



TAIWAN COMMUNIQUÉ

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A hearing and resolution in the US Congress

On February 28, 1983 U.S. Senators Claiborne Pell (D-Rhode Island), John Glenn (D-Ohio), Edward Kennedy (D-Massachusetts) and David Durenberger (R-Minnesota) introduced a resolution in the U.S. Senate urging "that Taiwan's future should be settled peacefully, free of coercion and in a manner acceptable to the people on Taiwan."

On the following day the same resolution was introduced in the House of Representatives by Congressmen Stephen Solarz (D-New York) and Jim Leach (R-Iowa). Also on February 28th, the Subcommittee for Asian and Pacific Affairs of the U.S. House of Representatives held a hearing on "*Taiwan and U.S. China Relations 11 years after the Shanghai Communiqué.*"



Senator Claiborne Pell (R) with FAPA-founders Dr. Mark Chen (L) and Prof. Peng Ming-min

Both the hearing and the resolutions are the result of efforts of the **Formosan Association for Public Affairs**(FAPA), an organization of the Taiwanese community in the United States headed by Professor Trong R. Chai. FAPA was founded in February 1982, and during the past year the organization was able to generate a considerable number of political activities, resulting in:

1. a hearing in the House of Representatives on the 33 years' old martial law in Taiwan (May 20, 1982);
2. a resolution, introduced by Congressman Stephen Solarz, expressing concern about the continuation of martial law in Taiwan (September 16, 1982);
3. a press conference by Senator Edward Kennedy and others, during which the Senator urged the Taiwan authorities to release political prisoners (December 10, 1982);
4. the resolutions and hearing described below.

Resolution on the future of Taiwan

On the following pages we first present the full text of the Resolution as it was introduced in the Senate. We then give some excerpts from the statements made at the time of its introduction by senators Pell, Glenn and Durenberger. Since then, senators Alan Cranston (D-California) and Gary Hart (D-Colorado), who are both running for the democratic nomination for the U.S. presidency, have also signed on to the resolution.

Taiwan's future should be settled peacefully, free of coercion and in a manner acceptable to the people on Taiwan.

US Senate Resolution

We believe that this is a highly significant development, since it is the first time in history that a number of major U.S. political figures have jointly expressed the view that the people of Taiwan should have a say in the determination of the future status of the island.

The Taiwanese people are the ones who live, work, and die on Taiwan. In accordance with the principle of self-determination as stated in the Charter of the United Nations, Article 1 (2) *they themselves* should decide the political status of the island. It is time for the international community to recognize this.

IN THE SENATE OF THE UNITED STATES RESOLUTION

Expressing the sense of the Senate concerning the future of the people of Taiwan

Whereas February 28 marks the eleventh anniversary of the Shanghai Communiqué signed by the United States and the People's Republic of China;

Whereas the Communiqué and the 1979 U.S.-PRC normalization agreement greatly improved relations between Washington and Peking;

Whereas peace has prevailed in the Taiwan Strait since the normalization of relations between the U.S. and the PRC;

Whereas maintaining a sound U.S.-PRC relationship serves the interests of both countries and the interests of peace in the Pacific region;

Whereas the United States has also pledged in the Taiwan Relations Act to continue commercial, cultural and other relations between the people of the United States and the people on Taiwan;

Whereas the United States established diplomatic relations with the People's Republic of China in the expectation that the future of Taiwan will be determined by peaceful means;

*Now therefore be it **RESOLVED**, that it is the sense of the Senate that Taiwan's future should be settled peacefully, free of coercion and in a manner acceptable to the people on Taiwan and consistent with the laws enacted by Congress and the communiqués entered into between the United States and the People's Republic of China.*

Statement by Senator Claiborne Pell (D-Rhode Island)

"Mr. President, I wish to introduce a resolution today concerning the future of the people on Taiwan. It asks that Taiwan's future be settled peacefully, free of coercion, and in a manner acceptable to the people on Taiwan. I believe it important, as we celebrate the eleventh anniversary of the Shanghai Communiqué signed by the United States and the People's Republic of China on February 28th, 1972, to remind ourselves that we also have an obligation to protect the rights and freedoms of, the Taiwanese people."

Senator Pell discussed the history of the relations between the United States and the People's Republic of China from 1949 through last year's Shanghai Communiqué no. 2. He then continued:

".. what troubles me is that this practical approach [the present U.S. position that "the future status of Taiwan must be resolved by the Chinese on both sides of the Taiwan Straits themselves" -- Ed.] fails to take account of the views of the people most affected by reunification the people on Taiwan. Right now a majority of those people have little or no say in their future, and if given a choice would oppose the reunification option.

We should put the Taiwan authorities on notice that they must end martial law and speed up the process of reform so that the government on Taiwan speaks for all its people.

Senator Claiborne Pell

Some two million mainland Chinese, most of whom fled to the island after the 1949 Nationalist defeat, still rule over 16 million native Taiwanese. Martial law remains in effect after 34 years. Few Taiwanese participate at the highest level of government and all crucial decisions are made by a small mainland elite. Although the political situation has improved somewhat over time, reforms fall far short of Taiwanese hopes and

aspirations. Those who speak out too loudly for Taiwanese rights are often jailed or forced to flee the country.

Consequently, a decision by the authorities on Taiwan at this time to resolve their differences with the mainland would no doubt serve America's strategic interests, but only by presenting us with a monumental moral dilemma. *Do we stand aside and watch the fate of 16 million native Taiwanese be decided by a communist controlled mainland and a Taiwan government in which a majority of its people have no voice?* If we were talking about the people of Afghanistan or Poland we all know that the answer would be a resounding "No!" In the case of Taiwan, however, many try to avoid answering the question altogether or argue that raising the issue unduly complicates U.S. PRC relations. They see no alternative to reunification and so, demand only that it be accomplished peacefully.

I accept the proposition that an accommodation of some sort between China and Taiwan serves everyone's interests. But I am not yet ready to concede that this should be accomplished without Taiwanese participation or that the only alternative is Taiwan's absorption by the mainland. Should this occur, it would be at the expense of those principles and freedoms that set America apart from most nations of the world. I do not think we can afford to stand back and let that happen.

Instead we should reaffirm to all parties concerned that we oppose settling the Taiwan dispute by force or coercion. Second, we should put the Taiwan authorities on notice that they must end martial law and speed up the process of reform so that the government on Taiwan speaks for all its people. Then, and only then, will an environment exist for China and Taiwan to resolve their differences. Then, and only then, can the U.S. expect a final resolution fair to all."

