

A request for other letter (OL) and press release urging South Korea (ROK; Republic of Korea) to enact a government fact-finding commission for prisoners of war (POWs) taken to North Korea (DPRK; Democratic People's Republic of Korea) and compensation for the Korean War-era civilian massacre victims on the 75<sup>th</sup> anniversary of the outbreak of the Korean War

This coming Wednesday, 25 June 2025 marks the 75<sup>th</sup> anniversary of the outbreak of the Korean War. The bloody three-year war began with North Korea (DPRK; Democratic People's Republic of Korea)'s surprise attack on South Korea (ROK; Republic of Korea) on 25 June 1950, and ended with the signing of the Armistice Agreement on 27 July 1953.

The 1953 Armistice Agreement put an end to the active hostilities in the Korean peninsula that had wrought wanton destruction and deaths of millions, but its provisions regarding the release and repatriation of the prisoners of war (POWs) and the return of displaced civilians in Article III (paragraphs 51-59) (see Annex I) remain to be honored to this date by the DPRK.

After 1953, North Korea continued to hold tens of thousands of South Korean POWs and civilian abductees in captivity and virtual slavery as forced laborers for life at the pain of arbitrary detention, torture and execution, with their fate and whereabouts undisclosed to their loved ones in South Korea to this date, in blatant violation of the Armistice Agreement as well as international humanitarian and human rights law.

The Commission of Inquiry on human rights in the DPRK (COI), established by Human Rights Council resolution 22/13 of 21 March 2013, addressed the issue of South Korean POWs and civilian abductees as well as the post-Armistice abductees in its report of the detailed findings (A/HRC/25/CRP.1, 7 February 2014 ) under the rubric of enforced disappearance of persons from other countries under the headings of: (a) 1950-1953: abduction of Republic of Korea civilians during the Korean War (paragraphs 848-860); (b) 1953: denial of repatriation to prisoners of war from the Korean War (paragraphs 861-883); (c) 1955 -1992: Post-war abduction and enforced disappearance of Republic of Korea citizens (paragraphs 884-906); and (d) Efforts to resolve the abductions and enforced disappearances on the Korean peninsula (paragraphs 907-915).

According to the COI report, during the Korean War, North Korean forces abducted 80,000-100,000 South Korean civilians as a planned operation to acquire skilled laborers and professionals. Despite its obligations under the Armistice Agreement, none of the abducted civilians were assisted in returning to South Korea, and North Korea has consistently denied any war-time abductions, claiming that a number of people had voluntarily come to the North.

The COI similarly found that at least 50,000 South Korean POWs were not repatriated after the war given that an estimated 82,000 South Korean combatants were missing while only 8,343 POWs were returned to South Korea. The COI report also estimated that approximately 500 survivors among them are still being held in North Korea. By September 2012, 80 ex-POWs have escaped to South Korea. From the outset, the DPRK did not intend to return all POWs under its control but to conceal the existence and whereabouts of the majority by transferring them to DPRK units. At the end of the war, many were simply never asked whether they wished to be repatriated while others could

not speak truthfully as they witnessed those who did being subjected to summary execution. After the war they were typically sent to work until their death in remote mines, where many workers enslaved in the mines died from accidents and diseases. A similar fate awaited the children of POWs.

In 2010, the Act on Finding the Truth of the Damage from North Korea's Abduction during the Korean War and Restoring Honor of the Victims<sup>1</sup> (6 · 25 전쟁 납북피해 진상규명 및 납북피해자 명예회복에 관한 법률<sup>2</sup>) was enacted. In accordance with this act, a prime minister's commission created to study the wartime abductions and conduct investigations of the cases reported by the surviving family members. In 2017, the commission published its final report.

However, the government never created a fact-finding commission for the unrepatriated prisoners of war (POWs). Unlike the civilian abductees, whose disappearances were known to their family members, most of the families of the POWs were told that they had simply died in combat. Because the South Korean government and military had been established less than two years before the outbreak of the Korean War, the record-keeping and reporting system was poor. South Korea's military commanders at the time, many of whom were formerly officers in the Imperial Japanese Army during the colonial and World War II period, also tended to view the POWs as those who dishonorably surrendered to the enemy rather than fighting to the death as they were trained and expected to do.

On June 24, 2021, lawmaker Cho Tae-yong introduced a bill in the National Assembly to create a government fact-finding commission for the POWs, similar to the one created earlier for the wartime civilian abductees. However, the bill made little progress and it died with the end of the 21th National Assembly on May 29, 2024 (see Annex I).<sup>3</sup> On January 13, 2025, lawmaker Kim Gi-hyeon re-submitted an identical bill in the National Assembly.<sup>4</sup>

Given the considerable administrative and budgetary implications for the creation of a POW fact-finding commission, if it is to have any chance of passage, it would need be submitted to the

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<sup>1</sup> For the English translation, see: ACT ON FINDING THE TRUTH OF THE DAMAGE FROM NORTH KOREA'S ABDUCTION DURING THE KOREAN WAR AND RESTORING HONOR OF THE VICTIMS [Enforcement Date 16. Oct, 2018.] [Act No.15790, 16. Oct, 2018., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=204768&viewCls=engLsInfoR>

