

# Archive, Memory Making, and Transitional Justice

## Part 1. Overview

**KIM Myung Woo**

Deputy Director



Truth and Reconciliation Commission,  
Republic of Korea



# Truth and Reconciliation Commission

## *Framework Act on Settling the Past for Truth and Reconciliation*

- Adopted on 31 May 2005, Enforced on 1 December 2005
- Handled 11,175 cases (mass civilian killings =89%)
- Commission's decision resulted in: State apologies, memorialization for the victims, exhumation mass graves, retrials, compensations, documentations...etc.

## *2<sup>nd</sup> term of TRC*

- Relunched on 10 December 2020
- Handled 20,092 cases as of 1 May 2025



# Scope of Truth-Seeking Activities

## Article 2, Framework Act on Settling the Past for Truth and Reconciliation

Independence movements against Imperial Japan

History of overseas Koreans who have defended the sovereignty of the ROK and extended its national power

Mass civilian deaths, injuries, or missing persons which occurred unlawfully prior to, during, and immediately after the Korean War

Grave human rights violations and alleged fabricated cases as a result of unlawful or seriously unjust exercise of governmental power during the authoritarian rule

Acts of terrorism, human rights abuse, violence, massacres, and suspicious deaths committed by forces denying the legitimacy of ROK or hostile to ROK

Cases of historical significance

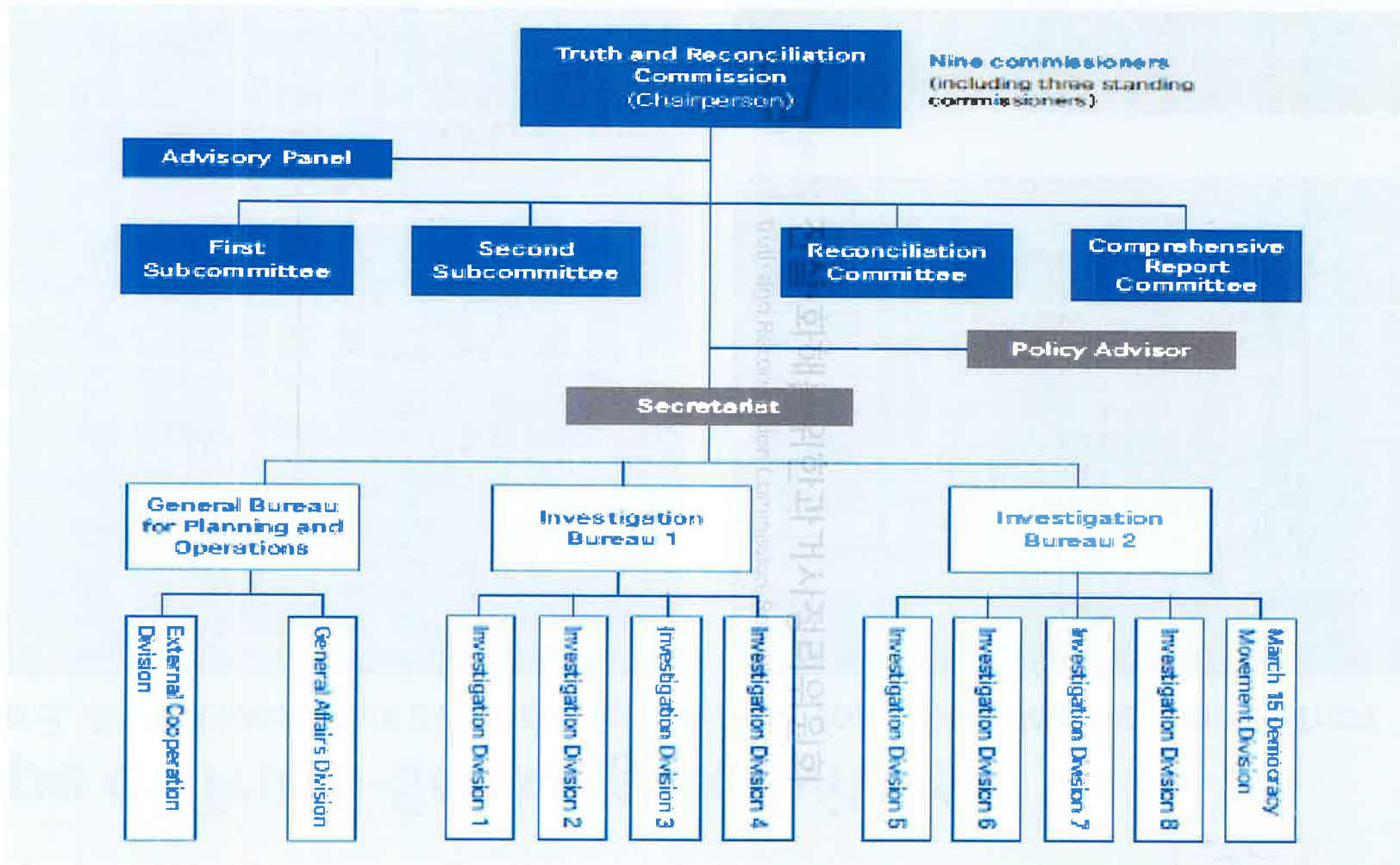
Cases falling under any ground for a retrial

