

Truth-Seeking for Jeju and the Debates on Compliance

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Abstract

The April 3 Incident in the Island of Jeju marked one of the gravest human rights violations in Korean history involving a majority of victims who were non-politically motivated innocent civilians caught in the crossfire between the state, foreign actors, and a leftist political party and its armed affiliates. The violence, which continued from 1947 to 1954, resulted in the highest number of casualties, following that of the Korean War (1950-1953). Despite the gravity of the human rights violations, it was only after South Korea transitioned to a democracy and prosecuted two former heads of states that the state engaged in efforts to address the April 3 Incident. This study examines the Special Act for the Investigation of the Jeju April 3 Incident and Recovering the Honor of Victims (1999) and the National Committee for the Investigation of the Truth about the Jeju April 3 Events, which established the Jeju April 3 Commission (2000). Specifically, the study focuses on the status of state compliance with the list of recommendations and article provisions from the Special Act and the National Committee, which included policies for truth-seeking, reparations, and accountability measures for the state. The article finds that while on truth-seeking and symbolic reparations the state reflected a good record of complying with the recommendations, on financial and medical reparations, and criminal accountability measures, the state was relatively less proactive in compliance. The selective level of compliance from the state provides some insight as to the state's respect for these policies and the possible conditions that may have resulted in the differences of state behavior.

Key Words: National Committee for the Investigation of the Truth about the Jeju April 3 Events, Jeju April 3 Commission, Jeju April 3 Incident, Truth Commissions, Reparations, South Korea

Received August 1, 2018; Revised version received August 25, 2018; Accepted September 5, 2018

On April 3, 2018, commemorative activities were held to remember and honor the series of massacres and political atrocities against a majority of non-politically motivated and innocent civilians in the island of Jeju from March 1, 1947 to September 21, 1954. Commonly referred to as the “April 3 Movement,” this human rights violation in Jeju resulted in the highest number of casualties secondary to that from the Korean War (1950-1953). President Moon Jae-In (2017-2022) attended the commemoration, issuing a public statement emphasizing reconciliation, rectification of history, and recognition of past atrocities for the fallen victims (Hwang 2018). This position was a continuation of his previous rhetoric as a presidential candidate in 2017, when he assured that his government would provide Jeju April 3 victims’ family members with medical reparations (e.g., psychological trauma related treatments) and financial support for living expenses (Kim 2017). Such considerations of expanding reparations mirrored the state’s willingness to acknowledge responsibility for the historic human rights violations. And, they were promises from the state that extended the work from the establishment of the Special Act for the Investigation of the Jeju April 3 Incident and Recovering the Honor of Victims (1999) and the National Committee for the Investigation of the Truth about the Jeju April 3 Events (2000-2003).¹⁾

This study examines one of South Korea’s²⁾ truth commissions, which are “bodies set up to investigate a past history of violations of human rights” (Hayner 1994, 558), and the law that promulgated the truth commission’s creation. The commissions in South Korea expanded the definition and scope of truth-seeking to encompass recent periods of political oppression and also colonial human rights violations.³⁾ The total of an estimated eleven truth commissions covered state repression from 1910 to 1988. The timeline begins with the Japanese colonial era

1) At the time when the National Committee was established, Jeju’s human rights violations were referred to as the Jeju April 3 Incident. Currently, some scholars refer to the case as Jeju’s April 3 Movement, although there have been suggestions to label the case as a “civil war” or an “internal armed conflict,” as it dealt with a human rights crime that resulted from a struggle to determine whether or not Korean was to be a single state or separated between the North and South (Kim 2012). When referring to the case from the Jeju Commission, this article follows the Commission’s wording of the “Jeju April 3 Incident.”

2) Throughout this article, the term “South Korea” will be interchangeably referred to as “Korea.”

3) South Korea’s truth-seeking into colonial past mirrored more of the developments of the Canadian Truth and Reconciliation Commission that investigated the truth about the events that took place in residential schools for the aboriginal peoples of Canada dating back to the 1870s.

(1910-1945), includes the American occupation period (1945-1948), Korean War (1950- 1953), the government of President Syngman Rhee (1948-1960), and leads up to General Park Chung Hee (1961-1979) and General Chun Doo-Hwan's (1980-1988) authoritarian regimes. In each of these periods, the government in power engaged in efforts to silence the opposition and suppress citizens' liberties. At times, depending on the gravity of the crimes, historic truth commissions were revamped to reinvestigate past human rights violations. For instance, the Special Committees for the Investigation of Anti-Nation Activities (2004), Forced Labor under Japanese Rule (2004), and Pro-Japanese Collaborators (2005) revived ideas from an earlier truth-seeking committee that investigated pro-Japanese collaborators during President Syngman Rhee's presidency.

