

MEMORY OF THE WORLD REGISTER

Human Rights Documentary Heritage 1980
Archives for the May 18th Democratic Uprising against Military Regime,
in Gwangju, Republic of Korea
(<http://www.518.org/518video.htm>)

(Revision Jan. 30, 2011)

Nomination Committee
for the May 18th Democratic Uprising Documents
to the UNESCO Memory of the World

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PART A – ESSENTIAL INFORMATION

1 SUMMARY

Documentary items related to the May 18th Democratic Uprising, which took place in Gwangju, Korea between May 18th and May 27th, 1980, take the form of documents, photos, images, etc. regarding the citizens' uprising, punishment of the perpetrators, and compensation.

The events of May 1980 followed quickly upon the October 1979 assassination of President Jeong-hui Park at the hands of the director of the KCIA(Korean Central Intelligence Agency), one of his closest colleagues. The unforeseen death of a dictator who had taken control of the country following a military coup was expected to usher in an era of democracy long hoped-for by the people of Korea. Unfortunately, things unfolded differently. In the absence of authority, another military coup took place. Students and citizens from across the country were enraged by the situation and took to the streets in protest against the government. On May 18th, 1980 the people of Gwangju passionately protested against the nationwide imposition of martial law. The new military government responsible for the coup dispatched special force paratroopers to Gwangju in order to suppress a peaceful protest led by university students and citizens.

The paratroopers brutally and randomly assaulted men and women, old and young, regardless of whether or not they possessed sticks. Such attacks aggravated the situation further, and more and more people joined the demonstrations. On day five of the protest, May 21st, 1980, soldiers opened fire on citizens leaving hundreds of people injured or dead before being driven by massive resistance to a position outside the city. Gwangju was isolated from the rest of the country, surrounded by soldiers who allowed no vehicles or communication from outside until the troops re-entered the city on May 27th, 1980. Despite the blockade, people continued their ordinary lives, living as an autonomous community, cleaning the city, opening stores and shops, etc. Amazingly, not a single case of robbery or burglary was reported despite having no proper administration or security force. However, in the early morning of May 27th the community was brutally ransacked by paratroopers using tanks and helicopters. During 10 days of resistance, 165 citizens died in and around Gwangju. 76 people went missing, 3,383 were injured, and 1,476 were arrested, affecting 5,100 in total. In

addition, 102 people later died due to injuries incurred during the siege. Survivors were far from unscathed with many reporting mental health problems such as auditory hallucinations, somnambulism, obsessive-compulsive behaviors, etc. Incidences of divorce and suicide were uncommonly high among survivors, suggesting that the physical and emotional trauma left an indelible mark on those who experienced events first-hand.

For years the military government enforced a strict prohibition on public discussion of the traumatic events of May 1980. However, the anguished cries of the bereaved families triggered a large scale democratic struggle that culminated in the citizens of Korea being awarded a direct vote in 1987. In 1989 the 'Gwangju Riot' was officially renamed 'the May 18th Democratic Uprising' by the President. In 1995 a special law pertaining to the punishment of the perpetrators (Act No. 5029) was enacted by the National Assembly. Around the same time, legal action was initiated against two former presidents and the senior staff responsible for the brutal suppression (sentencing of the Supreme Court, occurred in April 1997). Participants of the uprising who had been sentenced to severe punishment for rebellion were subsequently found not guilty. In 1990 victims of the May 18th Democratic Uprising began to receive compensation for their losses (Act No. 4266), and in 1997 May 18th was designated as a national holiday. In 2002 the cemetery used during the May 18th Democratic Uprising became a national cemetery, and victims became eligible to receive benefits as people of national merit (Presidential Decree No. 17687). (See details in attachment #11)

References to the May 18th Democratic Uprising are divided into three types. First, there are documents produced by the government institutions that came to power after 1980. They include administrative documents of the central government as well as records of investigation and trial by military judicial institutes. These serve to demonstrate the nature of the government in and before 1980. All the documents recorded by public officials during and after the incident as well as situation reports and compensation-related documents showing the severity of the damage are included. Secondly, there are documents produced at the time of the May 18th Democratic Uprising (old statements, declarations, hand-written posters and reporters' notebooks) that reveal just how urgent and desperate the situation was. Particularly compelling are the photos by photographers and foreign correspondents that document the extent to which Gwangju was cut off from the outside world. Thirdly, there are documents produced by the National Assembly and Supreme Court aimed at restoring the reputation of the people and discovering the truth about the incidents that took place during the time of the military government following the May 18th Democratic Uprising.

So far books referring to the May 18th Democratic Uprising have been published. The references will be distributed to major libraries and institutes of Korean studies all over the world, and to all the libraries in Korea in order to promote new studies and awareness of the uprising. Democratization in Asia will be accelerated once documents relating to the uprising are registered as a UNESCO World Record Heritage Record.

2 DETAILS OF THE NOMINATORS

2.1 Individuals & Organizations

- Young-jin Kim /Chairperson/ National Assembly Member
- Un-tae Kang/ Mayor, Gwangju Metropolitan City
- Huy-gook Jang / Superintendent, Gwangju Metropolitan Office of Education
- Yoon Soo Kim / President, Chonnam National University
- Ho-jong Jeon / President, Chosun University
- Hyuk Jong Kim / President, Gwangju University
- Jun Tae Kim / President, May 18 Memorial Foundation
- Soo-man Chung / President, Democratic Association for Honorable Persons and Victims' Families
- Hee-seung Yang / President, May 18th Association for Detainees and Casualties
- Kyung-jin Shin / President, Association for the Wounded from May 18 Democratization Movement
- Sung-ryea Ahn / Director, May Mothers' House

2.2 Status of the Documentary Heritage Nominated

Original documents and copies of documents have been collected and preserved separately by the 518 Archive of Gwangju City Hall, Archive of May 18 Memorial Foundation, and May 18th Research Center of Chonnam National University. The individual applicants and applicant organizations all represent the spirit of the movement in some way. Therefore, despite many hardships, they have endeavored to keep the documents intact. In addition, several other state organizations have retained some of the relevant documents, as have private individuals and civic organizations. When registered, the Archives of May 18th Democratic Uprising will be established to properly manage all documents and contribute to the advancement of human rights awareness.

2.3 Contact Person

Dr. Jong-cheol Ahn, General Director

2.4 Contact Details

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3 IDENTITY AND DESCRIPTION OF THE DOCUMENTARY HERITAGE

3.1. Name and Identification Details

Documents of May 18th Democratic Uprising

- 1) Documents produced by State Organizations
- 2) Records of the Military Court Martial
and the “Conspiracy to Rebel” charge against Dae-jung Kim
- 3) Primary documents related to the Civil Resistance
- 4) Documentary photographs
- 5) Eye-witness testimonies of victims and witnesses
- 6) Medical documents for victims
- 7) Minutes of the National Assembly in the Truth and Reconciliation Process
- 8) Records of compensation for victims
- 9) Relevant documents from the United States of America

3.2. Description

1) Documents produced by State Organizations

These documents were produced by central and local government institutions during the May 18th Democratic Uprising. At the time, central government institutions sent instructions to local governments declaring martial law, asking for cooperation, and ordering the production of related documents. Documents produced by local government institutions such as the Jeonnam Provincial Office, Gwangju City Hall, etc. consist of daily records of May 18th, reports of damages, countermeasures, recovery status, burial plans and personal information relating to the dead. Local police arrested and indicted hundreds of citizens and students for violating the government’s decree against public protests. Documents including instructions regarding decree violators, records of the acquittal of decree violators and relevant procedures were produced by various government institutions. These are kept in the National Archives of Korea. (See details in Annex #1)

2) Records of the Military Court Martial

and the “Conspiracy to Rebel” charge against Dae-jung Kim

Martial law was declared in 1980, and those who violated the law were tried by the military. Hundreds of people imprisoned during and after the uprising were brutally tortured in subsequent investigations. Most were sentenced to death by the military prosecution or sentenced to life imprisonment by the Military Justice Department. Other ordinary citizens were released with a warning. Records consists of investigation reports by the military prosecution, investigations of non-indictment, records of suspension of indictment, records of military trials, etc.

The new military government announced on May 21st, 1980 that the Gwangju Massacre had

been started by rebels in the Gwangju area under the leadership of Dong-nyeon Jeong and “Commie” Dae-jung Kim, who funded the riot and nurtured it into a public uprising. Dae-jung Kim was tried by the military for instigating the May 18th Democratic Uprising, and on September 17th, 1980 was sentenced to death for plotting the rebellion and attempting to overthrow the government. He was also found guilty and sentenced to death by the Supreme Court on January 29th, 1981. Due to the intervention of countries such as the United States of America, which urged the military government to suspend the death sentence, Dae-jung Kim was set free in 1982 and deported to the United States. The establishment of the Special Law Relating to the Gwangju Democratic Uprising (1995) helped restore Dae-jung Kim’s damaged reputation. Following his Presidential term in 2003, he applied for a retrial and was found not guilty in 2004. (See details in Annex #2)

3) Primary documents related to the Civil Resistance

These documents exposing the illegality and brutality of the military government were made at great risk by journalists and others. In carrying and keeping such documents people risked their lives because at that time the May 18th Democratic Uprising was considered to be a rebellion and Gwangju citizens were described as a mob. However, some brave people took that risk, and collected and preserved the documents which are now in bad condition.

These references, which include pleas to citizens, letters about rallies, newsletters by the resistance, and newsletters by democratic citizens, describe the exact conditions of the May 18th Democratic Uprising, making them invaluable permanent sources of information. (See details in Annex #3)

4) Documentary photographs

Most of the photographs were taken by domestic photo journalists (Yonhap, DongA Ilbo and Jeonnam Ilbo) who risked their lives to capture the scenes in vivid detail. Photographs of people brutally murdered during the May 18th Democratic Uprising enraged citizens and served as a catalyst for launching fact-finding missions. Films depict the scenes even more clearly. Footage of Gwangju in May 1980 (such as that filmed by Jurgen Hinzpeter from NDR, Germany and others representing NHK, Japan) was broadcast worldwide. These films were later imported and secretly televised, playing a major role in revealing the truth about the May 18th Democratic Uprising. (See details in Annex #4)

5) Eye-Witness Testimonies by Victims and Witnesses

Testimonies were produced by survivors of the uprising and take the form of written words, recorded voices, and images. The collection consists of testimony from 1,500 people, including participants, observers, families of victims, etc. However, the number of victims exceeds 5,000 and testimony is still being collected. This work needs to be completed urgently because many are losing their memories due to age and the after-effects of the incident. These references are used not only for study but also for education. There is also testimony from foreign nationals (Henry Scott, Philip Pons, Mark Peterson, Arnold Peterson), US government personnel (Ambassador William Gleysteen, James Lilley, Donald Gregg, General John Wickam) and martial law military personnel. (See details in Annex #5)

6) Medical documents of Victims

These consist of records of the injuries sustained by citizens and students at the hands of armed soldiers and policemen. Those who were injured during the uprising were treated at nearby hospitals such as Chonnam National University Hospital, Chosun University Hospital and Christian Hospital. Those who were brutally tortured or assaulted were mainly sent to the Armed Forces Combined Hospital. Daily records and records of treatment are kept in the archives of the Gwangju Metropolitan City Hall. (See details in Annex #6)

7) Minutes of the National Assembly in the Truth and Reconciliation Process

In 1998 the Special Fact-finding Committee of the May 18th Democratic Uprising was organized, and a hearing was held. Documentary items related to the hearing are managed by the Secretariat of the National Assembly. In addition, the entire hearing process was televised live at the time, which greatly contributed to public understanding of the uprising. Original footage is kept at various TV stations, and recorded films are kept at the May 18th Archive of the Gwangju Metropolitan City Hall. (See details in Annex #7)

8) Records of compensation for Victims

In 1990, after the National Assembly passed the "Act on Payment for Persons Affected by the May 18 Democratic Uprising", the State Government and Gwangju City Government began compensating the victims. The recipients included families of the dead, the wounded and all of the detainees (5,100 people). The records produced by Gwangju City Hall amount to over 695,000 pages contained in 3,880 volumes. These have been preserved in their original form and are housed in the Gwangju City Hall Library. (See details in Annex #8)

9) Relevant Documents from the United States of America

The United States government was keenly interested in the May 18th Democratic Uprising in South Korea, receiving frequently updated reports from the US Embassy in Seoul and discussing countermeasures. Documents includes telegrams between the US State Department and the US Embassy in Seoul as well as references produced by the Ministry of National Defense and CIA. (See details in Annex #9)

4 JUSTIFICATION FOR INCLUSION/ ASSESSMENT AGAINST CRITERIA

4. 1. Authenticity

Records of the May 18th Democratic Uprising describe the counteraction of students and citizens against the oppression and slaughter of the military forces. These documents were produced while military forces were oppressing citizens and were recorded by people on the spot, which is meaningful and significant in terms of historical research. There are also records filmed by foreign journalists and other third parties that reveal the exact situation, time and place of the incident.

Not only governmental organizations but also civic groups and citizens have volunteered to record and witness the events of the Uprising, which are indisputable, irreplaceable evidence within the history of democratic movements, human rights violations, and human rights movements.

4. 2. Unique and Irreplaceable Heritage

The May 18th Democratic Uprising demonstrated the nobility of human life in the face of state violence that infringed upon people's dignity and rights. Their resistance against the military government under continuous threats and oppression later became the catalyst for democracy. In the history of humanity, victors tend to eradicate the records of those defeated in failed revolutions and uprisings in order to justify their actions and fabricate the facts, but in the case of the Gwangju Massacre, events have been recorded by Gwangju citizens and foreigners alike. Therefore, this is a very unique development in democracy which cannot be found elsewhere. Citizens fought off Special Forces armed with up-to-date weapons for 10 days and governed themselves as a civic community without burglary or looting. This ultimately helped to develop democracy and ensure human rights in the Republic of Korea.

The May 18th Democratic Uprising was a major incident that encouraged people to struggle on a large scale by continuously demanding fact-finding missions and punishment of the perpetrators, even after resistance was quelled and the military government continued its oppression. This, in the end, led to the transition from a military government to a democratic one. In other words, these efforts became a catalyst for a series of democratic movements and the development of democracy in Korea. People learned that the military should not intervene in politics and Korea became an example for those still struggling to achieve democracy.

4. 3. World Significance

The May 18th Democratic Uprising not only played a pivotal role in the democratization of South Korea but also affected other countries in East Asia by dissolving the Cold War structure and achieving democracy. After the 1980s various democratic movements took

place in the Philippines, Thailand, China, Vietnam, and elsewhere in an attempt to follow in Korea's footsteps. Wardah Hafidz, secretary general of the Urban Poor Consortium in Indonesia said, "Growth of human rights in Korea after the May 18th Democratic Uprising is an example and a goal for human rights activity in Asia." Furthermore, Dandeniya Gamage Jayanthi, leader of the Monument for the Disappeared in Sri Lanka said, "The May 18th Democratic Uprising is a great source of inspiration in the human rights struggle. In particular, it helped to demolish conventional impunity omnipresent in East Asia."

Thus, the five major principles of 'fact-finding, 'punishment of perpetrators', 'restoration of honor', 'compensation' and 'memorial works' have become an example and criteria used to determine the rules of compensation for human rights violations by the UN Human Rights Commission (special report by Theo van Boven, 1992).

Records of the May 18th Democratic Uprising, from the outbreak of the incident and its suppression to fact-finding activities and compensation, are remarkable in terms of their diversity and the variety of the contents. For instance, preserved films vividly portraying the incident are invaluable (and perhaps comparable to the voice tapes of the Philippines). Also preserved is the Supreme Court sentencing, which condemned the leader of the opposition party to death (which may be compared to the sentencing of Nelson Mandela in South Africa). Cases of human rights violations voluntarily examined and recorded by various human rights groups (similar to human rights documents collected from Argentina, Chile and Paraguay) are rich in their variety and content. These documents serve as textbook examples democracy and human rights development.

Many scholars and human rights activists around the world point out that the May 18th Democratic Uprising was a turning point for democracy and human rights. Bruce Cummings, a professor at the University of Chicago said in a comment to the BBC(2005) that the May 18th Democratic Uprising helped South Korea escape dictatorship and America's control. George Katsiaficas, a professor at the Wentworth Institute of Technology said in a seminar(2000) that the Gwangju democratic movement was a historic road from the dictatorship era to democracy, and the energy is spreading worldwide. Edward Baker, consultant of the Harvard-Yenching Institute pointed out(2005) that the May 18th Democratic Uprising was a turning point at which Koreans changed their stance *vis-a-vis* dictatorship and America.

In order to preserve this noble spirit, the Gwangju Human Rights Award is presented annually to those who contribute to human rights in Korea and abroad. It has been awarded in May every year since 2000, and 50 million won (48,000 USD) has been given to each of the twelve awardees (including Aung San Suu Kyi) for the development of democracy and human rights. In addition, the Gwangju International Peace Forum is held annually to discuss human rights and democracy in the region. In addition, every year the May 18 Memorial Foundation selects ten Korean volunteers and sends them to different organizations in Asia and America to share the past experiences of Gwangju with others and help develop human

rights-related programs.