March 14 Democracy Movement of 1960

– March 14 Democracy Movement Act



# Organization Chart





# Workflow of Truth-Finding Activities

## *Application From Receipt and Classification*

- 10 December 2020 – 9 December 2022
- Classification and case number assignment
- Transfer to Investigation Divisions

## *Preparation of Application Review Report*

- (If necessary) Request applicant to supplement application
- Preliminary investigation
- To decide whether to initiate investigation or not



# Workflow of Truth-Finding Activities

## *Decision to Initiate Investigation, etc.*

- Decision to initiate investigation, decision of dismissal, decision to conduct *ex-officio* investigation
- Sub-committee makes a decision and reports it to the Commission

## *Investigation*

- Interviews with applicants and witnesses, requests for document
- Inquiry of facts and information, holding hearings
- Field and/or on-site investigations



# Workflow of Truth-Finding Activities

## *Deliberation and Decision-Making*

- Decision that the Truth is Established – *Article 26*
- Decision of Inability to Establish the Truth – *Article 27*

## *Investigation Reports*

- Submitted to the President and National Assembly
- Biannually – *Article 32(1)*
- Disclose reports to public after the submission without delay – *Article 32(6)*



# 조사보고서

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번호	제목	첨부	작성일	조회수
51	2024년 하반기 조사보고서(전체 22건)	📎	2025.04.29	157
50	2024년 하반기 조사보고서 제22권 결정서 모음	📎	2025.04.29	57
49	2024년 하반기 조사보고서 제20~21권 결정서 모음	📎	2025.04.29	20
48	2024년 하반기 조사보고서 제18~19권 결정서 모음	📎	2025.04.29	14
47	2024년 하반기 조사보고서 제16~17권 결정서 모음	📎	2025.04.29	10
46	2024년 하반기 조사보고서 제14~15권 결정서 모음	📎	2025.04.29	9
45	2024년 하반기 조사보고서 제12~13권 결정서 모음	📎	2025.04.29	13
44	2024년 하반기 조사보고서 제10~11권 결정서 모음	📎	2025.04.29	11





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검색어를 입력해 주세요



번호	조사국	제목	사건유형	결정유형	작성일
471	총서2국	공황호 남북귀환어부 인권침해 사건	인권침해 사건	진실규명결정	2025.04.29
470	총서2국	신명호 남북귀환어부 인권침해 사건	인권침해 사건	진실규명결정	2025.04.29
469	총서2국	육군보안사령부의 민간인 불법구금 등 인권침해 사건(사. 자 등 4명)	인권침해 사건	진실규명결정	2025.04.29
468	총서2국	1980년 비상계엄하 경찰에 의한 인권침해 사건(홍 주, 김, 홍)	인권침해 사건	진실규명결정	2025.04.29
467	총서2국	협수부에 의한 불법구금 등 인권침해 사건(김, 민)	인권침해 사건	진실규명결정	2025.04.29
466	총서2국	덕성원 인권침해 사건	인권침해 사건	진실규명결정	2025.04.29
465	총서2국	중정의 노동단체 간부 불법구금 등 인권침해 사건	인권침해 사건	진실규명결정	2025.04.29
464	총서2국	1984년 제주 보안부대에 의한 불법구금 등 인권침해 사건	인권침해 사건	진실규명결정	2025.04.29