Among the truth commissions, this study focuses on the National Committee for the Investigation of the Truth about the Jeju April 3 Events (2000-2003) and the Special Act for the Investigation of the Jeju April 3 Incident and Recovering the Honor of Victims (Law No. 6117) (1999).⁴⁾ The National Committee, from which the Jeju April 3 Commission⁵⁾ formed, aimed to "recover the honor of victims through truth finding" (Ministry of Public Administration and Security 2016). Recognition is one of the first demands from victims—to be acknowledged that they have been "harmed, and intentionally so" (de Greiff 2012, 42). Thus, for victims the process of testifying to a commission provided a form of recognition, catharsis, and a means through which they could channel their emotions (Roht-Arriaza 1995, 19). The Special Act (i.e., Articles 8, 9, and 12) complemented this work of the Jeju Commission with recommendations for state reparations (e.g., financial, medical, and symbolic reparations) and accountability measures (e.g., criminal prosecutions) for victims and their family members (Ministry of Public Administration and Security 2016).

This study assesses the extent to which the state respected the Jeju Commission's findings and complied with the Special Act's recommendations. As the Special Act was amended five times (i.e., 2007, 2008, 2014, 2014, 2016) since

4) Abbreviations will be used to refer to the National Committee for the Investigation of the Truth about the Jeju April 3 Events and the Special Act for the Investigation of the Jeju April 3 Incident and Recovering the Honor of Victims, in the form of "National Committee" and "Special Act."

5) The "Jeju April 3 Commission" will be interchangeably referred to as the "Jeju Commission."

the original year it was adopted in 1999 and went into effect in 2000, I examine the Act in its latest changed provisions approved up to 2016. As of this writing, there are new amendments for the Special Act that have been submitted to Parliament.⁶⁾ These include the renaming of the Act to include the word “reparations,” added components related to history reeducation on Jeju, and more specifications about financial and medical reparations for victims and their family members (Jejusori 2017a; Yonhap News 2018). As the Act’s amendments have yet to pass Parliament (in process since December 2017), for the purposes of this article I use the 2016 amended version of the Special Act. The Special Act and the Jeju Commission dedicated efforts to finding the truth about a case that had received comparatively less attention to that of Japanese colonial era crimes, suspicious deaths in military matters, or other democratization movements in Korea. A brief assessment of the state’s compliance with the recommendations of the Special Act and the findings of the Jeju Commission provide some insight as to the state’s level of respect towards truth-seeking, reparations, and even accountability. And, the results shed light to the conditions that aided or hampered the continued observance of these policies.

1. Debates Related to Jeju’s April 3 Atrocities

While there are numerous studies that examined the Kwangju Massacre in South Korea on May 18, 1980 and other atrocities during the Korean War (1950-1953), including their related truth commissions (In-Sup Han 2005; Sang Wook Daniel Han 2008; Dong-Choon Kim 2010; Hun Joon Kim 2012; Lee 2013; Park 2001; Wolman 2015; Cho 2007), the massacres that took place before the Korean War in Jeju have comparatively gone “unnoticed by scholars and practitioners around the world” (Kim 2014, 3). The trial of two former heads of state Chun Doo-Hwan (1980-1988) and Roh Tae-Woo (1988-1993) in 1996-1997 on human rights grounds related to the massacre in Kwangju (Katsiaficas 2012, 364), led to the

6) This paper interchangeably refers to the “South Korean National Assembly” as the “Parliament.”

proliferation of scholarship on Kwangju. And, even the 2005 South Korean Truth and Reconciliation Commission (TRCK) that was given the mandate to examine various periods of Korea's repression, including Japanese occupation; the history of overseas Koreans who "have maintained the sovereignty of Korea or enhanced national capability since the Japanese occupation"; the killing of civilians during the Korean War; suspicious, unlawful, or conspicuously improper exercises of state authority which resulted in deaths, disappearances, tortures, and human rights violations from 1945 through the authoritarian regimes; and individual cases that the TRCK regarded as meriting investigations (Cho 2007, 608), did not consider Jeju's case. This had to do with work redundancy, as the Jeju Commission (2000-2003) considered Jeju's April 3 Incident in-depth. Additionally, the political climate of the governments after democratic transition that prioritized addressing recent human rights or those from the Japanese colonial period. And, as the human rights violations related to Jeju's case involved a period of transition in South Korean history, from the end of World War II to the Korean War, it was more difficult to seek the truth about these abuses.

What exists of the scholarship on Jeju's April 3 Movement predominantly focuses on the: 1) debates of the different interpretations of history and memory of the April 3 case and 2) studies that focus on the memories of marginalized or minority groups. Kwon (2003) examines the differences between the official version of history and the memory of Jeju islanders related to April 3. In particular, Kwon assesses how Jeju islanders have been able to disseminate their own memory, why it is remembered differently among various social groups, and how the democratic overture in Korea and the post-Jeju Commission period has shaped a new memory for the younger generations (2003, 176-177). Adding to Kwon's work, other scholars evaluate how the media have shaped the memory of the Jeju Incident. Analyzing newspaper articles from 1999 to 2014, Park et. al (2014) find that the media sensationalized April 3 as a case of political ideological differences between the progressive and conservative political parties. This detracted from helping shape an objective memory of Jeju's atrocities. Minhwan Kim's (2014) study discusses similar debates in memory that emerged during the process of establishing the Jeju April 3 Peace Memorial Park, particularly between those who

viewed April 3 as an “uprising” or “rebellion,” and others who regarded it as a “resistance movement.” The historical memory of Jeju’s political violence has also been examined via Jeju’s traditional rituals of mourning. Kim regards rituals of mourning as a traditional Korean “technique” through which history and memory have been preserved (1991, 10). Pointing to the existence of an April 3 ritual of mourning, Kim explains how the therapeutic nature of the ritual has helped Jeju’s people reconcile the violent past of April 3 with the present (1991, 14).