In this way, records of the May 18th Democratic Uprising have contributed to the development of democracy and human rights in Asia. (See details in Annex #10)

4.4. Significance of Records

1. Time
 - a) Records of violation and infringement of human rights in the form of brutal assault, torture and slaughter of citizens and students by the martial army in the downtown area of Gwangju from May 18th to 27th, 1980
 - b) Records of human rights infringement such as torture, confinement and cruel treatment of those who participated in the uprising whilst awaiting military trial after May 27th, 1980
 - c) Records of procedures regarding investigation of the uprising, restoration of honor of Gwangju citizens, compensation for victims from 1980 through 1997.
2. Place
 - a) The history of the movement for democracy in the vicinity of Gwangju, Jeollanam-do, South Korea
 - b) The history of the nationwide movement for democracy including fact-finding activities
3. People
 - a) Citizens and students who participated in the May 18th Democratic Uprising
 - b) Perpetrators who oppressed and slaughtered citizens and students
 - c) Democratic citizens of Korea who participated in the investigation of the uprising in order to bring democracy to Korea
 - d) Democratic citizens around the world who have visited or sought out Korea to learn about Korean democracy and examine the related records
4. Subject/Theme
 - a) Democracy: Records of the citizen's uprising calling for suffrage and democracy and an end to the intervention of the military forces in politics
 - b) Human rights: Records of the struggle for the citizen's right to life and liberty, against the military government
 - c) Constitutional government: Records which set an example of the right to resist by demanding the withdrawal of the military government for its wrongful and illegal proclamation of martial law.
 - d) Cleansing of the past: Records of citizens of Gwangju and Korea who called for fact-finding investigations into the Uprising, the restoration of honor, compensation for victims and memorial projects

5. Form and Style

- a) Documents: Consisting of administrative, military and public statements which have been kept and used as bibliographical data.
- b) Video data: Negative films, eye-witness recordings by those who participated in the Uprising are in Beta-Cam/VHS format.
- c) Oral statements: Eye-witness testimonies from those participated in the Uprising (i.e. casualties and those confined, some members of the military forces who took part in the oppression, and international citizens who observed the uprising) have been preserved in the form of audio data and transcripts.

4.5. Supplementary Conditions

1. Rarity:

Such records cannot be found anywhere outside Gwangju. There have been many uprisings in the world against military governments; however, few records have survived in their original form. When uprisings fail, it is usual that data maintained by victims is lost, but records of the May 18th Democratic Uprising have been preserved and still possess their original authenticity and vividness. These may be some of the few records maintained by victims.

2. Integrity:

Related data has been preserved without damage, but some data produced by the military government has not.

3. Threats:

- a) There is no danger of theft or damage unless some unavoidable event occurs such as fire.
- b) In the event of another military government coming to power, there is a possibility that the data from the uprising would be considered 'harmful' and be discarded.

4. Management Plan:

Currently there are three main organizations and three government authorities which hold the data. In the event of UNESCO's recognition of the data as 'Memories of the World', a new facility tentatively named 'Archives of the May 18th Democratic Uprising'* will be built to preserve them in a systematic and scientific way in accordance with ISO 9000.

* 'Archive of the May 18th Democratic Uprising' or 'May 18th Archive' in short will be used throughout the document; however, a permanent name for the facility will be discussed later.

5 LEGAL INFORMATION

Most copies of the documentary records are kept in the 518 Archive of Gwangju Metropolitan City Hall, the Archive of May 18 Memorial Foundation and May 18th Research Center of Chonnam National University. Original ownership, management, proprietary rights, accessibility and the administrative authority responsible differ from one datum to another. Listed below is each of the sorted data types.

1. Documents Produced by State Organizations

- a) Owner: Korean Government
National Archives of Korea
Government Complex, Seonsaro 139(920 Dunsan-2-dong),
Seo-gu, 302-701 Daejeon, S. Korea
Tel + 82-42-481-6245, Fax + 82-42-472-3906
- b) Manager: National Archives of Korea
- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: National Archives of Korea

2. Records of the Military Court Martial and the “Conspiracy to Rebel” charge against Dae-jung Kim

- a) Owner: Republic of Korea Army Headquarters
P.O.B.# 501-18, Bunam-ri Sindoan-myun Gyeryong city Chungnam, S.Korea
Tel + 82-42-550-6642
- b) Manager: Republic of Korea Army Headquarters
- c) Proprietary rights: Republic of Korea Army Headquarters
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal documents
- e) Responsible administrative authority: Republic of Korea Army Headquarters

3. Primary documents related to Civil Resistance

- a) Owner: Gwangju Metropolitan City
City Archives of Gwangju
1200 Chipyung-dong, Seo-gu, Gwangju 502-702, S. Korea
Tel + 82-62-613-1200,
- b) Manager: Gwangju Metropolitan City
- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: Gwangju Metropolitan City

4. Documentary photographs

- a) Owner: The May 18 Memorial Foundation.
Archives of the May 18 Memorial Foundation
1268, Sangmu-dong, Seo-gu, 502-260, Gwangju, S. Korea
Tel + 82-62-456-0518, Fax + 82-62-456-0519
- b) Manager: Archives of the May 18 Memorial Foundation

- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: Archives of the May 18 Memorial Foundation

5. Eye-Witness Testimony of Victims and Witnesses

- a) Owner: The May 18 Memorial Foundation.
Archives of the May 18 Memorial Foundation
1268, Sangmu-dong, Seo-gu, Gwangju 502-260, S. Korea
Tel + 82-62-456-0518, Fax + 82-62-456-0519
- b) Manager: Archives of the May 18 Memorial Foundation.
- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: Archives of the May 18 Memorial Foundation

6. Medical documents for Victims

- a) Owner: Gwangju Metropolitan City
City Archives of Gwangju
1200 Chipyeong-dong, Seo-gu, Gwangju 502-702, S. Korea
Tel + 82-62-613-1200
- b) Manager: Gwangju Metropolitan City
- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: Gwangju Metropolitan City

7. Minutes of the National Assembly in the Truth and Reconciliation Process

- a) Owner: Library of the National Assembly of Korea
1 Yeouido-dong, Youngdeungpo-gu, 150-701, Seoul, S. Korea
Tel + 82-2-788-4166 Fax +82-2-788-4059
- b) Manager: Library of the National Assembly
- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: Library of the National Assembly

8. Records of compensation for Victims

- a) Owner: Gwangju Metropolitan City
City Archives of Gwangju
1200 Chipyeong-dong, Seo-gu, Gwangju 502-702, S. Korea
Tel + 82-62-613-1200
- b) Manager: Gwangju Metropolitan City
- c) Proprietary rights: Public
- d) Accessibility: limited by rules and norms which protect privacy and the handling of certain personal data
- e) Responsible administrative authority: Gwangju Metropolitan City

9. Relevant Documents from the United States of America

- a) Owner: US government
- b) Manager: USA.
- c) Proprietary rights: USA.
- d) Accessibility: via allowances of the Freedom of Information Act
- e) Responsible administrative authority: USA.

6 MANAGEMENT PLAN

6.1. A Plan to Establish an Archive of the May 18th Democratic Uprising

Although the current arrangements have not given rise to any particular problems, there is a need to manage the collection of items related to the uprising and to preserve it in digital format in order to make it accessible to anyone wishing to examine it.

In order to implement these ideas, planning is underway to construct the **May 18th Democratic Uprising Archive** at the Gwangju Catholic Center, a place of significance and a symbol of the uprising. As well as providing optimum accessibility in a user-friendly structure, it is easy to locate and near to mass transportation. (Contract note from Gwangju Metropolitan City).

The **May 18th Democratic Uprising Archive** will play a pivotal role in preserving, managing and studying the records of the uprising for historical and educational purposes.

The following table lists the expected functions and required size of the Archives of the May 18th Democratic Uprising.

	Function	Required size	Remarks
Archive 1	To keep and manage data from the uprising: bibliographies	600m ²	One director One staff in charge of managing archives (those specializing in the field) One person in charge of preserving records (specializing in the appropriate field) One Exhibition Curator
Archive 2	To keep and manage data from the uprising: audio, video and photograph	300m ²	
Storage	For permanent preservation	300m ²	
Room for planned exhibitions	To exhibit records in collaboration with domestic/international authorities/organizations	300m ²	
Room for permanent exhibitions	To exhibit data and video records from the uprising	300m ²	
Seminar/Conference	For professional seminars / conferences	300m ²	
Video room	For playing video and audio data	200m ²	
Director's office and research room	professional researchers investigating the May 18 Uprising	300m ²	Five research scholars majoring in arts and science (one Ph.D.s in Politics, one Ph.D.s in Sociology, two Ph.D.s in History, one Ph.D. in Philosophy)
Administrative office	Administrative office	100m ²	Two administrative staff
Total		2700m ²	11 Persons

6.2. Plan regarding data maintenance

One hundred thousand pieces of May 18th related data have been collected and preserved. Fifty one of these are primary data covering some 40,000 pages which have been published since 1997 and are kept on one DVD disk (with copies) to improve practical usage in the Information Era. Other documentary data have been kept in their original form; however, they will be converted to digital form in order to minimize inconvenience and make it easier for the public to access them.

1) Goals of Data Management

- a) To provide an information search service classified by theme, case, time, persons and type of data, by providing an OCMS (One Click Multi Source) DB system where users can ubiquitously search and peruse the May 18th Democratic Uprising related information.
- b) To provide domestic citizens with data from the Uprising that can be used as an original source for research and educational materials about democracy and human rights and strengthen the foundation of the nation's awareness of democracy and the culture of human rights.
- c) To provide the international community with various facts about the May 18th Democratic Uprising, the history of Korean democracy development and the improvement of human rights, all of which promote universal values throughout the world and can serve as a model for the development of democracy and human rights in Asia.

2) Details of Data Management

- a) To establish a general database (DB) of the May 18th Democratic Uprising related data
- b) To keep documentary data in the DB including 51 books 'Series of the May 18th Democratic Uprising Data'
- c) To keep data in other forms on the DB including Uprising-related photographs, drawings, posters, leaflets, movies, video clips, plays, public performances and other films
- d) To establish a DB for images from original texts
- e) To establish a metadata DB from original texts
- f) To establish a full-text XML DB from original texts
- g) To develop an integrated system for data related to the Uprising
- h) To develop a management system and import required devices for the Uprising DB
- i) To import DRM (Digital Rights Management)

3) Plan for Data Collection

Much data has been collected, but further collection is necessary since unknown quantities of uncollected data are kept by individuals. Therefore, visits will be made by various May 18th organizations, to organizations such as the Bereaved Families Association of May 18th, the May 18th Association of the Injured, and Prisoners Association of May 18th, to collect personal diaries, photos and mementos from those days. Furthermore, indirect inquiries will be conducted involving the UNCHR, overseas human rights organizations and other authorities to fill in the gaps in the present data.

4) Plan for Use of Data

- a) Currently, textbooks using data from the Uprising are used in elementary/junior high schools and universities to educate students about democracy and human rights. Well-preserved photographs and video recordings will help spread the values of democracy, human rights and peace by promoting a human rights culture and sensitivity toward human rights among many people through Memorandum of Understanding with human rights-related authorities and organizations, including plans to circulate exhibitions.
- b) Moreover, records are currently used in seminars, special lectures and group training sessions for visiting human rights organizations and personnel from other countries, especially from Southeast Asia. These exchanges will be expanded and strengthened to contribute to democracy and human rights education for students by developing more education materials. Great efforts will be made to support researchers by providing Uprising-related data.

5) Budget

An annual budget of two hundred million won is spent on managing three archives in Gwangju, excluding personnel expenditure. An annual budget of three hundred million won is expected to be spent on managing Archives of the May 18th Democratic Uprising after its construction, excluding personnel expenditure.

7 CONSULTATION



ASIAN HUMAN RIGHTS COMMISSION

19 Floor, Go-Up Commercial Building, 998 Canton Road
Kowloon, Hong Kong . Tel: +(852) 2698-6339 . Fax: +(852) 2698-6367
E-mail: ahrchk@ahrchk.org . Web: www.ahrchk.net

10 March 2010

To whom it may concern,

RE: CONSULTATION LETTER

People in Asian countries have been suffering from dysfunctional democracies, rule of law and human rights for many years. Many countries in the region have shown systematic failures in access to justice. In addition, the culture of impunity is so endemic that those whose rights are violated have lost their trust in the justice delivery system. Under this general situation, Korea has a particular history in those terms. Historically, people in the Republic of Korea, like many countries, have also suffered from military rule and succeeded to transform their countries into a democracy.

Out of a series of movements for democracy, the Gwangju uprising in 1980 provided hope and courage, especially to those who have faced similar sufferings by the military dictatorship for long periods in the region, not only from the incident itself but also by the activities of the people. From the Asia experience, the archives relating to the Gwangju uprising contain very important aspects that have triggered democracy, human rights and rule of law in a country that is in a transitional period.

It took some years for the Gwangju uprising to be discussed publically due to enormous political pressure. However, as noted in the application, the prime principles for the transitional justice were made, which are truth, punishment of perpetrators, restoration of honour, appropriate compensation and commemoration. In particular, two former president of the South Korea have become cornerstones for the uprising.

The related archives are vast documents that report what the then government produced including military operations and investigation reports and also the report that civil society and individuals at that time produced. They also include the materials that have been produced afterwards by various civil society actors during the investigation at the National Assembly and the trial of the former two presidents. Most importantly those related archives have been well preserved.

Those archives stand as an exemplary example in the region that justice cannot be obtained by itself and it cannot coexist in a place where impunity is rampant. Unfortunately many countries in Asia have failed to achieve or obtain the experience that the people of the South Korea now have. It has become a valuable lesson to the people in the region. For this reason, those archives rightly deserve to have been proclaimed as a documentary heritage.

Yours sincerely,

Basil Fernando
Executive Director
Asian Human Rights Commission



8 CONSENT AND CONTRACT FOR REGISTRATION

1. Consent from the National Assembly

Consent Letter for the UNESCO's Memory of the World Register

1. The National Assembly Library shall agree that relevant minutes of May 18th Democratic Uprising included in the references to the May 18th Democratic Uprising (kept and managed by the organization) are registered as UNESCO's Memory of the World.
2. We sincerely wish that references to the May 18th Democratic Uprising from the organization can be registered as UNESCO's Memory of the World.

List of references for consent to register for UNESCO's Memory of the World

1. Two volumes of minutes of May 18th Democratic Uprising Fact-finding Special Committee
 - 142nd National Assembly (1st) ~ 144th National Assembly (19th) (Serial NO. 360)
 - 144th National Assembly (20th) ~ 147th National Assembly (32nd) (Serial NO. 361)
2. One volume of minutes of Special Committee of Political Corruption Investigation during the 5th Republic
 - 147th National Assembly (1st) ~ 147th National Assembly (2nd) (Serial NO. 333)(Excerpt from joint meeting of Special Committee of Political Corruption Investigation and May 18th Democratic Uprising Fact-finding Special Committee during the 5th Republic – 41 pages)

January 14, 2011

Chief Librarian of the National Assembly Library



2. Consent from the Republic of Korea Army Headquarters

CONSENT TO UNESCO REGISTRATION

Republic of Korea Army Headquarters hereby consents to register following May 18th Democratic Uprising related records, which this organization preserves and manages, as UNESCO's Memory of the World Register,

[Consented List of Records for Registration]

1. 4 volumes of court's judgments of criminal cases related to the May 18th Democratic Uprising

* Title of Records : '81 Gwangju Case (vol. 41, 42, 43, 44)

2. 1 volume of court's judgment of former President Dae-jung Kim's criminal case

* Title of Record : '81 Kim Dae-jung's Conspiracy to Rebel Case (vol. 40)

Provided that, even after registered as Memory of the World Register, in accordance with the laws and rules of Republic of Korea, this organization will continue to exercise all rights regarding preservation and accessibility of above records.

January 13th, 2011

Chief of Staff, Republic of Korea Army GEN Kim Sang-Ki



3. Confirmation Letter from the National Archives of Korea

Confirmation Letter

The National Archives of Korea (NAK) confirms that the original files of the records in references to the May 18th Democratic Uprising, proposed to be inscribed as the Memory of the World Heritage by the *Nomination Committee for the May 18th Democratic Uprising Documents for the UNESCO Memory of the World*, are preserved at and in the custody of the NAK. (See attachment for the list of files.)

The NAK would actively comply with the standards set by the UNESCO including operating appropriate management and preservation mechanism for and guaranteeing proper public access to the records in reference to the May 18th Democratic Uprising so that the references are securely and systemically managed as the UNESCO Memory of the World hereafter.

However, it has also to be noted that all rights to disclose, utilize, preserve and manage the references continue to be reserved by the NAK according to relevant laws and regulations in Korea, after the references in the custody of the NAK are registered as a UNESCO World Record Heritage.

