

# Tasks and Legal Implications for a Complete Solution to Jeju 4.3 Grand Tragedy

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## Abstract

The purpose of this study is to propose revisions to the Jeju 4.3 Special Law for the purpose of further investigation of Jeju 4.3 so that the complete resolution and appropriate legal solutions may come. The President, Moon Jae-In, who visited Jeju on April 3, 2018, promised a complete resolution of the Jeju 4.3 incident, defining the Jeju 4.3 incident as "violence perpetrated by state power." On Jan. 17, 2019, the Jeju District Court ruled in a retrial suit filed against the military tribunal by 18 surviving inmates under the leadership of the Jeju 4.3 Truth Commission and the Citizens' Solidarity for the Restoration of Honor. This is a very important case in which the military tribunal and their rulings were ruled invalid. Jeju 4.3 is still a painful history of Jeju that has not been resolved.

### Key words :

Jeju 4.3 Grand Tragedy, Jeju 4.3 Special Law, further investigation, Jeju 4.3 Survivor, Violence perpetrated by state power.

## Introduction

The purpose of this study is to propose revisions to the Jeju 4.3 Special Law for the purpose of further investigation of Jeju 4.3 Grand Tragedy so that the complete resolution and appropriate legal solutions may come. The President, Moon Jae-In, who visited Jeju on April 3, 2018, promised a complete resolution of the Jeju 4.3 incident, defining the Jeju 4.3 incident as "violence perpetrated by state power." On Jan. 17, 2019, the Jeju District Court ruled in a retrial suit filed against the military tribunal by 18 surviving inmates under the leadership of the Jeju 4.3 Truth Commission and the Citizens' Solidarity for the Restoration of Honor. This is a very important case in which the military tribunal and their rulings were ruled invalid. Jeju 4.3 is still a painful history of Jeju that has not been resolved. Jeju 4.3 is a historical event that occurred partial during the US trusteeship process from Aug. 15, 1945, to Aug. 15, 1948, when the Republic of Korea was established. The beginning of Jeju 4.3 usually begins with the March 1, 1947 shooting incident against Jeju residents by a police officer (Jeju 4.3 incident, Special Act on the Investigation of Truth and Restoration of the Victims' Honor). 2016). This is a 2,363-day story from the popular uprising on April 3, 1948, to September 21, 1954. It is a record of countless civilian casualties in the course of armed conflict and crackdowns. This conflict has turned into an ideological one over time. The Jeju 4.3 incident formally began with a massive attack on 14 police stations by some 500 militants and 1,000 sympathizers who dropped out of Mt. Halla, claiming opposition to the "Taeguk Order" and ousting the "U.S. system" at the center of the confrontation between the communist and democratic camps. The attack not only prevented the May 10 elections from being held in two of Jeju's three constituencies, but also resulted in the paralysis of the province's administration and security over the next year. Not only did numerous political groups intervene in the event itself, but also aggravated the physical, mental, and material damage of Jeju residents, from the circumstances of the Jeju 4.3 outbreak to the implementation of its suppression (Yang Han-gwon, 1988). In addition, Trauma and effects from Jeju 4.3 has been handed over to the bereaved families of those who were killed or missing in the form of a guilt-by-association system, where Jeju residents received disadvantages

in terms of civil service appointment exams, various entrance exams for government service, employment or promotion in private companies, and discrimination by the military or police, domestic travel, immigration processes, and daily life monitoring. This disappeared on March 24, 1981, due to the Ministry of Interior plan to abolish the Guilt-by-Association system, but could not satisfy the residents who had remained silent for nearly 30 years (Jeju 4.3 Truth Report).