Using the perspective based on the subaltern or minority group’s memory, Jung (2016) examines the April 3 Incident and how the rhetoric of truth-seeking is dominated by male experiences of human rights violations. Women who were subject to rape, forced marriage, sexual slavery, and torture related to the April 3 Incident have yet to voice their own experiences of sexual violence (Jung 2016, 219). Moreover, women who were family members of victims identified as having leftist political leanings suffered an added layer of persecution from society, which continues even after the Jeju Commission completed their findings (Jung 2016). Other scholars studied the experiences of women subject to different human rights violations. Yoo (2004) collected testimonies from victims such as Kang Chŏng-sun who told her story of arbitrary incarceration, wrongful conviction for one year, and torture.

Similar to Jung (2016) and Yoo (2004) whose work focused on the Jeju atrocities from a subaltern group (i.e., women) perspective, Park (2018) argues for the need to reconsider the 1963 publication of testimonies from those who were involved in the armed struggle but whose views were not included in the Jeju Commission’s Report. Park argues that this group’s testimonies adds to the Commission’s Report in providing a perspective from those who were participants to the Jeju April 3 Incident (2018, 252-253). Yang (1995) continues the reexamination of the April 3 Incident from a marginal group perspective. She examines the April 3 Incident, as a “resistance movement” from the viewpoint of the Worker’s Party (Yang 1995). This political party was involved in the armed uprisings against the May 10th elections for South Korea’s first government in Jeju Island, which led to the April 3 Incident and the human rights violations from 1947 to 1954. Yang (1995) argues that from the Worker’s Party’s view, the armed uprisings against the elections were

the only means to prevent the division of the Korean peninsula, and further discusses how the political party collaborated with the local Jeju population.

Compared to the studies on memory, research on the Jeju's Commission and its impact on South Korean society have been minimal, with the exception of Kim's (2013; 2014) works on transitional justice development in East Asia and the Jeju massacre. Analyzing the trajectory of truth-seeking emergence in South Korea, Kim (2013) recognizes the achievements of truth commissions in revealing the abuse of state power, in addition to the difficulties of commissions like Jeju have in investigating past atrocities that are more than fifty-year-old. On his work on Jeju, Kim (2014) reviews the history of the April 3 Incident, the trajectory of the Jeju Commission's establishment, and its effects on South Korea. Kim (2014) lists a series of processes of evidence supporting his evaluation that the Jeju Commission had a positive impact on influencing the state to follow its supplemental recommendations, such as issuing a public apology. Acknowledging the importance of Kim's studies, this article takes a step further to expand the scope of research by focusing not only on the "supplemental" recommendations that the Jeju Commission made to the state but by evaluating the state's record of compliance with the Special Act, which specified additional policies of reparations and accountability, and complemented truth-seeking efforts. This analysis provides a holistic picture to understand how truth-seeking, reparations, and at least some parts of accountability have been channeled in South Korea and assesses to which extent the state has complied with their adopted policies of addressing past abuses.

2. Developments of the Jeju April 3 Commission

On March 1, 1947, during the commemoration of the twenty-eight-year anniversary of the March 1 Korean independence movement against Japanese colonization, the military police fired into a crowd of protesters led by Jeju Island's leftist groups. The moment became a catalyst for the April 3 Jeju Movement, which gained more momentum on April 3, 1948, when leftist groups protesting the May

10 elections that would separate the Korean peninsula launched attacks against the police and right-wing paramilitary groups. What followed were a series of U.S. military and South Korean police led mobilizations, including burning of entire villages in a “manner that anticipated tactics used in the Vietnam War” and human rights violations against civilians and suspected leftist armed insurgents (Lee 2007, 59-60).

It took thirteen years of sustained “grassroots advocacy” work to establish the Jeju Commission that investigated these armed uprisings and counterinsurgency actions in Jeju Island (Kim 2012, 727). This was reflective of Korea’s political history and the various periods of repression, where the presence of human rights activism both nationally and transnationally was relatively absent. As Amnesty International’s report in the late 1980s demonstrates, even the activity of the International Human Rights League in Korea was minimal and limited to conducting surveys on the status of human rights. At the time, only individual human rights lawyers and judges formed part of the scene of activism (Bae 2007, 70). Local advocacy in Korea was not based on nongovernmental organizations but comprised mainly of individuals that came together in defense of human rights. These included students, scholars, social activists, and journalists (Kim 2012, 732). Many of the individuals resided in the locality where the events took place and incrementally voiced their efforts at initiating the cause for investigations. From as early on as 1960, local advocates in Jeju mobilized to demand the truth about the massacre of citizens by government commando units. One of the first groupings of such efforts was the Association for the Investigation of the Jeju 4.3 Incident formed by seven students at Jeju National University (Jeju Commission 2003, 39). Victims and victims’ family groups from Southern Jeju Island followed in similar action on May 27, 1960, along with members of the Parliament from Jeju that pushed the National Assembly to investigate the April 3 Incident (Jeju Commission 2003, 35). Despite the impetus for the investigation into this case which continued throughout the 1960s, the repressive political environments of the 1970s and 1980s hampered the possibility for victims, family members, and local advocacy to sustain their efforts for truth-seeking. In fact, Jeju’s case only reemerged in political rhetoric with South Korea’s turn towards democracy in the late 1980s

and the rise of peoples' social movements. The ripe social context that emphasized democratization, national autonomy, and peoples' mobilization, encouraged the reconsideration of Jeju's case from a "communist guerilla insurgency" to one that involved conscious political actors who were acting on their own political commitments (Lee 2007, 60).