January 18, 2011

President
National Archives of Korea



Attachment: List of National Archives of Korea for references to the May 18th Democratic Uprising

File Name	Year of Production	Produced by	Disclosed	Remarks
Casualties of Gwangju Incident	1980	Gwangju Metropolitan City	Partially	See below
Gwangju Incident	1980	Gov't Information Agency	Partially	See below
Damage of Gwangju Incident	1980	Gwangju Metropolitan City	Partially	See below
Damage Control of Gwangju Incident	1980	Gwangju Metropolitan City	Partially	See below
Recovery of Gwangju Incident	1980	Gwangju Metropolitan City	Partially	See below
Gwangju Incident (Relief fund)	1980	Gwangju Metropolitan City	Partially	See below
May 18 th Uprising (Community Chest drive)	1980	Gwangju Metropolitan City	Partially	See below
May 18 th Incident	1980	Gwangju Metropolitan City	Partially	See below
Files relating to funeral expenses of May 18 th Uprising	1980	Gwangju Metropolitan City	Partially	See below
Relevant files of decree violators (2010)	1980	Gwangju Police Station	Partially	See below
Recovery progress report of Gwangju Incident	July 19, 1980	Presidential Secretariat	All	
Criteria for recovery support of Gwangju Incident - Agenda of Countermeasure Committee of Gwangju Incident	June 16, 1980	Economic Planning Board	All	
Difficulties for treatment of the wounded & action report of Gwangju Incident	June 11, 1980	Presidential Secretariat	All	
Recovery progress report of Gwangju Incident	June 4, 1980	Presidential Secretariat	All	
Combined report of Gwangju Incident	June 3, 1980	Jeollanamdo	All	
Records of relief funding of Gwangju Incident	June 23, 1980	Ministry of Health & Society	All	
Difficulties & actions against treatment of the wounded of Gwangju Incident	June 10, 1980	Ministry of Health & Society	All	
Countermeasure Committee of Gwangju Incident (4 th)	June 1, 1980	Ministry of Home Affairs	All	
Meeting result of Countermeasure Committee of Gwangju Incident (3 rd)	June 27, 1980	Ministry of Home Affairs	All	
Special Committee for Gwangju Incident (1 st)	June 22, 1980	Ministry of Home Affairs	All	
Recovery standards & damage of Gwangju Incident	June 1, 1980	Ministry of Home Affairs	All	
Recovery of Gwangju Incident	July 14, 1980	Ministry of Home Affairs	All	
Directions for recovery of Gwangju Incident	June 9, 1980	Economic Planning Board	All	
Special support standard for recovery of Gwangju Incident (draft)	June 31, 1980	Ministry of Construction	All	
Damage of Gwangju Incident	June 31, 1980	Ministry of Construction	All	

* Restricted access is allowed for 10 files including Classified files such as 'relevant files of May 18th Democratic Uprising'(1980/produced by Gwangju Metropolitan City) and partially revealed files such as 'Damage of Gwangju Incident' according to 'the Law on Disclosure of Information in Public Organizations.'

4. Letter from the Embassy of the United States of America



Embassy of the United States of America

January 28, 2011

Ms. Joie Springer
Senior Programme Specialist
Division de la société de l'information
UNESCO 1, rue Miollis
75732 Paris Cedex 15

Dear Ms. Springer:

The Public Affairs Section of the U.S. Embassy in Seoul, Korea has received a request from the Director of Gwangju's May 18th Democratic Uprising Documents to the UNESCO Memory of the World Nomination Committee for that committee to submit declassified U.S. Government documents to UNESCO. The U.S. Embassy has no objection to the committee's submission to UNESCO of U.S. Government documents that have been declassified and released to the public through Freedom of Information Act procedures.

Best regards,

A handwritten signature in blue ink, appearing to read "Patrick J. Linehan".

Patrick J. Linehan
Minister-Counselor for Public Affairs
U.S. Embassy Seoul

5. Confirmation Letter for May 18 Archive
& Contract note of the Gwangju Catholic Center



Gwangju Metropolitan City
Human Rights Office
#1200 Chipyung-dong, Seo-gu, Gwangju, Korea
Tel: +82-62-613-2072 Fax: +82-62-613-2069

Gwangju Metropolitan City Human Rights Office Serial NO. 210

Confirmation Letter for 「May·18 Archive」

1. Gwangju Metropolitan City will set up the May 18 Archive in Gwangju Catholic Center for the preservation and management of references to the May 18th Democratic Uprising and it will be operated on the basis of 「Law on Management of Public References」 .
2. Gwangju Catholic Center is designated as a historic site of the May 18th Democratic Uprising by Gwangju Metropolitan City and it will be purchased by 2012.
3. We are hoping that references to the May 18 Democratic Uprising will be registered as a UNESCO World Record Heritage.

Attachment: A copy of contract note for Gwangju Catholic Center

January 11, 2011

Un-tae Kang

Mayor of Gwangju Metropolitan City

등록번호	보상과-2430
등록일자	2010.5.28
공공구분	공공용개

가톨릭센터(토지 및 건축물) 매매 계약서

□ 손실보상금 내역 : 금일백삼십오억일천삼백사십일만칠천삼백구십원정 (₩13,513,417,390)

○ 토지 보상금								
부동산의 표시				편입토지		단가	보상금	
연번	동	지번	지목	면적(㎡)	지번	면적(㎡)	소유지분	
1	금남로3가	3-5	대	1,500.5	3-5	1,500.5		
							7,861,333	11,795,930,160
계								11,795,930,160
○ 건축물 보상금								
연번	소재지		종류	구조및규격	수량	단가	보상금	
	동	지번						
1	금남로3가	3-5	건물	5,956.61㎡ (지하1층, 지상7층)		288,333	1,717,487,230	
계								1,717,487,230

□ 보상금 중 1차 지급액 : 계약금 금구억육천구백만원정 (₩969,000,000)

○ 누계 지급금액 : 969,000,000원(금회 지급액 포함) / 미 지급액 : 12,544,417,390원

상기 표시의 부동산은 우리 시에서 시행하고 있는 아시아문화중심도시조성사업의 일환으로 추진 중인 근·현대건축물 문화거점재생사업에 편입 결정된 가톨릭센터(토지·건축물)로서 협의 양수함에 있어, 양수자 광주광역시장을 "갑"이라 칭하고, 양도자 재단법인광주구천주교회 "을"이라 칭하여 아래 조항을 약정하기로 한다.



제1조 (보상금청구) "을"은 계약서 작성 후 우선 계약금을 "갑"에게 청구하고 중도금 및 잔금은 제2조의 일정에 따라 청구하여야 하며, "을"은 잔금 청구시에는 소유권 이전에 필요한 제반 서류를 구비하여 "갑"에게 제출하여야 한다.

제2조 (보상금지급) "갑"은 이 계약 체결 후 "을"이 지정한 은행에 계좌입금 방법으로 우선 계약금을 지급하며, 중도금과 잔금은 2012. 12. 31까지 분할하여 지급토록 한다.

제3조 (지장물건 및 입주자의 이전 등) 사업에 불필요한 지장물건과, 입주자의 이전(이설 또는 이식 포함) 등에 있어 "을"이 잔금 납부예정일로부터 30일 이전까지 "갑"의 공사에 지장이 없도록 그 이전(이설 또는 이식 포함)을 완료하여야 하며, 이에 필요한 이전(이설 또는 이식 포함) 비용은 "갑"에게 청구하지 않는다.

제4조 (제 시설의 금지) "을"은 본 계약 체결 후 매도 토지상에 건물을 신축, 증축, 개선하거나 공작물 그 밖의 시설물을 설치하지 못한다. 다만, 부득이한 경우 "을"은 "갑"의 승락을 사전에 얻어 이를 행할 수 있다.

제5조 (물권 설정의 제한) "을"은 본 계약 체결 이후 어떠한 경우라도 "갑"의 승락 없이 다음 각호의 1에 해당하는 행위를 하지 못한다.

1. 본 계약 재산의 전대 또는 양도
2. 본 계약 재산의 지당 등 제 물권의 설정 (다만, 계약체결 이전에 "을"이 행한 행위에 대하여는 "을"의 책임하에 스스로 물권 설정 등을 해지하여야 한다)

제6조 (계약 재산의 보호) "을"은 본 계약 체결에 따라 계약일 이전의 본 토지 및 지장물에 대하여 설정된 여하한 권리 (사용료, 청구권 포함)도 "을"의 책임에 속하는 것이며 "갑"에게 청구하지 못한다.

제7조 (손해배상) "을"은 본 계약 각 조항의 의무를 이행하지 않거나, '소유권의 하자'와 건축물의 훼손·변형'으로 인하여 "갑"이 동 토지 및 건축물을 사용할 수 없거나 손해를 입었을 경우에는 "갑"의 청구에 의하여 "을"이 손해배상을 하여야 한다.

제8조 (권리설정) "갑"은 "을"에게 증도금을 지급하면서 본 토지 및 건축물에 대하여 소유권이전등기 청구권 보존의 가등기 절차를 "을"의 협조 아래 이행할 수 있으며, 이에 따른 등기신청 비용은 "갑"이 부담한다.

제9조 (지구해석의 결정) 본 계약 자구의 해석상 "갑"과 "을"간에 이의가 있을 때에는 "갑"과 "을"이 상호 협의하여 결정한다.

위 계약 체결을 후일에 증하기 위하여 본 계약서를 3통 작성, 공증을 거쳐 각각 증빙자료로 비치 보관하며, 이에 따른 공증 비용은 "갑"이 부담한다.

2010년 5월 일

매수인(갑) 주 소 : 광주광역시 서구 치평동 1200

성 명 : 광 주 광 역 시

위 대리인 광주광역시 종합건설본부



매도인(을) 주 소 : 광주광역시 동구 소태동 722

성 명 : 재단법인광주천주교회유지재단



PART B - SUBSIDIARY INFORMATION

1 ASSESSMENT OF RISK

There is no notable risk as of now. The authorities and organizations where data are preserved have dedicated themselves to the May 18th Democratic Uprising and they hold the public trust. In particular, three of these organizations exist to collect and maintain data related to the Uprising.

As the data of national authorities are kept in accordance with the guidelines set forth in Act No. 5709 of the Management of Public Archives, there is no immediate need to transfer items to the Archives of the May 18th Democratic Uprising.

Since the preservation of data kept by national authorities is ensured by law, it may be concluded that there is low exposure to risk (including burglary) with the exception of the risk of fire.

2 ASSESSMENT OF PRESERVATION

2.1. Current Status of Data

Central administrative and military documents are preserved at the National Archives of Korea and Ministry of National Defense, R.O.K and managed in accordance with Public Records Management Law and ISO 9000. The two facilities maintain regular stock checks, fumigation procedures and run 24-hour library monitoring systems to maintain appropriate library conditions such as temperature in the range of 18 to 21 Celsius and a humidity of 48 to 50%. The same conditions apply to three organizations in Gwangju, being the May 18 Archives at Gwangju Metropolitan City Hall, the Archives at the May 18 Memorial Foundation and the Center for Democracy, Human Rights and Peace at Chonnam National University, where documents from the city government, citizens, civic organizations and records made during fact-finding procedures are kept.

The central archive also possesses thermo-hygrostats, Closed Circuit Television monitoring and a fire-preventive system, and making precautionary checks on data annually. These conditions are believed to be the most desirable.

The three organizations in Gwangju are also well-equipped to preserve data with a thermo-hydrostatic and theft-proof system for each archive.

The following information shows the comparison between specifications and the current conditions among three organizations located in Gwangju.

Classification	518 Archive of Gwangju Metropolitan City Hall (http://518center.gjcity.net)	Archive of May 18 Memorial Foundation (http://www.518.org)	May 18th Research Center of Chonnam National University (http://altair.chonnam.ac.kr/~cnu518)
Date of Foundation	May 1 st , 1995	Aug. 30 th , 1994	Dec. 10 th , 1996
Founding Authority	City Regulation regarding the Management of the Archives for Data from the May 18th Democratic Uprising	Own regulation	Own regulation
Size of the Archive	60m ²	60m ²	39m ²
Thermo-hygrostat	2 devices	1 device	Not available
Fire Extinguisher	One for general use One Halon extinguisher	Two for general use	One for general use
Storage	132m ² , Helium fire-extinguishing system	Not available	Not available
Quantity of Data	36,889 pieces/articles	42,637 pieces/articles	20,500 pieces/articles
Manager	Two persons	Two persons	One person
Annual Budget*	61,103 EUR (95 million KRW**)	58,810 EUR (92 million KRW)	639 EUR (One million KRW)

* F/X rate is based on the F/X rate table from Feb. 19th, 2010.

** KRW signifies the currency of South Korea (Korean Won).

2.2 History of Conservation

Some data were collected at individual and organization levels when the Uprising came to an end in May 1980; however, a systematic collection began with the establishment of three organizations in Gwangju, that is, the 518 Archives at Gwangju Metropolitan City Hall in 1995, the Archives at the May 18 Memorial Foundation in 1994, and the Center for Democracy, Human Rights and Peace at Chonnam National University in 1996. Those three archives now hold data donated by individuals and organizations.

2.3. Guidelines for Conservation

Data are kept in accordance with guidelines, provided by law in the Management of Public Archives, Act No. 5709. The Enforcement Rule of the act regarding producing and managing archives is presented in detail in accordance with Law No. 54 by the Ministry of Public Administration and Security. The management of archives is maintained in accordance to articles 15 to 47 of the Enforcement Rule of the Act on the Management of Public Archives.

Article 15: Manager of the records, Article 16: Standard chart of record management, Article 17: Discussion and determination of the preservation organization by unit assignment, Article 18: Mark to open and close records, Article 19: Writing the list of transfer of records, Article 20: Extension of period to transfer records, Article 21: Period to write status of records production, Article 22: Notification of plans for records collection, Article 23: Media of electronic records and standards of devices, Article 24: types and standard of preservation media, Article 25: Containing photo discs, Article 26: production of microfilms, Article 27: notification of production of records, Article 28: Signs of library and bookshelves, Article 29: appointment of library manager, Article 30: Preservation of records, Article 31: Inspection of records, Article 32: Limitation of transfer of records, Article 33: Perusing the original copies of records, Article 34: Restoration and duplication of records, Article 35: Evaluation

documents of records, Article 36: Publication & registration, Article 37: Classification of publication, Article 38: Standards of record materials, Article 39: Notification of production of classified records, Article 40: Request to peruse records by information communication network, Article 41: Limited access to closed records, Article 42: Education of record management course, Article 43: Identification of record inspector, Article 44: Application for registration of government-appointed records, Article 45: Registration and notification of government-appointed records, Article 46: Report of disposition of government-appointed records, Article 47: Commission and collection of government-appointed records.