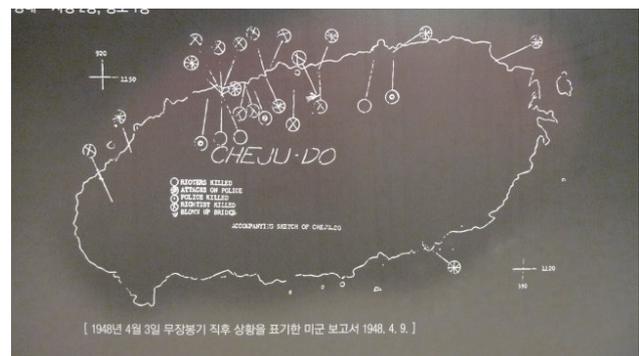
Concerning the process Jeju 4.3 recognition, it started in earnest after the democratization process, when the Jeju 4.3 Victims' Family Association was organized in 1990. In 1991, the Civilian Victim Memorial Act was implemented. In 1993, a special committee for Jeju 4.3 in the Jeju Provincial Council was launched. In 1994, the Jeju Provincial Council and the Jeju 4.3 Victims' Family Association jointly held a Jeju 4.3 Memorial Service. In 1999, Kim Dae-jung visited Jeju Island and expressed support for and promised to make a Jeju 4.3 memorial park. The National Assembly passed the Special Act on the Investigation of the Jeju 4.3 Incident and the Restoration of the Victims' Honor. In 2003, President Roh Moo-hyun issued a formal apology to Jeju and its families for 'the fault of state power used 55 years ago'. (Jeju Special Self-Governing Province - The Resolution of Jeju 4.3 and the Jeju 4.3 Peace Park) In 2014, Jeju 4.3 were designated as a national day of remembrance with an official memorial ceremony held where previous local memorial ceremonies were held. In 2018, Jeju 4.3 was designated as a local holiday for the first time in the country's history. Even with all the above steps towards resolution, it is also true that the government has left issues and challenges concerning a complete solution, such as additional fact-finding and compensation for the victims of the Jeju 4.3 victims who were killed by the national violence.

## The Historical Background of Jeju 4.3

If you look at the fact-finding report on the Jeju 4.3 incident, Jeju Island was one of the hardest-hit areas in Korea, as it has been heavily fortified. Since then, under the U.S. trusteeship, The People's Committee expanded its power over Jeju island by using political and social control, which had disappeared in most central areas of Korea, such as Seoul. The Jeju area was administered by the U.S. military government,

but several villages were headed by the People's Committee, and the People's Committee used village leaders as offices. Along with the autonomous movement of the People's Committee, the U.S. military government also tried to enforce control on Jeju Island. It was on Sept. 28, 1945, when the U.S. military landed on Jeju Island, and on Nov. 9, when the 59th Military Government Company arrived, which would practically be in charge of military and local affairs. The 59th Military Government Company was unable to carry out smooth governance due to lack of manpower and lack of information. Therefore, it was forced to seek support from the local chapters of the People's Committees, which had strong influence on Jeju. Jeju was raised to the administrative level of province on August 1st, 1946. The Jeju population, which rose dramatically right after Korea's liberation from Japan's colonial rule were burdened by the failure of the U.S. military's government economic policies. Later, the shooting incident at 2:45 p.m. on March 1, 1947 at protesters opposing the May 10 elections in front of Gwandeok Palace, Jeju-eup, provided a new tension to the situation. The shooting left several people covered in blood, leaving six injured and six dead. Such police violence sparked a general strike in Jeju, and Jeju society was thrown into uncontrollable confusion under U.S. surveillance as it underwent the process of arresting, hearing, prosecuting and incarcerating people in the striking groups, and became a starting point where Jeju would be sucked into the full whirlwind of Jeju 4.3 the following year (Jeju 4.3 Truth Report). At 2 a.m. on April 3, 1948, the armed uprising, in which every beacon tower on oruems around Halla Mountain burned red, marked the start of the Jeju 4.3 incident. In the case, about 500 armed men attacked 12 of the 24 police branches on Jeju Island, prompting the U.S. military to name the island 'red island' and officially order 'red-hunting' operations. The operations refers to a scorched-earth operation by punitive forces ordered by the U.S. military to suppress the uprising and the armed forces in Jeju. The incident would cause Jeju Island to be engulfed in a frenzy. This was among the most horrendous tragedies that human rights can be perpetrated against humans, which was ignored and violated. And this development developed into a massacre of numerous Jeju citizens. The massacred of Jeju residents from various data collected by fact-finding reports puts the estimate between 25,000 and 30,000 people

(Kim Bong-hyun, 1997). But it would be noted that others dispute these findings and more investigation should be conducted. According to the Jeju 4.3 Truth Report, a ninth of the population lost their lives and 95 percent of Jeju's mid-mountainous villages were destroyed by the U.S. military government and later, the government of Syngman Rhee. The truth report also states 39,285 houses where people lived, disappeared. The reason why we cannot simply dismiss the Jeju 4.3 incident as an incident in Jeju is because it is a microcosm of the situation in Korea, which was at odds with leftists and rightists, citizens at odds with pro-Japanese or pro-U.S. progressives and reactionaries. Through these contextual elements, the U.S. military and Rhee Syngman's administrations used state power to massacre those who were unrelated to the above ideologies and ideological confrontations.