# Workflow of Truth-Finding Activities

## *Final Comprehensive Report*

- *Within 6 months* after the end of investigative activities – *Article 32(2)*
- Submitted to the President and National Assembly (by 26 November 2025)
- Disclose reports to public after the submission without delay – *Article 32(6)*

## *Transfer to National Archives*

- ***Article 25, Public Records Management Act***
- Head of the closed institution shall transfer the records thereof to the competent records management institution



# Legal Basis for Investigation

## *Methods of Investigation - Article 23*

- Request a person subject to investigation and an expert witness to submit a written statement
- Request a person subject to investigation and an expert witness to appear before the Commission, and hearing their statements
- Request a person subject to investigation, an expert witness, **and other relevant institutions, facilities, organizations, etc. to submit relevant materials or articles**, and keeping in custody submitted materials
- Inquire of relevant institutions, facilities, organizations, etc. about facts or information deemed related to the investigation
- Designate an appraiser and requesting him or her to conduct appraisal
- Conduct an on-site investigation on the relevant materials or articles, or institutions, facilities, and organization



# Legal Basis for Investigation

## *Order to submit materials or articles – Article 23(8)*

- The requested institution that refuses the submission of relevant materials shall explain the reasons for such refusal
- The Commission may issue an order to submit materials by its resolution
- On 23 July 2024, the Commission issued an order for the submission on relevant documents and information in the National Intelligence Service's possession

## *Inspection of relevant materials or articles – Article 23(10)*

- In case that the requested materials are related to national secrets of the military, diplomacy, or the South-North Korean relations, the heads of requested institutions shall take measure to ensure that the Commission can inspect relevant materials



# Succeeding TRC's Achievements

## *Article 40 (Establishment of Foundation on the Research of the Past)*

- The Government may contribute funds to establish the Foundation to conduct memorial projects and operate & manage archives
- Foundation's projects includes: memorial projects and the operation and management of archives, Support for further truth-seeking projects, Support for cultural and academic activities related to truth-seeking, and other necessary matters

## *Truth and Reconciliation Foundation*

- **Policy Recommendation** on the Establishment of the Truth and Reconciliation Foundation (5 November 2024)
- Draft Act on the Establishment and Operations of the Truth and Reconciliation Foundation