<sup>2</sup> For the Korean original, see: 6 · 25 전쟁 납북피해 진상규명 및 납북피해자 명예회복에 관한 법률 (약칭: 6 · 25 납북자법) [시행 2010. 9. 27.] [법률 제 10190 호, 2010. 3. 26., 제정], <https://www.law.go.kr/lsInfoP.do?lsiSeq=103894>

<sup>3</sup> ROK National Assembly, The Bill for the Act on Finding the Truth of the Republic of Korean War Prisoners of War and Restoring Their Honor [6·25 전쟁 국군포로의 진상규명 및 명예회복에 관한 법률안] (Bill no. 2111051) proposed by 29 members including Cho Tae-yong on June 24, 2021, [https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC\\_B2M1Z0V6A1G6R0M9E1M1C2O7Q1B1L2](https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_B2M1Z0V6A1G6R0M9E1M1C2O7Q1B1L2)

<sup>4</sup> ROK National Assembly, The Bill for the Act on Finding the Truth of the Republic of Korean War Prisoners of War and Restoring Their Honor [6·25 전쟁 국군포로의 진상규명 및 명예회복에 관한 법률안] (Bill no. 2207456) proposed by 12 members including Kim Gi-hyeon on January 13, 2025, [https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC\\_J2H5I0Q1Q0P7P1N0O3N7I4J7H4I8G2](https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_J2H5I0Q1Q0P7P1N0O3N7I4J7H4I8G2)

National Assembly as a government bill, after the details are worked out with key ministries, including the Ministry of National Defense, the Ministry of Interior and Safety and the Ministry of Finance.

The government needs to exercise its political will to make an earnest effort to create a POW fact-finding commission, as the POWs and their families who have escaped from North Korea since the 1990s have urged, to help document their cases and help clarify the disappearances the POWs.

During the Korean War and in the counter-insurgency campaign prior to the outbreak of the Korean War, both the South Korean security forces and the North Korean forces and their sympathizers massacres thousands of their real or imagined enemies.

South Korea's Truth and Reconciliation Commission (TRC), which was in operation initially in 2005-2010, had the mandate to investigate the civilian massacres committed by the South Korean government and the North Korean side ("forces which deny the legitimacy of the Republic of Korea or are hostile to the Republic of Korea") respectively under article 2(1)(3) and (5) of the Framework Act on Settling the Past for Truth and Reconciliation:<sup>5</sup>

Article 2 (Scope of Clarifying Truth) (1) The Truth and Reconciliation Commission under Article 3 shall clarify the truth regarding the following matters: <Amended on Jun. 9, 2020>

...

3. Cases of mass civilian deaths, injuries, or missing which occurred unlawfully from August 15, 1945 to the period prior to, during, and immediately after the Korean War;

...

5. Acts of terrorism, human rights abuses, violence, massacres, and suspicious deaths committed by forces which deny the legitimacy of the Republic of Korea or are hostile to the Republic of Korea from August 15, 1945 to the period of authoritarian rule;

In 2005-2010, the TRC identified 1,930 confirmed and 113 presumed victims of the massacres committed by the South Korean military and police force. The TRC also identified 166 people killed by the "hostile forces".

The Framework Act had no provisions for the those who have been found to be the victims of civilian massacres or any other human rights violations. However, when a number of them sued the South Korean government for compensation, the Supreme Court held on January 13, 2011 (case no.

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<sup>5</sup> FRAMEWORK ACT ON SETTLING THE PAST FOR TRUTH AND RECONCILIATION [Enforcement Date 22. Sep, 2023.] [Act No.19271, 21. Mar, 2023., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=249061&viewCls=engLsInfoR>

2010 Da 28833, case no. 2010 Da 35572, case no. 2010 Da 53419 and case no. 2009 Da 103950) and on January 27, 2011 (case no. 2010 Da 78852, case no. 2010 Da 6680 and case no. 2010 Da 21726) that the government cannot plead the statute of limitations defense as it was not possible for the victims to seek state compensation prior to the findings by the Truth and Reconciliation Commission (TRC). The government was ordered to pay compensation to the TRC-certified victims who had sued within three years of the TRC's findings.

The Supreme Court went on to find that the same holds for the TRC-certified victims of the wartime massacres committed by the South Korean security forces for the Ulsan massacre of August 1950 on June 30, 2011 (case no. 2009 Da 72599) and for the Mungyeong massacre of December 24, 1949 on September 8, 2011 (case no. 2009 Da 66969).

However, the wartime massacre victims who had not applied for investigations of their cases to the Truth and Reconciliation Commission in 2005-2010 were still time-barred from bringing compensation claims against the South Korean government in court. The victims of the massacres committed by the North Korean forces were also unable to seek compensation against the North Korean government. Even those recognized by the TRC to be the families of the civilians massacred by South Korean security forces had to spend considerable time and money before the Supreme Court dismissed all appeals and the state compensation was paid out.