Data: The website of the Korean Federation for Environmental Movement (2017.04.04).

## Jeju 4.3 Incident Investigation and Restoration Committee for Victims

### 1. Public-Private Activities concerning Jeju 4.3 Resolution

When the Syngman Rhee government collapsed in 1960 by the April 19 revolution, in May, seven Jeju University students organized the 4.3 Incident Investigation Association. A special committee on the investigation into the massacre of civilians was formed at the National Assembly from May 23 to June 21, 1960, and lawmakers from Jeju suggested that the truth of the Jeju 4.3 incident should also be investigated. The National Assembly accepted the request and held a one-day investigation into the Jeju 4.3 incident on June 6 at the Jeju Provincial Assembly building. At the hearing

of the National Assembly investigation team, the committee exposed the illegality of the massacre. Afterwards, the investigation into the Jeju 4.3 incident was suspended due to the May 16 military coup in 1961. During the 20 years of Park Chang-hee's military regime's continued existence, Jeju 4.3 was a taboo topic. Hyun Ki Young's novel "Aunt Suni" was published in 1978 which informed people about Jeju 4.3, the events of the June Struggle in 1987 sparked discussions on the Jeju 4.3 incident. Marking the 40th anniversary of the Jeju 4.3 Incident in 1988, various memorial seminars will be held in Jeju, Seoul, and Japan (Tokyo), and the publication of Master Thesis paper about Jeju 4.3 by Yang Han-kwon of Seoul National University, Park Myung-Lim of Korea University and others, further boosted the fact-finding campaign for Jeju 4.3. In 1989, many social organizations in Jeju formed a joint preparatory committee for the April memorial services and the first public memorial service for Jeju 4.3 was held by the civic groups. Starting in March of 1988, the press also began publicizing the tragic history of Jeju Island. The Jeju Shinmun began publishing a series of long-term projects called "4.3 Testimony" prepared by publishing chief Yang Jo-hun but was temporarily suspended due to the Jeju newspaper scandal, the series continued in the Jemin Ilbo, which was launched in June 1990, as the "Jeju Speaks" series. MBC, KBS and others, which are media companies that handle broadcasting, had been appointed to handle some Jeju 4.3 special programs. The Jeju 4.3 Institute, which was launched on May 10, 1989, then published a collection of testimonies with "Now Speaking" and "4.3". Also in 1989, the magazine Mukueji also published an article called "Jeju Uprising". These publications laid the foundation for the accumulation of testimonies and academic discussions about Jeju 4.3 in Asia. In the 1990s, bereaved families and Jeju residents organized the "Association of Families for the Victims of Jeju 4.3" "Family Society for the Victims of Civilians in the April 3 Incident" and demanded that the government investigate the truth and discuss the restoration of the victims' honor. In 1991, they performed their first memorial service for Jeju 4.3, which in time became

the main ceremony and organizational body of the bereaved families. In 1993, the Jeju Provincial Council set up a special committee to investigate the damage caused to towns and villages, and in October of the same year, the Jeju Provincial Council and the Jeju Regional Student Council respectively submitted a petition to the National Assembly calling for the enactment of a special law and the formation of a special committee, concerning Jeju 4.3 investigation. On May 8, 1993, the Kim Young-sam administration announced its position that it would cooperate with the National Assembly if it were to investigate the truth with an authorized organization. On February 2, 1994, National Assemblyman Byun Jung-il submitted a resolution to the National Assembly to form a special committee to investigate the Jeju 4.3 case after receiving signatures from 75 lawmakers of both the ruling and opposition parties. The Jeju Provincial Council installed the Office of Jeju 4.3 damages reporting on February 7, 1994, and started collecting claims. In May 1995, the Jeju Provincial Council's Special Committee on Jeju 4.3 released the 'First Report on the damages of Jeju' and announced a list of 14,125 victims. In March 1996, The Jeju Provincial Government officially requested the National Assembly to investigate Jeju 4.3 at the government-level and on November 12, 1996, the Jeju Provincial Council Assembly's Special Jeju 4.3 Committee submitted a petition on the formation of a similar special committee at the National Assembly level. Afterwards, On December 17th, a motion was proposed to form a special committee to investigate the Jeju 4.3 Incident with a signature from 154 lawmakers. In addition, then Presidential candidate Kim Dae-jung, who would be elected in elections in December 1997, promised to get to the truth of Jeju 4.3 and help restore honor to its victims during his campaign. One of the last important groups, The Jeju Citizen Solidarity for Uncovering the Turth of Jeju 4.3 and Restoring Honor was formed on March 9, 1999.

