Addressing Human Rights Concerns after Korean Reunification

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The reunification of the two Koreas will present many legal challenges, but one of the most profound is how to deal with the human rights abuses that have occurred while the peninsula was divided. North Korea has operated as a repressive closed society with no rights of political participation for its citizens, cruel punishments of dissenters, denials of minimum human needs to much of its population, and terroristic attacks outside its borders. International law now recognizes the right of victims of human rights abuses to a full investigation of the mistreatment, compensation for their injuries, and punishment of those who perpetrated the abuses. Upon reunification, it will be necessary to address North Korea's human rights record and to provide an accounting and a proper closure for the victims.

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I. INTRODUCTION

The possibility that North and South Korea might reunify after more than half a century of separation is an exciting prospect not only for the Korean people but for everyone working toward a peaceful, prosperous, and just world. The opportunity to enable the talented and hard-working Koreans to work together to strengthen their culture and economic development is one that should be pursued with vigor. But difficulties will inevitably present themselves regarding how to reconcile the sharply contrasting legal and economic systems, and it is appropriate to examine some of the fundamental questions that will need to be sorted out during the reunification process.

What should be done with conflicting and overlapping property claims? What about the difficult situations created by Koreans in divided families who may have spouses and children in both North and South Korea? Will all North Koreans have the right to relocate to the South, where jobs and entrepreneurial activities will be greater? Will this right of "return" be recognized immediately or only after formal reunification is accomplished? How will the property and other civil rights of North Koreans who move South be adjusted? Will South Koreans have the right to invest in the North, or will some limits be imposed to protect the North Korean industries? Will North Korean industries remain state-owned and centrally managed, or will most of them become privatized? If so, what will the process of privatization look like?

These questions present enormous difficulties, which may require many meetings and detailed discussions to sort out. This paper is designed to promote some of the necessary discussion by focusing on one aspect of this challenge: what are the ramifications under international law of the rapprochement between North and South Korea in light of the human rights abuses and atrocities that have occurred during the decades of separation?

II. UNRESOLVED KOREAN HUMAN RIGHTS ABUSES

During the half century of tension on the Korean peninsula, many unresolved human rights abuses have occurred that remain to be sorted out. The Democratic People's Republic of Korea (North Korea) has been run by a tightly disciplined authoritarian regime, which prevented any challenges to its control as well as prohibited anything resembling free elections or multi-party democracy or any form of real participation in decision-making by its citizens. "[I]n a society where the multi-party system is regarded as a taboo, there will be neither freedom of political activities nor freedom of thought, press, association, religion [or] cultural activities."¹ Access to outside information by citizens has been completely controlled by "North Korea's formidable monopoly of local media,"²

¹ Young Sam Kim, 1998, "Aspects of Human Rights in North Korea," *World Constitutional Law Review* 395, vol. 3: 404.

² Nicholas Eberstadt, 1999, *The End of North Korea* 66, Washington, D.C.: AEI Press.

and the government's primary relationship with its citizens is aimed "at successfully indoctrinating the people with communistic ideals."³ Instead of recognizing and protecting the human rights of its citizens, North Korea emphasizes their duties to the state,⁴ which "take priority over rights."⁵ "In North Korea inalienable human rights are non-existent and the people have the duty to realize the purpose and ideal of building the socialist state under the dictatorship of the proletariat."⁶ The centralized economic system, combined with an unwavering commitment to maintain an extraordinarily large military force rather than provide goods for consumers, has led to repeated shortages of basic commodities, including sufficient food, especially since 1995.⁷ A secretly-taped video shot by a North Korean refugee in 1998 presented the following distressing scenes:

[B] are foot orphans sucking fishbones in a squalid outdoor market; women picking lice from each other's hair; men wading into a river to fish out the bodies of friends who starved to death or were shot by border guards. In one scene, an emaciated boy staggers from hunger as the cameraman asks him where he lives. The child is an orphan and lives on what scraps he can find in the opened air market. He is clearly close to collapse. In another harrowing scene, a small girl tries to scoop dirty water to drink from a puddle with a plastic bag. Some of the children said they had run away from state-run "relief centres" where the only food was two ladles of corn gruel a day. In some cases their parents had died or gone away to search for food and never came back.⁸

A Korean Airlines Boeing 707 was bombed mid-air in 1987,⁹ and a commando raid attacked the South Korean President in Seoul, apparently the work of North Korean agents.¹⁰ Ten or more unsolved kidnappings have occurred in Japan attributable to North Korean agents,¹¹ and South Korea has reported more than 400 cases of suspected abductions by the North during the period of tension.¹² Persistent reports describe extrajudicial killings, disappearances, and prolonged arbitrary detention by the North Korean government.¹³ Executions reportedly include senior party members and military

³ Kim, *supra* note 2, p.399.

⁴ *Id.*, p. 400.

⁵ *Id.*, p. 404.

⁶ *Id.*, pp. 406-407.

⁷ Eberstadt, *supra* note 3, p.3.

⁸ *Id.*, p.7 (quoting Juliet Hindell, 1998 Secret Film Shows Plight of Starving Children in North *Daily Telegraph* (London), 19 December, at 17).

⁹ Kim Hyon Hui, a North Korean woman was convicted for this attack. Howard W. French, 2000, Japanese Press North Korea on Old Kidnappings, *N.Y. Times*, 15 October (at 16, col. 3, nat'l ed.)