Statement by Senator John Glenn (D-Ohio)

"Mr. President, I rise today to join with senator Pell in introducing a resolution concerning the future of the people on Taiwan. The resolution reaffirms the Senate's hope that the Taiwan dispute can be settled peacefully, free of coercion and in a manner acceptable to the people on Taiwan. It is the last provision [of the Taiwan Relations Act] one that we often ignore that I want to concentrate on today.

The Taiwan Relations Act states unequivocally our view on the necessity of peaceful resolution, free of coercion, for the Taiwan problem. It addresses the hopes and aspirations of the Taiwanese less directly, however. Section 2(c) states that:

“Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately 18 million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.”

For my part, I can think of no more important human right than the right to participate in one’s government and thereby have a say in the future course of national policy for one’s self, his or her children and all their children yet unborn. Our forefathers believed this, of course, and established our nation so that our fundamental rights could be preserved.

Unfortunately, the same is not true for a majority of the people on Taiwan. The government there continues to be dominated by the main-land China political Mite that retreated to Taiwan in 1949 after being defeated in the Chinese civil war. Today, some 16 million nativeborn Taiwanese participate actively in local affairs, but continue for the most part, to be effectively excluded from national level decision making.”

Senator Glenn discussed how Taiwan has developed economically and poli-tically during the past three decades. He continued:

“Nothing would be more warmly received by the people on Taiwan than the authorities announcing that it was their longrange objective to allow for Taiwanization of the political system, and the presen-tation of a stepbystep plan for gradually implementing their proposal. In my view, they might begin by releasing political prisoners, such as reverend Kao Chun-ming and others.”

Senator Glenn closed his statement by reiterating that the Taiwan Rela-tions Act was intended to guarantee the people of Taiwan a free choice:

“For me that was what the Taiwan Relations Act was all about. Despite de-recognition, we were pledging to the people of Taiwan that the American people would do what they could to ensure that the island’s people had a free choice. If they freely chose to reunify with the mainland we would not object. But if they chose instead a course short of reunification that also would be acceptable.”

Statement by Senator David Durenberger

Senator Durenberger (RMinnesota) first discussed the impact of both the Shanghai Communiqué of 1972 and the Taiwan Relations Act of 1979 on the relations between the United States, Taiwan and China. He then stated:

“While the political and military aspects of this situation have been highlighted in the press, there is a very worrisome issue that has not received the worldwide attention that it deserves. The human rights situation in Taiwan remains as serious as it was four years ago, when I was prompted to speak out in the Senate. The concerns I had then are the same today. While we have guaranteed our political relations with Taiwan, we have done nothing to ensure that the government of Taiwan observes the basic human rights of its people. Today, under martial law, the people of Taiwan are denied the same rights guaranteed to the citizens of our other allies. I can see no excuse for denying the Taiwanese the freedoms and fundamental rights that are already denied to people on the mainland. Martial law must come to an end in Taiwan so that the people’s rights to self-determination and representative government can begin.

The Shanghai Communiqué ... is incomplete, for it does not take into account the views of the native Taiwanese themselves.

Senator David Durenberger

But martial law is not the only issue. We often overlook the fact that the native Taiwanese are distinct from the mainland Chinese. As such, they are in the unenviable position of seeing their home-land treated by both the communist and KMT government as simply a province of China, rather than a distinct entity. Their position is not dissimilar from that of people in the Baltic States, who have been incorporated into the Soviet Union despite a history and ethnicity which are not Russian.

The Shanghai Communiqué is a unique solution to a vexsome problem involving three governments. But it accepts without question the position long held by both the communist and the KMT governments concerning Taiwan. As such, it is incomplete, for it does not take into account the views of the native Taiwanese themselves. This oversight is regrettable, to say the least.

Clearly, we cannot repudiate the Shanghai Communiqué. But I believe that we ought to bear in mind the position and the concerns of the native Taiwanese when we deal with the People’s Republic and with the authorities on Taiwan. To accept without question the view that native Taiwanese are Chinese subjects regardless of who governs China is to overlook the concerns of many millions of people. And surely, the native Taiwanese would be no better off under a communist government than under martial law. I hope, therefore, that we will bear in mind their views as we further deal with the People’s Republic and with the authorities on Taiwan.”

Eleven years after the Shanghai Communiqué

On February 28, 1983 the Subcommittee for Asian and Pacific Affairs of the U.S. House of Representatives held a hearing on "Taiwan and U.S. China Relations 11 years after the Shanghai Communiqué." The hearing was held in Room 2255 of Rayburn House Office Building and was designed to examine the Taiwan factor in U.S. China relations eleven years after signing of the Shanghai Communiqué.

The following persons made statements:

1. **Mr. Paul Wolfowitz**, U.S. Assistant Secretary of State for Asian and Pacific Affairs. His testimony examined U.S. China relations, its prospect for the future, and arms sales.
2. **Professor P'eng Ming-min**, Director of the Taiwanese American Society and Honorary Chairman of the Formosa Association for Public Affairs.
3. **Professor Chiu Hung-dah**, a pro-Kuomintang faculty member of the University of Maryland.
4. **Mr. Sullivan**, Vice Chairman of the U.S. China Trade Association, an organization dedicated to the improvement of economic ties between the U.S. and China.
5. **Mrs. Carter** of Northeastern University in Boston. Mrs. Carter is a member of the pro-Peking U.S. China People's Friendship Association.

Since the views expressed by Professor P'eng represent most closely the position of the people of Taiwan, we present a number of excerpts from his statement:

"The Shanghai Communiqué of 1972 was acclaimed as a distinctive landmark of U.S. China relations after World War II. Today, eleven years later, and four years after the U.S. recognition of the Government of China, what is the state of affairs between the two countries?"

For those who have wallowed in euphoria at the initial stage of U.S. China rapprochement, there has been no small degree of disillusion and frustration as the relationship has not flourished as they dreamed. But most of those who were more realistic would agree that the relationship has as a whole progressed as it should and could, especially in the fields of trade, culture, educational and scientific exchanges, and industrial transaction.

If one considers the antagonism and hostilities which marred the relationship for three decades prior to the U.S. recognition of the Peking government, that included American entanglement in the Chinese Civil War and a fullscale military confrontation in Korea, then four years or eleven years are too short a time for complete healing and mending. The progress made so far must be regarded as remarkable and the Shanghai Communiqué has contributed to it by laying the groundwork for subsequent developments.”