On March 8, 1999, President Kim Dae-Jung visited Jeju Island to propose an opening of a Jeju 4.3 Memorial Park along with Jeju Governor Woo Guen-min presented a 3,000,000,000 won special government grant for the solving of Jeju

4.3 issues. This is considered the first official step towards Jeju 4.3 reconciliation. As a result, The Special Law for Investigating the Turth of Jeju 4.3 and Restoring its Victims' Honor was enacted in January 2000. With the launch of the Jeju 4.3 Incident Investigation and a committee for the restoration of victims' honor, Jeju 4.3 was reevaluated at the national level with a law, the Jeju 4.3 Special Law was established in January 2000 and the Jeju April 3 Incident Investigation and the Restoration of Victims' Honor started, and the Jeju April 3 Incident was re-evaluated by a state-level with a foundation laid for these goals to be achieved (Reconciliation and co-prosperity,2008).

2. Jeju 4.3 Incident Investigation Officially, Article 2 of the Jeju 4.3 Incident Investigation Special Act defines Jeju 4.3 Incident as "The armed unrest that occurred on April 3, 1948 and the events surrounding the armed conflict, the progress of its suppression and the victims there of; starting from March 1st, 1947 until September 21st, 1954. On August 28, 2000, the establishment of a fact-finding committee led by the prime minister was formed in accordance with Article 3 of the Jeju 4.3 Incident Special Act. The special committee will form an investigatory committee that will have the authority to collect and analyze relevant data at home and abroad and deliberate on the preparation of fact-finding reports. In addition, Article 7 of the Special provides that 'Jeju 4.3 Incident Fact-finding Planning Group' could be set up and operated separately for the purpose of efficiency in preparing fact-finding reports pursuant to Jeju 4.3. The fact-finding committee was then established on January 17, 2001 with Jeju's Vice Governor, and representatives from national civil servant departments, bereaved families associations, scholars, lawyers, and other pertinent civic groups. Immediately after the launch of the fact-finding committee, a statement of goals was prepared and reported. First, the fact-finding process is to compile a list of people who are expected to report and to select a data-research agency. Second, compile data collection and testimony collection. Third, analysis work of the collections. Fourth, all work will be conducted through preparation and

deliberation. The fact-finding committee started in September 2000 and lasted roughly 2 and a half years to February 2003.

Table 1: Facting-Finding Schedule 3 Step Process

Step	Dates	Investigation Details	Time Period
First	2000.9 ~2001.2	<ul style="list-style-type: none"> <li>· Compile 4.3 Reference Material</li> <li>· Choosing Countries and Organizations subject to Investigation</li> <li>· Selection of Testimony subjects</li> <li>· Establishing a Database</li> </ul>	6 Months
Second	2001.3 ~2002.8	<ul style="list-style-type: none"> <li>· Collecting Foreign and Domestic Data</li> <li>· Gathering Testimony</li> <li>· Analyze Collected Data</li> <li>· Publish analyzed &amp; collected data</li> </ul>	1 Year 6 Months
Third	2002.9 ~2003.2	<ul style="list-style-type: none"> <li>· Draft the Fact-Finding Report</li> <li>· Review and Edit the Fact-Finding Report</li> </ul>	6 Months

Data: Reconciliation and Co-prosperity (2008).