PART C – LODGEMENT

Young-jin Kim /Chairperson/ National Assembly Member

Un-tae Kang / Mayor, Gwangju Metropolitan City

Huy-gook Jang / Superintendent, Gwangju Metropolitan Office of Education

Yoon Soo Kim / President, Chonnam National University

Ho-jong Jeon / President, Chosun University

Hyuk Jong Kim / President, Gwangju University

Jun Tae Kim / President, May 18 Memorial Foundation

Soo-man Chung / President, Democratic Association for Honorable Persons and Victims' Families

Hee-seung Yang / President, The May 18th Association for Detainees and Casualties

Kyung-jin Shin / President, Association for the Wounded from May 18 Democratization Movement

Sung-ryea Ahn / Director, May Mothers' House

Jan. 30, 2011

Name

Signature

Young-jin Kim



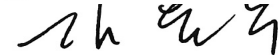
Un-tae Kang



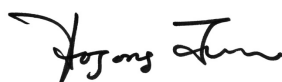
Huy-gook Jang



Yoon-soo Kim



Ho-jong Jeon



Hyuk-jong Kim



Jun Tae Kim



Soo-man Chung



Hee-seung Yang



Kyung-jin Shin



Sung-ryea Ahn



Annexes

Annex #1) Documents produced by State Organizations

- 1. Title:** Administrative Organization Data in 1980
- 2. Written by:** Gwangju City Government, Gwangju Police etc.
- 3. Issue date:** May, 1980 ~ July, 1980
- 4. Contents**
 - Casualties of Gwangju Incident
 - Gwangju Incident
 - Damage of Gwangju Incident
 - Damage Control of Gwangju Incident
 - Recovery of Gwangju Incident
 - Gwangju Incident (Relief fund)
 - May 18th Uprising (Community Chest drive)
 - May 18th Incident
 - Files relating to funeral expenses of May 18th Uprising
 - Relevant files of decree violators
 - Recovery progress report of Gwangju Incident
 - Criteria for recovery support of Gwangju Incident
 - / Agenda of Countermeasure Committee of Gwangju Incident
 - Difficulties for treatment of the wounded & action report of Gwangju Incident
 - Recovery progress report of Gwangju Incident
 - Combined report of Gwangju Incident
 - Records of relief funding of Gwangju Incident
 - Difficulties & actions against treatment of the wounded of Gwangju Incident
 - Countermeasure Committee of Gwangju Incident (4th)
 - Meeting result of Countermeasure Committee of Gwangju Incident (3rd)
 - Special Committee for Gwangju Incident (1st)
 - Recovery standards & damage of Gwangju Incident
 - Recovery of Gwangju Incident
 - Directions for recovery of Gwangju Incident
 - Special support standard for recovery of Gwangju Incident (draft)
 - Damage of Gwangju Incident
- 5. Reference form:** A4 paper (25 volumes)
- 6. Managed by:** National Archives of Korea

Annex #2) Records of the Military Courts Martial and the “Conspiracy to Rebel” charge against Dae-jung Kim

- 1. Title:** Record of indictment Relating to the Gwangju Massacre in 1980
- 2. Written by:** Prosecution Department of the 31st Infantry Division
- 3. Issue date:** July 29th, 1980 ~ September 5th, 1980

4. Content

- Court's judgments of criminal cases related to May 18 Democratic Uprising
- Court's judgments of former President Dae-jung Kim's criminal case

5. Reference form: A4, 5 volumes

6. Managed by: Republic of Korea Army Headquarters

Annex #3) Primary documents related to the Civil Resistance

1. Title: Statements, leaflets and declarations

2. Written by: Citizens and civic organizations

3. Issue date: May, 1980

4. Content

- To citizens of democracy
- To my fellow Gwangju citizens with patriotism
- A letter to President Gyu-ha Choi of the transitional government
- A poem to reveal Gwangju's tragedy in 1980
- A letter to people
- A letter to students of democracy
- To my fellow Gwangju citizens of democracy
- A letter to victims' families
- A letter to men of religion
- A letter to journalists
- A letter to ROK soldiers
- I denounce superficial government and authority of martial law.
- I have an announcement to make for citizens.
- A letter of rebuttal to the Governor's letter to residents
- Gwangju citizens are wailing
- Young-taek Kim's news notebook
- Soyeon Joo's May diary
- Hanyoo Cho's May diary
- Keon Choi's news notebook
- Hankum Cho's diary of Gwangju Massacre
- Etaik Ju's May diary

5. Reference form: 20 cases, 7 volumes, 46 pages

6. Managed by: Gwangju Metropolitan City Hall

Annex #4) Documentary photographs

1. Photo: 2,017 Negative films 1,733 photos

2. Photographers: Gyeong-tak Na, Betts Huntley etc.

3. Date of Photograph: May, 1980 ~ June, 1980

4. Location of Photograph: Areas around Gwangju

5. Description: Records of events surrounding the May 18th Democratic Uprising, including National Assembly and Military Trials

6. Managed by: Gwangju Metropolitan City Hall

Annex #5) Eye-Witness Testimony of Victims and Witnesses

Classification	The May 18 Memorial Foundation	May 18 Research Center, Chonnam National University	Justice & Peace Committee of Archdiocese of Gwangju Catholic Church	YMCA	Research Center for Modern History	National Institute of Korean History
No. of witnesses (1,471)	744	56	20	140	500	11
Recording body/ organization	The May 18 Memorial Foundation	May 18 Research Center, Chonnam National University	Justice & Peace Committee of Archdiocese of Gwangju Catholic Church	YMCA	Research Center for Modern History	National Institute of Korean History
Form of testimony	Voice, image, copies	Voice, image, copies	Image, copies	Image, copies	Record	Voice, image, copies
Amount of data	862 hours, 12,133 pages of A4 paper	4 sourcebooks, 1,200 pages of A4 paper		320 Betacam tapes, 9,600 minutes	1,913 pages of A4 paper	74 hours
Managing body/ Organization	The May 18 Memorial Foundation	May 18 Research Center, Chonnam National University	Justice & Peace Committee of Archdiocese of Gwangju Catholic Church	YMCA	Research Center for Modern History	National Institute of Korean History

Annex #6) Medical documents for Victims

1. **Title:** Report on the Injured
2. **Written by:** Chonnam National University Hospital, Chosun University Hospital, Red Cross Hospital, orthopedic clinics in Gwangju
3. **Issue date:** 1980
4. **Content:** Report on the injured from Chonnam National University Hospital, Chosun University Hospital, Red Cross Hospital, orthopedic clinics in Gwangju
5. **Reference form:** 3 volumes, 603 sheets in total
6. **Managed by:** Gwangju Metropolitan City Hall

Annexes #7) Minutes of the National Assembly in the Truth and Reconciliation Process

- 1. Title:** Minutes of the Meeting of the Special Fact-finding Committee for May 18th Democratic Uprising
- 2. Written by:** Secretariat of the National Assembly
- 3. Issue date:** July 8th, 1988 ~ December 30th, 1988
- 4. Contents:** The National Assembly hearings for perpetrators and victims of May 18th Democratic Uprising
- 5. Reference form:** A4 3 volumes
- 6. Managed by:** Library of the National Assembly

Annex #8) Records of compensation for Victims

- 1. Title:** Victims' Compensation Records from 1990
- 2. Written by:** Gwangju Metropolitan City Hall
- 3. Issue date:** 1990 ~ 1997
- 4. Contents**
 - Research data and written decision of financial compensation for those who were dead, injured and arrested, etc.
 - Written decision of support funds for those who were taken to the police, detained and missing, etc.
- 5. Reference form:** 695,336 pages of A4 paper (3,880 volumes)
- 6. Managed by:** Gwangju Metropolitan City Hall

Annex #9) Relevant Documents from the United States of America

- 1. Title:** Declassified Telegrams of the US State Department, US Embassy in Seoul, Department of Defense and CIA
- 2. Written by:** US State Department, Department of Defense and CIA
- 3. Issue date:** January 4th, 1979 ~ December 31st, 1980
- 4. Content:** Frequent reports on all matters relating to the military, political and economic situations by the US Ambassador to Seoul which were mostly confidential
- 5. Reference form:** 3,471 pages of A4 paper
- 6. Original copies kept by:** US State Department, Department of Defense and CIA

Annex #10) World significance in Asia

Establishment of a Monument for the Disappeared, and Activities in Sri Lanka

The May 18th Democratic Uprising had a substantial influence on those who lost family members during the 1980s and 1990s, when 600,000 Sri Lankan people were either murdered or missing. These families formed an organization, and also built the monument for the disappeared. They were truly impressed and inspired by the monument at the May 18th Memorial Cemetery in Gwangju during their visit. Since then, their efforts and struggles against inhumane authority, their campaign against torture, and their organizing of meetings for victims of torture, etc. have been made based on the May 18th Democratic Uprising and our fact-finding activities.

Mr. Britto Fernando noted that 'Association for families of the Disappeared' formed in 1991 wasn't so successful in the beginning, but the May 18th Democratic Uprising became a catalyst for their struggle. They felt confident and motivated after realizing how Gwangju citizens had continuously and successfully struggled to correct the wrongs of the government. (e-mail : right2life@gmail.com)

Activities of victims' families from Thai Students' Protest in 1992

Those who lost their families during the large-scale protest staged by students in Thailand, 1992, visited Gwangju and talked with families of the victims of the May 18th Democratic Uprising. They then later struggled to regain the reputation of and receive compensation for the victims in Thailand. This was eventually successful. In particular, there was one intriguing case of a victim's mother from Thailand, who was visiting the Gwangju May 18th Memorial Cemetery, and burst into tears together with victims' families from May 18th Democratic Uprising. After this visit, she was no longer frustrated.

Mrs. Yaenah Salaemae, whose son was injured during the Massacre in Tak Bai in the south of Thailand, and whose husband was shot to death because of his fact-finding activities, built the 'Center for Victims' Families' in her own house where they lived together, took care of each other and voiced their opinions as we did in Gwangju. This all happened after they had visited Gwangju. Mrs. Yaenah Salaemae said "We learned a lot from Gwangju, especially about victims' families from the May 18th Democratic Uprising. They taught us how they had struggled and collaborated for the common cause. It was then we realized that our priority was to collaborate and struggle together."

'May Mothers' Association in Jakarta, Indonesia'

Indonesia in May, 1998, was quite similar to Gwangju in May, 1980. The protest that first began at Trisakti University in May, demanding the resignation of the Suharto Regime, became stronger. On May 12, 1998 soldiers shot at students and four of them were killed. Democratic organizations in Indonesia called it 'May 12 Tragedy.'

The protest was triggered by university students who strongly craved for democratization after watching documentary films and reading materials about May 18th Democratic Uprising. Mr. Chris(lawyer) said that students excitedly hoping for democratization were encouraged by what happened during and after the May 18th Democratic Uprising. Circumstantial similarities between Gwangju in May, 1980 and Indonesia in May, 1998 played a significant role, too.

Kasia who lost her son during the protest said, "The May 18th Democratic Uprising gave me strength and hope. At first, it infuriated me that the government didn't answer or react. However, I was somewhat relieved to see that there were a lot of mothers under similar circumstances in Gwangju. I wish that my son's death can contribute to democratization in Indonesia."

'Thursday Meeting' started by victims' families from 2007 was influenced by 'May Mothers' Association' in Argentina. However, they decided to bring black umbrellas for the meeting after they had seen mothers dressed in black mourning clothes here in Gwangju.

The Special Comments on 5.18 Democratic Uprising by Gwangju Prize for Human Rights Laureates.

Malalai Joya(National Assembly, Afghanistan, Co-Laureate of the Gwangju Prize for Human Rights 2006)

This award has a very special meaning to me, it links me to a shining history pages of the Korean people for liberation, democracy and justice, it links me with the heroic May 18 Gwangju Uprising which is always a source of inspiration to me. By giving me this award, you motivate me to fight with the same determination and steadfastness against enemies of humanity in my ill fated country, which was demonstrated by freedom loving people of Korea in Gwangju. It connects me to the esprit of May 18 victims who bravely fought aggressors and criminals to bring a better and peaceful future for their people.

Lenin Raghuvanshi(Convener, People's Vigilance Committee on Human Right, India, Co-Laureate of the Gwangju Prize for Human Rights 2007)

It is time to revive the far-sightedness, the vast imagination and great sensitivity of the people who are remembered on the May 18. It is time that we re-articulate their aspiration in global terms and it is time to grasp the possibilities of that moment. The spirit of the May 18 Gwangju uprising has become a light of hope to us.

Irom Singhajit Singh(Brother of Irom Sharmila, India, Co-Laureate of the Gwangju Prize for Human Rights 2007)

When the news of Gwangju award was delivered to her, she said "Go and accept the award on behalf of the people of Manipur. The movement needs it. We must thank Gwangju and the world for the solidarity and support". So here I am. For I sincerely believe this solidarity and recognition would bring a new vigor to the movement for justice, equality and basic human rights.

Muneer Malik(Human Rights Lawyer, Pakistan, Gwangju Prize for Human Rights Laureate 2008)

I am deeply humbled that the May 18 Memorial Foundation has chosen me to receive the Gwangju Prize for Human Rights Award 2008. On a personal level I do not consider myself worthy of the prize. In is in fact the community of lawyers of Pakistan,who dared to challenge the status quo that is collectively deserving of this honour. What is an even greater honour for the lawyers of Pakistan is that you have remembered their movement in the same breath that you commemorate the great Gwangju Uprising of May 18, 1980 popularly known throughout the world as the Gwangju Democratization Movement.

Sushil Pyakurel(President of the Accountability Watch Committee, Nepal, Gwangju Prize for Human Rights Laureate 2010)

The spirit of Gwangju shall always inspire us to struggle in defense of democracy. Gwangju is not an unfamiliar name for me and among the youths who have fought in support of democracy in the decade of the 1980s and it is a name frequently recalled, which remains as a source of inspiration to many of us. This award has inspired me to stand firmly on the path led by the Gwangju movement of May 18th.

Annex #11) Acts on the May 18 Democratization Movement

- 1) ACT ON PAYMENT, ETC. FOR PERSONS RELATED TO THE MAY 18 DEMOCRATIZATION MOVEMENT**
- 2) SPECIAL ACT ON THE MAY 18 DEMOCRATIZATION MOVEMENT, ETC.**
- 3) ACT ON THE HONORABLE TREATMENT OF PERSONS OF DISTINGUISHED SERVICES TO MAY 18 DEMOCRATIZATION MOVEMENT**

ACT ON PAYMENT, ETC. FOR PERSONS RELATED TO THE MAY 18 DEMOCRATIZATION MOVEMENT

Act No. 4266, Aug. 6, 1990
Amended by Act No. 5291, Jan. 13, 1997
Act No. 5454, Dec. 13, 1997
Act No. 5463, Dec. 17, 1997
Act No. 6122, Jan. 12, 2000
Act No. 7215, Mar. 27, 2004
Act No. 7908, Mar. 24, 2006
Act No. 7911, Mar. 24, 2006

Article 1 (Purpose) The purpose of this Act is to seek the stabilization of livelihood and the improvement of welfare, and further to contribute to the unity of people and the development of democracy by having the dead, missing or injured individuals in relation to the May 18 Democratization Movement on or around May 18, 1980 (hereinafter referred to as the “concerned individuals”) and their surviving family members restore reputation and by offering them substantial payments. <Amended by Act No. 7911, Mar. 24, 2006>

Article 2 (Scope of Surviving Family Members, etc)

(1) The term “surviving family members” as referred to in this Act shall mean the heirs to the estates of the concerned individuals under the relevant provisions of Civil Act, provided that, for the missing person, the individuals who were to be the heirs to the estate under the relevant provisions of the Civil Act at the time of missing shall be deemed the surviving family members.

(2) The surviving family members under the provisions of Section (1) of this Article share the right to receive the payment and the welfare benefits provided by this Act, pursuant to the provisions on the distribution of estates under the Civil Act.

Article 3 (Committee for Assistance in Payment to Individuals related to May 18 Democratization Movement)

(1) The Committee for Assistance in Payment to Individuals Related to the May 18 Democratization Movement (hereinafter referred to as the “Payment Assistance Committee”) shall be established under the office of the Prime Minister to assist in the payments, etc. to the concerned individuals and their surviving family members pursuant to this Act. <Amended by Act No. 7911, Mar. 24, 2006>

(2) The function of the Payment Assistance Committee shall be as listed in the following subsections: <Amended by Act No. 7911, Mar. 24, 2006>

1. Assistance in the payment to concerned individuals and their surviving family members;
2. Taking measures needed for restoring the reputation of the concerned individuals;
3. Raising and managing funds to assist concerned individuals or their surviving family members;
4. Devising measures for financial resources regarding payment, etc. to concerned individuals or their surviving family members;
5. Assistance in the projects related to May 18 Democratization Movement; and
6. Miscellaneous assistance to concerned individuals or their surviving family members.

(3) The Payment Assistance Committee shall consist of up to 15 members including a Chairman. The Prime Minister shall be the Chairman and the members shall be appointed or entrusted by the Prime Minister among those with abundant learning and experience and among concerned public officials, pursuant to a Presidential Decree.

(4) Matters necessary for the organization and the operation, etc. of the Payment Assistance Committee shall be prescribed by the Presidential Decree.

Article 4 (Committee for Inquiry of Payment to Concerned Individuals to May 18 Democratization Movement)

(1) For the inquiry of facts, and the review and determination of payments, etc. to concerned individuals and their surviving family members pursuant to this Act, the Committee for Inquiry of Payment to concerned individuals to the May 18 Democratization Movement (hereinafter referred to as the "Inquiry Committee") shall be established in Gwangju Metropolitan City. <Amended by Act No. 7911, Mar. 24, 2006>

(2) The function of the Inquiry Committee shall be as listed in the following subsections: <Amended by Act No. 7911, Mar. 24, 2006>

1. To review and determine whether an applicant qualifies as a concerned individual or his or her surviving family member;
2. To determine the impairment grade of injured persons at issue;
3. To review, determine, and provide payments, etc., to concerned individuals or their surviving family members
4. To prepare bills for presentation to the Payment Assistance Committee and to dispose the matters delegated by Payment Assistance Committee;
5. To provide further assistance to concerned individuals or their surviving family members

(3) The Inquiry Committee shall consist of up to 15 or less members including a Chairman. The Mayor of Gwangju Metropolitan City shall be the Chairman and the members shall be appointed or entrusted by the Prime Minister from among the persons with abundant learning and experience, and among concerned public officials as prescribed by Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997>

(4) The Inquiry Committee may have subcommittees consisting of 10 or less members each for the examination and the determination pursuant to sections (2) 1 and (2) 2 of this Article.

(5) Matters necessary for the organization and the operation, etc. of the Payment Assistance Committee shall be prescribed by the Presidential Decree.