Professor P’eng then discussed the evolution of U.S. China relations during the past eleven years, and focused particularly on the question of U.S. arms sales to Taiwan. He continued:

“Clearly a breakthrough of the deadlock is not in sight. Therefore it would be beneficial if we pause and have a fresh reflection on the positions the principals are entrenched in.

First, the status of Taiwan is not China’s internal affair. Taiwan is not only physically separated from China by more than 100 miles of sea, but has been legally and politically outside China for nearly a century as well; it is educationally, industrially and socially far more advanced than China; its per capita income is 11 times higher than China’s; its inhabitants have undergone centuries of experiences different from those of mainland Chinese and developed their own identity. China’s attempt to put Taiwan under its sovereignty by saying that “it is a Chinese domestic matter” is a manifest absurdity.

Secondly, the Shanghai Communiqué was mistaken in implying that the people of Taiwan wanted to belong to China. That assertion was obviously based on the protestations made by both regimes in Peking and Taipei. Nevertheless it is no less obvious that neither regime could speak for the people of Taiwan. The government in Peking, some thousand miles away, has never set foot on Taiwan, never understood or wanted to understand the thoughts and aspirations of the Taiwanese people. Such utter remoteness deprives Peking of whatever pretension it makes to be the spokesman for the Taiwanese.

Does the regime in Taipei represent the majority of the island’s population? This government went into exile in Taiwan in 1949; since then, for 35 years, it has ruled under martial law, denying the citizens their freedom and other basic rights. Over 85 percent of the island’s population have about 15 percent representation in the national legislative bodies. The laws explicitly forbid, under severe penalty, any discussion of let alone any dissent from -the so-called “basic national policy”, that

is the regime's claim of being the legitimate government of all of China and its fantasy of "recovering" mainland China. The Human Rights Report just published this month by the State department points out that in Taiwan "actual power remains in the hands of the small group elected in mainland China before 1945." Those facts render whatever pronouncements made by the regime on the future of Taiwan totally irrelevant to the majority of Taiwan's population."

In a third point, professor P'eng rejected China's "peace offer" (made by the Peking regime to the Taiwan regime in the autumn of 1981), describing it as "unreal and bizarre." In a fourth point he discussed China's claim to sovereignty over Taiwan:

"Fourth, China says that the world has "recognized" its sovereignty over Taiwan. The myth is widespread, but false. Only three countries in the world have "recognized" Taiwan as part of China, namely Maldives, Guinea-Bissau and Niger, their combined population being less than one-third of Taiwan's. All other countries, including the United States have used various formulas, like "taking note", "acknowledging" or "understanding", etc. to circumscribe China's demand of "recognizing" its sovereignty over Taiwan.

In brief, the present state of U.S. China relations is: while both sides admit the need and desire to develop a better relationship, there is no easy way out of the Taiwan impasse."

The U. S. should link the arms sales to the degree of democratization and the improvement of the human rights situation in Taiwan.

... without the full and effective participation of the Taiwanese majority in the debate and the decision on Taiwan's future, there will be no real and final settlement of the problem.

Professor P'eng Ming-min

Professor P'eng continued with suggestions for the direction of the U.S. policy. He urged continuous efforts to develop closer and better relations between the U.S. and China, but cautioned against overrating China's importance as a world power. On the Taiwan issue professor P'eng made the following points:

"First, as it is clear that a solution acceptable to both sides cannot be reached at this time, the U.S. should declare a moratorium on the issue and proceed with developing a closer relationship with China in other fields. China will protest and threaten and

maneuver, but if the U.S. makes its intentions clear and stands firm, the relationship would not unduly suffer. (...).

Secondly, more importance should be attached to the political developments inside Taiwan, as, in the final analysis, it is the populace there which must bear the consequences of whatever outcome of the Taiwan issue. At stake for them are their economic prospects, their political aspirations, human rights and democracy, cultural heritage, purpose of life and ideals in sum, their entire value system not only of this generation but of many generations to come.”

Professor P’eng proceeded with a description of some attempts which have been made in Taiwan e.g. by the Presbyterian Church and by leading persons of the “outsidetheparty” movement to convince the authorities to have an open and public discussion about the future status of the island. In a third point he urged that the U.S. reaffirm the Taiwan Relations Act, and particularly the human rights provision. He concluded:

“Fourthly, notwithstanding protests from Peking, the U.S. has linked the reduction or termination of arms sales to Taiwan to Peking’s commitment to a peaceful settlement of the Taiwan problem. Like-wise, the U.S. should link the arms sales to the degree of democratization and the improvement of the human rights situation in Taiwan.

Lastly, it cannot be overemphasized that without the full and effective participation of the Taiwanese majority in the debate and the decision on Taiwan’s future, there will be no real and final settlement of the problem.”

The State Department Human Rights Report 1982

On February 8, 1983 the U.S. Department of State issued its annual “Country Report on Human Rights Practices.” The report analyzes the human rights records of 162 countries, based on information gathered from congressional studies, U.S. embassies, the press in the United States and human rights groups. One year ago we criticized the previous issue of the report, because it contained a considerable number of inaccuracies with regards to the state of human rights in Taiwan (see *Taiwan Communiqué* no. 6, March 28, 1982).

The present report contains no major inaccuracies, and thus represents an improvement over the reports in previous years. Still, the 1982 report gives the Kuomintang the benefit of the doubt and describes the outlook as “favorable.”

We believe that a more cautious attitude is warranted: the continued imprisonment of the leaders of the native Taiwanese, the new arrests and bannings of maga-zines during the past few months, and the new laws giving the police vir-tually full freedom to arrest anyone without an arrest warrant, indicate that the Taiwan authorities remain on a very rigid course and are not prepared to show any flexibility. We believe that only when martial law is repealed and the opposition leaders are released can the outlook for continued improvement in human rights be described as favorable.

More than thirty years of dynamic economic develop-ment contrasts sharply with the pace of political development in Taiwan ...

U.S. Department of State

According to three major American human rights organizations (Americas Watch, Helsinki Watch and the Lawyers Committee for International Human Rights) the 1982 report contains “*serious distortions and inaccuracies*” with regard to a number of other countries (see ‘Three groups allege U.S. distorted rights study,’ **International Herald Tribune**, March 1, 1983).