Roughly forty years after the first initial moments of local advocacy's push for the truth, Jeju's April 3 Commission (2000) was established under the Special Act for the Investigation of the Jeju April 3 Incident and Recovering the Honor of Victims (1999) during President Kim Dae-Jung's administration (1998-2003). As a former prisoner of conscience, Kim focused on launching initiatives of reparations and truth-seeking that would investigate deaths of individuals involved in Korea's pro-democracy movement (i.e. Presidential Truth Commission on Suspicious Deaths (2001)) and restore their honor of dying for just causes (i.e. The Act for Restoring the Honor of Democratization Movement and Providing Compensation for Them (2000)) (Hanley 2014, 152). This included Jeju's April 3 Movement, which formed a part of the list of his presidential campaign promises. By September 28, 1998, Parliament passed the April 3 Incident Public Hearing, which was followed by Kim's visit to Jeju Island in June 1999, the proposal of the Special Act for Jeju's April 3 Incident by three politicians from the Grand National Party on October 11, 1999, and the passage of the Special Act on December 16, 1999 (Jeju Commission 2003, 38).

Under Article 1 of the Special Act, the truth commission's mandate was to seek the truth, recover the honor of the victims and their family members, and in so doing promote societal reconciliation. From June 8, 2000, until May 30, 2001, the Jeju Commission received over 14,028 reports of human rights violations related to the April 3 Incident. From these cases and investigations into domestic and foreign archives from the United States, Russia, and Japan, the Jeju Commission estimated that roughly 25,000 to 30,000 people had been killed or disappeared as a result of the April 3 Incident (Jeju Commission 2003, 367). And, over 300 villages in Jeju Island were affected by the Incident, eighty-four of which remain as "lost villages," with displaced residents preferring not to migrate back to their residences (Jeju Commission 2003, 377).

The Jeju Commission was not given expansive powers like the South African Truth and Reconciliation Commission that offered amnesty for perpetrators that came forward. And, the Jeju Commission's Final Report did not include a list of recommendations like the Peruvian Truth and Reconciliation Commission for reparations, legislative changes, and reinvestigation of human rights crimes, that when in fact "after a "prudential lapse of thirty days no evidence of action existed" from the Ministry of the Public, the Commission would have the power to ask the Human Rights Ombudsman's office to intervene in formulating accusations against perpetrators (Comisión de la Verdad y Reconciliación 2003). Instead, the National Committee for the Investigation of the Truth about the Jeju April 3 Events that constituted the Jeju Commission did issue a separate list of seven supplemental recommendations for the state related to the Commission's Report. These included, 1) an official apology from the state 2) designation of a commemorative date 3) the use of the Report for peace and human rights educational purposes 4) creation of an April 3 Peace Memorial Park, 5) living expense provisions for victims' family members in economic need, 6) support for excavation of mass graves, and 7) lastly, a continued support from the state for truth-seeking and commemorative projects (National Committee for the Investigation of the Truth about the Jeju April 3 Events and Recovering the Honor of Victims 2003). The list primarily focused on symbolic reparations that include "official apologies, rehabilitation, the change of names of public spaces, the establishment of days of commemoration, [and] the creation of museum and parks" (De Greiff 2006: 453).

Some of the recommendations from the National Committee were also reflected in the various amendments to the Special Act, the first of which went into effect on January 24, 2007 as Law No. 8264. For instance, Article 8 Section 2 of the amended Special Act from 2007 discussed the establishment of a Jeju April 3 Foundation to administer the April 3 Peace Memorial Park and keep the archives of the April 3 Incident. Article 12 and Article 13 dealt with the financial reparations for victims' family members and the possibility for retrials to reexamine the extent of the financial compensations provided from the state for people in economic need (Ministry of Public Education and Security 2007). Adding to the amendments from 2007, the 2014 amendments to the Special Act (Law No.

12212) further complemented the National Committee's list of supplemental recommendations, making them into law. Article 8 referred to the need of the state to reconcile those who had fallen through symbolic reparations initiatives, including commemorative areas and public spaces of memory, history reeducation for peace and human rights, and establishment of commemorative dates (Ministry of Public Administration and Security 2016). As territorial markers and commemorative dates were all part and parcel of the "demands for truth and justice," they formed an "integral and central component of the practices" regarding past recognition (Jelin 2007, 139; 156). Additionally, Article 9 of the Special Act recommended the state to provide financial and medical reparations for victims, and Article 12 discussed possible retrials that included financial and medical reparations as part of the final ruling of each case (Ministry of Public Administration and Security 2016).