Article 5 (Payment)

(1) The payments, the combination of the amounts calculated pursuant to the classifications in the following subsections and interests thereon according to the legal interest rate up to the time of determination of payment shall be paid to concerned individuals or their surviving family members: <Amended by Act No. 7911, Mar. 24, 2006>

1. As for surviving family members of the individuals died or confirmed missing in regard to the May 18 Democratization Movement, the amount calculated as the monthly salary, take-home income or average monthly wage at the time when the person died or confirmed missing multiplied by the work expectancy period and deducted by the interim interest discounted with simple interest discount method by legal interest rate.
2. As for those who were injured in regard to the May 18 Democratization Movement or their surviving family members, the sum of the following amounts:
 - (a) The amount of loss during medical treatment in case of losses to monthly salary, take-home income or average monthly wage due to necessary medical treatment; and
 - (b) In case of disability to the injured, the amount calculated as the monthly salary, take-home income or average monthly wage at the time of the injury multiplied by and the loss rate of working capacity and the work expectancy period, deducted by the interim interest discounted with simple interest discount method by legal interest rate, according to the degree of the loss of working capacity due to disability.

(2) Where a person who was injured in respect to the May 18 Democratization Movement dies for a cause other than the injury, he or she shall be deemed alive and be paid pursuant to Section (1) 2. <Amended by Act No. 7911, Mar. 24, 2006>

(3) The monthly salary, take-home income or average monthly wage as referred to in Section (1) shall be determined by the verification of the head of Si/Gun/Gu or of tax office, or by other types of reliable public verification, or shall be determined by Presidential Decree where it is not verifiable.

(4) In calculating the payment pursuant to Section (1), the living expenses provided by Presidential Decree shall be deducted from the monthly salary, take-home income or average monthly wage.

(5) The work expectancy period, the impairment grade of injury, and the rate of the loss of working capacity, as referred to in Section (1), shall be determined by Presidential Decree

Article 6 (Assistance payment for Medical Care)

(1) Among the persons who were injured in regard to the May 18 Democratization Movement, those who are in need of continuous medical treatment, care at all times, or use of gear for disabled, at the time of enactment of this Act, due to an injury, shall be paid, in lump sum, for actual expenses of medical treatment, care or purchase of gear for disabled <Amended by Act No. 7911, Mar. 24, 2006>

(2) At the time of provision of the assistance payment for medical care pursuant to Section (1), the interim interests discounted with simple interest discount method by legal interest rate shall be deducted.

Article 6-2 (Special Cases on Beneficiaries of Medical Care)

The concerned individuals or their surviving family members under this Act shall be deemed the person who the Minister of Health and Welfare recognizes as in need of medical care pursuant to Subsection 8 of Section 1 of Article 3 of the Medical Care Act. [Inserted by Amendment of Act No. 7911, Mar. 24, 2006]

Article 7 (Living Expense Assistance Payment)

(1) The Inquiry Committee may make the assistance payment to the concerned individuals or their surviving family members, in order to give assistance in the livelihood.

(2) The living expense assistance payment in Section (1) may be paid from the funds donated to assist the concerned individuals, and the Government may also subsidize a part of the financial resources.

Article 8 (Application for Payment, etc.)

(1) Those who intend to be paid payment, medical care assistance payment or living expense assistance payment (hereinafter referred to as the "payment, etc.") as a concerned individual or his or her surviving family members shall make an application for payment, etc., to the Inquiry Committee in writing, together with documentary evidence, as provided by Presidential Decree.

(2) The application for payment, etc. pursuant to Section (1) shall be made between July 1, 2006 and December 31, 2006. <Amended by Act No. 5463, Dec. 17, 1997; Act No. 6122, Jan. 12, 2001; Act No. 7215, Mar. 27, 2004; Act No. 7911, Mar. 24, 2006>

(3) Deleted. <by Act No. 7215, Mar. 27, 2004>

Article 9 (Review and Determination)

The Inquiry Committee shall determine whether and how much to pay within 90 days from the date of its receipt of an application for payment, etc.: provided that in case of missing persons, it shall be within 120 days.

Article 10 (Service of Written Determination)

(1) After the Inquiry Committee determines whether or not to make payment, etc., it shall effectuate service upon the applicant of the certified copy of the written determination.

(2) The service provisions under the Civil Procedure Act of Korea shall apply mutandis mutatis to the service in Section (1).

Article 11 (Reexamination)

(1) The concerned individuals or their surviving family members who take exception to the matters determined by the Inquiry Committee pursuant to Article 9 may make an application for reexamination to the Inquiry Committee within 30 days from the date of the service of the written determination.

(2) The provisions of Articles 9 and 10, respectively, shall apply mutatis mutandis to reexamination and service of determination thereto of the Inquiry Committee. In this case, "90 days" and "120 days" in Article 9 shall be deemed "60 days".

Article 11-2 (Physical Examination for Reclassification)

(1) The Inquiry Committee may conduct physical examination for reclassification for those who can be recognized, as a result of their application, as in need of reclassification of impairment grade among those who have become the object of application of this Act, having been classified as miscellaneous grade I or II

(2) Matters necessary for the procedure, etc. of physical reexamination for reclassification under Section (1) shall be provided by Presidential Decree. [Inserted by Amendment of Act No. 7911, Mar. 24, 2006]

Article 12 (Consent of Applicant and Provision of Payment, etc.)

(1) Any applicant who has been served a certified copy of written determination of payment who intends to receive payment, etc., shall submit a request to the Inquiry Committee for payment, etc., together with a letter of consent to the determination.

(2) Matters necessary for the procedure, etc. of payment, etc., shall be provided by Presidential Decree.

Article 13 (Protection of Right to Payment, etc.)

The right to payment, etc. shall not be transferred, encumbered, or seized.

Article 14 (Tax Exemption)

National and local taxes shall not be imposed upon the payment, etc. under this Act.

Article 15 (Exhaustion of Remedies)

(1) A legal proceedings on the payment, etc. under this Act may be brought only after the determination of payment or dismissal by the Inquiry Committee: provided that this shall not apply after a lapse of 90 days from the date of application of payment, etc.

(2) The legal proceedings pursuant to Section (1) shall be filed within 60 days from the date of service of a certified copy of written determination (including a certified copy of written determination of reexamination) has been served.

Article 16 (Relationship, etc with Payment, etc. Pursuant to Other Statutes)

(1) This Act shall not be apply to those who are eligible to receive benefits under the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State in regard to the May 18 Democratization Movement. <Amended by Act No. 5291, Jan. 13, 1997; Act No. 7911, Mar. 24, 2006>

(2) The determination of payment, etc., under this Act, if consented by the applicant, shall be deemed a judicial settlement pursuant to the provisions of Civil Procedure Act over damages in regard to May 18 Democratization Movement.

Article 17 (Redemption of Payment, etc.)

(1) The State may redeem all or part of the payment, etc., where a person who has received payment, etc. falls within any of the following subsections: <Amended by Act No. 7911, Mar. 24, 2006>

1. Where he/she has been received payment, etc., by means of deceit or other improper method;
2. Where he/she has been paid by mistake; or

3. Where the person confirmed missing in regard to the May 18 Democratization Movement has been found to be alive, or found to have died or gone missing without any relation to the May 18 Democratization Movement.

(2) When the State redeems pursuant to Section (1), it shall be pursuant to the procedures for collection of national taxes.

Article 18 (Investigation into Fact and Duty of Cooperation)

(1) For payment, etc., pursuant to this Act, the Inquiry Committee may hear testimony or statement from parties, witnesses or related persons, inspect and conduct necessary investigation, etc., where deemed necessary, and may request administrative agencies or other relevant agencies for cooperation

(2) The relevant agencies that have been requested pursuant to Section (1) shall handle such request prior to other duties and notify the results without delay.

Article 19 (Statute of Limitations)

The right to payment, etc. under this Act shall extinguish due to Statute of Limitations if it is not exercised within 1 year from the date of service upon the applicant of the certified copy of the written decision.

Article 20 (Collection of Donations)

(1) The Payment Assistance Committee may collect donations in order to assist financial support to the concerned individuals and their surviving family members, etc., and expenses for projects related to the May 18 Democratization Movement. <Amended by Act No. 7911, Mar. 24, 2006>

(2) The collection of donations pursuant to Section (1) shall be deemed registered pursuant to Article 4 of the Donations Collection and Their Use Act. <Amended by Act No. 5454, Dec. 13 1997; Act No. 7911, Mar. 24, 2006>

Article 21 (Financial Assistance)

Where a project related to the May 18 Democratization Movement is promoted, the Government may assist part of the expenses. <Amended by Act No. 7911, Mar. 24, 2006>

Article 22 (Other Assistance Monies)

(1) Assistance monies may be paid as provided by Presidential Decree to persons who are recognized as in need of assistance in livelihood in regard to May 18 Democratization Movement. <Amended by Act No. 7911, Mar. 24, 2006>

(2) The provisions of Articles 7 (2), 14 and 17 shall apply mutatis mutandis to the financial resources and payment of assistance monies pursuant to Section (1).

ADDENDUM <Act No. 4266, Aug. 6, 1990>

Article 1 (Effective Date)

This Act shall become effective 10 days after its publication.

Article 2 (Transitional Measures)

(1) Those who were confirmed or reported as having suffered damages in regard to Gwangju democratization movement as provided by Presidential Decree shall be deemed applied for the payment, etc. pursuant to Article 8 on the date of effective date of this Act.

(2) The examination on whether the person who has been reported pursuant to Section (1) qualifies as a person related to the Gwangju democratization movement, the investigation and the physical examination to determine impairment grades of the related injured persons, by Gwangju Metropolitan City, shall be deemed the review, investigation or physical examination by the subcommittees under Article 4 (4) of this Act

ADDENDUM <Act No. 5291, Jan. 13, 1997>

Article 1 (Effective Date)

This Act shall become effective 6 months after its publication.

Articles 2 and 3. Omitted

Articles 4. Omitted

Articles 5. Omitted

ADDENDUM <Act No. 5454, Dec 13, 1997>

This Act shall become effective on January 1, 1998. <Proviso Omitted>

ADDENDUM <Act No. 5463, Dec. 17, 1997>

(1) (Enforcement Date) This Act shall become effective on January 1, 1998.

(2) (Special Examples concerning Extent of Application) The amended provisions of Article 8 (2) shall apply even to those who have submitted new evidence from among those who have not been paid indemnity, etc. (excluding those who have been paid part of indemnity, etc.) by the Indemnification Deliberation Committee after applying for payment of indemnity, etc. pursuant to the former provisions.

ADDENDUM <Act No. 6122, Jan. 12, 2000>

This Act shall become effective on the date of its promulgation.

ADDENDUM <Act No. 7215, Mar. 27, 2004>

This Act shall become effective on the date of its promulgation.

ADDENDUM <Act No. 7908, Mar. 24, 2006>

Article 1 (Enforcement Date)

This Act shall become effective 6 months after its promulgation.

Articles 2 and 3. Omitted.

Articles 4. Omitted.

Articles 5. Omitted.

ADDENDUM <Act No. 7911, Mar. 24, 2006>

(1) (Enforcement Date) This Act shall become effective on the date of its promulgation.

(2) (Transitional Measures concerning Change of Name) The Committee for Assistance in Indemnification to Persons related to Gwangju Democratization Movement and the Committee for Deliberation of Indemnification to Persons related to the Gwangju Democratization Movement pursuant to former provisions at the time of enforcement of this Act shall be deemed as the Committee for Assistance in Indemnification to Persons related to the May 18 Democratization Movement and the Committee for Deliberation of Indemnification to Persons related to the May 18 Democratization Movement respectively.

(3) (Relationship with other Act) Where the Act on Payment, etc. for Persons Related to Gwangju Democratization Movement or provision thereof is cited in other Act and subordinate statutes at the time of enforcement of this Act, this Act or the corresponding provision of this Act shall be deemed as having been cited in place of the former provision when there is a provision corresponding thereto.

SPECIAL ACT ON THE MAY 18 DEMOCRATIZATION MOVEMENT, ETC.

Act No. 5029, Dec. 21, 1995

Article 1 (Purpose)

The purpose of this Act is to straighten up national discipline, to establish democratization firmly, and to enhance national vitality by prescribing, inter alia, the tolling of statute of limitations for prosecution for the criminal conducts of disrupting constitutional order which have occurred on or around December 12, 1979 and May 18, 1980.

Article 2 (Tolling of Statute of Limitations)

(1) It shall be deemed that the statute of limitations has been tolled during the period in which the cause of obstacle has existed to the exercise of prosecution right of the State for the criminal conducts of disrupting constitutional order, occurred on or around after December 12, 1979 and May 18, 1980, as provided under Article 2 of the Act on Special Cases Regarding the Statute of Limitations for Prosecution against the Criminal Conducts of Disrupting Constitutional Order,

(2) The term "the period in which the cause of obstacle has existed to the exercise of prosecution right of the State," as used in Section 1 of Article 2 of this Act shall mean the period between the completion date of the criminal conducts at issue and February 24, 1993.

Article 3 (Special Cases Regarding Application for Adjudication of Prosecution)

(1) Any person, having brought criminal charges or made a criminal complaint for or against the criminal conducts in Article 2 of this Act, who has received a notice that the public prosecutor or military prosecutor will not prosecute, may apply for adjudication of prosecution to the high court or high military court that corresponds with the high prosecutor's office where the public prosecutor belongs or to the high military prosecutor's office where the military prosecutor belongs. The same applies to the prosecutorial decisions not to prosecute the criminal conducts in Article 2 of this Act have been made before the effective date of this Act.

(2) The relevant provisions of the Criminal Procedure Act and the Military Court Act shall apply to the application for adjudication of prosecution in Section 1 of Article 3 of this Act.

Article 4 (Special Rehearing)

(1) Those who have received an irrevocable judgment of guilty for an act related to the May 18 Democratization Movement, or for an act of obstruction or opposition to the criminal conducts in Article 2 of this Act may apply for a rehearing, notwithstanding the provisions of Article 420 of the Criminal Procedure Act and Article 469 of the Military Court Act.

(2) The application for rehearing shall be within the jurisdiction of the court of the original judgment, provided that the court of original judgment was a court-martial or a military court and that the judgment was for a person to whom military penal code was not generally applicable, the court having the jurisdiction of his/her address shall exercise the jurisdiction according to the hierarchy of the original courts.

(3) The court in charge of rehearing shall investigate *sua sponte* into the fact that the person who allegedly committed a crime in Article 2 of this Act has been sentenced guilty and adjudicated an irrevocable judgment.

(4) Where the applicant for rehearing in Section (1) of this Article has been pardoned or whose sentence has been invalidated, the court in charge of rehearing shall render a final judgment on merits, notwithstanding the provisions of Articles 326 through 328 of the Criminal Procedure Act and the provisions of Articles 381 through 383 of the Military Court Act.

(5) The relevant provisions of the Criminal Procedure Act and the Military Court Act shall apply to the procedure of rehearing in Section (1) of this Article insofar as they are not in conflict with the nature of rehearing.

Article 5 (Commemorative Project) The Government shall promote commemorative projects to continue and develop the spirit of the May 18 Democratization Movement.

Article 6 (Payment Substitute) The payment under the Act on Payment, etc. for Persons Related to May 18 Democratization Movement shall be deemed as Payment.

Article 7 (Deprivation of Prize and Decoration) After examining a person who was awarded a prize and decoration with regard to the May 18 Democratization Movement, the Government, pursuant to Article 8 of the Awards and Decorations Act, shall revoke decoration and shall forfeit the medal of honor, etc. that was bestowed to him or her solely in honor of his or her conduct of suppressing the Gwangju democratization movement.

ADDENDUM <Act No. 5029, Dec. 21, 1995>

(1) (Effective Date) This Act shall become effective on the date of its publication.

(2) (Transitional Measures) The application for adjudication of prosecution pursuant to the provisions of latter part of Section (1) of Article 3 shall be made within 30 days from the effective date of this Act.