Below we present some excerpts from the 10page section of the report that deals with Taiwan. You will find an occasional *Taiwan Communiqué* comment among the excerpts:

“More than thirty years of dynamic economic development contrasts sharply with the pace of political development in Taiwan, where the ruling authorities have emphasized stability rather than change. Nonetheless, the authorities have created an array of democratic institutions from village to province level, with the candidates inside and outside the dominant Nationalist Party.

Actual power, however, remains in the hands of the small leadership group elected in mainland China before 1945, which came to Taiwan after World War II and controls the Nationalist Party (Kuomintang), the mili-tary, and the executive bureaucracy. A high degree of political control is exercised through the security apparatus, which operates under martial law provisions enacted in 1949 and which the autho-rities justify by the threat of military action or subversion from mainland China.

The enhancement of human rights is publicly endorsed by the authori-ties but remains incompletely realized in Taiwan. Although indivi-duals may run for elective office, coordinated opposition activity is greatly restricted. The publication of opposition political views is closely controlled and the activities of outspoken opposi-tionists are monitored, both at home and, apparently, abroad.

Native Taiwanese, descendants of Chinese who migrated from the main-land mostly in the eighteenth century and who now constitute 85 percent of the population, dominate the economy but are underrepresented within the ruling elite. Recent evidence suggests that torture and other forms of physical intimidation are still occasionally used by the police, but probably are not officially condoned."

Taiwan Communiqué comment: The last sentence of this paragraph is contradicted by information published in a progovernment paper in Taiwan itself: the *China Post* of July 21, 1982 printed an article, titled "The right to counsel in the ROC", which was authored by a Mr. Yu Ying-fu, the chairman of a subcommittee of the Taipei Bar Association. He has been practicing law for more than 15 years. The whole article is very interesting, but we wish to focus on two sentences in particular:

"Although it is against the law, the use of brutality and violence is a **common** practice among quite a few local police and special law enforcement officers."

"In practice the police officers **often** resort to torture while a suspect is in police custody and prosecutors are too busy to concern themselves" [emphasis added Ed.].

We believe that the State Department should have taken account of this information, which was available to the officials at the Taiwan Desk of the Department.

In the next section the Report discusses "Respect for the Integrity of the Person, Including Freedom from killing, disappearances, and torture". The Report states that in 1982 no killings for political reasons have been substantiated in Taiwan, but:

"the murder in February 1980 of the mother and twin daughters of jailed oppositionist Lin Yihsung and the suspected murder in July 1981 of Taiwanborn U.S. resident, Professor Chen Wencheng, are widely believed to have been politically motivated."

Under the heading "Torture" the Report gives a brief account of the case of taxidriver Wang Yinghsien:

"The death in police custody of a Taipei taxi driver, Wang Ying-hsien, in May 1982 focused public attention on the use of physical violence by police in interrogating criminal suspects, a practice many believe police resort to frequently. Wang was picked up on suspicion of robbing a bank and died while in police custody.

The actual robber was captured a few hours later and Wang's daughter challenged

the police account of Wang's death. The autopsy report, released on August 20, confirmed that Wang was beaten but ruled that his death was caused by drowning in the Hsintien River. Although his death was officially declared a suicide, five policemen were tried and convicted for illegally arresting Wang and causing him bodily harm."

Under the heading "Cruel, Inhuman, or Degrading Treatment or Punishment", the Report states:

"Conditions in the military prisons administered by the security police, where political prisoners are confined, are reportedly less crowded. Prisoners receive the same food as soldiers and have work and recreation opportunities. Although conditions for the Kaohsiung -incident prisoners have reportedly improved since their arrest in 1980, six nonNationalist Party legislators charged in July 1982 that these prisoners continue to be denied access to regular work programs and recreational activities, are prohibited certain amenities accorded other prisoners, and are subject to special rules which keep them separate from one another. A few of the Kaohsiung Incident prisoners are alleged to still suffer from the effects of pretrial mistreatment."

***Taiwan Communiqué comment:** it should also be mentioned that the major opposition leaders imprisoned after the Kaohsiung incident still have **no table, no chair, and no bed in their cell: they have been living on the floor of their cell for more than three years now.** Also, after they made a joint statement on September 28, 1982, four of the eight most prominent prisoners were not allowed to see their relatives for three weeks. Furthermore, the prison authorities refuse to give the eight the Englishlanguage bibles, which were sent to them by the General Assembly of a major Dutch church, the Reformed Churches of the Netherlands.*

In the section dealing with "Arbitrary Arrest and Imprisonment" the State Department Report discusses the changes made in the Criminal Procedure Code in July 1982:

"... despite the opposition of the legal establishment, the press, and many legislators, the authorities also forced passage of changes which allow police to arrest without a warrant anyone they suspect of committing a crime for which the punishment would be five years or more in prison. Police power was further augmented to allow police to call in suspects or witnesses for questioning without a formal summons. The authorities justified the new police powers by insisting that the revisions would only legalize longstanding police practices."

The following is said about political prisoners:

“The authorities deny holding political prisoners. They have stated that at the end of 1975 there were 254 persons in prison on sedition charges. Some persons have been released and others arrested since that time, but this is the most recent figure made public by the authorities. In December 1982 the authorities disclosed that 92 prisoners convicted of sedition and related offenses are currently being held in Green Island military prison, compared with 115 reported to be there by Amnesty International in February 1980. Nearly 20 of these, originally arrested for communist activities, have been imprisoned for more than 30 years and were excluded from a general amnesty in 1975. Many of these prisoners, all in their fifties and sixties, are reported to be in poor health.”

Taiwan Communiqué comment: *The State Department could be a bit more careful in its language: it is generally known that the Taiwan authorities use the label “communist” rather freely for anyone who strays in a direction that doesn’t conform to their narrow ideological views.*

Despite repeated requests from international human rights organizations, the Taiwan authorities have never produced evidence that the longterm prisoners indeed participated in communist activities.

In a section on “Denial of Fair and Public Trial” the Report deals with the legal system:

“Under martial law, which has been in effect in Taiwan since 1949, civilians who commit certain offenses, including sedition, may be tried in military court. Opposition to basic policy (such as ex-pressing views contrary to the authorities’ claim to represent all of China, or supporting an independent legal status for Taiwan) is considered seditious and thus punishable under martial law.

The authorities occasionally transfer “important” civilian cases (involving such crimes as homicide, kidnapping, and armed robbery) to the military courts. The authorities state that the military courts’ swifter and generally more severe justice acts as a deterrent to potential criminals. Sentences are reviewed only within the Ministry of National Defense. In May 1982, the case of Li Shihko, who confessed to carrying out Taiwan’s first armed bank robbery and murdering a policeman, was referred to the military courts for action. Li’s trial on May 18 lasted less than two hours and the sentence, death, was carried out eight days later.

