

Value of the human rights law, legal approach and the possibility of a political settlement

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Abstract

The bereaved families of Cheju massacres(1947–1954) and civil society have constantly demanded that the state establish complete transitional justice in Jeju, South Korea. Significant progress has been made in establishing transitional justice in South Korea to heal the victims of the Cheju Massacres, but there has been no progress in engagement or discussion between the US government and society in this regard. A book, “Healing the Persisting Wounds of Historic Injustice : United States, South Korea and the Jeju 4·3 Tragedy” that compiles the full discussion of theoretical and practical framework, social healing through justice proposed by Eric K. Yamamoto for the recovery of the damage caused by the massacres of civilians has been published and is attracting attention.

Key words :

The bereaved families of Cheju massacres(1947–1954). civil society. Healing the Persisting Wounds of Historic Injustice. United States. South Korea. the Jeju 4·3 Tragedy. Eric K. Yamamoto.

It's time to step out of the silence and speak

Many Jeju people have tended to be reluctant to hold someone accountable for the Cheju massacres, or to promote human rights and recovery from damage, as they experienced the era of division and dictatorship. It's time to step out of the silence and speak. This is not the dark age of the past.

The bereaved families of Cheju massacres (1947–1954) and civil society have constantly demanded that the state establish complete transitional justice in Jeju, South Korea. Following presidents Kim Dae-jung who was the victims of human rights violations under an authoritarian regime, and from human rights lawyer, Roh Moo-hyun, also from a human rights lawyer, president Moon Jae-in tried the many efforts to establish transitional justice in South Korea.

Survivors who had been sentenced in military trials in 1948 and 1949 and served in prison applied for retrial and were acquitted in 2019. Following the 20th National Assembly, the 21st National Assembly of the Republic of Korea also attempted to amend the law to compensate for the Cheju Massacres. On February 26, 2021, the Korean National Assembly voted to amend the Special Act of Jeju April 3rd Events for truth and honor restoration on all cases.

Significant progress has been made in establishing transitional justice in South Korea to heal the victims of the Cheju Massacres, but there has been no progress in engagement or discussion between the US government and society in this regard.

Value of the human rights law, very practical legal approach

In South Korea, it is a fact that some people aware that terms or concepts such as human rights, justice and social healing are not easily found in the government's official investigation report. Psychological treatment was attempted in the process of healing the bereaved of the Sewol ferry disaster that took place in 2014 and shocked many people not only in Korea but also in the world, but social healing was hardly attempted.

I have been investigating, researching and analyzing the Cheju Massacres since 1980s. When an

American scholar claimed that a theoretical and very practical approach to social healing through justice was possible something to do Cheju Massacres in United States, as if I met the light in a darkest cave, I found the Savior in deepest in deepest hell. I deeply moved and experienced the same emotions, shocks and wonders that I met.

A book that compiles the full discussion of theoretical and practical framework, social healing through justice proposed by Eric K. Yamamoto for the recovery, repair and relieve of the victims, damage and trauma caused by the massacres of civilians has been published and is attracting attention. Professor Eric K. Yamamoto, internationally-recognized scholar & Advocate for Social Healing Through Justice, his new book entitled "Healing the Persisting Wounds of Historic Injustice : United States, South Korea and the Jeju 4·3 Tragedy" is making a very important contribution in the next ten areas².

The first is the approach of human rights laws and international human rights laws to resolving conflicts and feud, trauma caused by the Cheju Massacres from March 1st 1947 to September 21 1954, Cheju Island, South Korea. I think it is very important to hear the surprising and welcome news that this important book was finally published in South Korea, world premier edition. So I think it is a very significant historical advance that the English book, which attempted to take a human rights law and international human rights legal approach to the Cheju massacres (1947 – 1954), was published in South Korea. In a word, Yamamoto have demonstrated how useful the human rights law approach is to recover the victims and damage of the Cheju massacre and restore justice in the international and national level.

Second, it was noted that the Cheju massacres took place during the peace time under the occupation of United States Army Force in Korea, from September 8, 1945, not during the war time. Since Yamamoto's team at the University of Hawaii's Graduate School of Law has been studying the Cheju massacres and has already published several papers since 2011

2) This review was mentioned at a book celebration, 2021 Global Peace Bulteok Assembly, Global Ageing Network Biennial Conference, September 6, 2021, Jeju Island, South Korea(virtual). I appreciate with C.H. Ko, J. H. Kim and E. K. Yamamoto for providing the opportunity to comments.

after starting research on the Cheju massacres. And Yamamoto's research team visited Jeju Island in South Korea several times, which is the site of the Cheju massacres, to meet survivors of the Cheju massacres and bereaved families to study how to solve it in a way that is socially healing through justice.

Third, this author proposed that the U.S. emphasizes and promoted the need for an institutional and legal approach to raise and come to reconciliation between the U.S and South Korea, Cheju Islanders. It has prompted us to try petitioning the United States Congress to resolve the Cheju massacres issues.