ACT ON THE HONORABLE TREATMENT OF PERSONS OF DISTINGUISHED SERVICES TO MAY 18 DEMOCRATIZATION MOVEMENT

Act No. 6650, Jan. 26, 2002

Amended by Act No. 7105, Jan. 20, 2004

Act No. 7476, Mar. 31, 2005

Act No. 7647, Jul. 29, 2005

Act No. 7649, Jul. 29, 2005

Act No. 7656, Aug. 4, 2005

Act No. 7874, Mar. 3, 2006

Act No. 8326, Mar. 29, 2007

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to spread the noble value of democracy among the public and to contribute to the development of democracy, by the State's provision of appropriate honorable treatment to persons who have sacrificed themselves for the May 18 Democratization Movement or have rendered distinguished services thereto, as well as to the surviving family members or family members of such persons. <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7874, Mar. 3, 2006>

Article 2 (Fundamental Philosophy of Honorable Treatment) The May 18 Democratization Movement, which has contributed to the development of the democracy of the Republic of Korea and human rights, shall be permanently respected as a paragon of noble love of our country and people for us and the future generations, and substantial support shall be provided to the persons of distinguished services to democratization as well as to the surviving family members or family members of such persons in proportion to their sacrifices and distinguished services in order that their honorable livelihoods may be maintained and guaranteed. <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7874, Mar. 3, 2006>

Article 3 (Policies of Government) The State or local governments shall seek to set forth the policies

to celebrate, pass on and develop the spirit of the realization of democracy and justice of the May 18 Democratization Movement. <Amended by Act No. 7105, Jan. 20, 2004>

Article 4 (Eligible Persons) The honorable treatment under this Act shall be provided to persons who fall under any of the following subsections and who are registered under Article 7 (hereinafter referred to as the "persons of distinguished services") as well as surviving family members or family members of such persons: <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7647, Jul. 29, 2005>

1. Persons who died or were missing in the May 18 Democratization Movement shall mean the persons who died or were missing in respect to the May 18 Democratization Movement or died of aftereffects of diseases due to the May 18 Movement and who were paid under the Act on Payment, etc., for Persons Related to May 18 Democratization Movement;

2. Persons injured in the May 18 Democratization Movement shall mean the persons who have been injured in the May 18 Democratization Movement or are suffering from diseases due to the May 18 Movement, and who were granted the determination of a disability grade and are paid pursuant to the Act on Payment, etc., for Persons Related to May 18 Democratization Movement; or

3. Other victims of the May 18 Democratization Movement shall mean the persons who receive support pursuant to Article 22 of the Act on Payment, etc., for Persons Related to May 18 Democratization Movement in connection with the May 18 Democratization Movement.

Article 5 (Scope of Surviving family members, etc.) (1) The scope of surviving family members or family members of persons of distinguished services to the May 18 Democratization Movement who are entitled to honorable treatment in accordance with this Act shall be as follows: <Amended by Act No. 7105, Jan. 20, 2004>

1. Spouses;

2. Children;

3. Parents;

4. Grandparents without adult male lineal descendants; and

5. Minor siblings without male lineal ascendants under sixty years of age and female lineal ascendants under fifty-five years of age and adult elder brothers.

(2) Spouses referred to in Section (1) 1 shall include those who have any *de facto* marital relationship with persons of distinguished services to the May 18 Democratization Movement and exclude those who have or had such relationship with any other person after the death of such persons. <Amended by Act No. 7105, Jan. 20, 2004>

(3) In case of adopted children from among children referred to in Section (1) 2, this Act shall apply only to one child adopted by any of the persons of distinguished services to the May 18 Democratization Movement without lineal descendants. <Amended by Act No. 7105, Jan. 20, 2004>

(4) In case of parents referred to in Section (1) 3, if there is a spouse of a father or mother other than a biological father or mother who brings up or supports a person of distinguished services to the May 18 Democratization Movement, one person who does so mainly shall be deemed to be a father or mother. <Amended by Act No. 7105, Jan. 20, 2004>

(5) Grandparents referred to in Section (1) 4 above shall, if their lineal descendants who are adult men are disabled persons incapable of earning a livelihood as provided for by Presidential Decree or enlisted men on active duty (including noncommissioned officers by draft, persons drafted into the full-time Reserve under Article 22 of the Military Service Act, persons enrolled in riot police units, correctional institution guard units or obligatory fire-fighting units under Articles 24 and 25 of the Military Service Act, and public service personnel performing duties falling under Article 26 (1) 1 of the Military Service Act; hereinafter the same shall apply), be deemed to have no lineal descendants who are adult men. <Amended by Act No. 7647, Jul. 29, 2005>

(6) Minor siblings referred to in Section (1) 5 shall, if they have lineal ascendants, being men under sixty years of age or women under fifty-five years of age, and elder brothers, being adults, who are disabled persons incapable of earning a livelihood as provided for by Presidential Decree or enlisted men on active duty, be deemed to have neither lineal ascendants who are men under sixty years of age or women under fifty-five years of age nor elder brothers who are adults.

Article 6 (Principles of Honorable Treatment) Persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons may be accorded honorable treatment proportionate to such persons' respective sacrifices and distinguished services. <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7874, Mar. 3, 2006>

Article 7 (Registration and Decision) (1) Any person who wishes to be subject to this Act shall apply to the Minister of Patriots and Veterans Affairs (hereinafter referred to as the "Minister") for registration.

(2) If the Minister receives an application for registration under Section (1), he/she shall, pursuant to Presidential Decree, determine if the applicant shall be subject to this Act: provided that the Minister may, if necessary, do so after deliberation and resolution by the Merit Reward Entitlement Commission established under Article 82 of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State (hereinafter referred to as the "Merit Reward Entitlement Commission") on whether or not the applicant meets the qualification standards for persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7647, Jul. 29, 2005>

(3) Matters concerning an order of priorities for applications for registration under Section (1) and the procedures thereto, etc. shall be provided for by Presidential Decree.

Article 8 (Report on Changes) When persons of distinguished services to the May 18 Democratization Movement or surviving family members or families of such persons fall under any of the following subsections, they shall, without delay, report to the Minister in accordance with Ordinance of the Prime Minister: <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7874, Mar. 3, 2006>

1. When they die;
2. When they lose their nationality;
3. When they are disqualified as surviving family members or families of persons of distinguished services to the May 18 Democratization Movement;
4. When they become covered by any of subsections of Article 66 (2) or 67 (1) or by Article 67 (2);
5. When they have been missing for one or more consecutive years, or such reasons cease to exist; or
6. When there are changes in their personal matters provided for by Ordinance of the Prime Minister, such as those in their names, domiciles or birth dates.

Article 9 (Accrual and Extinguishment of Right to Receive Honorable Treatment under this Act) (1) The right to receive honorable treatment under this Act shall be accrue from the month with the date on which an application for registration under Article 7 (1) is made.

(2) When persons of distinguished services to the May 18 Democratization Movement, surviving family members, or families of such persons, who are determined to be subject to this Act in accordance with Article 7, fall under any of the following subsections, the right to receive honorable treatment under this Act shall extinguish on the first day of the month following the date on which they do so. In this case, when such persons lose nationality, the right of families of such persons to receive honorable treatment shall extinguish: <Amended by Act No. 7105, Jan. 20, 2004>

1. When they die;
2. When they are disqualified as surviving family members or families of persons of distinguished services to the May 18 Democratization Movement;
3. When they lose their nationality;
4. When they become covered by any subsection of Article 67 (1); or
5. When they are disqualified from being subject to this Act.

(3) When persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons are registered under this Act by falsehood or other improper means, the right to receive honorable treatment shall extinguish retroactively to the date on which that right is granted under this Act. <Amended by Act No. 7105, Jan. 20, 2004>

Article 10 (Obligation to Maintain Dignity) Persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons shall not commit any act impairing their dignity. <Amended by Act No. 7105, Jan. 20, 2004>

CHAPTER II EDUCATIONAL SUPPORT

Article 11 (Provision of Educational Support) The State shall provide persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons with educational support necessary for them to support themselves soundly.

Article 12 (Persons Eligible for Educational Support, etc.) (1) The persons eligible for educational support shall be as follows: <Amended by Act No. 7105, Jan. 20, 2004>

1. Those who were injured in the May 18 Democratization Movement and other victims involved therein;

2. Spouses of persons who died or went missing in the May 18 Democratization Movement;

3. Children of persons referred to in subsection 1; and

4. Children and minor siblings of persons who died or went missing in the May 18 Democratization Movement and of persons who are referred to in subsection 1 and who later died.

(2) Educational institutions which may provide educational support to persons eligible therefor shall be as follows: <Amended by Act No. 7647, Jul. 29, 2005>

1. Junior high schools and senior high schools established under the Elementary and Secondary Education Act and other schools equivalent thereto;

2. Universities and colleges established under the Higher Education Act (including industrial colleges, teachers colleges, junior colleges, air colleges, correspondence colleges, air and correspondence colleges and polytechnic colleges; hereinafter the same shall apply) and other schools equivalent thereto;

3. Lifelong education facilities established under the Lifelong Education Act; and

4. Education and training institutions maintaining curricula that are evaluated and recognized under the Act on Recognition of Credits, etc.

Article 13 (Contents of Educational Support) Any educational support shall be classified into the management of school attendance, the exemption from tuition fees, admission fees, school fees, and other school expenses, etc.(hereinafter referred to as “tuitions etc.”) and the support thereto, and shall be otherwise provided to the victims involved in the May 18 Democratization Movement in accordance with the standards provided for by Presidential Decree, taking into account the level of their lives. <Amended by Act No. 7105, Jan. 20, 2004>

Article 14 (Obligation to Admit) (1) Junior high schools and senior high schools established under the Elementary and Secondary Education Act and other schools equivalent thereto shall admit persons eligible for educational support within the scope of the percentage of school attendance under Article 23 (1) of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State in accordance with Presidential Decree. <Amended by Act No. 7647, Jul. 29, 2005>

(2) The Minister of Education and Human Resources Development may, if necessary, determine the percentage of school attendance under Article 23 (2) of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State pursuant to Presidential Decree. <Amended by Act No. 7647, Jul. 29, 2005>

Article 15 (Procedures for Admission to School)

Matters concerning the admission of the persons eligible for education support to the Junior high schools and senior high schools under Section 12 and other schools equivalent thereto shall be provided for by Presidential Decree.

Article 16 (Exemption from Tuitions, etc.) (1) Educational institutions under Article 12 (2) shall exempt the tuitions, etc, needed for education, for subject of education support.

(2) Exemption from tuitions, etc, under Section 1 shall be implemented from the month with a date on which the subjects of educational support, who are determined to be registered as a person of distinguished services to the May 18 Democratization Movement, etc, pursuant to Article 7 (2), demands the head of educational institutions, under Article 12 (2), to exempt tuitions, etc.; provided that, in case of universities, lifelong educational facilities in the form of remote colleges, and institutions that implement curricula with credits needed for the acquisition of academic degrees above the level of junior college, the exemption shall apply to the tuitions, etc, that are first due from the subject's demand for exemption.

(3) The State shall subsidize the half of the exempted amounts, when private universities, etc., grant exemptions to the subjects of educational support falling under Article 12 (1) (3) or (4), pursuant to Articles 1 and 2.

(4) The State may support the amount equal to the actual tuitions born by the subjects of educational support between the receipt or exemption under Article 2 and the time of application for registration as persons of distinguished services to the May 18 Democratization Movement, etc.; provided that, such amounts shall not be subsidized, when tuitions, etc, have been reimbursed with State funds pursuant to other laws or other situations as provided for by Presidential Decree.

(5) Matters concerning the time-limit and standards for the exemption of persons eligible for educational support from school fees, etc. under sections (1) through (4), and the payment of subsidies to education support institutions shall be provided for by Presidential Decree.

<amended in its entirety by Act No. 8326, March. 29, 2007>

Article 17 (Provision of Scholarship) (1) The Minister may pay scholarships to persons eligible for educational support and provide boarding facilities.

(2) Matters concerning the subjects, amounts, methods, etc. of the provision of scholarships under Section (1) shall be provided for by Presidential Decree.

Article 18 (Support for Special Education) The Minister may carry out special education of persons who are deemed unfit to receive education from the educational institutions under Article 12, for the reasons of physical and mental impairment, academic underachievement and others, pursuant to Presidential Decree. In this case, the expenses for such special education programs shall be born by the State.

CHAPTER III EMPLOYMENT SUPPORT

Article 19 (Provision of Employment Support) The State shall provide persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons with employment support necessary for the stability of their livelihoods and for their self-realization. <Amended by Act No. 7105, Jan. 20, 2004>

Article 20 (Persons Eligible for Employment Support) (1) The persons who are eligible for employment support shall be as follows:

1. Those who were injured in the May 18 Democratization Movement, other victims involved therein, and their families;

2. Surviving family members of persons who die in the May 18 Democratization Movement or families of persons who are missing therein; and

3. Surviving family members of persons of distinguished services to the May 18 Democratization Movement who are within subsection 1 and who die.

(2) Among those who are not included in surviving family members or families referred to in Section (1), one of the younger siblings of the persons of distinguished services to the May 18 Democratization Movement who died without spouses and children may be provided with employment support only if it is difficult for all of the parents who designate him/her to get a job due to disease, disability, advanced age, etc. In this case, matters concerning the standards for such disease, disability, advanced age, etc. and the detailed provision of employment support shall be provided for by Presidential Decree. <Amended by Act No. 7647, Jul. 29, 2005>

[Amended in its entirety by Act No. 7105, Jan. 20, 2004]

Article 21 (Institutions to Provide Employment Support) Institutions to provide employment support shall be as follows: <Amended by Act No. 7105, Jan. 20, 2004>

1. State agencies, local governments, military units, and national or public schools;
2. Public or private entities or associations that employ twenty persons or more on a daily basis: *provided* that manufacturing entities provided for by Presidential Decree that employ less than two hundred persons shall be excluded; and
3. Private schools.

Article 22 (Addition of Scores in Employment Examination) (1) Institutions to provide employment support shall, if they implement an employment examination to hire their employees, add certain percentage of the scores of the persons who are eligible for employment support who apply for the employment examination, pursuant to the classifications in the following subsection. <amended by Act No. 8326, March. 29, 2007>

1. The subjects of employment support who receives the addition of 10 % of full scores
 - a. Among those who are subject to Article 20 (1) (1), the persons who were injured in the May 18 Democratization Movement, or other victims therein
 - b. Those who are subject to Article 20 (1) (2).
2. The subjects of employment support who receives the addition of 5% of full scores
 - a. Among those who are subject to Article 20 (1) (1), the family members of the persons who were injured in the May 18 Democratization Movement, or other victims therein
 - b. Those who are subject to Article 20 (1) (2).
 - c. Those who are subject to Article 20 (2).

(2) If the examinations under Section (1) above are divided into written tests, practical skills test, and interviews, scores for each portion shall be added pursuant to the classifications in Section (1) above, and if the examinations have more than two subject matters, scores for each subject matter shall be added pursuant to the classifications in Section (1) above; provided that the above shall not apply to the cases where the scores on one subject matter are less than 40% of the full scores, or the examinations are incapable of being evaluated with definite scores. <amended by Act No. 8326, March. 29, 2007>

(3) The percentage of the persons who pass the employment examinations with the added scores pursuant to Sections (1) and (2) (including those who pass such employment examination under Article 31 of Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State and Article 24 of Act on Support of Persons who Performed Special Duties) shall not exceed 30% of the intended number of new hires, and in case of calculations of the number for hires with added scores, numbers below the decimal shall be discarded.

<Newly Inserted by Act No. 7647, Jul. 29, 2005>

(4) At the time of determination of successful job applications, if there are applicants with the same scores beyond the intended number for new hires and one of such applicants is a person eligible for employment support, such person shall be determined s a successful applicant over the other person who is not eligible.

(5) Matters regarding the classifications, the job grades, the job titles, the addition of test scores, etc., under Sections (1) and (2) shall be provided for by Presidential Decree.

[Amended in its entirety by Act No. 7105, Jan. 20, 2004]

Article 22-2(Application for Employment Support) The person eligible for employment support who wishes to receive employment support (the employment support under Article (22) is excluded: the same shall apply infra) shall apply to the Ministry for employment support.

[Newly inserted by Act No. 8326, March. 29, 2007]

Article 23 (Obligation of State Agencies to Provide Employment) (1) Institutions to provide employment support under Article 21 (1), whose head has the appointment power for technical public employees or military employees, with the planned number of technical public employees more than

fire (05), shall hire the subjects of employment support in excess of the hiring rate to be set forth by Presidential Decree (hereinafter referred to as "Hiring rate") concerning the planned number of employment or technical of technical public employees. In such cases, the number of technical public employees is deemed included in the State agencies, etc., with the power of appointment over technical employees.

(2) The heads of State agencies, that have not hired subjects of employment support, not in excess of the Hiring rate under Section (1), as their technical public employees, shall specially hire the concerned subject of employment support, despite the provisions of other laws on hiring of technical public employees, upon recommendation by the Minister and upon the finding of a qualified applicants

(3) Necessary matters concerning the procedures for the recommendation, the standards for recommendation, the implementation of special hiring, and others on the subjects of employment support under Section 2 above shall be provided for by Presidential Decree.

[Amended in its entirety by Act No. 7105, Jan. 20, 2004]

Article 24 (Confirmation of Employment Situation of State Agencies, etc.) (1) State agencies, etc, shall notify the Minister of matters concerning the prescribed number and employment of public technical employees among public employees of those agencies in accordance with Presidential Decree.

(2) The Minister may, if deemed necessary to confirm or review the employment situation over technical public employees of State agencies, etc., may confirm or review such situation by requiring the heads of concerned agencies to provide relevant documents and by other means, and may require them to take measures of correction or supplementation, if deemed necessary to have correction or supplementation as a result of such confirmation or review.

(3) The heads of state agencies required to correct or complement under Section (2) shall take necessary measures and notify the Minister thereof.