In the sections to follow, this article specifies the extent to which the state complied with these recommendations from the Special Act and the National Committee related to the Jeju Commission. Policies of financial, medical, and symbolic reparations constitute the bulk of the recommendations. Mechanisms of accountability, particularly re-trials are also present, although they too are related to reparations processes. For this reason, more weight is placed on examining reparations policies to assess the state's compliance record. As reparations emerged as a part of the Special Act and the National Committee's initiatives that originally were adopted for the purpose of seeking the truth and recovering the honor of victims from Jeju's April 3 Incident, the findings shed light to the state's respect not only towards a specific policy of reparations but also to the historical truth of the case.

3. Compliance with Jeju's Commission and the Special Act

Except for one or two policy shortcomings, the state complied with most of the recommendations on symbolic reparations from the National Committee and the Special Act that followed the Jeju Commission's Final Report. The first of

the state's responses focused on the "official state apology" recommended by the National Committee. The state apology in part answered to Article 8 of the Special Act that referred to the need of the state to reconcile those who had fallen through symbolic reparations initiatives, such as that of state recognition of responsibilities. On October 31, 2003, President Roh Moo-Hyun (2003-2008) issued the presidential apology for the abuse of state power, the first of its kind by a head of state in South Korea regarding human rights abuses (Kim 2014, 153). The second apology was repeated three years after on April 3, 2006, during the memorial for the victims of Jeju. This was the first Jeju memorial event attended by a head of state. And on April 3, 2007, the third public apology was issued by President Roh. As apologies serve to provide victims and their family members with a sense of recognition of the abuses they suffered, it was a step towards expanding the truth commission's efforts towards symbolic reparations. In fact, during the third public state apology delivered by the Minister of the Interior and Safety on behalf of President Roh, the president specified proposals for the state's involvement in developing initiatives to restore the victims' honor. Particularly, President Roh noted the amendments to the Special Act which broadened the categories of who constituted a victim or a victim's family member, the construction of the April 3 Peace Memorial Park, and the inauguration of the April 3 Archive Building in February 2008 (Lee 2007).

If there had been progress with President Roh on symbolic reparations of state apologies, during Lee Myung-Bak (2008-2013) and Park Geun-Hye's (2013-2017) governments, South Korea regressed in its behavior towards continuing the practice of respecting the reparations. Lee boycotted the attendance of the Jeju 4.3 memorial service throughout his presidency. Critics argued that this gesture reflected a non-recognition from the conservative government of the April 3 Incident as a civilian massacre (Kim 2013). President Park Geun-Hye's government reacted not much differently. Despite the "pleas" from Jeju's April 3 Victims' Groups for the president to attend the memorial services, Park too was absent in Jeju's commemorative activities (Jwa 2016). Nearly a decade after Roh's last state apology in 2007, President Moon Jae-In attended the Jeju 4.3 memorial service in 2018. The presidential visit restarted the trend of state apologies for the April

3 Incident. In his speech, Moon vowed to expand reparations for victims and bring reconciliation for society. Moon's position indicated the possibility of more positive changes to come related to the state's position of recognizing its responsibility for the April 3 crimes. And yet, the propensity for the South Korean state to walk back the symbolic reparations from one administration to the next reflected a vulnerable state of political affairs related to Jeju's human rights crimes. Such was also true for other symbolic reparative practices.

Aside from the state apology, the second recommendation for symbolic reparations from the National Committee and Article 8 of the Special Act included the establishment of a commemorative date. Such forms of commemorative processes are a part of symbolic reparations that provide a ritual of closure, a recovery function, and the acknowledgment of the harm victim's experienced (Brown 2013, 275). While Park's government received fair criticism for the non-attendance of the April 3 memorial events, it was during her government that an official commemorative date for Jeju victims was officially approved through Parliament in 2014. From the 2012 presidential campaign period, Park vowed to "resolve" the April 3 Incident (Kim 2013). A few months after taking office, in August 2013, Parliament passed the amendments for the Special Act that included a presidential legal advisory and executive order on "regulations of various commemorative dates" (Jeju Archives 2014). These changes laid the foundation for the possible consideration of April 3 as a state holiday. On March 18, 2014, Park's government passed the amendments to the "regulations of various commemorative dates" and on March 24, the government bulletin announced the presidential executive order passage for the "April 3 Victims' Commemorative Date" (Jeju Archives 2014). The setting of the commemorative date was celebrated via Twitter by Moon Jae-In, who at the time was a member of the National Assembly and a former presidential candidate of the Democratic United Party (Moon 2014). The designation of April 3 as a state holiday was complemented with the amendments to the Presidential Executive Order 29036 on July 10, 2018, which allows localities where historic events have occurred (e.g., April 3 Incident) to declare a local holiday for all government offices in the region (Ministry of Public Administration and Security 2018).

What is unique about the process of how the commemorative date developments occurred were the political interests that conditioned the setting of the date. Rather than suggest commemorating September 21 when the armed uprisings finalized in 1954, the Jeju Commission and the National Committee recommended to have April 3, the date when the insurgency began, as the memorial date. The commemoration of April 3, the day when the Worker's Party's armed uprisings began to prevent May 10 elections for South Korea's first government, legitimized the deaths of innocent civilians who were caught in the middle of the political battle between state forces and the Worker's Party and armed affiliates. Although the Worker's Party had risen up for a just cause to protest the general election that would partition the Korean peninsula and in resistance against the police and armed forces brutality towards political protesters in Jeju (Katsiaticas 2012, 94), nonetheless their political cause could not justify the commission's legitimization of the killings of other innocent Jeju people. Hence, the April 3 designation, while demonstrating the state's respect towards the recommendations of the Jeju Commission and Special Act, carried a political significance that reached far beyond a single group of victimhood related to the atrocities.