### Discussion of legislation for the complete resolution of Jeju 4.3

Special Act on Discovering the Truth of the Jeju 4.3 Incident and the Restoration of Honor of Victims (Hereafter referred as the Jeju 4.3 Special Act) was enacted on January 12, 2000 under Act No.6117. The purpose of the law, as stated in Article 1, is to serve in the promotion of human rights, the development of democracy and national unity by discovering the truth of the Jeju 4.3 Incident and restoring honor of the victims related to this Incident and their bereaved families. It was not until the Act was promulgated that a government-level fact-finding investigation was conducted, and on January 24, 2007, the revised bill on the Jeju Special Act was enacted and promulgated as Act No.8264. The revision added scope to the

definition of victims to mean a person who dies or went missing, suffers from the aftereffects, became disabled, or was convicted due to the Jeju 4.3 Incident and added matters concerning the collection of remains to the committee's deliberations and decisions. The government was also empowered to contribute funds for the establishment of the Jeju 4.3 Peace and Human Rights Foundation, which will carry out the Peace Park management, and to request a review by the Commission if there was any objection to the decision on the victims concerning medical assistance (Hwang Kyung-soo: Digital Seogwipo City Cultural Exhibition).

1. Some amendments to the Special Act on Discovering the Truth of the Jeju 4.3 Incident and the Restoration of Honor of Victims On August 17, 2016, National Assemblyman Kang Chang-il and 33 other lawmakers introduced a revision to the Jeju 4.3 Special Law. Under the original law, the special National Jeju 4.3 committee, as well as the Jeju Governor and the local Jeju Special 4.3 Commission were responsible for the review, determination, and restoration of honor of the victims and their bereaved families. The decision to review the victims and their bereaved families was taken in the form of official notification to the local working committee after requests was given to the local committee's review or resolution after the investigation. Kang basically argued that, such a format may be problematic for agencies to make investigations on damages and decisions based on the combined procedures and the difficulty of rapid screening and decision making. In response, the revised bill requires the committee to receive damages, investigate facts, review and decide damages by changing the name of the local working-level committee into a new committee to investigate the truth of the Jeju 4.3 incident and to give the authority to review and determine the victims and their bereaved families.

In addition, the revision also intended to establish a measure for special cases for those who are eligible for medical benefits so that substantial compensation and restoration of honor for victims and their bereaved families in the Jeju 4.3 incident could be achieved. The

bill was reviewed by the Health and Welfare Committee on August 18, 2016 and a request for cost estimation was submitted. After that, the 10th plenary session of the National Assembly (regular session) on Nov. 07, 2016, underwent many parliamentary courses such as introduction, explanation of proposals, inspection reports, alternative discussions and sub-committees. It was then presented to the 364th National Assembly (regular meeting) subcommittee on September 11, 2018 (Some 33 people including Kang Chang-il of the Special Act on the Investigation of the Truth and Restoration of Victims' Honor, the Public Administration and Security Committee, 2016.).

2. A revision to the whole Jeju 4.3 Special Law On December 19, 2017, Assembly Member Oh Yeong-hoon and 60 other law makers proposed another revision to the Special Jeju 4.3 Law. The revision started with the belief that the current law was insufficient for the restoration of honor to victims and for providing relief to victims, many of whom suffer from trauma, mental illness and economic hardship due to the Jeju 4.3 incident. Since the government announced that 'resolution of past historical problems that fit the people's eyes' as one of its 100 major policies, opinions emerged that the law would need to be revised to sufficiently heal the pain of the surviving victims. The revision stated that the government intends to restore the honor of the victims and their bereaved families and contribute to democratic development and national unity by establishing a Jeju 4.3 Trauma Healing Center for medical and psychological treatment in addition to some new victim compensation rules. The revisions were referred to the Legislation and Business Committee and the Strategy and Finance Committee for review and cost estimate request on December 20, 2017. It was referred directly to the subcommittee for Review of Administrative and Personnel Laws on January 31, 2018, under the provisions of Article 58 paragraph 4 of the the National Assembly Act. After review and cost estimation from the Health and Welfare Committee the bill was submitted to the 346th National Assembly's regular session on September 11, 2018 (The

60-member act on the Special Act on the Restoration of the Ground Lighting and the Honor of Victims in the Jeju April 3 Incident, the Public Administration and Security Committee, 2017:19.).