[Amended in its entirety by Act No. 7105, Jan. 20, 2004]

Article 24-2 (Obligation of Business Entity to Provide Priority Employment) Institutions to provide employment support which fall under subsection 2 of Article 21 of this Act shall preferentially employ applicants for employment under Article 33-2 (1) of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State. <Amended by Act No. 7647, Jul. 29, 2005>

(2) Notwithstanding the provisions of Section (1), the Minister may extend the percentage of employment under Section (2) within the scope of the percentage of school attendance under Article 33-2 (2) of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State pursuant to Presidential Decree: <Amended by Act No. 7647, Jul. 29, 2005>

1. Government-invested institutions under Article 2 of the Framework Act on the Management of Government-Invested Institutions;

2. Local public corporations and associations under Articles 49 and 76 of the Local Public Business Entities Act; and

3. Other institutions to provide employment support which fall under subsection 2 of Article 21 of this Act and which are provided for by Presidential Decree.

(3) Private schools the prescribed number of the clerical staff except the teaching staff of which is five or more shall preferentially employ applicants for employment within the scope of ten percent or more of employed persons except the teaching staff.

Article 24-3 (Report of Business Entities, etc.) (1) Institutions to provide employment support which fall under subsections 2 and 3 of Article 21 (hereinafter referred to as the "entities, etc.") shall report to the Minister the classification of business, employment category, the number of employees, the standards for employment and other matters concerning employment.

(2) The Minister may, if there is any flaw in reports under Section (1) or if necessary for survey of status, have relevant public officials visit the entities, etc. and require the necessary description and the submission of relevant data.

(3) In cases covered by Section (2), relevant public officials shall carry a document verifying their

authority and show it to the related persons.

Article 25 (Employment Orders, etc.) (1) The Minister may designate applicants for employment who desire to enter the work force and order entities, etc. to employ them in accordance with Presidential Decree.

(2) If the Minister issues employment orders under Section (1), he/she shall designate business entities, etc. and notify applicants for employment thereof in accordance with Presidential Decree.

(3) In case of ordering entities, etc. to employ applicants for employment except for persons of distinguished services to the May 18 Democratization Movement as well as spouses, parents and grandparents of such persons under Section (1), the age at which applications for employment are made, the maximum number of such applicants per household, etc. shall be provided for by Presidential Decree.

[This Article Wholly Amended by Act No. 7105, Jan. 20, 2004]

Article 26 (Limitations on Employment Support) (1) The applicants for employment to be employed under this Act shall faithfully serve therein.

(2) When applicants for employment fall under any of the following subsections, the Minister may restrict applications for employment under Article 25 for any fixed period or the frequency of their employment:

1. When they receive a notice of employment under an employment order and are not employed without any justifiable reason;

2. When they serve for less than a period provided for in Presidential Decree and retire therefore without any justifiable reason after employment under an employment order;

3. When they are dismissed from their office by a disciplinary action due to the neglect or delinquency of duties or any unjustifiable act.

Article 27 (Standards for Passing Physical Examination) The standards for passing medical examination of persons injured in the May 18 Democratization Movement who are applicants for employment shall be the degree capable of performing duties, and a decision on such passing shall be taken by physical institutions provided for by Presidential Decree.

Article 27-2 (Accumulation of experiences) The business entities, etc. may add up military careers of applicants for employment who are preferentially employed to career periods in accordance with Presidential Decree.

Article 28 (Prohibition on Discriminatory Treatment) (1) Institutions to provide employment support shall not give persons employed under this Act (including those who are newly employed; hereinafter the same shall apply) unfavorable treatment than other employees.

(2) The Minister may, if institutions to provide employment support give unfavorable treatment to persons employed under this Act in violation of Section (1), require them to correct such treatment.

(3) Institutions to provide employment support which are required to correct such treatment under Section (2) shall take measures for such correction and notify the Minister thereof.

Article 29 (Notification of Facts of Employment) In cases covered by any of the following subsections, institutions to provide employment support shall notify the Minister:

1. When applicants for employment are employed; and

2. When persons employed under this Act retire or are dismissed from their office.

Article 29-2 (Calculation of number for hires or employees) (1) If the number calculated according to the percentage under Articles 23 (1) and 24-2 (1) through (3) is less than one, it shall be one, and if such number is not less than one, below the decimals shall be discarded.

(2) When a injured person has a physical disability caused by such injury, the amount obtained by subtracting the interim interest according to the methods of single discount at the statutory rate of interest from the monthly salary, actual monthly income or average wages, at the time of such injury,

based on the extent of loss of labor power due to such physical disability, multiplied by the loss rate of labor power and the number of expectant working days, assuming that he/she doesn't have such disability.

Article 30 (Vocational Training) (1) The Minister may, in accordance with Presidential Decree, carry out vocational training of persons injured in the May 18 Democratization Movement to ensure that they obtain skills necessary for employment.

(2) The Minister shall recommend applicants for employment for institutions carrying out vocational education and training under the Act on the Development of Occupational Abilities of Workers and the Polytechnic College Act in order that such applicants may receive vocational education and training. <Amended by Act No. 7647, Jul. 29, 2005>

(3) The expenses incurred in respect of vocational rehabilitation training under Section (1) and vocational training under Section (2) shall be born by the State.

Article 31 Deleted. <by Act No. 7105, Jan. 20, 2004>

Article 32 Deleted. <by Act No. 7105, Jan. 20, 2004>

CHAPTER IV MEDICAL SUPPORT

Article 33 (Provision of Medical Support) The State shall provide persons of distinguished services to the May 18 Democratization Movement as well as surviving family members or families of such persons with that medical support which is necessary for them to maintain healthy life and to receive necessary medical care, etc. <Amended by Act No. 7105, Jan. 20, 2004>

Article 34 (Medical Treatment) (1) If persons injured in the May 18 Democratization Movement require medical treatment of injuries or suffer from diseases (including injuries), national medical facilities (including veterans hospitals established under Article 7 of the Korea Veterans Welfare and Healthcare Corporation Act) or medical facilities of local governments shall give them medical treatment: *Provided*, That this shall not apply to diseases caught by intention. <Amended by Act No. 7647, Jul. 29, 2005>

(2) The State may entrust medical treatment under Section (1) to medical facilities other than those of the State or local governments.

(3) The expenses incurred in respect of medical treatment under Sections (1) and (2) shall be borne by the State: *Provided*, That when medical facilities of local governments give them medical treatment, the local governments shall bear part of such expenses in accordance with Presidential Decree.

(4) Any veterans hospital which is established under Article 7 of the Korea Veterans Welfare and Healthcare Corporation Act shall, if necessary, provide medical treatment to victims involved in the May 18 Democratization Movement and surviving family members or families of persons of distinguished services thereto. In this case, the exemption from or reduction of the expenses incurred in respect of such medical treatment shall be granted in accordance with Presidential Decree, and the Minister may pay an amount of such exemption or reduction to that veterans hospital to such an extent as the relevant budget permits. <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7647, Jul. 29, 2005>

Article 35 (Provision of Prostheses) The persons injured in the May 18 Democratization Movement who need prostheses due to any physical disability may be provided with prostheses in accordance with Presidential Decree.

Article 36 (Convalescent Care) (1) Convalescent care facilities shall, in accordance with Presidential Decree, give convalescent care to persons injured in the May 18 Democratization Movement who are incapable of performing normal activities or need long-term convalescent care due to mental disorder or physical disability.

(2) The State may entrust convalescent care of persons to be provided with medical support under Section (1) to the Korea Veterans Welfare and Healthcare Corporation established under the Korea Veterans Welfare and Healthcare Corporation Act (hereinafter referred to as the "Corporation"). In this case, the expenses incurred in respect of convalescent care shall be borne by the State. <Amended by Act No. 7647, Jul. 29, 2005>

Article 37 (Medical Rehabilitation, etc.) (1) In order to prevent the degeneration of physical functions of persons injured in the May 18 Democratization Movement and to recover such functions, the Minister shall establish and implement policies for medical rehabilitation and rehabilitation sports.

(2) The Minister may, if necessary for the promotion of medical rehabilitation and rehabilitation sports, entrust projects therefore to the Corporation. In this case, the Minister may provide the Corporation with all or part of the expenses incurred in respect of such projects, to such an extent as the relevant budget permits.

Article 38 (Subsidies of Expenses in Ensuring Medical Facilities) The Minister may provide the Corporation with the expenses incurred in ensuring, maintaining and managing facilities necessary to provide medical support under this Act, to such an extent as the relevant budget permits.

CHAPTER V LOANS

Article 39 (Provision of Loans) In order to ensure the self-sufficiency and livelihood stability of persons of distinguished services to the May 18 Democratization Movement and surviving family members of such persons, the State may provide them with low-interest loans which might be repayable on a long-term basis. <Amended by Act No. 7105, Jan. 20, 2004>

Article 40 (Persons to be Provided with Loans) (1) Persons to be provided with loans shall be as follows: <Amended by Act No. 7105, Jan. 20, 2004>

1. Persons of distinguished services to the May 18 Democratization Movement; and
2. One of surviving family members of persons of distinguished services to the May 18 Democratization Movement. In this case, the person to be provided with loans shall be determined in the order in which he/she is referred to in subsections of Article 5 (1) and shall, if there are two or more children, be the oldest child.

(2) Victims involved in the May 18 Democratization Movement may be provided with loans in accordance with Presidential Decree, taking into account the living degree.

Article 41 (Financial Resources for Loans) The State may contribute financial resources necessary for loans under Article 39 to the Patriots and Veterans Fund.

Article 42 (Categories of Loans) Categories of loans shall be as follows:

1. Loans for the purchase of farmland;
2. Loans for houses (meaning loans for the purchase of houses or sites, those for the new building or improvement of houses or those for the lease of houses; hereinafter the same shall apply);
3. Loans for business; and
4. Loans for stability of livelihood.

Article 43 (Limits on the Amounts of Loans) (1) The Minister shall determine the limits on the amounts of each loan within the scope of financial resources necessary for loans.

(2) In providing loans under Article 42 (1) and (2), the Minister shall be within the evaluated amount of farmland in case of loans for the purchase thereof, within the evaluated amount of houses or sites in case of loans for the purchase thereof or those for the new building thereof, within the expenses incurred in improving houses in case of loans for such improvement, and within the amount of lease of houses in case of loans for such lease respectively.

Article 44 (Interest Rate of Loan) The interest rate of a loan shall be provided for by Presidential

Decree.

Article 45 (Application, etc. for Loan) (1) Any person who receives a loan shall make an application therefor to the Minister in accordance with Presidential Decree. In this case, the gross amount of debentures to be issued by the Medical Center shall not exceed two times its total capital and reserve, and if it invites subscription for new debentures in order to redeem old debentures, the amount of old debentures shall not be included in the said gross amount.

(2) The Minister shall, if he/she receives an application for loan under Section (1), establish the standards for the determination thereof and provide a loan in accordance with such standards.

Article 46 (Repayment Period of Loan) (1) The proceeds of the Loan shall be used to cover payments to be made by the Borrower to suppliers, contractors and/or consultants of the eligible source countries under such contracts as may be entered into between them for the procurement of goods and services required for the implementation of the Project.

(2) The Minister may, if it is deemed that it is difficult for any person who receives a loan to repay it, extend the repayment period within the scope of three years.

(3) The Minister may, if the procurement of goods or services to be financed out of the proceeds of the Loan has not been carried out within the repayment period referred to in Section (1) after the effective date of the Loan Agreement, the pledge for the project issued by the Government of the Republic of Korea shall be invalid.

Article 47 (Provision of Housing, etc) The Minister may, if necessary to provide housings for persons eligible for loans, sell, lease or manage houses with financial resources under Article 41: *provided* that he/she may, if deemed especially necessary, sell or lease them to those other than persons eligible for loans.

Article 48 (Provision of Subsidies) Any person eligible for a loan who receives a loans for the purchase of farmland or that for a house (excluding a loan for the purchase of a site and that for the improvement of a house) shall, in accordance with Presidential Decree, be provided with a subsidy, to such an extent as the relevant budget permits.

Article 49 (Collaterals, etc.) (1) The Minister may, in accordance with Presidential Decree, deliver a certification of payment of a loan to persons to receive a loans for the purchase of farmland or that for a house (excluding a loan for the improvement or lease of a house; hereafter the same shall apply in this Article) in order to facilitate the purchase of the farmland or house.

(2) Any person who receives a loans for the purchase of farmland or that for a house shall, in accordance with Presidential Decree, register the ownership of property to be acquired with the loan, accompanied by a certificate issued by the Minister, and offer it to the State as a collateral until the loan is repaid.

(3) Notwithstanding the provisions of Section (2), the Minister may, if he/she expects that the registration of ownership is delayed for a considerable period without any reason attributable to a person who receives a loan for the purchase of a house in case of the loan for the purchase of a multi-family residential building such as an apartment house, may *mutatis mutandis* apply the provisions of Section (5) to the said person and have him/her offer a collateral without offering the multi-family residential building as a collateral until he/she can do so.

(4) In registering ownership under the provisions of Section (2), an application for registration shall expressly state that the property concerned is the property acquired by the loan and that the property shall not be assigned, offered as collateral or attached pursuant to the provisions of Article 51.

(5) Persons who receive a house improvement loan, house rental loan, business loan or lifestyle stabilization loan shall offer real estate or pensions under the provisions of Article 12 to the State as collateral: Provided, That in cases where a person who receives the loan has no real estate to offer as collateral, or is not eligible to receive a pension, the Minister may require that person to nominate a guarantor or to offer other collateral.

(6) When the Minister recognizes that preservation of the obligation by means of only the securities

under the provisions of Sections (2), (3) and (5) may be difficult, he may take such measures as are necessary for the preservation of that obligation.

(7) When any of the reasons falling within the following subsections arise in respect of a person who received a farmland purchase loan or housing loan (excluding a house improvement loan and house rental loan), that person shall, upon receiving the permission of the Minister, offer as collateral to the State, real estate which is of greater value than the amount of debt unpaid in substitution for the real estate already offered as collateral: Provided, That in the case of subsection 3, real estate of the same use as the real estate purchased shall be offered as collateral to the State:

1. When secured properties are expropriated pursuant to the provisions of Acts (excluding cases of partial expropriation where there is no difficulty in preserving the obligation);

2. When substitution of the secured property becomes unavoidable due to natural disaster or similar reasons; or

3. When sale of farmland or housing acquired by the loan becomes unavoidable, and real estate of the same use is purchased;

(8) When the substitution of the property offered as a collateral by the person who received a house improvement loan, house rental loan, business loan or lifestyle stabilization loan, becomes unavoidable due to business operations or other compelling reasons, real estate which is of greater value than the debt unpaid by him or collateral as determined by the Minister shall be offered to the State: Provided, That in cases where collateral other than real estate is offered, it is limited to when the amount of the debts unpaid by him is equal to or less than the amount determined by the Minister of Patriots and Veterans Affairs.

(9) When the loan has been repaid in full, the Minister shall undertake procedures to cancel the mortgage and matters registered pursuant to the provisions of Section (4).

Article 50 (Direct Management of Loan Property) A person who has received a farmland purchase loan or housing loan (meaning house purchase loan, housing land purchase loan and new house construction loan) shall directly manage the real estate acquired by the loan (hereinafter referred to as "loan property") during the period as determined by the Minister: Provided, That part of the loan property may be leased. <Amended by Act No. 7647, Jul. 29, 2005>

Article 51 (Prohibition on Alienation, etc.) Loan property shall not be assigned or offered as a collateral to other persons or attached by other persons, with the exception of cases prescribed by this Act: provided that where the person who received the loan becomes unable to repay it, and assigns the loaned property to another person eligible for the loan with the permission of the Minister, and where the property is offered as collateral in order that the person himself may receive a loan from a financial institution under the provisions of subsection 1 of Article 2 of the Act on the Structural Improvement of the Financial Industry, and it is subsequently attached, this shall not apply. <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7649, Jul. 29, 2005>

Article 52 (Acceptance of Obligation) (1) If the secured property is sold at auction upon the exercise of the mortgage in respect of the secured property concerned, when the successful bidder is a person eligible for a loan under the provisions of Article 40, the Minister may require the successful bidder to take over the obligation concerning repayment of the former loan in substitution for payment of the purchase price, pursuant to his application, within the limits of the share of the auction price able to be received by the State.

(2) A person who takes over the obligation pursuant to the provisions of Section (1) shall be regarded as a person who received a loan under this Act, and the provisions of Article 49 (2) and (4) shall apply *mutatis mutandis* to him.

Article 53 (Purchase, etc. of Secured Property) (1) If the secured property is sold at auction upon the exercise of the mortgage in respect of the secured property concerned, the Minister may purchase the secured property concerned in accordance with the procedures of the Civil Execution Act. In this case, the provisions of Article 113 of the Civil Execution Act shall not apply. <Amended by Act No. 7647, Jul. 29, 2005>

(2) The Minister may manage and dispose of the property purchased pursuant to the provisions of Section (1). In this case, where the purchase property is farmland, it shall be sold to a farmer or agricultural corporation under the provisions of the Farmland Act. <Amended by Act No. 7647, Jul. 29, 2005>

(3) The criteria for the purchase price where purchasing secured property pursuant to the provisions of Section (1), and of the disposal price in respect of property disposed of pursuant to the provisions of Section (2), shall be determined by Presidential Decree.