Neither civil nor martial law provides the defendant with protection from selfincrimination. Following the July 1982 revision of the Criminal Procedures Code, suspects may for the first time have a lawyer present during interrogation. However, the authorities have indicated that the lawyer's role is to protect his client from mistreatment, rather than to provide legal counsel during questioning. In some cases, windows have been installed in police station interrogation rooms in order that lawyers (or family members) may see the suspect without hearing the questioning."

Taiwan Communiqué comment: *the Taiwan authorities apparently do not intend to grant the right to have a lawyer present during interrogation to persons accused of "sedition": professor Lü Hsiu-yi who was recently arrested on sedition charges (see page 18) was not allowed to see a lawyer and was finally sentenced to "reformatory education" without receiving the benefit of a trial.*

Under "Invasion of the Home" the Report states:

"Physical invasion of the home without a warrant is not a common practice in Taiwan, but does occur on occasion. The Code of Criminal Procedure requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule, previously few in number, were *substantially increased* by the revision of the Code in July 1982. When making warrantless arrests, police may also make necessary searches of person or property without prior authority. Other types of violations of the home, such as *monitoring telephone calls, are widely believed to exist.*"

In Section 2: **Respect for Civil and Political Rights** the Report discusses:

a. Freedom of Speech and Press

"The Constitution guarantees freedom of speech and the press. *These rights are limited, however, by the enforcement of martial law restrictions* [emphasis added Ed.]. Individuals are not free publicly to question the regime's basic political policy of anticommunism and claim to sovereignty over all of China. Persons who speak favorably of communism or the People's Republic of China, or persons (usually native Taiwanese) who question the legitimacy of Taiwan's mainlander authorities by suggesting support for Taiwan independence or selfdetermination, can expect to be charged with sedition and tried in military court.

Information brought to light during the investigation of the death of Professor Chen Wencheng in 1981 suggests that the security authorities closely monitor political

expression, both at home and over-seas. During questioning by security police immediately prior to his death, Chen was reportedly confronted with recordings of an international telephone call between himself in the U.S. and an opposition figure in Taiwan who was later jailed in connection with the Kaohsiung Incident, and of a speech he gave in Pittsburgh supporting the Kaohsiung incident defendants.

Although the Taiwan authorities later denied the existence of the Pittsburgh recording, the disclosure sparked a resurgence of allegations that Taiwan agents carry out a systematic program of surveillance and intimidation of Taiwanese students on American university campuses who are suspected of advocating Taiwan independence or self-determination. Indeed, Taiwan newspaper articles have noted the role of Taiwan security service units in the United States and Japan in monitoring dissident Taiwanese political activities. Although there have been reports of such surveillance from several U.S. universities, the Taiwan authorities deny that they carry out surveillance on American campuses.

Censorship of publications occurs frequently. It is carried out through provisions of the Publications Law which empower the security police to seize or ban printed material that “confuses public opinion and affects the morale of the public and armed forces.” In 1982, the authorities allowed a rise in the number of domestic political opinion magazines, the more popular of which support non-Kuo-mintang politicians and criticize the party. One or more issues of several of these were banned during the year.

Nominally the bans are in reaction to articles critical of the policies of the authorities or which discuss sensitive subjects, but they are widely viewed as tactics of intimidation. The limits of acceptable political criticism are not clearcut. Even periodicals which are cautious in their selection of articles for publication have been banned from time to time. The ban of a single issue of a magazine may be followed by suspension of the publication’s license for one year. In 1982, three magazines received this punishment.

Taiwan Communiqué comment: *we count at least four publications which during 1982 were banned for a year:*

1. **Ocean Tide**, in June 1982,
2. **National Affairs**, banned in July, 1982,
3. **The Politician**, banned in November, 1982, and
4. **Taiwan Panorama**, banned on December 31, 1982.

b. Freedom of Peaceful Assembly and Association:

“Freedom of Assembly is guaranteed by the Constitution. While assembly for nonpolitical purposes is generally permitted, public assembly for political purposes, except during elections, is often prevented under martial law provisions. During the authorized 15-day campaign periods which preceded islandwide elections on November 14, 1981 and January 16, 1982, all candidates, including oppositionists, were allowed to hold rallies. Those rallies, however, were closely monitored by the authorities under the Elections and Recall Law of 1980, which makes candidates liable for prosecution for “seditious” statements.

Prior to the authorized campaign periods, some oppositionists held rallies characterized as “private parties.” The authorities’ response was moderate but firm and such “parties” were peacefully broken up. The same tactic, used by Kuomintang candidates, usually drew no response from the authorities. Planned revisions of the election law announced by the authorities will outlaw the use of “private parties” in future elections.

There is no tradition of trade unionism in Taiwan, and labor unions do not exercise significant influence either in the economic or political sphere. While labor unions are permitted to organize, walkouts and strikes are prohibited under martial law. Collective bargaining, although provided for by legislation, does not exist.”

In section **c. on “Freedom of Religion”** the Report discusses the position of the Presbyterian Church:

“In 1977 the Presbyterian Church in Taiwan (179,000 members), long suspect for its advocacy of Taiwanese rights, issued a “Declaration on Human Rights” to which the church leadership has since repeatedly reaffirmed its commitment. By calling for Taiwan’s transformation into a “new and independent country,” the declaration has placed Taiwan’s Presbyterian leaders (almost all native Taiwanese) in a clear position of questioning Taiwan’s mainlander controlled political institutions.

Friction between the Presbyterian Church and the authorities came to a head in 1980 when the church’s general secretary, Reverend Kao Chunming, and several other Presbyterians were convicted in military court of harboring seditious defendant Shih Mingteh. While admitting he had assisted Shih, Reverend Kao denied seditious intent; he declared his religious vocation precluded his betraying someone who had sought help and permitted him only to advise Shih to give himself up. Although

relations between the church and the authorities have relaxed somewhat recently, the authorities continue to monitor church activities closely. The authorities have warned church members to avoid involvement in oppositionist political efforts or Taiwan independence activity.

In 1982 the authorities established a religious council, made up of representatives of the island's major religious bodies, to advise them on church matters. There are fears that the council may be used to justify unpopular official policies. Similar concerns have been expressed about legislation proposed in 1981 to regulate church activities. The proposed legislation is opposed by the island's major religious organizations as a threat to freedom of religion, although the authorities argue that the law is necessary to "define the scope of religion" and to "protect freedom of religion."