# Archive, Memory Making, and Transitional Justice

## Part 2. Document Investigation

JUNG Hyuk

Deputy Director



Truth and Reconciliation Commission,  
Republic of Korea



**The Brothers' Home case, the first application submitted (10 December 2020)**





**Regular meeting (11 March 2025)**

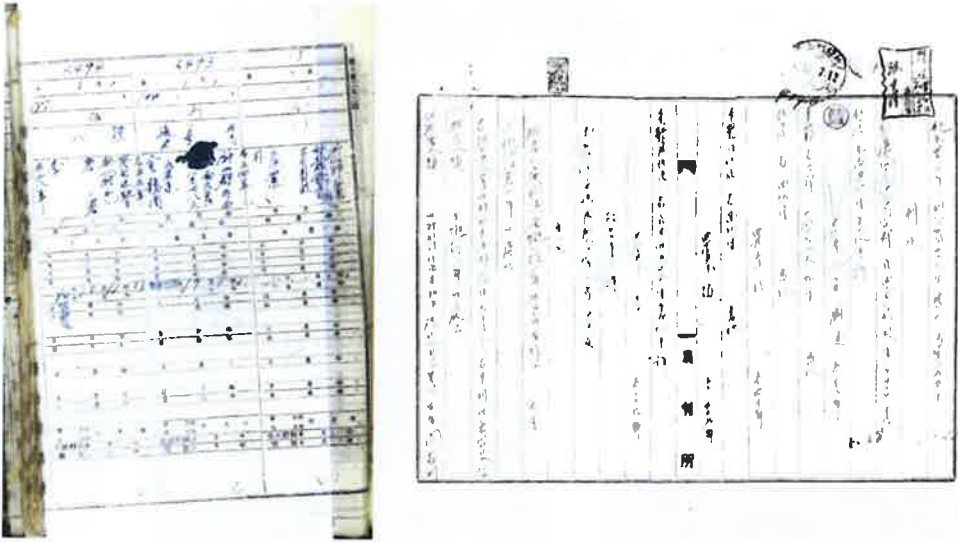


대한민국  
Republic of Korea  
인사위원회  
Human Resources Commission

**On-site Investigation · Witness Interview**



# Exhumation



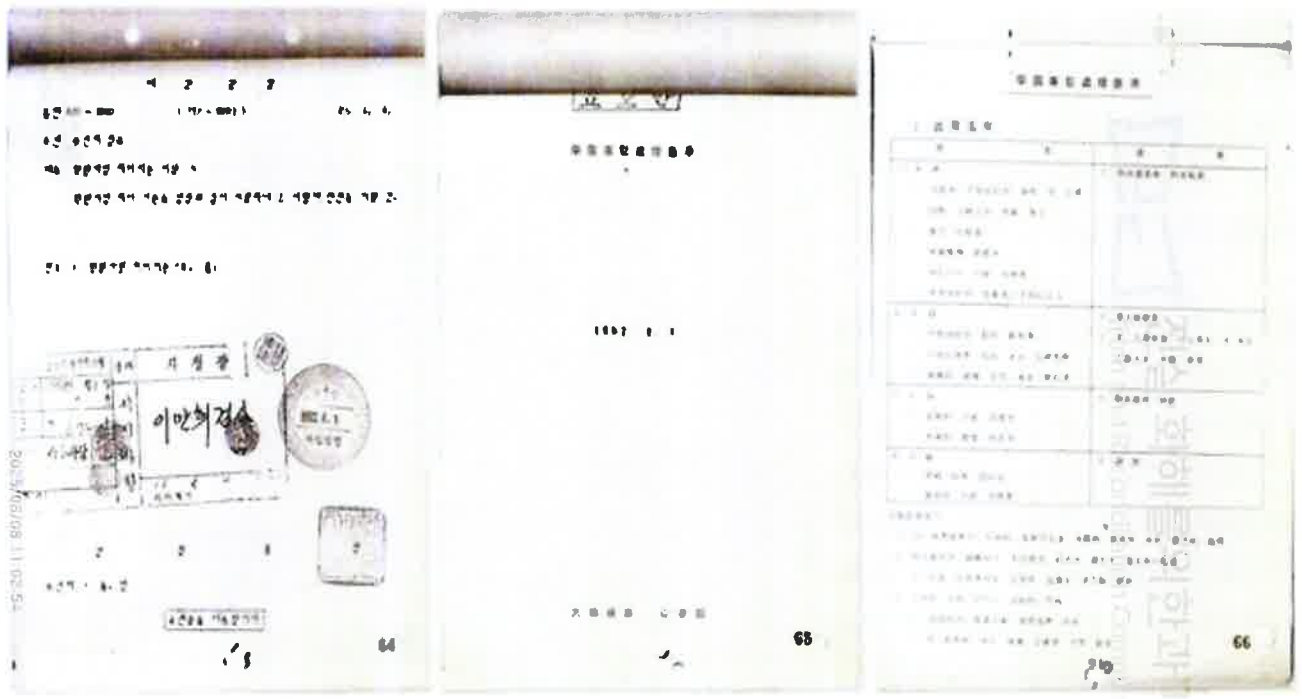
**Criminal Case Records and Court Judgments**

