeju 4·3 Human Rights together and officially through the UN Symposium.

On January 17, 2019, eighteen Jeju 4.3 survivors were found not guilty after a retrial of their cases before a Korean court on Jeju Island. This was the first decision that the court announced which allowed them to recover their human rights as survivors of the “Jeju 4.3” massacre which started on March 1, 1947 and continued for several years under the control of the U.S. army. It took 30 years for the peace island human rights movements started by Jeju islanders to have the truth finally come out in both Jeju Island and Japan. The people of Jeju people have come forward to tell their stories of that tragedy and have demand compensation through village healing: Taekyung Oh about Gashi Village Massacre in May of 2017 in New York, Dong-soo Park about Sogil Village situation and Wonhue Boo about his experiences in Hwabuk in April of 2018 in Chicago. This year two female survivors told that
audience about their lost villages with watching a video documentary, "Detained: Untold stories of female survivors of two 4.3 lost villages." One village is called Bukchon-ri and the other Dongkwang-ri. Based on Jeju 4.3 Human Rights we have tried to make a peace education model for social healing at grass roots village level.

There are some broad parallels that connect the 2018 Jeju court finding and the mid–1980s U.S. court coram nobis cases. Both began in the violence of the 1940s. Both involved apparently grave legal system injustices, followed by decades of silence. Both involved continuing demands, decades later, to have justice restored in order to heal persisting wounds and restore the dignity of individuals and communities. Both eventually turned to the courts and the rule of law in democratic societies, invoking language of civil and human rights. Both involved extraordinary proceedings that, in essence, made claims for reparative justice. We would like to link the petition to the importance of U.S. participation in process of Jeju 4·3 reconciliation. We keep in mind that, in April 2018, President Moon Jae-in delivered a strong, more detailed apology at a memorial ceremony commemorating the 70th anniversary of Jeju 4·3 and its victims. President Moon offered a "profound apology" and "deepest sympathy" to the surviving victims, bereaved families and following generations stigmatized by guilt-by-association for their continued suffering. Jeju 4·3 survivors need enduring social healing through revision of Jeju 4·3 Special Law by both Korean National Assembly and Government as same road to reconciliation of Civil Liberties Act of 1988’s national apology and reparations (Yamamoto, K.E, Oyama R and Katano, 2018: 187).

I want to introduce an idea of Jeju National University students to suggest the Enactment of a Korea Jeju April Third (4·3) Reconciliation Act in the USA Capitol, even though some argue it is idealistic to benefit Jeju survivors and families as well as support efforts to uplift Jeju globally as an environmentally and sustainable “Peace Island.” Rather, it is a realistic reparative justice response to past actions and a forward-looking path towards enhancing the democratic legitimacy of the United States and South Korea and furthering their mutual interests in security and responsible economic development in the Asia Pacific arena.

Everybody, please celebrate each other beyond the Tragedy! Everybody please tolerate each other finding the light. Thank you very much!“ There two female testimonies were given at the UPenn Jeju 4.3 Reparation Conference on April 29, 2019 and at Congressman Mark Takano office and Congresswoman Judy Chu office on May 1, 2019. Ms. Koh, Wan-soon made a testimony about Buckchon-ri massacre at the middle of January, 1949, at the U.N. Symposium on Human Rights and Jeju 4.3 on June 20,2019.

In May of 2019, Jeju National University students try to suggest their wishes to U.S. Congressman and Congresswoman with a “Jeju 4.3 Reconciliation Act” with reference to the Civil Liberties Act of 1988 such as an article, "Insights on 18 Jeju 4.3 Survivors’ Retrial cases in 2018 from Consequences of 1984 Korematsu Coram Nobis Case Decisions and Civil Liberties Act of 1988 (Ko and Cho. 2018: 31) " as below:

"We are currently considering to write a paper on the potential of using U.S. courts to push for U.S. participation in Jeju 4.3 reconciliation, similar to how reopening the Korematsu case tied into a broader reparations movement for the wrongful mass incarceration of Japanese

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Americans during World War II. For this paper, it plans to include some of the survivor testimony featured in the book Jeju 4.3 Grand Tragedy during 'peacetime' Korea: The Asia Pacific Context (1947–2016). The book contains a transcript of survivor testimonies given in Seoul on May 30, 2015. Some of the survivors whose testimony is included in the Jeju 4.3 Grand Tragedy book are petitioning to have their cases reopened. I would like to connect the petition to the importance of U.S. participation in Jeju 4.3 reconciliation. To do this, we would like to specifically incorporate parts of the petitioners’ testimony recorded in the Jeju 4.3 Grand Tragedy book into Hawaii team’s paper. We think including the testimony would powerfully emphasize the continuing need for social healing and would strengthen the argument for U.S. participation. If we can do it collaboratively, we can do a lawsuit or other such action in the US may help draw attention to the case in 2019.”

At Jeju World Peace Academy Fall workshop from November 21 to December 12, 2019, we have discussed about some relationship between the Hong Kong Human Rights and Democracy Act of 2019 for finding alternative of the Jeju 4.3 Reconciliation Act 2019:

“The Hong Kong Human Rights and Democracy Act of 2019 (HKHRDA) (S. 1838; Pub.L. 116–76) is a United States federal law that requires the U.S. government to impose sanctions against China and Hong Kong officials responsible for human rights abuses in Hong Kong, and requires the United States Department of State and other agencies to conduct an annual review to determine whether changes in Hong Kong’s political status (its relationship with mainland China) justify changing the unique, favorable trade relations between the U.S. and Hong Kong. The passage of the bill was supported by pro-democracy activists in Hong Kong, and in 2019 received near-unanimous support in Congress. Initially introduced in 2014 following the Umbrella Movement and 2014 democracy protests in Hong Kong, the legislation was re-introduced to the next three successive Congresses, but did not gain a vote until 2019, following the 2019 Hong Kong extradition bill proposal and the ensuing protests against it. A House version of the bill unanimously passed in the United States House of Representatives through a voice vote in October 2019. In November 2019, the Senate version of the bill, with amendments that differ from the House bill unanimously passed the Senate on a voice vote. The House accepted the Senate version of the bill later that month, sending it to the desk of President Donald Trump, who signed it one week later. The bill was accompanied by a companion bill restricting U.S. exports of crowd control devices to the Hong Kong police forces, which passed both chambers of Congress unanimously and signed by Trump on the same occasion.”;

As a result, we have agreed to propose to the U.S. Congress “The Jeju 4.3 Human Rights and Peace Island Act 2021, which based on the 4.3 Petition 2014 and the Jeju 4.3 Reconciliation Act 2019. We would like to draft this in 2020.
Conclusion

As Jeju people hopes to make an effort to find its place for 4.3 Grand Tragedy in the Sun, they will contribute to world peace beyond the Jeju 4.3 Tragedy. It will be a starting point that Jeju people propose to U.S. Congress “the Korea Jeju Human Rights and Peace Island Act 2021. It was meaningful that Jeju National University students suggested their idea about enactment of Jeju 4.3 Reconciliation Act to U.S. Congress at the meeting of both office of Congressman Mark Takano and Congresswoman Judy Chu on May 1, 2019. It may be going forward for us to do Jeju Massacre Consultation in U.S. Court based on Jeju 4.3 Reparative Justice 2019 with cooperation of both U.N. lawyer and international law professors. It would be a historic achievement in the Human Rights and Democracy in 21st century similar to the Civil Liberty Act 1988 to Japanese Internment cases and the Hong Kong Human Rights and Democracy Act 2019 to Hong Kong democratation.

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