3. Another Proposed Revision to the Jeju 4.3 Special Law Another revision to the Jeju 4.3 Special Law was proposed by Assembly woman Kwon Eun-hee and 11 other lawmakers on March 21, 2018 as National Assembly Bill Information Item 12565. (의안번호 12565) Kwon's proposal pointed out the Special Jeju 4.3 Commission should clarify the truth about Jeju 4.3 in the form of an individual case investigation because the official government's report of 2003 only described Jeju 4.3 in a comprehensive, big picture manner, making it difficult for the committee to accurately identify the development and damages of individual cases that occurred during the period. In addition, some point out that the current law does not provide full compensation for Jeju 4.3, as it does not provide adequate provision for medical and living support for the victims in the form of payment compensation. Thus, the Commission should intend to improve the deficiencies of the current law by requiring the Commission to get to the bottom of individual cases that occurred during Jeju 4.3, pay compensation directly to the victims, and strengthen the authority of the commission to investigate the facts. This revision also proposed to upgrade the Jeju 4.3 Special Committee to the level of a presidential office committee with 4 permanent committee members, where the National Assembly appoints 8 committee members including 2 permanent members, the President appoints 4 members including 2 permanent members and then have the president appoint 3 recommended Supreme Court justices to the new committee. The revision was submitted to the relevant Legislation and Judiciary Committees and the Public Administration and Security Committee on March 21th, 2018. It was also referred to the Subcommittee on the Review for Administrative and Personnel Laws on March 26th, 2018, under the provisions of the National Assembly Act, Article 58, Paragraph 4. It was then submitted

for cost estimation and introduced to the floor of the 346th National Assembly Session, September 11th, 2018(Kwon-hee, 11-member, Public Administration and Security Committee, 2018.03.21.).

4. Partial Revision to the Jeju 4.3 Special Law On August 21, 2018, National Assemblyman Park Kwang-on and 11 other lawmakers proposed some amendments to the Jeju 4.3 Special Law Special Law as National Assembly Bill Information Item 14977. The proposed amendments state that the Jeju 4.3 Incidents have been decided upon according to state-set procedures and laws, and that despite the fact-finding report being adopted by the national government, there are still acts of slander, distortion, fabrication and dissemination of lies by some parties. Under the revision, the government would ban the acts of slander, distortion, fabrication, dissemination of these lies. In addition, slander or insults to Jeju 4.3 related organizations would be ban and there would be a government implemented plan on peace education and Jeju 4.3 History curriculum. The bill was submitted to the Public Administration and Security Committee on Aug. 22, 2018, and was then sent to the subcommittee on Bill Revision in accordance with Article 58.4 of the National Assembly Act on November 15, 2018(Park Kwang-on & 11 other National Assembly members, the Public Administration and Security Commission, 2018.08.21.).

5. Revisions to the Jeju 4.3 Special Law On March 22, 2019, National Assemblyman Wi Sung-gon and 23 other lawmakers submitted revision to the Jeju 4.3 Special Law under National Assembly Bill Information Item 19332. This revision asserted that Jeju 4.3 resulted in the sacrifice of innocent lives through the incorrect use of state power against the situation that arose in the course of establishing a sovereign state after liberation. This incident has been acknowledged as a national tragedy, nevertheless, some parties are encouraging national division and exploiting the case politically by constantly slandering, disparaging, and distorting the facts of Jeju 4.3. This needs

to be punished more strongly than current general laws allow. Examples of current laws would be the Criminal Act and the Act on Promotion of Information and Communications Network Utilization and Information Protection which allow many social ramifications and national division beyond the simple insulting of defamation of the victims and their kin. Under the new law, the government would intend to prevent national division by prohibiting the denial, slander, distortion, fabrication, and dissemination of the false information about Jeju 4.3. This will allow Jeju 4.3 to be properly established as settled history and contribute to the complete settlement, reconciliation, and healing of all sides involved.

6. Interpreting the bill revisions The proposal by Rep. Kang Chang-il on Aug. 17, 2016 announced the revision of the Jeju 4.3 Special Law, to include the transfer of the authority to decide victims and their families from the Jeju 4.3 Central Committee headed by the prime minister to the Jeju 4.3 Review Committee. The bill proposed by Rep. Oh Young-hoon on Dec. 19, 2017, proposed a complete revision bill that included better compensation for the bereaved families of the victims and the establishment of a trauma center. The bill proposed by Rep. Kwon Eun-hee on March 21, 2018 proposed a revision of the bill that included a plan for complete resolution through further investigation of individual cases instead of the previous big picture investigation. The bill proposed by Rep. Park Kwang-on on August 21, 2018, proposed some revisions that contained grounds for punishing those who insult, slander and spread false information about Jeju 4.3. The bill proposed by Wi Sung-gon on March 22, 2019, proposed some revisions that included ending the slander, disparaging, and distorting facts that encourage division of public opinion and to punish those who use Jeju 4.3 politically.