In 2020, the National Assembly renewed the TRC's mandate by legislative action and the TRC received investigation requests from the alleged victims for two years from December 20, 2020 to December 9, 2022. Because of the expectation that the TRC's findings could allow the victims to successfully sue for state compensation, the number of applications for investigations increased.

A total of 9,998 and 3,986 cases alleging massacres committed by the South Korean and North Korean sides respectively were filed during the 2-year submission period. By the end of December 2024, the TRC has recognized 4,086 cases involving 4,293 victims for South Korea's massacres and 2,849 cases involving 3,755 victims for North Korea's massacres.

While the families of those recognized as victims of massacres committed by the South Korean government can sue it for compensation, it is not easy for them to hire a lawyer and wage a protracted lawsuit given their advanced age and often indigent conditions. In the case of the massacres committed by the North Korean government, there is little prospect of any compensation from it.

It is for this reason that a number of bills, including the one proposed by lawmaker Kim Yong-pan,<sup>6</sup> have been sponsored in the National Assembly to provide compensation to those recognized by the TRC as victims of both South Korean and North Korean massacres (see Annex II). The TRC also recommended a legislative action to provide compensation to the victims of both sides.<sup>7</sup>

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<sup>6</sup> ROK National Assembly, The Amendment Bill to the Framework Act on Settling the Past for Truth and Reconciliation [진실·화해를 위한 과거사정리 기본법 일부개정법률안] (Bill no. 2114446) proposed by 15 members including Kim Yong-pan on January 17, 2022, [https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC\\_D2X2Q0G1Y1V1C1Q4T4R8F2Y7A2N8G7](https://likms.assembly.go.kr/bill/billDetail.do?billId=PRC_D2X2Q0G1Y1V1C1Q4T4R8F2Y7A2N8G7)

<sup>7</sup> TRC, "Decision to make a the policy recommendation for compensation legislation for the cases of fact-

There is already a precedent of providing compensation to the victims of the massacres committed by the South Korean security forces in Jeju Island during the counter-insurgency campaign in 1948-1954. The Special Act on Discovering the Truth on the Jeju April 3 Incident and the Restoration of Honor of Victims, which was revised in 2022 to this end, stipulates compensation of 90 million won (65,000 USD) for each dead victim.<sup>8</sup>

Article 16 (Monetary Compensation) (1) With respect to a person determined as a victim, the State shall pay monetary compensation in the amount classified as follows, taking into account the lost profits of the victim, long-term delay of monetary compensation, damages for emotional distress, etc., calculated based on statistical data close to the time when the incident occurred:

1. A person determined as a deceased or missing victim: 90 million won;
2. A person determined as a victim suffering from the aftereffects: An amount determined by the Committee within the limit of 90 million won, taking into account the disability grade and labor loss rate prescribed by Presidential Decree;
3. A person determined as a sentenced inmate victim: An amount specified in each of the following items: Provided, That in cases falling under all of the following items, the greater of the amounts shall be paid and in cases where he or she died or went missing while in prison, the amount specified in subparagraph 1 shall be paid:
  - (a) In cases of imprisonment or custody: An amount determined by the Committee, not exceeding the daily maximum criminal monetary compensation in the year of determination of payment multiplied by the number of days of imprisonment or custody as well as damages for emotional distress: Provided, That such monetary compensation shall not exceed the amount under subparagraph 1;
  - (b) Where sentenced to a suspended sentence of imprisonment without labor or a heavier punishment or to a fine: An amount determined by the Committee, not exceeding 50/100 of the amount under subparagraph 1.

However, the government, in particular the Ministry of Finance which manages the budget, has been opposed to providing compensation to the TRC-recognized victims of massacres on the grounds that it would be too great a financial burden even though they are expected to be forced to make these payments once the victims file lawsuits. Because of the government's opposition, the bills

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finding decisions [진실규명결정사건 배·보상 입법 정책권고 결정], 2022. 11. 29.,  
[https://www.jinsil.go.kr/fnt/nac/selectNoticeDetail.do?bbsId=BBSMSTR\\_000000000710](https://www.jinsil.go.kr/fnt/nac/selectNoticeDetail.do?bbsId=BBSMSTR_000000000710)

<sup>8</sup> SPECIAL ACT ON DISCOVERING THE TRUTH ON THE JEJU APRIL 3 INCIDENT AND THE RESTORATION OF HONOR OF VICTIMS [Enforcement Date 16. Aug, 2023.] [Act No.19631, 16. Aug, 2023., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=253959&viewCls=engLsInfoR>

made little progress and died with the end of the 21th National Assembly on May 29, 2024.

In the interest of justice, equity and human rights, the South Korean government should reconsider its opposition to the compensation bill and instead support its passage to allow speedy compensation to all victims of the wartime massacres.

## Annex I

### **The Act on Finding the Truth of the Republic of Korea War Prisoners of War and Restoring Their Honor**

#### **6·25 전쟁 국군포로의 진상규명 및 명예회복에 관한 법률안**

##### Article 1 (Purpose)

The purpose of this Act is to ascertain the damages to the Republic of Korea Armed Forces (ROKAF) prisoners of war that occurred during the Korean War and to restore their honor, thereby contributing to the recovery of their human rights and national unity.