¹⁰ *Id.*

¹¹ Kim Hyon Hui, the North Korean agent who participated in the 1987 airline bombing, said she had been tutored intensively for two years in the Japanese language and customs by a Japanese woman who had been kidnapped from Japan. *Id.*

¹² *Id.*

¹³ U.S. State Dept. Bureau of Democracy, Human Rights, and Labor, 1999 Country Reports on Human Rights Practices Democratic People's Republic of Korea, http://www.state.gov/www/global/human_rights/1999_hrp_report/northkorea.html (site visited Nov. 6, 2000) (hereinafter cited as 1999 State Dept. Country Report on North Korea).

leaders, and sometimes they are held as public spectacles before thousands.¹⁴ Some accounts state that 150,000 to 200,000 persons are held in harsh conditions in 12 North Korean prison camps for political reasons.¹⁵ North Korea's Penal Code imposes harsh "draconian"¹⁶ punishments, including death, for "anti-revolutionary crimes which oppose the state sovereignty and the socialist system," such as criticizing Kim Il Song or Kim Jong Il or the socialist system.¹⁷ The Code classifies as "high treason" the act "of fleeing from North Korea to South Korea or a third country, or surrender and convert to enemy force, thereby betraying the fatherland and the people."¹⁸ Accounts of harsh prison conditions in North Korea are common, and particularly onerous conditions are apparently imposed on those prisoners who are uncooperative.¹⁹

The people of North Korea have thus been denied basic human rights for two generations, including the right to political participation and free expression, as well as minimal nutritional needs. Reports have estimated that many have died from hunger and that at least 100,000 have fled to China in search of food.²⁰ Observers have reported that North Koreans seeking to leave the country (sometimes in desperate search for food) have been shot at the North Korean borders with China and Russia.²¹ According to a recent report by Amnesty International:

Those caught by border guards or returned by the Chinese authorities were at risk of human rights violations. There were reports of detainees being severely beaten by North Korean security guards and sent to unheated, overcrowded prison camps with little food. (Winters in North Korea are harsh with temperatures dropping to minus 25 degrees centigrade.) There were also reports of trafficking of women and girls in the border area.²²

South Korea has also been accused of human rights violations, including imposing long prison sentences on its dissidents under Article 7 of its National Security Law.²³ In November 1999, the Human Rights Committee in Geneva recommended that South Korea "phase out the National Security Law" and in particular to "urgently amend

¹⁴ *Id.*; U.S. State Dept. Bureau of Democracy, Human Rights, and Labor, Democratic People's Republic of Korea Report: on Human Rights Practices for 1997, http://www.state.gov/www/global/human_rights/1997_hrp_report/northkorea.htm (site visited Nov. 6, 2000).

¹⁵ 1999 State Dept. Country Report on North Korea, *supra* note 14.

¹⁶ Ghini, *supra* note 2, p. 424.

¹⁷ *Id.*, p. 416.

¹⁸ *Id.*, p. 417.

¹⁹ 1999 State Dept. Country Report on North Korea, *supra* note 14.

²⁰ Worldwide Refugee Information, Country Report: North Korea (site visited Nov. 5, 2000) (quoting the U.S. Institute of Peace for the estimate that "at least 100,000 North Koreans had fled to China in search of food in the past four years"); John Gittings, 1999, Life on a Diet of Roots, Grass and Seaweed, *The Guardian*, April 29, www.guardian.co.uk/The_Paper/Daily/Story/0,5604,45985,00.html (site visited Nov. 5, 2000) (citing the U.N. World Food Programme for the proposition that North Korea had "simply run out of food").

²¹ See, e.g., Amnesty International, North Korean Shot Dead at Russian Border by North Korean Officials.

²² *Id.* (Amnesty International's Annual Report 2000).

²³ As of March 6, 2000, 57 of the 88 political prisoners held in South Korea were detained or sentenced under the National Security Law. Amnesty International, 2000 Amnesty International Urges Korean Leaders June 26, web.amnesty.org/a-us/index/ASA240022000?OpenDocument&ot=COUNTRIES/NORTHKOREA (site visited Nov. 5, 2000).

Article 7 so as to make it compatible with the [International] Covenant" on Civil and Political Rights, which South Korea has ratified.²⁴ Prison conditions in South Korea have also been characterized as "hard"²⁵ or "Spartan."²⁶

These abuses raise serious questions about how the perpetrators of the human rights violations should be treated after reunification. In November 1999, the appeals court in Leipzig, Germany upheld a manslaughter conviction against Egon Krenz, the last Communist leader of East Germany, and two other leading Politburo members, Gunther Kleiber and Gunther Schabowski, for their roles in the shootings of persons trying to escape to the West during the period when Germany was divided.²⁷ Should the North Korean officials who have ordered that citizens trying to leave the country be killed or brutalized suffer the same fate? What about the soldiers who carried out these illegal orders? What about the officials who ordered the summary executions of political opponents? Responsibility for such decisions probably includes the highest leaders in North Korea.

One clear precedent was established when South Korea prosecuted and imprisoned two of its recent Presidents, Chun Doo Hwan and Roh Tae Woo, for acts of corruption and for human rights abuses in connection with the suppression of a riot, but an element of mercy was introduced when they were both released by prison by Kim Dae Jung shortly after his election as President in 1997 as a gesture of national reconciliation.²⁸

What is the proper approach: vigorous prosecution or mercy to promote amicable reunification? Does international law permit countries to ignore human rights violations committed by previous regimes? The next section surveys the laws and practices on this subject, and demonstrates that international law requires prosecutions and civil remedies, but that countries have sometimes adapted this requirement to their specific needs in some recent situations to promote a common effort to build a unified nation.

III. THE RIGHT TO BRING A CLAIM IS A FUNDAMENTAL HUMAN RIGHT UNDER INTERNATIONAL LAW, AS IS THE DUTY TO PROSECUTE

The right to bring a claim for a violation of internationally-recognized human rights

²⁴ *Id.* South Korean President Kim Dae Jung has declared that the National Security Law should be revised "to protect human rights and make the law consistent with the Government's attempts to expand contacts with the North." U.S. State Dept. Bureau of Democracy, Human Rights, and Labor, 1999 Country Reports on Human Rights Practices Republic of Korea, http://www.state.gov/www/global/human_rights/1999_hrp_report/southkoe.html (site visited Nov. 6, 2000) (hereafter cited as 1999 State Dept. Country Report on South Korea).

²⁵ Derechos Human Rights, Human Rights in South Korea, <http://www.derechos.org/human-rights/skorea.html> (site visited Nov. 6, 2000).

²⁶ 1999 State Dept. Country Report on South Korea, *supra* note 13.

²⁷ Roger Cohen, 1999: Verdict in Berlin Wall Deaths Is Upheld, *N.Y. Times*, 9 November (at A10, col. 3). These convictions will be appealed to the European Court of Human Rights in Strasbourg. *Id.*

²⁸ *N.Y. Times*, A New Kind of Leader for South Korea, and for the Rest of Asia Too, 23 February (at A5, col. 3 (encl'd)).

is well established under international law, and this right includes the ability to recover monetary compensation, to insist on a proper and full investigation of the incident, and to see the perpetrators of the abuses brought to criminal justice. In addition, the duties to investigate, prosecute, and compensate apply to a new successor government in the same fashion as they apply to the former government that undertook or tolerated the human rights abuses.