The third symbolic reparations recommendation from the National Committee focused on the use of the Jeju Commission report for educational purposes. The Special Act's Article 8 specified this point further, noting how societal reconciliation for victims included "history reeducation for peace and human rights" (Ministry of Public Education and Security 2016). Scholars find that history education, particularly "secondary school history revision" can serve to "complement and deepen both official acknowledgement of harm done and truth telling" (Cole 2007, 123). South Korea shifted from a state-sponsored textbook production to production from private publishers following state guidelines after the 2007 Seventh National Curriculum Reform. Given this backdrop, an examination of South Korea's only state-sponsored national history textbook from 2016, brings some valuable insight as to the state's response towards history reeducation of Jeju's April 3 Incident following the Jeju Commission's findings.

The Jeju Commission's Final Report discussed the gravity of the human rights violations against the population in Jeju from 1947 to 1954 involving the U.S.

military, South Korean police, and leftist political groups. The Commission separated the periods of human rights crimes involving the leftist insurgency, U.S. response, and May 10 election developments from April 3, 1948 to May 10, 1948; the next period as the initial violent clash from May 11, 1948 to October 10, 1948; followed by the civilian massacre from October 11, 1948 to March 1, 1949; the interval of status quo from March 2, 1949 to June 24, 1950; and the ending of the incident from June 25, 1950 to September 21, 1954, which included the Korean War (Jeju Commission 2003). It is important to note that there was a discrepancy with historical facts in regards to the victims as political martyrs in the Jeju Commission's Final Report, which has been noted by critics. The majority of victims were non-politically motivated civilians who were not in Jeju to oppose the first election for the South Korean government. These individuals suffered their fates because they were stuck between state forces trying to suppress the uprising and others who wanted to continue the armed resistance. For this reason, to describe this group of people (who formed the majority of victims) as martyrs who died for political causes mischaracterized the truth (Lee 2015). As truth commissions were the "official bodies set up to investigate and report on a pattern of past rights abuses" (Hayner 2001, 5), the distortions of the truth were unhelpful in providing victims' with closure and societal reconciliation. And, one might argue that it even demonstrated the state's willingness to politically shape truth-seeking processes. Moreover, commissioners focused on victims of state violence but deemphasized the importance of state officials who died in putting the elections in place, including local community leaders, who were killed by the Worker's Party related insurgents. These individuals were not politically motivated to fight the Worker's Party affiliates but were fulfilling their electoral functions non-violently. However, the Report was limited in recognizing state officials as also victims of human rights violations. Additionally, as Jeju 4.3 victims' organization also noted, the victims list for the Jeju Incident included 53 individuals non-deserving of their status, namely the Worker's Party leaders and North Korean armed forces personnel (Chosun Ilbo 2015). These also included South Korean personnel who conspired with North communist forces to re-take over the South during the Korean War (Chosun Ilbo 2015).

The textbook did not go into such great detail about discussing these discrepancies, the details of each periods of conflict, or which specific crimes were committed during this period. The textbook dedicated a page from the Chapter VII on “South Korean Development and Modern World Changes” to tell the story of Jeju’s April 3 Incident (Ministry of Education 2016, 250). The Jeju atrocity is described as beginning on March 1, 1947, escalating on April 3, 1948 with the Worker’s Party protests against the May 10 elections, and resulting in the deaths of innocent Jeju civilians from the continuous clash between the police and insurgency groups up until September 1954. Acknowledging the questions of victims’ categorization from the Jeju Commission, the textbook’s description of the majority of victims as innocent Jeju civilians correctly portrays the historical account of the April 3 Incident. However, aside from this information, the textbook does not dedicate any more lines or pages to describe the years of atrocities, how the U.S. military was also responsible for the deaths, the total number of casualties, and why victims’ groups continue to demand more truth, reparations, and accountability related to the case. In fact, the textbook fails to mention why the incident started in the first place. It describes that as a result of the atrocities between 1947 and 1954, general elections could not be held in Jeju (Ministry of Education 2016, 250). This generalization leaves out what the position from the Worker’s Party was for its protests and how it was related to the opposition to the May 10 elections, which is key to understanding the Jeju April 3 Incident. Moreover, except for a footnote on the Special Act for Jeju, the textbook does not explain the significance of the Special Act’s policies, discuss the Jeju Commission, the Final Report, or even mention the National Committee’s recommendations. While the textbook did portray somewhat of a more balanced categorization of victims compared to the Jeju Commission, aside from this point, the lack of elaboration of the developments leading up to the human rights atrocities did not help in deepening the political knowledge of the incident, complementing the truth-telling process, or even helping societal reconciliation for victims’ groups.