Article 54 (Succession of Loan) (1) When a person who received a loan dies during the repayment period for that loan, the obligation regarding the loan concerned shall be succeeded to by the property successor.

(2) A person who succeeds to the obligation regarding the loan pursuant to the provisions of Section (1) shall report this fact to the Minister of Patriots and Veterans Affairs. In this case, when there are many persons who succeed to the obligation regarding the loan, a representative shall be chosen to manage the loan property, and this shall be reported together with the above fact.

CHAPTER VI OTHER SUPPORTS

Article 55 (Support for the Aged) (1) The persons of distinguished services to the May 18 Democratization Movement or surviving family members (excluding children) of such persons who are men of sixty-five years or more or women of sixty years or more (limited to men of sixty years or more or women of fifty-five years or more, in case of persons who are injured in the May 18 Democratization Movement) and who have no dependent families (including those who have dependent families but are incapable of supporting them in accordance with Presidential Decree) may be supported by national facilities for the aged. In this case, spouses of persons of distinguished services to the May 18 Democratization Movement may be so supported together with persons to be provided with support for the aged as determined by the Minister. <Amended by Act No. 7105, Jan. 20, 2004>

Article 56 (Support for Children) The minor children and minor younger siblings of a person who has rendered distinguished services to the State, who do not have anyone under an obligation of support (including cases where there is a person under an obligation of support but he is unable to furnish such support), or the person under an obligation of support is receiving care for the aged, may be cared for in State institutions for children: Provided, That in cases where a person who is receiving care for children, is twenty years of age or more, and is attending a high school, college or university or schools corresponding to these, or enters a college or university or schools corresponding to these in the year that he turns twenty years of age, he may continue to receive care in the State institutions for children until he graduates from the school concerned. <Amended by Act No. 7105, Jan. 20, 2004>

Article 57 (Entrustment of Support for the Aged, etc.) (1) If it is deemed necessary for the operation of care for the aged or care for children, the Minister may entrust social welfare facilities such as welfare facilities for the aged and welfare facilities for children, etc. with such care.

(2) The State shall bear the expenses required for care for the aged or care for children.

Article 58 (Support for Use of Transportation Facilities) (1) A person injured in the May 18 Democratization Movement and persons who directly care for these persons who is found having trouble in moving without the assistance of another, and use the transportation facilities, may be allowed to use the transportation facilities of the State, local governments and public agencies as determined by Presidential Decree, freely or at a discounted rate, in accordance with the determinations of Presidential Decree. <Amended by Act No. 7105, Jan. 20, 2004>

(2) The Government may grant subsidies, within the limits of the budget, to persons who allow persons falling within the provisions of Section (1) to use transportation facilities other than the transportation facilities under Section (1), freely or at a discounted rate.

Article 59 (Support for Use of Ancient Palaces, etc.) Persons of distinguished services to the May 18 Democratization Movement their bereaved family members or their families may be allowed to use facilities such as ancient palaces, parks, etc. under the management of the State or local government, freely or at a discounted rate, pursuant to Presidential Decree. <Amended by Act No. 7105, Jan. 20, 2004>

Article 60 (Preferential Provision of Housing) Persons of distinguished services to the May 18 Democratization Movement and their bereaved family members, who are eligible for loans under the provisions of Article 40, may be given preference in moving into housing that is constructed by the State or local government or financed by the State, pursuant to the Presidential Decree. In this case, in respect of housing offered preferentially, the sale, donation, lease, and all other acts involving the change of rights (excluding the cases of succession or mortgage) to other persons shall be prohibited for a specified period as determined and publicly announced by the Minister within a five year limit. <Amended by Act No. 7105, Jan. 20, 2004>

Article 61 (Promotion of Commemoration or Reverence Projects) (1) The State and local governments shall develop and efficiently implement systematic policies concerning commemoration or reverence projects to celebrate, inherit and develop the spirit of democracy of persons of distinguished services to the May 18 Democratization Movement. <Amended by Act No. 7105, Jan. 20, 2004>

(2) The State and local governments may conduct commemoration or reverence projects under Section (1) together with public institutions, private organizations, etc. or entrust those projects to them, In this case, support may be provided, to such an extent as the relevant budget permits.

Article 62 (Special Cases on Establishment of Facilities) (1) The State and local governments may build or establish facilities, museums or exhibition halls related to the May 18 Democratization Movement in areas to which the Natural Parks Act and the Urban Parks, Green Areas, etc. Act or within 5.18 national cemetery under Article 63 (1). <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7476, Mar. 31, 2005>

(2) Matters necessary for the building or establishment of facilities related to the May 18 Democratization Movement shall be provided for by Presidential Decree. <Amended by Act No. 7105, Jan. 20, 2004>

Article 63 Deleted. <by Act No. 7649, Jul. 29, 2005>

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 64 (Restoration of School Expenses, etc.) (1) When a person who has received honorable treatment pursuant to this Act falls within any of the following subsections, the school expenses (including entrance fees, tuitions and other school fees subsidized pursuant to the provisions of Article 16), and subsidies under the provisions of Article 48 shall be restored by the Minister;

1. When he has received honorable treatment by false or other dishonest means;
2. When, after receiving honorable treatment, the reason for receiving honorable treatment lapses retroactively; or
3. When benefits were overpaid.

(2) In case of repayment pursuant to Section (1), where a person who is to repay school expenses, etc. does not return it within the specified period, the Minister may collect it pursuant to the examples of dispositions on default of national taxes.

(3) If the Minister collects school expenses, etc. pursuant to the provisions of Sections (1) and (2), when he recognizes that restoration is impossible because the person who is to return the Payment is missing or does not have any property, or for other unavoidable reasons, he may take the disposition on loss.

Article 65 (Exemption from Duty of Repayment) (1) If a person who has received honorable treatment pursuant to this Act falls within the provisions of Article 64 (1) 2, and is not responsible for the grounds for having received honorable treatment, the Minister may exempt him from returning Payment monies, etc. notwithstanding the provisions of Article 64.

(2) The scope of circumstances where he shall not be responsible for the grounds for having received honorable treatment under the provisions of Section (1) shall be determined by Presidential Decree.

Article 66 (Suspension of Honorable Treatment) (1) If persons of distinguished services to the May 18 Democratization Movement violate this Act, fail to comply with any order issued under this Act, or commit any act of impairment of dignity provided for in Presidential Decree, the Minister shall not, after deliberation and resolution by the Merit Reward Entitlement Commission, accord them all or part of honorable treatment which they may receive in accordance with this Act or other Acts, for any period of time as fixed within three years. <Amended by Act No. 7105, Jan. 20, 2004>

(2) If persons of distinguished services to the May 18 Democratization Movement commit any crime provided for in Presidential Decree and are sentenced to imprisonment without labor for one year or a heavier punishment, the execution of which is in progress, the Minister shall not, during such execution, accord them honorable treatment which they may receive. <Amended by Act No. 7105, Jan. 20, 2004>

Article 67 (Exclusion from Application of this Act) (1) When persons of distinguished services to the May 18 Democratization Movement who are or are to be governed by this Act fall under any of the following subsections, the Minister shall exclude them from the application of this Act and shall not accord honorable treatment which they and their surviving family members or families may receive in accordance with this Act or other Acts: <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7647, Jul. 29, 2005; Act No. 7656, Aug. 4, 2005; Act No. 7874, Mar. 3, 2006>

1. When they are sentenced, for violations of the National Security Act, to imprisonment without labor or a heavier punishment, which is final;

1-2. When they are sentenced, for violations of Articles 87 through 90, 92 through 101, and 103 of the Criminal Act, to imprisonment without labor or a heavier punishment, which is final;

2. When for a crime provided for in Article 250, 251, 252, 253, 287, 288, 289, 292 (limited to any case falling under Article 287, 288 or 289), 293, 333, 334, 335, 336 or 351 (limited to any case in which they habitually commit a crime provided for in Article 347 or 348) of the Criminal Act or attempt thereat, a crime provided for in Article 297, 298, 299, 300, 301, 301-2, 302, 303, 305, 337, 338 or 339 of the Criminal Act, an attempt at a crime provided for in the former part of Article 337, the former part of Article 338, or Article 339 of the Criminal Act, a crime provided for in Article 2 (1), 3 (3), or 6 (limited to an attempt at a crime provided for in Article 2 (1) or 3 (3)) of the Punishment of Violence, etc. Act, a crime provided for in Article 5-2, 5-4 or 5-5 of the Act on the Aggravated Punishment, etc. of Specific Crimes, a crime provided for in Article 3 of the Act on the Aggravated Punishment, etc. of Specific Economic Crimes, or a crime provided for in Article 5, 6, 7, 8, 9, 10 or 12 (limited to an attempt at a crime provided for in Article 5, 6, 7, 8, 9 or 10) of the Act on the Punishment of Sexual Crimes and Protection of Victims Thereof, they are sentenced to imprisonment without labor for one year or a heavier punishment, which is final; or

3. When they habitually commit any act of impairment of dignity provided for in Presidential Decree.

(2) When surviving family members or families of persons of distinguished services to the May 18 Democratization Movement who are or are to be governed by this Act receive any sentence for a crime provided for in Article 250, 252 or 253 of the Criminal Act, which is final, the Minister shall exclude them from the application of this Act and shall not provide any Payment which they may receive. <Newly Inserted by Act No. 7874, Mar. 3, 2006>

(3) When persons who are excluded from the application of this Act under Section (1) fall under any of the following subsections, the Minister may, after receiving applications for registration under Article 7, decide that they shall be subject to this Act and accord them honorable treatment only if it is deemed that they are remarkably repentant: *Provided*, That this shall not apply when they fall under subsection 1-2 of Section (1) of this Article: <Amended by Act No. 7874, Mar. 3, 2006>

1. When, in any case in which they are sentenced to imprisonment without labor or a heavier punishment, three years have elapsed since it was completely executed or exempted;

2. When, in any case in which they are sentenced to the suspension of the execution of any punishment, the term of such suspension expires: *Provided*, That when, in any case in which such term is less than two years, two years have elapsed since such sentence; or

3. When, in cases other than those falling under subsections 1 and 2, two years have elapsed since they were excluded from the application of this Act.

(4) When the Minister intends to exclude persons of distinguished services to the May 18 Democratization Movement from the application of this Act for any reason falling under Section (1) 1 or 3 or to decide that other persons who are excluded from the application of this Act shall be subject to this Act under Section (3), he/she shall do so after deliberation and resolution by the Merit Reward Entitlement Commission. <Amended by Act No. 7105, Jan. 20, 2004; Act No. 7874, Mar. 3, 2006>

(5) When the Minister intends to suspend honorable treatment under Article 66 (2) or to exclude persons who are or are to be governed by this Act from the application thereof under Section (1) or (2) of this Article, he/she may require criminal records of agencies managing such records. <Amended by Act No. 7874, Mar. 3, 2006>

Article 68 (Limitation on Organization of Support Associations for Persons of Distinguished Services to the May 18 Democratization Movement) (1) No person shall be permitted to organize any association for the purpose of profit-making or to act collectively or personally on the pretext of supporting persons of distinguished services to the May 18 Democratization Movement, their bereaved family members or families. <Amended by Act No. 7105, Jan. 20, 2004>

(2) No association shall be permitted to use the term "persons of distinguished services to the May 18 Democratization Movement" prescribed in this Act or any expression which may be mistaken for that term in its name without basis in Acts. <Amended by Act No. 7105, Jan. 20, 2004>

Article 69 (Delegation and Entrustment of Authority) (1) The Minister may delegate part of his/her authority under this Act to the heads of agencies belonging to him/her in accordance with Presidential Decree.

(2) The Minister may entrust the postal service organization or financial institutions, etc. with matters concerning the payment of school expenses, etc. in accordance with Presidential Decree.

CHAPTER VIII PENAL PROVISIONS

Article 70 (Penal Provisions) (1) Any person who receives honorable treatment under this Act or has other persons do so by falsehood or other unjustifiable means shall be punished by imprisonment for not more than five years or by a fine not exceeding five million won.

(2) Any attempted violation of Section (1) shall be punished.

(3) Any person who violates Article 68 (1) shall be punished by imprisonment for not more than three years or by a fine not exceeding three million won.

Article 71 (Fine for Negligence) (1) Any person who fails to comply with an employment order under Article 25 without any justifiable reason shall be punished by a fine for negligence not exceeding five million won. <Amended by Act No. 7105, Jan. 20, 2004>

(2) Any person who falls under any of the following subsections shall be punished by a fine for negligence not exceeding three million won: <Amended by Act No. 7105, Jan. 20, 2004>

1. Any person who fails to make a report under Article 24-3 (1) or makes a false report, who fails to comply with a requirement for explanation under Article 24-3 (2) or gives a false explanation, or who refuses, obstructs or avoids the submission of materials;

2. Any person who fails to comply with a requirement for correction under Article 28 (2); or

3. Any person who violates Article 68 (2).

Article 72 (Imposition and Collection of Fine for Negligence) (1) A fine for negligence under Article 71 shall be imposed and collected by the Minister pursuant to Presidential Decree.

(2) A person who is dissatisfied with any disposition of a fine for negligence under Section (1) may, within thirty days after he/she has received notice of such disposition, raise an objection to the

Minister. <Amended by Act No. 7647, Jul. 29, 2005>

(3) If a person who is subject to any disposition of a fine for negligence under Section (1) raises an objection under Section (2), the Minister shall, without delay, notify a court of competent jurisdiction, which, in turn, shall proceed to a trial on a fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 7649, Jul. 29, 2005>

(4) If a person who is subject to any disposition of a fine for negligence neither raises an objection nor pays the fine for negligence within a period of time referred to in Section (2), that fine shall Article 59 (Fine for Negligence) (1) A person who act contrary to any measure which should be implemented by caring facilities as determined by the Commission under Article 38 (6) without any justifiable ground, shall be punished by a fine for negligence not exceeding 10 million won.

(2) A person who violates the provisions of Article 57, shall be punished by a fine for negligence not exceeding 5 million won.

(3) A fine for negligence as provided in this Article, shall be imposed by the Chairman and collected by the Minister of Justice. If a fine for negligence is imposed, the Commission shall send a written decision of such imposition to the Minister of Justice and the person who is subject to a disposition of fine for negligence without delay.

(4) A person who is dissatisfied with any disposition of fine for negligence as provided in this Article, may raise an objection to the Minister of Justice within thirty days after said disposition comes to his/her knowledge.

(5) If a person who is subject to a disposition of fine for negligence under this Article, raises an objection under Section (4), the Minister of Justice shall, without delay, notify a court of competent jurisdiction, which, in turn, shall proceed to a trial on a fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

(6) The procedure for collecting a fine for negligence shall be followed by referring to the practices of dispositions on default of national taxes.

ADDENDUM

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 7105, Jan. 20, 2004>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation, but shall be applied on January 1, 2004.

(2) (Application Example concerning Added Scores in Employment Examination) The amended provisions of Article 22 shall apply, starting with an employment examination that is published and held first after the enforcement of this Act.

(3) (Transitional Measures Arising from out Alteration of Titles) At the time when this Act enters into force, Gwangju Democratization Movement, persons of distinguished services to the Gwangju Democratization Movement, persons who die in the Gwangju Democratization Movement, persons who are injured in the Gwangju Democratization Movement and victims who are involved in the Gwangju Democratization Movement shall be deemed to be May 18 Democratization Movement, persons of distinguished services to the May 18 Democratization Movement, persons who die in the May 18 Democratization Movement, persons who are injured in the May 18 Democratization Movement and victims who are involved in the May 18 Democratization Movement under this Act.

(4) (Relationship with Other Acts and Subordinate Statutes) If other Acts and subordinate statutes cite the previous Act on the Honorable Treatment of Persons of Distinguished Services to the Gwangju Democratization Movement or the provisions thereof, they shall, if this Act contains the corresponding provisions, be deemed to have cited this Act or the provisions of this Act.

ADDENDUM <Act No. 7476, Mar. 31, 2005>

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

Articles 2 through 9 Omitted.

ADDENDUM <Act No. 7647, Jul. 29, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 20 (1) shall enter into force three months after that date.

(2) (Application Example of Employment Examination) The amended provisions of Article 22 (3) shall apply, starting with the employment examination executed according to the first public announcement after the enforcement of this Act.

ADDENDUM <Act No. 7649, Jul. 29, 2005>

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

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 7656, Aug. 4, 2005>

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

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 7874, Mar. 3, 2006>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Application Example of Exclusion from Application of this Act) The amended provisions of Article 67 (2) shall apply to surviving family members or families of persons of distinguished services to the May 18 Democratization Movement who make an application for registration under Article 7 (1) or make a report under Article 8 on or after the date on which this Act enters into force.

ADDENDUM <Act No. 8227, Jan. 3, 2007>