Article 8 of the Universal Declaration of Human Rights²⁹ says that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law" (emphasis added). Similarly, Article 2(3)(a) of the International Covenant on Civil and Political Rights,³⁰ which has been ratified by more than 140 countries, including both North and South Korea, says that "Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity..." (emphasis added).³¹

Regional human rights treaties also emphasize the right to redress for human rights violations. Article 6(1) of the European Convention on Human Rights³² says that "In the determination of his civil rights..., everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."³³

Similarly, Article 25(1) of the American Convention on Human Rights³⁴ says that: Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

²⁹ December 10, 1948, U.N.G.A. (United Nations General Assembly), Res. 217. In the civil-law system, upon which the procedures used in international tribunals are primarily based, the distinction between a criminal prosecution and a civil claim for damages is not as clear as it is in the common-law system used in the United Kingdom and the United States. In the civil-law system, victims participate actively in criminal proceedings and help to prosecute them. For that reason, the treaties and decisions that have addressed the rights of victims to redress have not always made a clear distinction between the right to ensure that a human-rights abuser is criminally prosecuted and the right to bring a claim for monetary compensation. Both these rights exist, and both are crucial elements to the fundamental human right to obtain redress for violations of substantive human rights norms.

³⁰ December 16, 1966, 999 U.N.T.S. (United Nations Treaty Series), 171.

³¹ In August 1997, North Korea "withdrew" from the International Covenant on Civil and Political Rights because of criticism of its failure to file the required report. See Amnesty International, General Secretary Kim Jong Il Should Consider Human Rights Reforms: The North Korean government announced in 1999 that it would file the required report, but it has not been filed by the end of that year. Amnesty International, Annual Report 2000: Democratic People's Republic of Korea, www.web.amnesty.org/web/ar2000webinfo/countries (site visited Nov. 5, 2000).

³² Nov. 4, 1950, 312 U.N.T.S. (United Nations Treaty Series), 221.

³³ The European Court of Human Rights ruled, in the *Golder Case*, Ser.A, no.18 at 17 (Eur. Ct. H.R., May 7, 1974), that the right to bring a civil claim to an independent judge "ranks as one of the universally 'recognized' fundamental principles of law."

³⁴ Nov. 22, 1969, 9 I.L.M. (International Legal Materials), 673 (1970).

Decisions in the Inter-American system confirm that the right to an effective remedy is a continuing one that cannot be waived. The seminal case of the Inter-American Court of Human Rights is *The Velasquez Rodriguez Case*,³⁵ which holds that the American Convention on Human Rights imposes on each state party a "legal duty to...ensure the victim adequate compensation." The court explained that each country has the duty to protect the human rights listed in the Convention and articulated this responsibility as follows:

This obligation implies the duty of the States parties to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights. As a consequence of this obligation, the States must *prevent, investigate and punish* any violation of the rights recognized by the Convention....³⁶

This decision is important, because it lists both the right to monetary compensation and the right to see the perpetrators of abuses punished as essential to the right to have one's human rights protected. Similarly, the European Court of Human Rights has ruled recently that Turkey violated the rights of citizens who were prevented from bringing a claim for the deliberate destruction of their houses and possession, noting that "the notion of an 'effective remedy' entails, in addition to the payment of compensation where appropriate, a thorough and effective investigation capable of leading to the identification and punishment of those responsible and including effective access for the complainant to the investigative procedure."³⁷ The Human Rights Committee in Geneva, established by the International Covenant on Civil and Political Rights, has also gone on record opposing amnesties:

The Committee has noted that some States have granted amnesty in respect of acts of torture. *Amnesties are generally incompatible with the duty of States to investigate such acts; to guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future.*³⁸

³⁵ 4 Inter-Am. Ct.H.R. (Ser.C), para. 174d (1988), reprinted in 28 I.L.M. 291 (1989).

³⁶ *Id.*, paragraph 166 (emphasis added).

Other decisions that confirm this result include *Report No. 36/96, Case No. 10,843*, Inter-American Human Rights Commission, October 15, 1996, paragraphs 68, 105, 112 (ruling that Chile's 1978 Amnesty Decree Law violated Article 25 of the American Convention on Human Rights because "the [human rights] victims and their families were deprived of their right to effective recourse against the violations of their rights"); *Rodriguez v. Uruguay*, U.N.Doc. CCPR/C/51/D/522/1988, Annex (Human Rights Committee, 1994) (stating that "amnesties for gross violations of human rights...are incompatible with the obligations of the State party" under the International Covenant on Civil and Political Rights and that each country has a "responsibility to provide effective remedies to the victims of those abuses" to allow the victims to gain appropriate compensation for their injuries); *Changfau Orger and Others v. Chile*, Cases 11,505 et al., Inter-American Commission on Human Rights 512, OEA/Ser.L/V/II.98, doc. 7 rev. (1997), (stating that Chile's amnesty law violated Articles 1, 1, 2, and 25 of the American Convention on Human Rights, that countries have a duty to "investigate the violations committed within its jurisdiction, identify those responsible and impose the pertinent sanctions on them, as well as ensure the adequate reparation of the consequences suffered by the victim").

³⁷ *Mentis v. Turkey*, 37 I.L.M. 858, 882 para. 89 (1998).

The right to pursue claims for compensation exists for wartime atrocities just as it exists for abuses that occur in peacetime.³⁹ Human rights are not suspended during wartime; indeed it would be repellent to hold that responsibility is sacrificed when the individual is most imperiled.⁴⁰ Article III of the 1907 Hague Regulations⁴¹ recognizes the duty to compensate for injuries caused during war in the following language: "A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces." The Treaty of Versailles⁴² implemented this requirement by establishing mixed arbitration tribunals for private claimants to present their damages against Germany, even against the wishes of their own governments. These principles were codified once again in the Geneva Conventions of 1949 which forbid countries from "absolving themselves of liability" for grave breaches.⁴³

It is clear, therefore, that claims based on violations of law are a form of property that cannot be cavalierly waived by a nation to serve some other foreign policy goal. Claims based on torture, murder, physical abuse, racial persecution, and other violations of basic norms of human decency are particularly important, and both international and U.S. law explicitly protects those claims against government neglect, duplicity, or abuse. Treaties and amnesty agreements purporting to waive claims or exonerate human rights abusers thus have no more validity than the efforts by the Chilean government to immunize its military leaders from claims brought by the Chilean citizens who were tortured and murdered.⁴⁴ Although claims can be postponed or transferred to a different venue for resolution, they cannot be extinguished without violating fundamental principles of international law, as well as basic precepts of fairness.

