

# **Transitional Justice in South Korea: Current Status and Challenges**

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# The Contemporaneity of the Uncontemporary

- Koreans "wear two watches": one stopped in pre-modern time, one running fast
  - Transitional justice reflects coexistence of multiple times/stages in democratization
  - December 3 Martial Law Incident: failure of prevention
  - Citizen resistance and democratic restoration: realization of transitional justice
  - Ongoing struggle over 80 years, not a one-time event
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# Historical Context of Transitional Justice

1945

Liberation and anti-collaboration investigations

1960

April Revolution – early truth efforts

1987

June Uprising – Gwangju Hearings, May 18 prosecutions

1990s-2000s

Institutionalization through laws and commissions

2016-17

Candlelight movement → 2nd TRCK

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# Transitional Justice as a Continuous Process

- Not limited to one "transition period"
  - Continues across 80 years of democratic struggle
  - Deeply intertwined with democratization movements
  - Realized through citizen participation, not elite reform
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# First TRCK (2005–2010)

## Achievements

- 8,450 cases verified (75.6% of petitions)
- Systematic truth-finding on massacres and human rights violations
- Official state acknowledgment of past violence
- Basis for retrials, compensation, and memorialization

## Limitations

- Focused only on petitioned cases
- No coercive investigative powers
- Weak follow-up on accountability and reparations

# Second TRCK (2020–2025)

## Achievements

- Expanded to human rights abuses in welfare and detention facilities
- Introduced trauma-informed, victim-centered investigations
- Strengthened international human rights standards
- Made 1,340 recommendations (51.5% implemented)

## Limitations

- Over 2,000 cases uninvestigated
- “Truth without responsibility” persisted
- Weak compensation system and government enforcement
- Political interference under Yoon Seok-yeol government

# Political Backlash and the “December 3 Martial Law”

- Martial law incident: failure of “non-recurrence”
  - Citizens' resistance → “Candlelight Revolution” → impeachment
  - Revealed both the fragility and maturity of Korean democracy
  - Showed that transitional justice operates at the civic level even when institutions fail
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# Challenges the Third TRCK

- Investigate unexamined and new cases (post-1987)
  - Expand scope: industrial, gender-based, and environmental violence
  - Strengthen perpetrator accountability
  - Institutionalize victim compensation and trauma healing
  - Implement systemic reforms and recurrence prevention
  - Ensure independence and continuity regardless of regime change
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# From Transitional to Transformative Justice

- Move beyond truth-finding → structural change
  - Reform power institutions: military, police, intelligence
  - Institutionalize human rights and civic education
  - Build participatory, preventive justice systems
  - Transitional justice as part of democratic quality improvement
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# Conclusion

- **Korean transitional justice reflects the continuity of democratic struggle**
  - **The “failure” of December 3 was also a success of civic resistance**
  - **Future justice must be transformative, not temporary**
  - **Transitional justice = building future democracy**
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