진실·화해를위한과거사정리위원회  
Truth and Reconciliation Commission, Republic of Korea



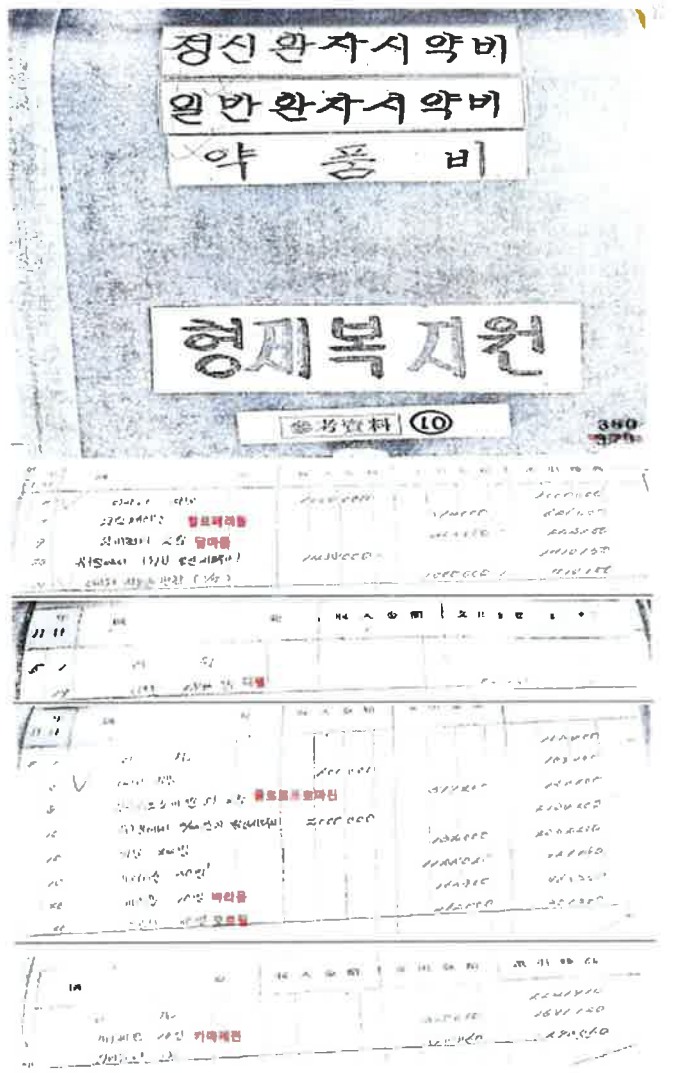
**Registry of Suspicious Persons**

Collection of Materials



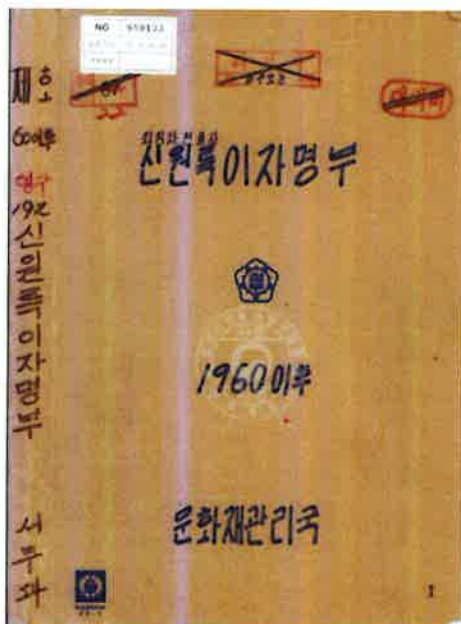
Guideline for Handling Student Offenders

Collection of Materials



List of psychiatric drugs purchased by Brothers Home

# Truth-seeking through Documents



**Registry of Suspicious Persons**

The *Registry of Suspicious Persons*, created by the Cultural Heritage Administration between 1960 and 1980, was obtained by the Commission from the National Archives and used to identify the victims in this case. This document details an identity check conducted by a state agency at the time (assumed to be the Jindo Police Station) of YANG [NAME REDACTED]-rye, who is the applicant of this case and daughter of the victim, YANG [NAME REDACTED]-gi. This document states the following.

“The individual’s father YANG [NAME REDACTED]-gi (deceased) was a school teacher during the Korean War and was executed by friendly forces upon the recovery on September 28th ... (omitted) ... YANG [NAME REDACTED]-rye faithfully fulfills her duties in ticket handling and nothing noticeable has been found.”