³⁹ General Comment No. 20 (on Article 7), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev. 1 at 30 (1994).

⁴⁰ See *Kadic v. Karadzic*, 70 F. 3d 232, 236 (2d Cir. 1995), cert. Denied, 116 S. Ct. 2524 (1996) (allowing torture and rape victims to bring claims for brutal acts carried out "in the course of the Bosnian Civil War"); see also *Linder v. Portocarrero*, 963 F. 2d 332 (11th Cir. 1992) (allowing a claim to be brought on behalf of a person allegedly tortured and murdered "during the civil war between the Sandinistas and the contras in Nicaragua").

⁴¹ The Special Rapporteur for the United Nations Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities has written:

The Special Rapporteur reiterates that in order to end impunity for gross violations of international law committed during armed conflict, the legal liability of all responsible parties, including Governments, must be acknowledged, and the victims must be provided with full redress, including legal compensation and the prosecution of the perpetrators.

Contemporary Forms of Slavery, Systematic Rape, Sexual Slavery, and Slavery-Like Practices During Armed Conflict at 19, paragraph 75 (1999).

⁴² *Laws and Customs of War on Land* (Hague IV) and Annexed Regulations, Oct. 18, 1907, 36 Stat. 2271, 1 Bevans 631.

⁴³ June 28, 1949, 2 Bevans 43.

⁴⁴ Geneva Convention I of 1949, art. 51, 6 U.S.T. 3114, 3148, 75 U.N.T.S. 31 (armed forces in the field); Geneva Convention II of 1949, art. 52, 6 U.S.T. 3217, 3250, 75 U.N.T.S. 85 (armed forces at sea); Geneva Convention III of 1949, art. 131, 6 U.S.T. 3316, 3420, 75 U.N.T.S. 133; Geneva Convention IV of 1949, art. 148, 6 U.S.T. 3516, 3618, 75 U.N.T.S. 267 (civilians).

⁴⁵ See *Regina v. Bawle and the Commissioner of Police for the Metropolis and Others, Ex Parte Pinochet, U.K.*: House of Lords (March 24, 1999).

IV. THE OPTIONS AND STRATEGIES THAT HAVE BEEN PURSUED ELSEWHERE

Each country's struggle with its past is different, so generalizations are difficult. But in most parts of the world we now see a commitment to address human rights abuses, to punish the perpetrators of such actions, and to bring justice, compensation, and a sense of closure to the victims. In those places where amnesties have been offered like Chile, Argentina,⁴⁵ and Sierra Leone the yearning for an accounting remains and will not go away. In places where the governing regime wants to put the past behind it and focus on building a better future like Cambodia the people and the international community refuse to let the past be forgotten and insist on orderly investigations and prosecutions.

The list of current efforts to achieve justice is long, and is worldwide in geographic scope. The goal in each case is to achieve a "reconciliation" to allow the country to go forward together, without always returning to the past for a reexamination resulting from a sense of a people wronged. "Reconciliation" is a powerful word. It is not just a feel-good concept, which can be achieved by a few words of sorrow followed by some handshakes or hugs. It requires making right the wrong that occurred. It requires a full and fair acknowledgment of the wrong, followed by a real settlement, usually requiring the transfer of money and/or property, and the punishment and/or disgrace of those who committed the wrongs.⁴⁶

The strategies utilized to bring a sense of closure and reconciliation can be categorized into the following four approaches: (1) an apology for the wrong, which can be general or specific; (2) an investigation and accounting; (3) compensation for the victims, either through a general class approach, or through individual determinations, or both; and (4) prosecution of the wrongdoers. These approaches are described below, with examples from recent history:

Apology

A formal apology is a crucial element of any reconciliation process. Recent examples include President Clinton's apology for the U.S. support of the military in Guatemala.⁴⁷

⁴⁵ For a survey of the approaches countries have taken toward human rights abuses committed by authoritarian regimes after they return to democratic rule, see Jon M. Van Dyke and Gerald W. Berkley 1992, "Redressing Human Rights Abuses," *Dartmouth Journal of International Law and Policy*, vol. 6: 243.

⁴⁶ Examples of "reconciliations" that involve substantial financial transfers include Canada's "Statement of Reconciliation" issued January 7, 1998, establishing a \$245 million "healing fund" to provide compensation for the thousands of indigenous children who were taken from their homes and forced to attend boarding schools where they were sometimes physically, sexually abused, and Canada's transfer in August 1998 of \$750 million square miles in British Columbia, just south of Alaska, to the 5,000-member Nisga'a Tribe. Anthony DePalma 1998, "Canada Pact Gives a Tribe Self Rule for the First Time," *N.Y. Times*, 5 August, 1998, at A1. The basis for the "Statement of Reconciliation" can be found in Benjamin C. Hoffman, *The Search for Healing, Reconciliation, and the Promise of Prevention* (presented to the Reconciliation Process Implementation Committee in 1995, and documenting physical and sexual abuse at St. Joseph's and St. John's Training Schools for Boys), and Douglas Roche and Ben Hoffman, *The Vision to Reconcile* (1993).

Secretary of State Madeleine Albright apologized for U.S. support for the 1953 coup that restored Shah Mohammed Riza Pahlavi to power in Iran and its backing of Iraq during the war with Iran in the 1980s.⁴⁸ Pope John Paul II issued a sweeping apology on March 12, 2000 for the errors of the Roman Catholic Church during the previous 2,000 years, acknowledging intolerance and injustice toward Jews, women, indigenous peoples, immigrants, and the poor.⁴⁹ In 1993, the United States apologized for the participation by its military and diplomats in the illegal overthrow of the Kingdom of Hawai'i in 1893.⁵⁰ The United States apologized for the internment of Japanese-Americans during World War II.⁵¹ In 1999, Australia acknowledged the "most blemished chapter in our national history," and expressed "its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel."⁵² And, Berlin and Ghana have apologized for their roles in facilitating the slave trade.⁵³

Investigation and Accounting

Documentation of the wrongdoing serves the important purpose of recognizing the suffering and acknowledging that wrongdoing occurred. The two most significant accountings in recent years are those that took place in Chile and South Africa, but others have occurred as well.