An additional proposed measure would for the first time place religious educational institutions under the control of the Ministry of Education. The authorities argue that this would improve the quality of instruction and provide accreditation for the diplomas granted by these schools. Critics point out that it would also empower the Ministry of Education to control curricula and to place a military training officer in each school. Although action on these measures has so far been withheld, the authorities have not renounced their intention to enact them."

The next section, discussing "**Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation**", is followed by a section on "Freedom to Participate in the Political Process":

"Reflecting their claim to be the Government of all of China, the Taiwan authorities possess an array of political bodies over and above those which pertain solely to the island of Taiwan. The locus of power on Taiwan is the presidency and the central executive branch. While representation of native Taiwanese in local and central legislative bodies has been increasing, Taiwanese are seriously underrepresented in the powerful executive branch, in which persons who arrived from the mainland after 1945 hold the most powerful positions.

There have been recent increases in the number of Taiwanese holding executive branch positions, however. The Vice President, about one-third of the cabinet (including the Vice Premier, the Minister of Interior, the Minister of Communications, and three Ministers without Portfolio), and the Governor of Taiwan, among others, are Taiwanese. Nevertheless, critics point out that their power and influence both individually and collectively are limited.

Taiwan Communiqué wishes to add another critical note: **none** of the Taiwanese persons holding executive branch positions were elected by the Taiwanese people to their positions. The native Taiwanese generally consider these persons to be collaborators with the repressive regime.

The report continues:

The most important elective bodies at the central level are the National Assembly, which elects the President and the Vice President, and the Legislative Yuan, which is the Central Legislature. There have been no general elections to these two bodies since 1948, the authorities taking the position that such elections cannot be held until they reestablish control over the mainland.

In October 1982 the Minister of the Interior explained that if overall elections were held the winners could not represent all of China, but only Taiwan province. Beginning in 1969, "supplementary elections" for these central bodies have been held to choose additional representatives from Taiwan and the adjacent islands.

The advanced age and incapacity of many of the members of the Legislative Yuan elected on the mainland in 1948 forced the authorities in 1982 to lower the number of legislators required for a quorum. Supplemental legislators elected on Taiwan now constitute the most active group in the Legislative Yuan.

Since 1950, democratic institutions have been in operation at the provincial and local levels. Universal suffrage exists for all citizens twenty years of age and over. Elections have been held regularly for provincial, county and municipal offices, with Kuomintang candidates competing with independents and oppositionists. The Taiwan provincial governor and the mayors of Taipei and Kaohsiung, however, are appointed by the central authorities.

Despite the existence of two small, nominal opposition parties, Taiwan is dominated by one party. ***The Nationalist Party has ruled Taiwan since 1945 and is a "revolutionary" party whose structure and control mechanisms are based on early Soviet models.*** Party organs exist at all levels of the ruling structure, as well as in the military, schools, and other public institutions. New opposition parties are forbidden under martial law and candidates who oppose the Kuomintang in elections run as independents or "nonparty" candidates.

Even though the large majority of candidates elected are from the Kuomintang, independent candidates, nearly all Taiwanese, have increasingly been successful in the recent past. In the provincial elections in November 1981, a loose coalition of

“mainstream nonKuomintang” candidates won about 30 percent of the votes cast, with nonaligned independents and members of the legal opposition parties winning an additional 10 percent. Independents won a similar share of votes in the previous provincial elections in 1977.

Independents face several disadvantages in the election process. The Election Law enacted in 1980 generally favors Kuomintang candidates, because its provisions, many of which are ambiguous, are interpreted by the central election committee which is controlled by the Kuomintang. The law forbids the participation of students, formerly a prime source of campaign workers for independent candidates, and allows only officially sponsored rallies in which all candidates participate together in the last few days before an election.

Independent candidates are further disadvantaged by press self-censorship. The daily press tends to give little publicity to the views of the independents. Periodicals which publicize the views of independent candidates are subject to frequent censorship by the security police. However, such periodicals were not silenced during the provincial elections in November 1981, as they were during previous elections, and they have since been allowed to increase in number.

The State Department Report continues with a description of the status of women and a brief section on the treatment of the aboriginal “mountain people.” It concludes with a section on the attitude of the authorities regarding international investigation of alleged violations of human rights and a section on the economic, social, and cultural situation.

The full text of the Taiwan section of the State Department Human Rights Report is available upon request from *Taiwan Communiqué*.

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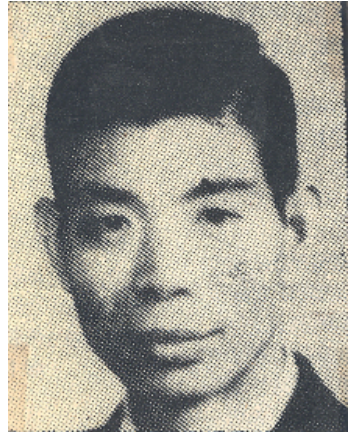
Prison report

1. **Yang Chin-hai rearrested.** In our previous issue of *Taiwan Communiqué* (no. 10) we reported the disappearance of Mr. Yang, a Taiwanese political prisoner who was sentenced to life imprisonment in 1976 for his involvement in the election campaign of 1975. On November 22, 1982 the Taiwan Garrison Command (TGC) announced that Mr. Yang had “disappeared” from the military hospital in Taitung where he was being treated for a severe case of ulcer. Mrs. Yang expressed doubt that her husband had been able to flee, because he was severely ill and the military hospital was heavily guarded.

It now appears that Mr. Yang was indeed able to escape: during the third week of January the TGC announced that Mr. Yang had been rearrested on the evening of January 16th, at a bus station in Kaohsiung. In a letter to **CARE** magazine, Mrs. Yang described what happened:

“My husband was arrested on the night of January 16 at 9:50 pm. He was then taken to the Kaohsiung Yenchen police bureau. He phoned his brother from the police bureau and asked me to come to the tele-phone. When I came to the phone, it was disconnected. I decided that I should go down to the police bureau myself. Accompanied by my brother-in-law and his wife, we arrived at the Yenchen police bureau at 11 o'clock at night.