### Investigation Report in the Identity Record Handbook

CONFIDENTIAL

## 事實調查書

臺北警察局長 警察署 80. / 10. 21

對象人的事務所	原籍	台北 歌林 歌林 ○○○○								
	本籍	上海								
	住所	上海								
對象事件(動機)	姓名	○○○	姓名		生年	○○/○○/○○	職業		性別	男
	職名	南苑里 607 號 小隊長								
	職別	警員								
觀察事項	觀察別	備入日	解除日	觀察別	備入日	解除日	分類基準			
	現在思想動向 內容 ○○○ (1981.10.21) ○○○ (1981.10.21) 2080 ○○○ (1981.10.21) ○○○ (1981.10.21) 2080 ○○○ (1981.10.21) ○○○ (1981.10.21) 2080									
意見 備註 存案 理由 理由 4071 號										
審議結果	地方審議委員會			通審委員會			中央審議委員會			
	年月日	80.10.21	年月日	年月日	年月日	年月日	存案	存案	存案	存案

CONFIDENTIAL 278

The Commission obtained the *Identity Record Handbook* created by the Goryeong Police Station in 1981 and used it to identify the victims of this case. This handbook contains records of 271 individuals categorized as Present (40 people), Absent (76 people), Executed (45 people), and Under Investigation (110 people). Each individual recorded in this handbook has a corresponding *Investigation Report*. This Report largely comprises personal information, incidents in which the subject was engaged, current address or known residences, and the subject's current ideological preferences. Furthermore, records in this handbook show that the victims had notified the relevant police stations when they changed their place of residence, which indicates that the police continued their surveillance of these individuals. The Commission considered this *Identity Record Handbook* to be a vital record that might aid in the clarification of the truth of victims of the National Guidance Alliance and Preventive Detention Incident which occurred in Goryeong, Gyeongsangbuk-do, and used it during its investigations.

2. Bak Sa Dong Incident:

a. 292100 November 1949, the following is the result of action when about 90 unarmed and 10 armed guerrillas invaded Bak Sa Dong (1179-1452), N. Chon Myon, Kyongsan, Pakto:

*Confidential*

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*Confidential*

Basic: G-2, Periodic Report, Number 222, dated 1 December 1949, Page 3.

'1' Friendly Losses:

'a' KIA: 32 (villagers)

'b' KIA: 15 (villagers)

'c' Destroyed by fire: 52 houses

'd' Partially Destroyed: 10 houses (C)

b. 69 men of the 3rd Battalion at Yongchon (1190-1454) and 56 National Police at Kyongsan (1172-1434) Police Station and 62 civilian home guard members have been dispatched to the village. (C-3)

**US Military Advisory Group to the Republic of Korea (K MAG) Information Journal (G-2 Periodic Report, no.222)**

The Commission investigated related records and interviewed applicants and witnesses. Particularly, the magnitude of damages and casualties were verified through the US Military Advisory Group to the Republic of Korea's Information Journal (G-2 Periodic Report, no.222) which was dated 1 December 1949, right after the incident occurred. This document recorded the size of the partisan forces that attacked Baksa-ri village, the number of people dead and injured, and the number of houses destroyed by fire.