제 1 조(목적) 이 법은 6·25 전쟁 중 발생한 국군포로의 피해를 규명하고, 이들의 명예회복을 통하여 인권회복과 국민화합에 이바지함을 목적으로 한다.

##### Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term “Korean War ROKAF prisoner of war” means a soldier of the Republic of Korea who was captured during the Korean War (referring to the period from June 25, 1950, to July 27, 1953, when the military armistice agreement was concluded) and is currently detained by a hostile country (including an anti-state organization) or escaped from the place of detention but has not returned to the Republic of Korea;
2. The term “family of a Korean War ROKAF prisoner of war” means the spouse, lineal descendants, or ascendants, and siblings of a ROKAF prisoner of war.

제 2 조(정의) 이 법에서 사용하는 용어의 정의는 다음과 같다.

1. “6·25 전쟁 국군포로”란 대한민국 군인으로서 6·25 전쟁 중(1950년 6월 25일부터 1953년 7월 27일 군사정전에 관한 협정 체결 전까지를 말한다) 적국(반국가단체를 포함한다)에 의하여 억류 중인 사람 또는 억류지를 벗어난 사람으로서 대한민국으로 귀환하지 아니한 사람을 말한다.
2. “6·25 전쟁 국군포로가족”이란 6·25 전쟁 국군포로의 배우자, 직계 존속·비속 및 형제자매를 말한다.

##### Article 3 (Responsibilities of State)

The State shall formulate and implement policies to confirm whether the ROKAF prisoners of war are

alive or dead and to restore the honor of the Korean War ROKAF prisoners of war.

제 3 조(국가의 책무) 국가는 6·25 전쟁 국군포로의 생사 확인 및 명예회복을 위한 정책을 수립·시행하여야 한다.

#### Article 4 (Committee to Find Truth of Damage from Korean War ROKAF Prisoner of War and Recover Honor of Victims)

(1) In order to ascertain the truth of the Korean War ROKAF prisoner of war and to deliberate and decide upon matters relating to the truth-finding and honor restoration of Korean War ROKAF prisoners of war (hereinafter referred to as “prisoners of war“ ) and families of Korean War ROKAF prisoners of war (hereinafter referred to as “families of prisoners of war”) under this Act, a Committee to Find the Truth of the Damage to Prisoners of War and Recover Honor of the Victims (hereinafter referred to as the “Committee”), shall be established under the jurisdiction of the President.

(2) The Committee shall deliberate and decide upon the following matters:

1. Fact-finding in relation to Korean War ROKAF prisoners of war;
2. Collecting and analyzing the relevant data in Korea and abroad to conduct an investigation on prisoners of war;
3. Examining and identifying prisoners of war and families of prisoners of war;
4. Restoring honor of prisoners of war and families of prisoners of war;
5. Preparing a fact-finding report and a list of prisoners of war' names;
6. Opinions the confirmation of the life or death of prisoners of war;
7. Any other matters prescribed by Presidential Decree to find the truth and recover the honor of prisoners of war and families of prisoners of war.

(3) The Committee shall be comprised of not more than 15 members, including one Chairperson; the Prime Minister shall serve as the Chairperson, and members of the Committee shall be appointed or commissioned by the Prime Minister from among the Minister of National Defense, the Minister of Unification, the Minister of Foreign Affairs, the Minister of Patriots and Veterans Affairs, the heads of relevant central administrative agencies, representatives of families of prisoners of war, and persons with extensive knowledge about and experience in relevant fields, as prescribed by Presidential Decree.

제 4 조(6·25 전쟁국군포로진상규명및명예회복위원회) ① 6·25 전쟁 국군포로의 진상을 규명하고 이 법에 따른 6·25 전쟁 국군포로(이하 “국군포로”라 한다) 및 6·25 전쟁 국군포로가족(이하 “국군포로가족”이

라 한다)의 진상규명 및 명예회복에 관한 사항을 심의·의결하기 위하여 대통령 소속으로 6·25 전쟁국군포로진상규명및명예회복위원회(이하 “위원회”라 한다)를 둔다.

② 위원회는 다음 각 호의 사항을 심의·의결한다.

1. 6·25 전쟁 국군포로 진상조사에 관한 사항
2. 국군포로 조사를 위한 국내외 관련 자료의 수집 및 분석에 관한사항
3. 국군포로 및 국군포로가족의 심사·결정에 관한 사항
4. 국군포로 및 국군포로가족의 명예회복에 관한 사항
5. 진상조사보고서 및 명부 작성에 관한 사항
6. 국군포로의 생사 확인 및 송환에 관한 사항
7. 그 밖에 진상규명과 명예회복을 위하여 대통령령으로 정하는 사항

③ 위원회는 위원장 1명을 포함한 15명 이내의 위원으로 구성하되, 위원장은 국무총리가 되고, 위원은 국방부장관·통일부장관·외교부장관·국가보훈처장과 관계 중앙행정기관의 장, 국군포로가족 대표 및 관련 분야에 학식과 경험이 풍부한 사람 중에서 대통령령으로 정하는 바에 따라 국무총리가 임명 또는 위촉한다.