When we inquired about my husband's whereabouts, we were treated very rudely. The officers there just told us that they didn't have any information about Yang Chinhai. Then we went to the Tainan police bureau to look for my husband, but to no avail. On the morning of January 17, at 3 am, we returned to the Kaohsiung Yenchen police bureau again. But the officers there still denied that Yang Chinhai had ever been there. Because I was so anxious to see my husband, I went straight into the police bureau to look for him. An older officer told me kindly that my husband had been transferred to the headquarter in Kaohsiung and it was impossible to see him there.



Mr. Yang Chinhai

Later I heard that my husband was transferred to the TGC Head-quarters in Hsintien (near Taipei). I immediately took the train to go there. On January 18 at 1:30 pm, I arrived at the Garrison Command office in Hsintien. They did not allow me to see him.”

In an interview with **CARE** of March 5, 1983, Mrs. Yang Chinhai told that at the end of January she received a letter from her husband. He mentioned that he had received the clothing she had sent him. He asked her to hire a lawyer to reopen his case for review. He said that he was innocent and he was forced to confess his “crime” because he was tortured during interrogation. He wrote that his stomach bled again for the tenth time and asked his wife to apply for permission for him to go to a private hospital for treatment.

2. **The arrest of Mr. Yang Huang-shi.** On January 5th, 1983 the Taiwan authorities arrested Mr. Yang, age 69, at the Taoyuan Airport, when he arrived from the United States in the company of his wife and granddaughter. On January 22th the **China Times** a proKMT newspaper reported that Mr. Yang was detained on a “sedition” charge (this usually refers to Taiwan Independence activities Ed.). When questioned by Mr. Yang’s children in the United States, the Coordination Council for North American Affairs (CCNAA, the informal “embassy” of Taiwan in Washington) confirmed that Mr. Yang was accused of “seditious activities” while in the United States: he apparently attended a gathering of the Taiwanese Association in New Jersey. He also had 10,000 U.S. dollars in travellerscheques with him, which according to the authorities - he was planning to give to nonKMT groups to support their activities. However, according to Mr. Yang’s daughter and soninlaw in New Jersey, the money was intended for upkeep of the family’s property in Keelung.

The “sedition” charge against Mr. Yang triggered a major protest from the Taiwanese community in the United States, since the Taiwanese Association is a broad umbrella type organization, and its meetings are attended by virtually every Taiwanese abroad. Dr. Chai Trongrong, President of the Formosan Association for Public Affairs (FAPA), met with Mr. David Dean, head of the American Institute in Taiwan (AIT) and urged that the AIT request a clarification from the Taiwan authorities on this matter. A charge of “sedition” against anyone attending a Taiwanese Association meeting would under a U.S. law introduced by Congressman Stephen Solarz in 1981 constitute “harassment of its own citizens in the U.S.” by the Taiwan authorities, which could lead to a cutoff of U.S. weaponsales to Taiwan.

Shortly afterwards the Taiwan Garrison Command changed the charges against Mr. Yang and accused him of “collaborating with the Chinese Communist regime.” To back up their accusations the TGC produced three letters Mr. Yang was supposed to have written to oldtime communist friends in China. Mr. Yang’s daughters responded to this charge that their father is very old and cannot even write the very polished prose which appeared in the letters. They also pointed out that in January 1981 when one letter was supposed to have been mailed from Hong Kong to China Mr. Yang was in the United States and not anywhere near Hong Kong. Based on this information one would be inclined to believe that the “evidence” presented by the TGC is manufactured.

On January 28th the TGC announced that Mr. Yang had “shown regret” and had “fully cooperated” with the military prosecutors. There was no trial in any sense of the word, but Mr. Yang was sentenced to three years “reformatory education,” a new invention used by the TGC to put people behind bars without any legal process.

3. **The arrest of Professor Lü and Mrs. Maeda.** On January 3, 1983 a Japanese woman, Mrs. Maeda Mitsui, was detained at Taoyuan International Airport when she was on her way back to Japan from a short visit to Taiwan. A few days later, on January 8, 1983 Mr. Lü Hsiuyi, a Taiwanese professor heading the political science department of the College of Chinese Culture in Taipei, was arrested in his home. A third person, Mr. Ko Szupin, was apparently also arrested in the beginning of January. The three were held incommunicado for approximately 1½ months. Finally, on February 25th, the military prosecutor announced that he had requested the Taiwan Garrison Command “... *that the three be given lenient treatment on the grounds of their cooperation with the investigators and a sincere show of repentance*” (**China Post**, February 25, 1983). They were sentenced to “reformatory education.”

Little is known about Mrs. Maeda and Mr. Ko, but Professor Lü is a wellknown scholar who studied at Leuven University in Belgium and who in 1980 received his doctorate from the University of Paris in Nanterre. Immediately after Mr. Lü’s arrest became known, the rector of Leuven University wrote a letter to the Taiwan authorities protesting the arrest, while human rights organizations such as the French Federation Internationale des Droits de l’Homme also expressed their concern.



Professor Lü Hsiu-yi and his family

In an interview, which appeared in the nowbanned **Cultivate** magazine (no. 28, February 25, 1983) Mrs. Lü, who is a professor of music at Taiwan’s national Normal University in Taipei, described the way in which the security agents arrested her husband.

“On January 8, around nine o’clock in the morning when Lü Hsiuyi was reading the newspaper and I was preparing to leave for work, somebody rang the door bell. He said he was looking for chairman Lü. When I opened the door, two very big ferocious looking men pushed me aside and rushed inside the house. They pulled open the curtains and I saw that more than 10 policemen had surrounded the house. My husband and I were shocked.

The two men waved a piece of paper in front of Lü Hsiuyi and ordered him to go with them. Lü asked: “What do you want?” They refused to answer. Lü told them: “At least let my wife take a look at that piece of paper so that she knows what is happening here.” The two men said: “You will find it out later.” I stepped forward and tried to take a look at that piece of paper. I saw a name of some military commander. My motherinlaw was hanging out the laundry on the back porch then. Lü begged them to allow him to say goodbye to his mother. The two men followed Lü to the back porch and a few minutes later he was taken away.

The other ten policemen remained to search the house. The telephone receiver was taken off the hook. We were not allowed to answer the door when the doorbell rang. Nor were we allowed to eat. For six hours, they almost tore apart the house they emptied all the shelves, cleaned out all the closets, turned over drawers. They even removed the paintings from the wall and tore apart the frame to search for things. In the meantime, I myself and my three children were guarded by two men and were ordered not to move.

They even telephoned to ask for more help. I trembled when I heard their conversation on the phone. I had the hunch that they were from either the Investigation Bureau (of the Ministry of Justice) or from the Garrison Command. They told me not to be afraid. I tried to be calm and told them: “I am not afraid. I am only worried that you might plant some false evidence here in order to implicate us.”