- Chile's situation was unique in that General Augusto Pinochet allowed elections to take place in the late 1980s, but retained firm control over the military and kept a watchful eye on the new government. The new President, Patricio Aylwin, was effectively blocked from prosecuting Pinochet and his military associates, but he wanted nonetheless to acknowledge and honor the victims, and so appointed a Commission of Truth and Reconciliation which prepared a comprehensive report documenting 2,000 human rights abuses.⁵⁴
- In South Africa, a Truth and Reconciliation Commission met for two and a half years

⁴⁷ See *infra* text at notes 45-46.

⁴⁸ Agence France-Presse. 2000. Iranians Respond to Overture from the U.S. with Mixed Signals. *N.Y. Times*, 19 March, at A13, col. 1.

⁴⁹ Alessandra Stanley. 2000. Pope Asks Forgiveness for Errors of the Church Over 2,000 Years. *N.Y. Times*, 13 March, at A1, col.4 (nat'l ed.).

⁵⁰ Joint Resolution to Acknowledge the 100th Anniversary of the January 17, 1893 Overthrow of the Kingdom of Hawaii, Pub. L. 103-150, 107 Stat. 1510 (1993).

⁵¹ Civil Liberties Act of 1988, 50 U.S.C. sec. 1989.

⁵² Reuters. 1999. Australia Expressing Regret to Aborigines. *N.Y. Times*, 27 August. For a listing of additional apologies by governments, groups, businesses, and individuals for racial wrongs, see Eric K. Yamamoto. 1997. "Race Apologies." *Gender, Race and Justice* 47 (1): 68-88.

⁵³ Jeffrey Ghannam. 2000. Repairing the Past. *ABA Journal*, November: 39. For a listing of additional apologies by governments, groups, businesses, and individuals for racial wrongs, see Eric K. Yamamoto. 1997. "Race Apologies." *Gender, Race and Justice* 47 (1): 68-88.

⁵⁴ Jon M. Van Dyke and Gerald W. Eekley. 1992. "Redressing Human Rights Abuses." *Denver Journal of International Law and Policy*, vol. 20: 243, 245-51.

to document as many of the human rights abuses as possible and issued a report blaming both sides for abuses. Persons who came forward with truthful accounts of their participation in violent acts linked to a political objective were pardoned as part of the national healing effort, but others have been prosecuted for their role in these atrocities.⁵⁵ As of the end of 1999, 6,037 individuals had applied for political amnesty, with 568 receiving pardons and 815 applications still under consideration.⁵⁶ Of the 568 who were pardoned, 383 were members of the African National Congress, who were seeking to overthrow the apartheid government, 124 were members of the apartheid security forces, 28 were in the Zulu-based Inkatha Freedom Party, and one (Adriaan Vlok who had been Minister of Law and Order from 1986 to 1994 and confessed to ordering a bomb attack in 1987) was a member of the governing apartheid National Party.⁵⁷

- In February 1999, an independent United-Nations-sponsored Historical Clarification Commission concluded an 18-month investigation and reported that the Guatemalan military with U.S. money and training committed "acts of genocide" against the indigenous Mayan community in Guatemala during the country's long civil war and were responsible for 42,000 human rights violations, including 29,000 deaths or disappearances.⁵⁸ The next month, President Clinton apologized for the U.S. participation saying that "support for military forces and intelligence units which engaged in violence and widespread repression was wrong, and the United States must not repeat that mistake."⁵⁹
- The city of Tulsa, Oklahoma, established the 11-member Tulsa 1921 Race Riot Commission to investigate and document the rampage of May 31-June 1, 1921, during which whites acting under the authority or acquiescence of the police and sheriff's deputies destroyed more than 1,000 homes, 35 stores, eight doctors' offices, and five motels, and killed up to 300 African-Americans in the thriving black Greenwood section of Tulsa, also called the "Negro Wall Street." The Commission spent two years interviewing hundreds of witnesses and victims, and in February 2000 recommended that the State of Oklahoma pay reparations to the 80 survivors now in their 80s and 90s whose relatives were killed or whose property was destroyed.

⁵⁵ *Truth and Reconciliation Commission of South Africa Report* (5 volumes 1999). A challenge to the legitimacy of granting amnesties was rejected in *Azanian Peoples Organization v. The President of the Republic of South Africa*, 1996(4) South Africa Law Reports 617 (Constitutional Court of South Africa, 1996). The court justified its conclusion by explaining that the amnesty was not "a uniform act of compulsory statutory amnesty," but was appropriately linked to promoting "a constructive transition towards a democratic order" and was "available only where there is a full disclosure of all facts" and for acts committed "with a political objective." *Id.*, paragraph 32.

⁵⁶ Dean E. Murphy, 1999, Ex-Apartheid Minister Offers Lone High-Ranking Voice of Remorse, *L.A. Times*, 17 December, at A2, col. 4 (nat'l ed.).

⁵⁷ *Id.*, col. 5.

⁵⁸ Mireya Navarro, 1999, Guatemalan Army Waged 'Genocide,' New Report Finds, *N.Y. Times*, 26 February, at A1, col. 8 (nat'l ed.).

⁵⁹ John M. Broder, 1999, Clinton Offers His Apologies to Guatemala, *N.Y. Times*, 11 March, at A1, col. 5 (nat'l ed.).

The Commission recommended that the state pay survivors and the descendants of murder victims and also fund a scholarship program, establish an enterprise zone for black businesses, and erect a monument to the victims, a package that might cost as much as \$33 million.⁶⁰

Compensation for the Victims

International law has always been clear that reparations are essential whenever damages result from violations of international law. This principle is securely rooted in the decision of the Permanent Court of International Justice in the *Chorzow Factory Case*.⁶¹ and it was reaffirmed in 1999 by the International Tribunal for the Law of the Sea in the *M/V Saiga Case*.⁶² Reparations are just as important and just as mandatory in cases of human rights abuses as in any other cases. The requirement of appropriate compensation is being recognized increasingly in a wide variety of contexts.