Along with the symbolic reparations of state apology, commemoration date, and history rectification on Jeju, the fourth recommendation from the National

Committee and Article 8 Section 2 of the Special Act dealt with the creation of spaces of memory and the establishment of a foundation dedicated to administering the commemorative sites. These symbolic reparations formed a part of the state's memory-building policies to re-establish historical records and monuments to ensure proper recognition for victims. The original initiative began on June 1999, before the Special Act was adopted, with a pledge of three million dollars from President Kim Dae-Jung during his visit to Jeju Island for the construction of a memorial park. The construction of the space of memory was the subject of political debate between those who wanted to construct a monument and park that would convey the history of the "resistance movement" and "uprising," and others who argued for an emphasis on April 3 as a "rebellion" against the state (Kim 2014, 87). Commemoration can look like a site of "narrative struggle" over the meaning of "a conflict and its transition, a line of potential tension between the febrile grassroots and the slower leviathan of the state" (Brown 2013, 274). In other words, commemoration represents both the tension between the collective memory formation and reconciliation, and the different political objectives on memory between victims and their groups (represented by civil society), and the state. For Jeju, the construction of the site of memory involved balancing out the conflicting voices of "resistance movement" and "rebellion." The publication of the Jeju Commission's Final Report helped to mediate these political conversations. The construction of the Jeju 4.3 Peace Memorial Park focused on reflecting the conclusions from the Final Report on the responsibility of the state and the political violence from the rebellion (Kim 2014, 88), striking a middle ground amidst the competing narratives. In 2003, memorial services were open to the public, although the final unveiling of the Jeju 4.3 Peace Memorial Park took longer to complete by February 2008.

Parallel to the park's creation, from 2003 to 2017 the state also undertook additional construction projects of April 3 Peace Memorial Hall, educational learning centers, a memorial wall, a victims' shrine area, and the establishment of the Jeju April 3 Foundation on October 16, 2008

that complemented the work of the Jeju Peace Memorial Park. The Memorial Hall, opened on March 28, 2008, displays the history of the April 3 Incident based

on the Jeju Commission's chronology of events (Jeju Archives 2014). The education learning center promotes the history reeducation component of the symbolic reparations, in addition to supplementing the work of the park. The memorial wall inscribes the names of the estimated 30,000 Jeju victims and commemorates the fallen victims (Kim 2014, 155), the memorial for the disappeared displays stone tablets for the 3,884 unaccounted disappeared victims of the April 3 atrocities, and the victims' shrine area completed in 2011 houses the remains of the April 3 victims. The expression of memory of past abuses with the Jeju 4.3 Peace Memorial Park provided a public context in which victims, family members, and society could remember the massacre. Such forms of memory recognition, particularly on how "human rights were violated in the past" allows societies going through the process of reconciliation to be able to "identify current problems" (Dulitzky 2014, 2), which promulgates the efforts towards revising the state's human rights standards to not repeat the mistakes of the past.

It is important to note the timeline of the construction projects which began from 2003 and ended in 2017, and are continuing to be complemented with additional projects of commemoration sites. Currently, the Moon administration has launched plans for the construction of an April 3 Trauma Center and a National Peace and Human Rights Center near the Jeju 4.3 Peace Memorial Park site (Lee 2018). These developments spanned across the administrations of presidents Roh, Lee, Park, and Moon, whose governments represented various political spectrums of Korean politics. Roh and Moon's leadership were often categorized as progressive and being pro-human rights, whereas Lee and Park were seen as representing the conservative political wing and opposing past accountability measures. Nonetheless, for the Jeju 4.3 Peace Memorial Park and all the related sites of memory, such partisan divides did not prevent the state from fulfilling the symbolic reparations recommendations from the National Committee and the Special Act for Jeju.

A broad assessment of the status of recommendations from the Special Act and the National Committee, while notwithstanding some shortcomings, can be arguably seen as reflecting a general compliance from the state towards the reparations policies. Similarly, there were some positive advancements of financial

and medical reparations for victims' family members as had been recommended by the National Committee and Article 12 and 13 of the Special Act. Particularly, the changes were related to the expansion of financial reparations and state efforts to address some form of medical reparations. For instance, the state continues to accept applications for victims and victims' family member status for review. The tenth review of victims and their family members took place on July 25, 2017. The tabulations as of August 31, 2017 registered an estimated 73,456 individuals, 14,232 of whom were victims, and 59,426 who were given victims' family member status (Jeju Special Self-Governing Province 2017). These status provides victims and their families with the possibility to seek financial reparations. While the financial support for victims and their family members lags behind the proactive efforts from the state to accept more victims and their family members' applications, there have been some changes that signal a more optimistic outlook into the future. In 2011, the Jeju Special Self-Governing Province approved the April 3 Incident Victims and Victims' Family Members Living Expense Support (Financial Reparations) Ordinance. The Ordinance focused on repairing the trauma suffered by the victims' family members and provides economic support for their families. The victims were to receive a monthly compensation for 80,000 W (~71.13 USD) and victims' family members over the age of eighty were eligible to receive 30,000 W (~26.67 USD) (Huh 2011). By 2011, only five percent of the victims and their family members were receiving these funds. Victims' family groups such as the Association for the Bereaved Families of April 3 pushed back against the state and proactively engaged in efforts to resolve the financial reparations problem by launching the People's Committee on April 3 on April 10, 2017. On other occasions, victims' family groups held their own discussion sessions to devise plans for financial reparations (i.e., September 29, 2017 Discussion on Resolving the Reparations Problem of April 3). Such pressures brought the 2018 enactment of a new ordinance from the provincial government that increases the financial reparations for victims to 700,000 W (~622.12 USD), victims' spouses to 300,000 W (~266.62 USD), and victims' family members to 100,000 W (~88.87 USD) (Ministry of the Interior and Safety 2018). Furthermore, starting from April 30, 2018, Jeju's Special Self-Governing Provincial Government