④ 위원회의 조직 및 운영에 필요한 사항은 대통령령으로 정한다.

#### Article 5 (Establishment of Secretariat)

(1) A secretariat shall be established in the Committee to conduct affairs of the Committee.

(2) Matters concerning the composition and regular staff of the secretariat shall be prescribed by Presidential Decree.

제 5 조(사무국의 설치) ① 위원회의 사무를 처리하기 위하여 위원회에 사무국을 둔다.

② 사무국의 구성 및 정원에 관한 사항은 대통령령으로 정한다.

#### Article 6 (Prohibition on Divulgence)

No current or former member of the Committee or a working committee shall divulge any confidential information which becomes known to him or her in the course of performing his or her duties.

제 6 조(비밀누설의 금지) 위원회의 위원이나 그 직에 있었던 사람은 업무상 알게 된 비밀을 누설하여서는 아니 된다.

#### Article 7 (Prohibition of Disadvantageous Treatment)

(1) Any person may testify freely in connection with prisoners of war.

(2) No person shall be treated disadvantageously or unfairly on the grounds of testimony given in accordance with paragraph (1).

제 7 조(불이익 처우금지) ① 누구든지 국군포로에 관하여 자유롭게 증언할 수 있다.

② 누구든지 제 1 항에 따른 증언을 이유로 어떠한 불이익이나 부당한 처우를 받지 아니한다.

#### Article 8 (Collection and Analysis of Data Relating to Prisoners of War)

(1) The Committee shall complete collection and analysis of data relating to prisoners of war, within four years from the date the Committee is organized.

(2) Where it is impracticable to complete investigation within the period specified in paragraph (1), the Committee shall report to the Prime Minister on the reason for failure to complete the investigation, three months before the expiration of the period, and the period may be extended by up to one year: , That the period shall be extended only up to twice.

(3) If necessary to collect data under paragraph (1), the Committee or a working committee may request relevant administrative agencies or organizations to submit relevant data. In such cases, the relevant administrative agencies or organizations so requested shall comply with such request unless there is a compelling reason not to do so.

(4) Relevant central administrative agencies or organizations shall provide convenience necessary to discover and inspect data relating to prisoners of war.

(5) Where the data requested pursuant to paragraph (3) are kept in a foreign country, the Government shall faithfully bargain with the Government of the foreign country on such data.

제 8 조(국군포로 관련 자료의 수집 및 분석) ① 위원회는 구성을 마친 날부터 4 년 이내에 국군포로 관련 자료의 수집 및 분석을 완료하여야 한다.

② 위원회는 제 1 항에서 정한 기간 이내에 조사를 완료하기 어려운 경우에는 기간 만료 3 개월 전에 대통령에게 그 사유를 보고하고, 1 년 이내의 범위에서 그 기간을 연장할 수 있다. 다만, 그 기간의 연장은 2 회를 넘을 수 없다.

③ 위원회는 제 1 항의 자료 수집을 위하여 필요한 경우에는 관계 행정기관 또는 단체에 대하여 관련

자료의 제출을 요구할 수 있다. 이 경우 요구를 받은 관계 행정기관 또는 단체는 특별한 사유가 없는 한 이에 따라야 한다.

④ 관계 행정기관 또는 단체는 국군포로 관련 자료의 발굴 및 열람을 위하여 필요한 편의를 제공하여야 한다.

⑤ 정부는 제 3 항에 따라 제출요구를 받은 자료를 외국에서 보관하고 있는 경우에는 해당 국가의 정부와 성실히 교섭하여야 한다.

#### Article 9 (Preparation of Fact-Finding Report)

(1) The Committee shall prepare a fact-finding report on the damage from North Korea's abduction during the Korean War within six months from the date the period specified in Article 8 (1) expires, and shall submit it to the President and the National Assembly and publicize it.

(2) Details to be included in the report referred to in paragraph (1) shall be prescribed by Presidential Decree.

제 9 조(진상조사보고서 작성) ① 위원회는 제 8 조제 1 항의 기간이 종료되는 날부터 6 개월 이내에 6·25 전쟁 국군포로 진상조사보고서를 작성하여 대통령과 국회에 보고하고 공표하여야 한다.

② 제 1 항에 따른 보고서에 포함되는 내용은 대통령령으로 정한다.

#### Article 10 (Memorial Projects)

In order to recover the honor of prisoners of war and families of prisoners of war, the Government shall promote memorial projects, such as activities to commemorate victims.

제 10 조(기념사업) 정부는 국군포로 및 국군포로가족의 명예를 회복하기 위하여 기념사업을 추진하여야 한다.

#### Article 11 (Establishment and Public Announcement of Report Centers)

The Committee shall establish a report center to receive reports on damage to prisoners of war and families of prisoners of war within 30 days from the enforcement date of this Act and provide public announcement thereof. In such cases, the Committee shall establish report centers in overseas diplomatic missions as well for persons who stay or reside in a foreign country.