- In 1992, after more than 2,000 human rights abuses were documented by a Chilean Commission, the Chilean Legislature enacted a law providing a wide range of economic benefits for the victims and their families.⁶³
- The Japanese-Americans interred in World War II received \$20,000 each,⁶⁴ and those persons of Japanese ancestry brought to camps in the United States from Latin American have received \$5,000 each.⁶⁵
- Canada has provided a reparations package for the First Nation children who were taken from their families and transferred to boarding schools where they were denied access to their culture and frequently physically mistreated.⁶⁶
- New Zealand established a process to address the wrongs committed by the British against the Maori people in the late 1800s, having systematically taken their lands and resources, and has returned lands and transferred factories, fishing vessels, and fishing rights to the Maori groups to compensate them for their losses.⁶⁷
- In Puerto Rico, Governor Pedro J. Rossello publicly apologized and offered restitution

⁶⁰ *Chicago Tribune*, 2000 Tulsa Seeks to Redress Victims of 1921 Race Riot, Honolulu Advertiser, 5 February.

⁶¹ *Factory at Chorzow, Merits*, Judgment No. 13, P.C.I.J., Series A, No. 17, at 47 (1928).

⁶² *The M/V Saiga Case (Saint Vincent and the Grenadines v. Guinea)*, para. 170 (ITLOS July 1, 1999). The text of this opinion can be found at <http://www.un.org/Depts/los/ITLOS/Saiga-cases.html> (visited March 22, 2000).

⁶³ Law No. 19,123 Creating the National Corporation for Reparation and Reconciliation (Chilean National Congress 1992).

⁶⁴ Civil Liberties Act of 1988, 50 USC, sec. 1889; see generally Cons. K. Iijima, 1998, "Reparations and the 'Model Minority' Ideology of Acquiescence: the Necessity to Refuse the Return to the Original Humiliation," *Boston College Law Review*, vol. 40: 385.

⁶⁵ Settlement Agreement, *Mochizuki v. United States*, No. 97-2940 (Fed. Cl. 1997); WWII Internees Get \$,000 Dollars Official Apology Yomuri Shimbun, 11 January, 1999.

⁶⁶ See *supra* note 47.

⁶⁷ For an example of the settlement obtained by one Maori group, see Ngai Tahu - New Zealand Maori Tribe Website, <<http://www.ngaitahu.iwi.nz/>> (visited July 2, 2001).

of up to \$6,000 each to thousands of "independentistas" and others who were spied on by a police intelligence unit starting in the late 1940s.⁶⁸

- In 1994, Florida Governor Lawton Chiles signed into law a bill providing for the payment of \$2.1 million in reparations to the descendants of the black victims of the Rosewood massacre, in which white lynch mobs killed six blacks and drove others from their homes to destroy a prosperous black community.⁶⁹ Under this bill, Florida provided \$150,000 to each of the nine survivors, and other monetary awards to 143 descendants of victims.⁷⁰
- Lawsuits have been filed in the United States by victims of human rights abuses for compensation. One of the prominent cases was brought by 9,500 victims of human rights abuses in the Philippines against Ferdinand E. Marcos when he was exiled to Hawaii in 1986, and continued against his estate after he died in 1989. A federal court jury ruled that Marcos was liable for torture, murder, and disappearances that these victims suffered, and ordered his estate to pay \$775,000,000 in compensatory damages and \$1,200,000,000 in exemplary damages.⁷¹
- The German government has funded various compensation programs to pay victims of the World War II Holocaust, and to make payments directly to the State of Israel as well.⁷² More recently, lawsuits were filed in U.S. courts by the victims of slave- and forced-labor during World War II against the German banks and companies that profited from such abuses,⁷³ and in the summer of 2000 a formal agreement was reached to provide \$5.1 billion to the 250,000 members of this victimized class.⁷⁴ Payments of about \$7,500 to each person forced to work as a slave laborer and about \$2,500 to each person obliged to work in forced-labor situations began to be distributed in the summer of 2001.⁷⁵
- Austria has similarly established a \$400 million fund to provide compensation to slave and forced laborers sent to Austria by Hitler after the 1938 annexation.⁷⁶

⁶⁸ Mireya Navarro, 2000, *Freed Puerto Rican Militants Revel in Life on the Outside*, *N.Y. Times*, 27 January, at A14, col. 3 (mail ed).

⁶⁹ Randall Robinson, 2000, *The Debt: What America Owes to Blacks* 225 (citing House Bill 591).

⁷⁰ Chris K. Iijima, 1998, *Reparations and the "Model Minority" Ideology of Acquiescence: the Necessity to Refuse the Return to the Original Humiliation*, *Boston College Law Review*, vol. 40: 385, 388 (citing Lori S. Robinson, 1997, *Righting a Wrong among Black Americans: the Debate is Escalating over whether an Apology for Slavery is Enough*, *Seattle Post-Intelligencer*, 29 June, at E1).

⁷¹ See *Trajano v. Marcos* (*In re: Estate of Ferdinand E. Marcos Litigation*), 978 F. 2d 493 (9th Cir. 1992) ("Estate I"), *cert. denied*, 508 U.S. 972 (1993); *In re Estate of Ferdinand E. Marcos Human Rights Litigation*, 910 F. Supp. 1460, 1462-63 (D. Haw. 1995); *In re Estate of Ferdinand Marcos, Human Rights Litigation*, Hidalgo v. Estate of Ferdinand Marcos ("Estate II"), 25 F. 3d 1467 (9th Cir. 1994); Hidalgo v. Estate of Ferdinand Marcos ("Estate III"), 163 F. 3d 767 (9th Cir. 1996).

⁷² See Karen Parker and Jennifer E. Chew, 1994, "Compensation for Japan's World War II War-Rape Victims," *Hastings Int'l and Comp. Law Review* 497, vol. 17: 528-52.