7. Reviewing the National Assembly Bill The Jeju 4.3 Special Law has a total of 14 clauses. Currently, it does not include details on compensation by the government, further investigation by the government and there is no clause on nullifying the results of the discredited

military tribunal trials that happened during the Jeju 4.3. There have been a total of five revisions to the Jeju 4.3 Special law, including 2 complete revisions and 3 partial revisions. Currently, there are a total of four bills under consideration in the National Assembly. (as of January 2020). The Complete Revisions, which were announced by Rep. Oh Young-hoon (of the Double Democratic Party) on Dec. 19, 2017 and Rep. Kwon Eun-hee (of the Bareun Party) on March 21, 2018. Partial revisions were proposed by Rep. Kang Chang-il, Park Kwang-on, and Wi Sung-on which do not demand additional compensation by the government or additional investigation by the government. The National Assembly reviewed the bill proposed by Kang Chang-il, Oh Young-hoon, Kwon Eun-hee as the 37th, 38th, and 39th agenda items respectively during the 364th Regular Assembly Session on September 11, 2018. Regarding the nullification of the military trials, the Assembly released a statement, "After hearing the opinions of the judiciary and related ministries, we need a cautious approach as we are fearful to infringe on the authority and legal stability of the judiciary branch." (Hyun Deok-Gyu, 2019)

8. Discussion about the Complete Settlement of Jeju 4.3.

The Effort to fully resolve Jeju 4.3 is the desire of Jeju citizens and it is the task of the nation to resolve the resentment and vindictiveness of the Jeju people and their families victimized by the wrongful use of state power. President Moon Jae-in, during the memorial event on 70th anniversary of Jeju 4.3, 2018 said, "Our nation will properly reveal the truth of the violence and resolve the grievances of the victims, we will move on without wavering toward the complete resolution of Jeju 4.3." He also promised, "To complete the excavation of victims' remains, reparations and compensations to victims, and the establishment of a national trauma center for the complete solution to Jeju 4.3. 2018 was the first time that a sitting president visited Jeju for Jeju 4.3 memorial events since Roh Moo-hyun attended in 2006 and the first after Jeju 4.3 was declared a national day of mourning in 2014. (Ohmynews, 2018)

The government should start by making and

passing a bill that would include additional government level support for additional truth-finding actions and compensation related to Jeju 4.3. There should be more investigation into individual incidents in Jeju 4.3 such as Seotal Oreum incident or incidents of Military reserves illegally arrest citizens throughout the Island, more details included in reported cases, processing damages and the scale of the damages, identifying victims, identifying cause of damages, exposing the order of command and the wrong doing of the government and paramilitary forces, investigating the system of preliminary court investigations during Jeju 4.3, other details of crimes committed, etc... should also be included as per details included in the ruling of cases done by the Supreme Court in 2014 and 2015 (Hyun Deok-gyu, 2019).

These actions can create a basis for the judiciary system to make legal judgments concerning the investigation methods of individual cases and a process to review the facts, specify the contents and suggest a level of compensation. Based on these decisions and similar approaches the government can compensate bereaved families for damages related to Jeju 4.3.

### **Comparison of the revision bills to the Jeju 4.3 Special Law**

The current Jeju 4.3 Special Law 3 consists of 14 clauses. The main opposition Minjoo Party of Korea has 32 provisions, while the Bareunmirae Party has 70 provisions. By focusing on the issues brought up by lawyer Hyun Duk-kyu on March 22, 2019, we can compare and contrast the two bills.