제 11 조(국군포로 등의 신고처 설치 및 공고) 위원회는 이 법 시행일부터 30 일 이내에 국군포로와

국군포로가족의 피해신고를 접수받기 위한 신고처를 설치하고 공고하여야 한다. 이 경우 외국에 체재하거나 거주하는 사람을 위하여 재외공관에도 신고처를 둔다.

#### Article 12 (Preparation of Family Relation Register)

Where a family relation register for prisoners of war is not prepared or where any entry in the family relation register is different from the facts, a family relation register may be prepared, or the entry in such family relation register may be corrected in compliance with the procedures prescribed by the Supreme Court Regulations notwithstanding the provisions of other statutes or regulations, if the preparation or correction is determined by the Committee.

제 12 조(가족관계등록부의 작성) 국군포로에 관한 가족관계등록부가 작성되어 있지 아니하거나 가족관계등록부에 사실과 다르게 기록된 경우 다른 법령의 규정에도 불구하고 위원회의 결정이 있는 경우 대법원규칙으로 정하는 절차에 따라 가족관계등록부를 작성하거나 기록을 정정할 수 있다.

#### Article 13 (Delegation and Entrustment of Duties)

(1) Where deemed necessary, the Committee may partially delegate or entrust its specific duties to relevant agencies, including local governments, or to experts, or it may perform such duties jointly with relevant agencies or experts.

(2) Matters necessary for the delegation, entrustment, etc., of the duties referred to in paragraph (1) shall be prescribed by Presidential Decree.

제 13 조(업무의 위임·위탁) ① 위원회는 필요하다고 인정하는 경우에는 그 업무 중 일부를 특정하여 지방자치단체 등 관계 기관 및 전문가에게 위임 또는 위탁하여 수행하게 하거나 공동으로 수행할 수 있다.

② 제 1 항의 업무의 위임·위탁 등에 필요한 사항은 대통령령으로 정한다.

#### Article 14 (Dispatch of Public Officials)

(1) Where deemed necessary to perform its duties, the Committee may request the heads of relevant agencies to dispatch public officials or staff members under their management to the Committee.

(2) In receipt of a request for dispatch of public officials, etc. under paragraph (1), the heads of the relevant agencies may dispatch public officials or staff members under their management to the Committee after consultation with the Committee.

(3) Public officials or staff members dispatched to the Committee pursuant to paragraph (2) shall perform the duties of the Committee independently of the agencies to which they belong.

(4) The heads of the relevant agencies who have dispatched public officials or staff members to the Committee pursuant to paragraph (2) shall not take unfavorable measures against the said public officials or staff members in terms of human personnel management and treatment.

제 14 조(공무원의 파견 등) ① 위원회는 그 업무수행을 위하여 필요하다고 인정하는 경우 관계 기관의 장에게 그 소속 공무원 또는 직원의 파견을 요청할 수 있다.

② 제 1 항에 따라 공무원 등의 파견을 요청받은 관계 기관의 장은 위원회와 협의하여 소속 공무원 또는 직원을 위원회에 파견할 수 있다.

③ 제 2 항에 따라 위원회에 파견된 공무원 또는 직원은 그 소속 기관으로부터 독립하여 위원회의 업무를 수행한다.

④ 제 2 항에 따라 위원회에 공무원 또는 직원을 파견한 관계 기관의 장은 위원회에 파견된 공무원 또는 직원에 대하여 인사 및 처우에서 불리한 조치를 하여서는 아니 된다.

#### Article 15 (Legal Fiction as Public Officials in Application of Penalty Provisions)

A person other than a public official among members of the Committee or a working committee shall be deemed a public official in applying the penalty provisions under Articles 129 through 132 of the Criminal Act.

제 15 조(벌칙 적용에서의 공무원 의제) 위원회의 위원 중 공무원이 아닌 사람은 이 법에 따른 업무를 수행함에 있어 「형법」 제 129 조부터 제 132 조까지의 규정에 따른 벌칙의 적용에서는 공무원으로 본다.

#### Article 16 (Penalty Provisions)

A person who divulges any secret information in violation of Article 6 shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won.

제 16 조(벌칙) 제 6 조를 위반하여 비밀을 누설한 사람은 2년 이하의 징역 또는 2천만원 이하의 벌금에 처한다.

#### Addenda

#### 부칙

Article 1 (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

제 1 조(시행일) 이 법은 공포 후 6 개월이 경과한 날부터 시행한다.

Article 2 (Preparatory Action for Enforcement of this Act) Any preparatory action for the enforcement of this Act, such as the appointment of members and staff members of the Committee and preparatory action for the establishment of the Committee, may be performed before this Act enters into force.

제 2 조(이 법 시행을 위한 준비행위) 위원회의 위원 및 소속 직원의 임명, 위원회의 설립준비행위 등 위원회의 설립준비는 이 법 시행 전에 할 수 있다.

## **Annex II**

### **The Amendment Bill to the Framework Act on Settling the Past for Truth and Reconciliation**

The Framework Act on Settling the Past for Truth and Reconciliation<sup>9</sup> is amended as follows:

The title is amended to “Act on Settling the Past for Truth and Reconciliation and Compensation for War Victims.”