⁷³ See, e.g., *Burger-Fischer v. Degussa AG*, 65 F. Supp. 2d 248 (D.N.J. 1999) and *Ivanowa v. Ford Motor Company*, 57 F. Supp. 2d 41 (D.N.J. 1999).

⁷⁴ Honolulu Advertiser, 1999, *Germany Will Pay Slave-Labor Victims*, *Chicago Tribune*, 15 December, at A1.

⁷⁵ See, e.g., *In re: Austrian and German Holocaust Litigation*, 250 F.3d 156 (2d Cir. 2001).

Prosecution of the Wrongdoers

The Trials at Nuremberg and in the Far East after World War II still stand as models for systematic and conscientious prosecutions of those who have violated the laws of war and fundamental human rights principles. But for almost half a century after those trials, no other international trials took place. Then in the early 1990s, the United Nations Security Council established tribunals to prosecute those who violated fundamental norms during the fighting in the former Yugoslavia and Rwanda.⁷⁷ These tribunals were slow in getting started, but have recently been proceeding steadily through their caseload. As of February 2000, the Rwandan Tribunal had delivered seven verdicts and was holding 39 people in custody in Arusha, Tanzania.⁷⁸ In December 1999, NATO peacekeepers in Bosnia arrested (using a sealed indictment) retired Maj. Gen. Stanislav Galic, who had commanded the Bosnian Serb forces that besieged Sarajevo from 1992 to 1994.⁷⁹ In June 2001, the Serbian government finally extradited Slobodan Milosovic, and flew him to the Netherlands to face trial. In January 2000, U.S. courts cleared the way for Elizaphan Ntakirutimana to be turned over to the Rwandan tribunal for prosecution. He was a church leader accused of offering refuge to ethnic Tutsi and then turning a Hutu death squad loose on them.⁸⁰ Then, in February 2000, three high-ranking Rwandan officers were arrested in Europe on warrants issued by the Rwandan Tribunal.⁸¹

- General Augusto Pinochet, the ruthless dictator of Chile from 1973 to 1989, was held under house arrest in England for 16 months, fighting his extradition to Spain to be prosecuted for the torture and murder of Chileans, but he was finally returned to Chile in February 2000 after British officials concluded that he was medically unfit to stand trial. Although this protracted episode did not lead to an international trial of Pinochet, the British House of Lords reached a significant decision during the period of house arrest, ruling that Pinochet's status as a former head of state did not give him an immunity from prosecution and that prosecution for his egregious "universal" crimes would be appropriate in any country. Since his return, Chile's

⁷⁶ Honolulu: Avertsen, 2000. Hitler Deputies to Receive \$400 Million. *Chicago Tribune*, 7 October, at A3.

⁷⁷ See Statute of the International Criminal Tribunal for the Former Yugoslavia, S.C. Resolution 827 (1993). See generally Louis Henkin, Gerald L. Neuman, Diane F. Orentlicher, and David W. Leeborn, *Human Rights*, 618-30 (1999). The International Criminal Tribunal for Rwanda was established by the Security Council in November 1994, S.C. Res. 955, Annex (1994), in response to the more than 500,000 minority ethnic Tutsi and Hutu opposition members who were killed during three months of slaughter in 1994 led by the Hutu-dominated government.

⁷⁸ Associated Press, 2000. Two Rwandans Held in Europe in 1994 Deaths. *N.Y. Times*, 16 February, at A6, col. 6 (nat'l ed.).

⁷⁹ Craig R. Whitney, 1999. NATO Arrests Serb Ex-General on War Crimes Charges. *N.Y. Times*, 21 December, at A10, col. 3 (nat'l ed.).

⁸⁰ Barbara Crossette, 2000. Way Clear for U.S. to Deliver Rwanda War Crimes Suspect. *N.Y. Times*, 25 January, at A3, col. 5 (nat'l ed.).

⁸¹ Associated Press, 2000. Two Rwandans Held in Europe in 1994 Deaths. *N.Y. Times*, 16 February, at A6, col. 6 (nat'l ed.). Francois-Xavier Nzuwonemeye was arrested in Montrabban, in southwest France, Innocent Sagahutu was arrested in Ringkobing, Denmark, 200 miles west of Copenhagen, and Tharcisse Muvunyi was arrested in Britain.

courts have concluded that General Pinochet is not entitled to immunity, and are also pursuing cases against military officers who served in the Pinochet government.

- In November 1999, Judge Baltasar Garzon, the same Spanish magistrate who has been pursuing General Pinochet, charged 98 former Argentine officers with genocide, terrorism, and torture in connection with the atrocities perpetrated by the military dictatorship that controlled Argentina from 1976 to 1983, where between 9,000 and 30,000 persons died or disappeared.⁸² Previously, Judge Garzon ordered the arrest of Adolfo Scilingo, an Argentine officer who testified in the Spanish court that he had thrown dissidents from planes during the Argentine "dirty war."⁸³ Jorge Rafael Videla, the Argentine dictator during this period, was rearrested in June 1998 for his participation in the systematic kidnapping of children, even though he had previously been pardoned (in 1990) after his life sentence (in 1985) for his role in the death squads.⁸⁴ In February 2000, Argentina's newly-inaugurated President, Fernando de la Rúa, ordered a purge from the government payroll of the some-1,500 military personnel and civilians connected with the "dirty war" from the 1976-83 period.⁸⁵
- Brazil is finally addressing the abuses that occurred during the military dictatorship that lasted from 1964 to 1985. A new investigation is underway to determine what really happened on April 30, 1981, when two military personnel were killed by a bomb in the parking lot outside an arena containing 20,000 supporters of left-wing causes, to determine whether they were *agent provocateur* trying to disrupt the event; and the nomination of Joao Batista Campelo as the chief of the Federal Police was derailed recently when it was revealed that he had supervised torture in 1970.⁸⁶
- The United Nations has been attempting to negotiate with Cambodia to establish a genocide tribunal that would be jointly run by the United Nations and the Cambodian government. Under this approach, trials would be held for all the top Khmer Rouge leaders, who were responsible for the deaths of some 1.7 million Cambodians who were executed or died of starvation or disease during the 1975-79 regime.⁸⁷

⁸² Associated Press. 1999. Menem Rejects Spain's Bid to Try Ex-Leaders. *Los Angeles Times*, 4 November, at A6, col.1.