Fourth, we needed a pragmatic theoretical framework, a legal perspective, to petition the United States Congress. It is the social healing through justice framework emerges from the multi disciplines of law, theology, social psychology, political theory, human rights, economics and indigenous healing practices that has solved this issues now and future. The grand solution to reaching social healing through justice of the Cheju massacres is that first of all, each party must be aware of the facts, Recognition, then taking responsibility to the perpetrator for the massacres, Responsibility, and therefore reparation of the victims, Reparations, and we must all start to rebuild a community, Reconstruction. First and foremost, each party must be a reality. What happen at that time, then hold the perpetrators responsible for the perpetrators of the massacre. Who is victims and who is perpetrators, and thus the perpetrators must repay the victims and thus all of us to build a sustainable community.

Fifth, for this theoretical work, the author analyzed and organizes every paragraph, chapter and narrative, one by one, based on evidence and facts in spite of language barrier and cultural difference.

Sixth, it is a very useful educational method and can be considered a highly effective research methodology. Some part of this book is characterized by a joint study by Professor Eric Yamamoto and graduate students at the Hawaii Law School. This process has resulted in numerous researchers on the Cheju mass killings.

Seventh, we have demonstrated the usefulness of international cooperation and collaboration. This book

is an English book dealing with the Cheju massacres. I learned the full story of the Cheju massacres only after the fact-finding report, Jeju April 3rd Events Investigation Report was officially published in South Korea on October 30, 2003. And only 10 years later, the English version of the Jeju April 3 Events Investigation Report was published so that English-speaking readers could understand about the Cheju massacres. Professor Eric Yamamoto participated in the translation of the English version of the Jeju April 3 Events Investigation Report. I was very grateful.

Eighth, this book focuses on the responsibility of the United States while attempting to approach the Cheju massacres with human rights law and international human rights law. Therefore, we are considering the possibility of filing a lawsuit against the Cheju April 3rd. Events(1947-1954) in the U.S. court, but point out the possibility of a political solution to the Cheju Grand Tragedy(1947-1954) and the need for a political approach to the U.S. administration, especially the U.S. presidential office. I think of It is a very realistic, concrete and practical approaches. Yamamoto have suggested the possibility of a legal and institutional solution that could through American exceptionalism, exhaustion, sovereignty immunity, extraterritoriality and political question doctrine so on(Hinds, 2020).

Ninth, this co-worked and authored, English-language book, and human rights law work by Eric Yamamoto's research team raised Cheju massacres(1947-1954) research to the world class, asking the U.S. responsibility for the Cheju massacres. In the nearest future, I hope that not only many conscientious citizens of the United States but also legal scholars and legal professionals will help and contribute to social healing through justice of the Cheju massacres.

Tenth, for the past ten years, it has been pointed out that the issues of the massacre on Cheju Island is an endless task, unfinished business, but now it has proposed the formation of a joint U.S. and South Korea, Cheju April 3rd Events committee between U.S. and South Korea, Cheju Islanders to end the task. In order to end the 74-year-old Cheju massacres issues, by reviewing the COVID-19 Pandemic as well as U.S and Korean relations from the U.S. occupation and division of Korean

peninsular, Cold War, War at Korea, establishing the transitional justice of the recent Moon Jae-in government's bold policy including industrialization, and democratization in South Korea. The U.S government and the Republic of Korea government, the US Congress and National Assembly of ROK gave very sincere, concrete and practical suggestions on what to do and how to do it.

Possibility of a political settlement

By approaching this common issue in a wise, rational and transparent manner, I am convinced that the two countries, Republics can establish the legitimacy of democracy and human rights in both countries and greatly improve the quality of life of the people. At the same time, this book shows us very clearly the directions and goals that are very useful in pioneering such new paths. The United States and South Korea will be able to build more people-to-people exchanges and economic cooperation, a stronger alliance, and a consolidated democratic legitimacy through the healing of the Cheju Massacres(1947-1954).

From 2022, the South Korean government has formulated a damage reparations plan for the bereaved families of the Cheju massacres in accordance with the amendments to all the Special Act of Jeju April 3rd Events for truth and honor restoration passed by the National Assembly of Republic of Korea, February 26, this year. The court were determined that the 1948 and 1949 military trials were illegally enforced. Therefore, the prosecution plans to apply for a special retrial for these 2,530 inmates in bulk. Therefore, South Korea is in the process of establishing the transitional justice of the Cheju massacres.

Therefore, it is said that the fantastic frame proposed and formalized by Yamamoto through the papers published so far and the book published this time, and the social healing through justice frame for the Cheju massacres, should be successfully applied through deep discussion in American society and politics. I want to firmly believe to do so. To this end, I believe that, first of all, in the United States, an U.S April 3rd Truth Committee should be formed and operated within the Office of the President of the United States. And at the same time, I believe and hope that the Joint South Korea and United States Jeju April 3rd Tragedy Task Force to Further Implement Recommendations and Foster Comprehensive and

Enduring Social Healing Through Justice should also be formed and operated in the nearest future.

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