Article 1. “thereby clarifying the truth that had been distorted and concealed” is amended to “thereby clarifying the truth that had been distorted and concealed and restoring honor and providing compensation for war victims and their bereaved family members.”

[The existing Article 1 is as follows:

Article 1 (Purpose) The purpose of this Act is to contribute to national unity in order to enhance national legitimacy and to move towards the future through reconciliation with the past by investigating independence movements against Imperial Japan and cases of human rights abuses, violence, massacres, suspicious deaths, etc. caused by anti-democratic acts or acts against human rights and thereby clarifying the truth that had been distorted or concealed.]

Article 2 is introduced as follows:

Article 2-2 (Definition)

The term “war victim” refers to a person who was sacrificed by the North Korean People’s Army and forces acting in concert with them, foreign military forces, and public authorities such as the military and police and forces acting in concert with them.

Article 40-2 (The Compensation Deliberative Commission for War Victims)

(1) In order to deliberate on compensation, etc. to war victims and their bereaved family members, the Compensation Deliberative Commission for War Victims (hereinafter referred to as “Compensation

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<sup>9</sup> For the English translation, see: FRAMEWORK ACT ON SETTLING THE PAST FOR TRUTH AND RECONCILIATION [Enforcement Date 22. Sep, 2023.] [Act No.19271, 21. Mar, 2023., Partial Amendment], <https://www.law.go.kr/lsInfoP.do?lsiSeq=249061&viewCls=engLsInfoR>

Deliberative Commission”) shall be established under the jurisdiction of the Prime Minister.

(2) The function of the Compensation Deliberative Commission for War Victims shall be as follows:

1. Deliberation, determination, and payment of compensation for war victims or their bereaved family members;
2. Providing other support for war victims and their bereaved family members;
3. Other matters prescribed by Presidential Decree concerning compensation, etc.

(3) The Compensation Deliberative Commission shall consist of not more than 15 commissioners, including one Chairperson; the Prime Minister shall serve as the Chairperson; and commissioners shall be appointed or commissioned by the Prime Minister from among the relevant public officials with extensive knowledge about and experience as prescribed by Presidential Decree.

(4) The Compensation Deliberative Commission may establish sub-commission, each consisting of no more than 10 commissioners, for the deliberation under paragraph (2) 1. and determination under paragraph (2) 2.

(5) Article 30 shall apply mutatis mutandis to the protection of a commissioner and a staff member of the Compensation Deliberative Commission.

(6) Matters necessary for the organization, operation, etc. of the Compensation Deliberative Commission and sub-commission shall be prescribed by Presidential Decree.

#### Article 40-3 (Monetary Compensation, etc. and Compensation Principle)

(1) With respect to war victims and their bereaved family members, the State shall pay monetary compensation in the amount as prescribed by Presidential Decree, taking into account the lost profits of the victim, long-term delay of monetary compensation, damages for emotional distress, etc. calculated based on statistical data close to the time when the incident occurred.

(2) The term bereaved family members referred to by this chapter means a successor to property of a related person under the Civil Act: Provided, That in case of a missing person, a person to become a successor to such missing person’s property under the Civil Act as at the time such missing person disappeared shall be deemed a bereaved family member.

(3) Bereaved family members shall jointly hold a right to be granted monetary compensation, etc. prescribed by this Act in proportion to the inherited wealth under the Civil Act.

#### Article 40-4 (Application for Monetary Compensation, etc.)

(1) A war victim or his/her bereaved family member who intends to be granted compensation money prescribed by this Act shall file an application for payment of monetary compensation, etc., with the

Compensation Deliberative Commission in writing accompanied by related evidentiary documents as prescribed by Presidential Decree.

(2) An application for payment of compensation money, etc., as prescribed in paragraph (1) shall be filed within 2 years from the date an authentic copy of a decision that the truth is established under Article 26 is served: Provided, a person who received a decision that the truth is established before the enforcement of this Act may apply for monetary compensation as prescribed in paragraph (1) within 2 years from the date of this Act's enforcement.

(3) Other matters necessary for the application for monetary compensation, etc. shall be prescribed by Presidential Decree.

#### Article 40-5 (Deliberation and Determination)

The Compensation Deliberative Commission shall determine whether to pay compensation money, etc., and the amount thereof within 90 days from the date it receives an application for payment: Provided, That in cases of a missing person, it shall be determined within 120 days.

#### Article 40-6 (Service of Written Determination)

(1) Where the Compensation Deliberative Commission determines whether to pay compensation money, etc., an authentic copy of a written determination shall be served on the applicant within 30 days.

(2) The provisions of the Civil Procedure Act concerning service shall apply to service under paragraph (1).

#### Article 40-7 (Re-Deliberation)

(1) A war victim or his/her bereaved family member who has an objection against matters determined by the Compensation Deliberative Commission under Article 40-5 may file an application for re-deliberation with the Compensation Deliberative Commission within 30 days from the date he/she is served with a written determination under Article 40-6.