The First difference regards the nullification of the military tribunal. The Bareunmirae Party's bill did not set rules for the nullification of the military trials. The absence of any provision in this regard was in consideration of the circumstances in which a review was already under way at the time of the bill's creation. It was expected that the rules would naturally be discussed at that time so the issue of the military tribunals would be clarified through the review process. In addition, the Democratic

Party's bill did not initiate a retrial at the time of its bill creation, in which case it contained a hostile stance without the burden of nullifying the military tribunal. Now that the court has ruled on the side of 18 inmates on Jan. 17, 2019, citing the lack of legal requirements for the military tribunal, it has some realistic and legal basis for the nullification of the military tribunals. On this basis, there is a basis for responding to the current passive government position. The second issue regards National Reparations or other forms of compensation. This is almost identical content in the bills. The principle that the state shall compensate those who are determined to be victims and the amount and method of payment of compensation shall be stipulated in a Presidential Decree. Meanwhile, the Bareunmirae Party's proposal contained information on fund for living support, in addition to medical aid, which provides grounds for additional support for daily living of victims. The third issue concerns additional fact-finding research and investigation. This is where the differences between the two bills are apparent. The Bareunmirae Party's bill clearly states that additional fact-finding investigations should be focused on individual cases, the Minjoo Party's bill has no language to specify future research. The fourth issue concerns the excavation of the victims' remains. The Bareunmirae Party has detailed language on the excavation and identification of remains. There is no specific language on the discovery of the victims' remains in the Minjoo proposal. Fifth, the regulations concerning commemorative projects, development and implementation of community recovery programs, the Jeju April 3rd Peace Foundation, and financial support for memorial organizations are similar in both proposals. Sixth, The Bareunmirae Party's Act stipulated that certain acts relating to slander and false information, etc., should be punished by defining them as crimes, so that the punishment would be subdivided into the appropriate criminal act and given punishment accordingly to such act.

## Conclusion

Outside of the governments of Kim Dae-jung and Roh Moo-hyun, Korea's ability to settle the difficult events of its past is not so good, to be blunt. Because of the continuity between the Lee Myung-bak and Park Geun-hye government, which tended to deny the truth has led to these difficulties. But the timeless truth of history will win out. This year marks the 72nd anniversary of Jeju 4.3. In the meantime, there are many studies trying to find out more about Jeju 4.3. It is true that Jeju has had to live under the pain, and exaggerated charges of rebellion about Jeju 4.3. It took 70 years to officially record, educate, and receive an apology for the violence committed by state power. Although there had been numerous confrontations and antagonisms, Korea came together to lay the groundwork for the government-level investigation into Jeju 4.3, resulting in the Jeju 4.3 Special Law of January 12, 2000. Based on this law, the Jeju April 3rd Truth Report was published in 2003 to help alleviate the pain of Jeju's people. However, official government level investigation has been suspended for 15 years, and no further reports have been done. The revisions proposals to the Jeju 4.3 Special Law has yet to be dealt with by both the ruling and opposition parties. Therefore, for the complete resolution of Jeju 4.3, some or all the proposals should be reviewed, merits of each proposal taken and then merged into a complete revision of the Jeju 4.3 Special Law.

A complete revision should require the following to be added to the Jeju 4.3 Special Law:

First, additional fact-finding reports on individual cases needs to be conducted from the prior Jeju April 3rd Truth Report and details to each case of the investigation needs to be subdivided and disclosed.

Second, It will have to preserve the historical sites of Jeju 4.3 and provide systematic education for the hope to prevent such tragedies from happening again.

Third, there needs to be appropriate compensation and reparations decided through further investigation to victims and bereaved families.

Fourth, It is necessary to heal the hearts of the bereaved families of those killed in Jeju 4.3

by the establishment of a Jeju April 3rd Trauma Healing Center.

Fifth, development of community recovery programs for damaged areas to foster a sound and healthy civil society.

Sixth, a clause should be added so those who deny or slander Jeju 4.3 can be punished. Jeju 4.3 is not an ideological issue, but a painful event in Korea's history where its own government used state power to attacks its people.

The Government will need to make a reasonable judgement that can properly investigate the history of Jeju 4.3 and give proper treatment to the bereaved families through warranted compensation. The limitation of this paper is that it is based on pending legislation. In future research, there is a need to study and form a consensus on a complete resolution to Jeju 4.3 based on the hopefully positive passed law.

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Receiving Date: September 2, 2019.

Reviewing Date:September 9, 2019.

Reporting Date of Article Appearance: September 16, 2019.