will provide April 3 victims and their family members a discounted airfare for Jeju Airlines (Yang 2018). These developments have occurred at the provincial level. The federal government has yet to take a proactive approach in sponsoring the financial reparations or considering an ordinance that will not be restricted at the provincial level. Nonetheless, these changes have at the very least rendered some form of recognition from the state for victims and their family members of their human rights violations.

In addition to the monetary compensations, in recent years the state has become more involved in addressing the medical concerns for victims and their family members. The construction of the April 3 Trauma Center is expected to serve as a health institution for victims and their family members dealing with mental health related matters, particularly those in economic need. According to a 2015 survey on mental health status, of the 1211 victims and family members interviewed 48.2 percent displayed symptoms of depression that needed medical treatment and 39.1 percent were categorized at a high risk status for posttraumatic stress disorder (Lee 2018). The Trauma Center's aim is to provide the victims and their family members with the proper counseling and medical treatment for rehabilitation into society.

Compared to the level of state's behavior towards symbolic and financial reparations, the Special Act's recommendations on accountability have been lagging behind. Victims and their family members have submitted a petition for retrials to "repair their honor" and "clear their name," in efforts to fight back the injustice they suffered as former convicts or prisoners in South Korean society (Jejusori 2017b). These victims include those who were tried by civilian and military courts in 1949, who were arbitrarily detained, unfairly tried and at times denied due process, and wrongfully sentenced for up to twenty years. Lawyers considering these cases, speculate that the cases will be struck down due the current system of law that does not permit a retrial without a previous sentence review. As military courts did not follow a formal court procedure, there is no record of a sentence from which a retrial decision can be determined. And, with the current system of law and judiciary that has already ruled against a truth commission previously on the inadmissibility of evidence (i.e., TRCK and Jindo Island case), it is likely that victims will be unable to seek accountability.

4. Conclusion

South Korea transitioned from a long period of political repression to a democratic state and began addressing past atrocities. And in this process, Korea made significant progress in the human rights arena. The April 3 Incident in Jeju Island is a human rights atrocity that has comparatively gone unnoticed amidst the proliferation of studies on Kwangju, the Korean War, and the human rights crimes from the Park Chung Hee era. And yet, it is a case that is rich with information on how the state enacted legislation to address past human rights abuses, developed a truth commission, concluded its truth findings, and followed-up with recommendations of reparations and some level of accountability. An examination of the state's compliance with the recommendations, specified in the Special Act for Jeju and the National Committee that created the Jeju Commission, reveals the state's respect towards truth-seeking, symbolic and financial reparations, and criminal accountability, even for a historic case from the pre-Korean War period in the island of Jeju. The state's behavior provides a glimpse as to the changes it has been willing to undertake to carry out the recommendations.

From the observations in this study, it becomes clear that the state complied with many of the recommendations from the Special Act and the National Committee. Particularly, the state enacted multiple symbolic reparations measures, including apologies, commemorative dates, construction of sites of memory, and even the creation of a foundation to administer these developments. On historic reeducation, a component of symbolic reparations, Korea fell short of meeting the recommendation standards, providing only a minor emphasis on the importance of April 3 in contemporary Korean history. However, the amount of information it did include in history education provided a more balanced picture of the truth, even compared to that of some of the conclusions made by the truth commission. Adding to the symbolic reparations, the provincial government of Jeju made significant changes to financial reparations for victims. The latest changes in 2018 increased the monetary compensation standards for victims and their family members. Similarly, the construction of the medical trauma center will provide

victims and their family members access to needed psychiatric services to support their medical needs. And yet, a further examination of these developments reveal how most of the financial and medical reparations are being followed-up by the provincial authorities or from the existing funds of the April 3 Jeju Foundation. Furthermore, the status of accountability has lagged behind without much progress.

Hence, while an overarching picture seems to present a broad level of state compliance with the recommendations from the National Committee on Jeju and the Special Act, there are still work to be done to address the victims and their family members' concerns. Consistency in carrying out all recommendations from the state is still a problem. In fact, the federal government's unwillingness to engage in sustained financial and medical reparations while prioritizing symbolic reparations initiatives for Jeju, is an indication of a selective form of compliance from the state. And, while domestic political factors may not have been discussed in depth in this article, there are questions as to whether or not these policy recommendations and their follow-up processes were affected by competing domestic political interests. Although for the symbolic reparations side it seems to have largely brushed off these tensions, on other fronts (i.e., accountability and financial reparations) if the problems of compliance continue, there may be a statement to be made on the influence of the conservative and progressive interests in Korean politics, which tampered with the efforts of uncovering the truth, providing reparations, and helping society reconcile with past human rights crimes.

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