(2) Articles 40-5 and 40-6 shall apply to re-deliberation of the Compensation Deliberative Commission and service, respectively. In such cases, "90 days" and "120 days" in Article 40-5 shall be construed as "60 days", respectively.

#### Article 40-8 (Applicants' Approval and Payment of Monetary Compensation, etc.)

(1) When an applicant served with an authentic copy of a written determination of compensation

intends to be granted compensation money, etc., he/she shall, without delay, file an application for payment of compensation money, etc. with the Compensation Deliberative Commission accompanied by a written approval for such determination.

(2) Matters necessary for the procedures of payment of compensation money, etc., except for matters specified in paragraph (1), shall be prescribed by Presidential Decree.

#### Article 40-9 (Protection of Rights to be Granted Monetary Compensation, etc.)

A right to be granted compensation money, etc., pursuant to this Act shall not be transferred, put in pledge, or seized.

#### Article 40-10 (Tax Exemption)

No national tax and local tax shall be imposed on monetary compensation, etc., pursuant to this Act.

#### Article 40-11 (Determination-Prepositive Principle)

(1) Litigation over the payment of compensation money, etc. under this Act shall be instituted only after a determination is made by the Commission: Provided, That this shall not apply where the Compensation Deliberative Commission does not make a decision within the deadline prescribed by Article 40-5.

(2) Litigation under paragraph (1) shall be instituted within 60 days from the date an authentic copy of a written determination (including an authentic copy of a written determination of re-deliberation) is served.

#### Article 40-12 (Relationship, etc. with Compensation, etc. under other Acts)

(1) A person who has received compensation or indemnification in relation to the Korean War from the State or a local government pursuant to the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State, the Act on Support for Persons Eligible for Veteran's Compensation, the State Compensation Act, the Special Act on Discovering the Truth on the Jeju 4 · 3 Incident and the Restoration of Honor of Victims, the Special Act on Discovering the Truth on the Yeosu · Suncheon 10 · 9 Incident and Restoration of Honor of Victims, and the Special Act on Examination and Honor Restoration of Victims Involved in the Nogeun-Ri Incident shall be paid monetary compensation under this Act after deduction.

(2) Where an applicant agrees to a determination to pay monetary compensation, etc. under this Act, it shall be deemed that a judicial settlement has been established in accordance with the Civil Procedure

Act with respect to the damage suffered in connection with the Korean War.

#### Article 40-13 (Recovery of Monetary Compensation, etc.)

(1) Where a person who has received monetary compensation, etc., pursuant to this Act falls under any of the following subparagraphs, the State may recover all or part of the monetary compensation, etc. that he/she has received:

1. Where the monetary compensation, etc., has been paid by fraud or other improper means;
2. Where the monetary compensation, etc., has been erroneously paid;
3. Where a person recognized as missing in relation to the Korean War is proven to be alive or to be dead or missing irrelevant of the Korean War;
4. Where a collaboration activity, etc., of the war victim has been confirmed during the deliberation process of compensation, etc.

(2) Where recovery is to be made by the State under paragraph (1), it shall be made in the same manner as national taxes are collected.

#### Article 40-14 (Factual Investigation and Duty to Cooperate)

(1) The Compensation Deliberative Commission may hear testimony or statements from war victims, witnesses, or persons for reference for the purpose of verifying collaboration activities of war victims concerning compensation under this Act and, if deemed necessary, conduct inspection, necessary investigation, etc., and request cooperation necessary therefor from administrative agencies and other related institutions.

(2) Administrative agencies and other institutions requested to cooperate under paragraph (1) shall handle such request in preference to other duties and notify the Compensation Deliberative Commission of the results thereof without delay.

#### Article 40-15 (Period of Prescription)

The right to receive monetary compensation, etc., pursuant to this Act shall become extinct if not exercised within 1 year from the date an authentic copy of a written determination of the payment of monetary compensation, etc., is served on the applicant.

In Article 41, “commissioner” is amended to “commissioners of the Commission or the Compensation Deliberative Commission (hereinafter referred to as “Commission, etc.”).” “[S]taff members” is amended to “staff members of the Commission, etc.” “[A]s commissioned by the Commission” is

amended to “as commissioned by the Commission, etc.” “[D]uties of commission” is amended to “duties of commission, etc.”

In Article 42, “of the Commission” is amended to “of the Commission, etc.,” respectively.

In Article 43, “the Commission” is amended to “the Commission, etc.”

In Article 44, “of the Commission” is amended to “of the Commission and Compensation Deliberative Commission.”

In Article 45 (3) 1. and 2., “of the Commission” is amended to “of the Commission, etc.,” respectively.

#### Addenda

##### Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

##### Article 2 (Amendment of Other Acts)

(1) A part of the Law No. 18301, the Act on the Restoration of Honor for Participants in the 3 · 15 Uprising is amended as follows:

In Article 3, "Framework Act on Settling the Past for Truth and Reconciliation" is changed to "Act on Settling the Past for Truth and Reconciliation and Compensation for War Victims."

In Article 6, "Framework Act on Settling the Past for Truth and Reconciliation" is changed to "Act on Settling the Past for Truth and Reconciliation and Compensation for War Victims."