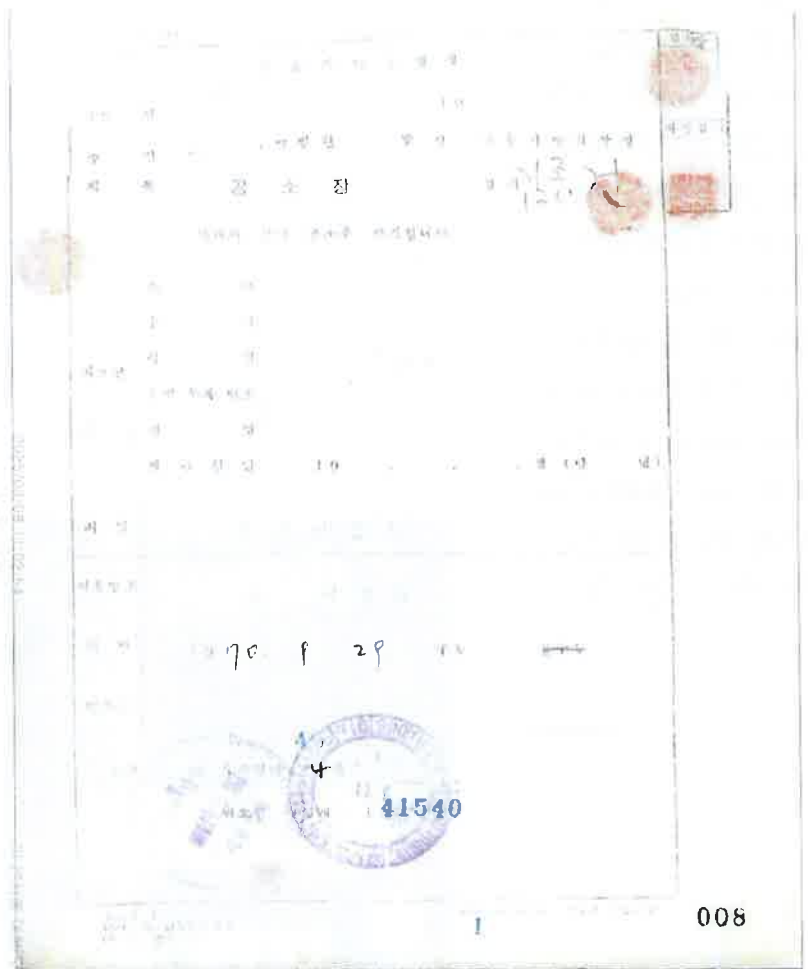




번호	성명	생년월일	직업	비고
V	[REDACTED]	[REDACTED]	[REDACTED]	중학교 1학년 1학기 결석 12일 이상 결석률 10% 이상 인정 결석: 10월 26일 ~ 11월 10일
	[REDACTED]	[REDACTED]	[REDACTED]	중학교 2학년 2학기 결석 12일 이상 결석률 10% 이상 인정 결석: 11월 15일 ~ 12월 5일
V	[REDACTED]	[REDACTED]	[REDACTED]	중학교 1학년 1학기 결석 12일 이상 결석률 10% 이상 인정 이 기간에 농촌봉사활동 1회 1981. 3. 1 ~ 1983. 9. 30 1984. 5. 9 ~ 1984. 12. 31 1984년 5월 9일부터 12월 31일까지 농촌봉사활동 1회 1984. 5. 9 ~ 1984. 12. 31
	[REDACTED]	[REDACTED]	[REDACTED]	중학교 1학년 1학기 결석 12일 이상 결석률 10% 이상 인정 결석: 11월 15일 ~ 12월 5일

### List of Applicants on Standby for having Questionable Backgrounds, Jeollabuk-do Education Committee

During its investigation, the Commission obtained part of a list entitled, "Applicants on Standby for having Questionable Backgrounds." This document was prepared by the Jeollabuk-do Education Committee (currently the Jeonbuk State Office of Education) during the 1980s and 1990s and was found at the National Archives of Korea. Several indications suggest that there would have been similar lists at other provincial and municipal education committees, but these were not found. Applicants in this list were excluded from teacher appointments and designated as unqualified by the Security Review Committee and the Personnel Committee, and as confirmed by the Commission, the Education Committee maintained a separate list to manage these individuals. One entry in this list shows that applicant JUNG [NAME REDACTED] was excluded from consideration for appointment on 21 August 1989. It reads, "JUNG [NAME REDACTED] was released on warning for partaking in consciousness-raising education at locations such as Namwon Seodo Station from March 1981 to September 1983 and was a leader of student protests from 9 May 1984 to December 1984 as a member of the Regulations Subcommittee of the Democratic Public Hearing at Jeonbuk National University.



The Commission obtained the written arraignment from the National Criminal Justice Archives and the criminal case records from the National Archives. These records were able to verify that the victim was unlawfully detained from 29 September 1970, until 10:15 AM on 9 October 1970, when the arrest warrant was issued. Following the Commission’s decision, family members of the victim, HAN [NAME REDACTED]-taek, filed for a retrial. On 26 January 2024, the Seoul District Court, in the retrial judgment, acquitted the defendant, stating, “The defendant's actions did not threaten the existence or security of the State, and it is difficult to view them as disrupting liberal democratic order.”

**Fabricated Espionage Case  
(Case of  
the Late HAN [NAME  
REDACTED]-taek)**