⁸³ Associated Press. 1997. Argentine Arrested in Spanish "Dirty War" Inquiry. *N.Y. Times*, 8 October, at A4, col. 3 (nat'l ed.).

⁸⁴ Los Angeles Times. 1998. Argentina Arrests Ex-Dictator. *San Francisco Chronicle*, 10 June, at A10, col.1.

⁸⁵ Clifford Krauss. 2000. New Argentine President Orders Purge of Remnants of "Dirty War." *N.Y. Times*, 16 February, at A12, col. 5 (nat'l ed.).

⁸⁶ Larry Rohter. 1999. Past Military Rule's Abuse Is Haunting Brazil Today. *N.Y. Times*, 11 July, at A11, col. 1 (nat'l ed.).

⁸⁷ Associated Press. 1999. Cambodia may Put all Khmer Rouge Leaders on Trial. *Honolulu Star-Bulletin*, 4 November, at A10, col. 3; Cambodia News Reports. 2000. UN Makes Last Attempt on Genocide Trial, 16 March, <<http://www.cambodia-hr.org/NewsReports/March-2000/NR16032000.htm>> (site visited July 3, 2001).

These many situations illustrate the complexity of these issues. International law has confirmed that every victim of a human rights abuse has the right to an effective remedy, and that such a remedy will generally include the right to a thorough investigation, compensation for the injuries suffered, and prosecution of the perpetrator. But the different factual situations listed above demonstrate that no one approach works for every historical event. Just as prosecutors exercise discretion to refrain from prosecuting in certain situations, and to accept plea agreements for reduced charges in many other situations, some historical episodes seem to justify a merciful approach, with reduced penalties or simply a full description of what actually happened. In some situations pardons appear to be justified after part of the sentence has been served to foster national healing. But in each situation, as an irreducible minimum, a full investigation and disclosure of what occurred seems essential to ensure that the culprits' deeds are known by all and to prevent them from ever exercising power again. For a true "reconciliation," the transfer of property from those who have benefited to those who have suffered seems essential to bring the matter to a just and acceptable resolution.

V. THE INTERNATIONAL CRIMINAL COURT

As explained above, the international community has established *ad hoc* tribunals to address the widespread atrocities that have occurred in this decade in the Former Yugoslavia and in Rwanda. They have functioned effectively, after faltering starts, and now are trying to indict criminals in a systematic and orderly fashion.

In order to avoid having to establish a new tribunal every time an international crisis occurs, enlightened diplomats came together in the summer of 1998 to draft a treaty to establish a permanent International Criminal Court.⁸⁸ On March 8, 2000, the Republic of Korea became the 95th country to sign this treaty, and 115 countries had signed by November 2000.⁸⁹ Twenty-two countries (Belgium, Belize, Botswana, Canada, Fiji, France, Gabon, Ghana, Iceland, Italy, Lesotho, Luxembourg, Mali, New Zealand, Norway, San Marino, Senegal, Sierra Leone, Spain, Tajikistan, Trinidad and Tobago, and Venezuela) have already ratified it, and when 60 countries ratify this treaty, it will come into force.⁹⁰

Under this treaty, crimes against humanity, genocide, and war crimes⁹¹ would be subject to the jurisdiction of the international tribunal in situations where national courts are not able to prosecute these crimes, as determined by the United Nations Security Council or the Court's Prosecutor. No longer would *ad hoc* tribunals have to be set up each time a horrendous crime against humanity occurs, with all the attendant delays and political confusion that such an event requires. Having a respected tribunal

⁸⁸ Rome Statute of the International Criminal Court, A/CONF.183/9 (July 17, 1998), 37 I.J.M. 999 (1998).

⁸⁹ Coalition for the International Criminal Court, *Rome Signature & Ratification Chart*, <http://www.iccnw.org/home/html/ratify.html> (site visited Nov. 6, 2000).

⁹⁰ *Id.*

⁹¹ "Aggression" will also be under the jurisdiction of the Court once a later meeting defines this term.

in place would allow the international community to work rapidly to put the Pol Pots and Saddam Husseins on trial in a fair and expeditious manner.

VI. CONCLUSION

How can a society build a future if it is still poisoned by the past? If someone has killed your spouse or your child, is it possible to forgive and forget, or is the innate need for justice -- including punishment, compensation, and a final accounting -- too strong to set aside?

Some argue that countries returning to democracy after a period of authoritarian rule should forego investigations and prosecutions of human rights abusers in order to promote the healing and nation-building process. They argue that protracted trials will exacerbate the wounds that divided the country, and that the transition to democracy can be promoted by encouraging the members of the previous regime to participate in the new government. They also argue that if the fear of legal retribution is removed, the authoritarian leaders will be more willing to relinquish power and permit the new democracy to function.

These arguments frequently have a short-term appeal, but in the long run it will always be better to conduct full investigations, prosecute the abusers, and enable the victims to receive appropriate compensation. In any orderly civilized society, prosecution of criminals is an essential responsibility, and disclosure of historical events is an important responsibility of any government. Each victim has a right to know what happened and a right to compensation for their injuries and suffering. The orderly administration of justice "dissipates the call for revenge."²² Even though prosecutions may be disruptive in the short run, they are necessary to serve to deter future human rights abuses. Although pardons and plea agreements may be appropriate in some situations, it is never legitimate to ignore atrocities.

If the national courts of the country where the abuses occurred are functioning properly and can conduct the prosecutions and determine the claims for compensation, these national courts should be given the responsibility to do so. But in some situations, because the judiciary is not independent or because the country is still in turmoil, its courts cannot be expected to provide a fair forum for the accused and the victims. In those situations, an international tribunal can play an important role to ensure accountability and orderly prosecutions. The 1998 Statute creating the International Criminal Court is a responsible and well-drafted effort to establish a permanent tribunal that will be available for such situations.

It is possible that the 60 ratifications needed to bring this new Court into existence will be reached about the same time as the reunification of the two Koreas, in which case the new Court could exercise jurisdiction over some of the human rights abuses that require adjudication. If not, it will fall on the courts of the reunified Korean

²² Antonio Cassese, 1998, "Reflections on International Criminal Justice," *Modern Law Review*, Vol. 61 (1): 3-6.

government to address and resolve the human rights violations that occurred prior to reunification.

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