At four o’clock in the afternoon, they left with five boxes of Lü Hsiuyi’s textbooks, journals, lecturing material, also our tape recorder, camera, our photo albums, name cards and addresses of our friends. They didn’t even give me a receipt for the things they took from us. Before they left, I asked their names and addresses. They only left me with a telephone number. They told me: “Don’t publicize this, otherwise you will make it worse.” Two men remained in front of our door. They said that they stayed for our safety.

On the next day I learned from the newspaper that my husband had been arrested for “sedition.” Still I didn’t know who ordered his arrest and where he is being detained.”

Because she feared for the safety of her children, Mrs. Lü brought two of her children to friends, so they would take care of them for the time being. However, soon a policeman showed up at the home of one of these friends and in veiled terms told them not to help Mrs. Lü.

It is not known how Mr. Lü was treated during his interrogation, but Mrs. Maeda, who was deported from Taiwan on March 14th, told about her interrogation when she arrived in Tokyo. Los Angelesbased **Formosa Weekly** published the following interview with her:

“It was a nonstop interrogation. For two days and two nights, about 40 people surrounded me and questioned me in a most ferocious manner. I had to stand up for the questioning. They would not give me a chair to sit down. They threatened that if I didn’t cooperate with them, I would receive a jail sentence of 15 years or even a death sentence.

What they meant by cooperation was that they wanted me to implicate innocent Taiwanese people. They then showed me a list of names and wanted me to tell them who were members of our Independent Taiwan organization in Japan [a group headed by historian Shih Ming Ed.] or anyone who might have “independence” ideas. They wanted me to charge that Shih Ming works for the Chinese Communists. The most outrageous thing they wanted me to say was that three years ago Shih Ming sent someone to Taiwan to kill the family of Provincial Assembly member Lin Yihsung.”

4. **A visit to Kueishan prison.** Chinese New Year is not only an occasion for festivities, it is also the time for family reunion. Usually sons and daughters who live away from the parents come home on the eve of Chinese New Year and this occasion is celebrated by savoring a delicious dinner. Those who are locked behind the prison bars will not be able to come home for this important occasion. However they were not forgotten by their friends.

On February 4, 1983, Legislative Yuan member Hsü Jungshu (Mrs. Chang Chünhung) and National Assembly member Chou Chingyü (Mrs. Yao Chia--wen) were able to get permission to for a group of friends to go to Kuei-shan prison to wish the “Kaohsiung prisoners” detained there a happy New Year. They were able to talk to several of the imprisoned writers and staff members of **Formosa Magazine**, which was banned in December 1979: journalist Chang Fuchung, writer Wang T’o, political scientist Wei T’ingchao, highschool teacher Chi Wangshen, and theologian Ts’ai Yuch’uan. An account of the visit was published in **CARE Magazine** No. 15, March 5, 1983.

5. **Some longterm prisoners released.** On February 26th, 1983 Mr. HanLiwu of the Chinese Association for Human Rights announced that the Taiwan authorities had granted parole to four longterm political prisoners, most of whom have been detained on Green Island for more than thirty years. On March 4th, Mr. Han announced the release on parole of five more prisoners. Amnesty International has campaigned for the release of these longterm prisoners for several years. The names of eight of the nine were also on a list of 22 persons, published in the summer of 1982 in *Taiwan Communiqué* (no. 7/8, August 24, 1982, page 16). Below you find the names of the nine + updated information from CARE magazine no. 15, March 5th, 1983:

released on February 10, 1983:

Name	Age	Years in jail	Birthplace	Illness
1. Wang Ju-san (王如山)	70	32	Taichung	Asthmatic.
2. Wang Wei-ching (王為靖)	51	32	Taichung	hemorrhoid / mental problems
Mr. Wang was only 19 when he was arrested. He has a severe stomach ulcer for which he is now receiving treatment. He lives with his sister in Changhua.				
3. Li Kuo-min (李國民)	65	32	Matou	tuberculosis/ mental problems
Mr. Li has virtually lost his sanity. When the police returned him to his family he did not recognize his wife and son. He now lives with his son in Tainan.				
4. Wu Yueh-ming (吳灼明)	62	32	Taichung	eye disease.
Mr. Wu now lives with his family in Taipei. He is completely blind.				

Name	Age	Years in jail	Birthplace	Illness
5. Chu Wei-huang (朱燁煌)	54	32	Hsinchu	gland disorder
6. Fan Yueh-chiao (范月樵)	59	20	Chiayi	?
7. Hsieh Chiu-lin (謝秋霖)	58	32	Taichung	Ulcer/rheumatic
8. Ko Chien (柯千)	?	?	Philippines	?
9. Wang Yung-fu (王永富)	54	32	Peitou	heart condition

The only person who dared to be interviewed was Mrs. Wang Ju-san, who is now 63 years old. She told **CARE** magazine the story of her husband's arrest and her own life since then:

“When Wang Ju-san was arrested in March 1950 his oldest son was five years old, his oldest daughter three years old. Our third child was one year old, and I who was 29 at the time was expecting a baby. I did not hear anything until November of that year, when I was notified that I should go to a Taipei prison to see my husband before he was to be transported to Green Island. When I saw him I asked what had happened and what the reason was for his imprisonment. The guard standing nearby said that my husband had been sentenced to life imprisonment and that he would never come home again.

I raised the four children singlehandedly: I had a food-stall in the daytime and during the evening I was at the river, washing clothes for other people. I am very grateful that my husband is one of the few exceptions who has retained his sanity during the many years in prison. I was not able to visit my husband during the first ten years when he was in prison. From 1960 until 1970 I visited him only twice, but from 1972 until his release I was able to visit him approximately twice a month.”

Articles and Publications

1. **TAIWAN CHURCH NEWS, English language edition.** In January 1983 this bulletin came out with its second issue. The bulletin contained news about the international consultation of the Taiwan Presbyterian Church, which was held in October 1982. The overseas representatives at this consultation sent a letter to president Chiang Chingkuo, urging him to release Dr. Kao Chunming, the Secretary General of the Presbyterian Church, and others imprisoned with him. **Taiwan Church News** also printed an article about the work of the Presbyterian Church among the Yami aborigines on Lanyu (Orchid) Island, off the Southeast coast of Taiwan. This occasional bulletin is available at no cost from: Taiwan Church News, 2721 Youth Road, Tainan 700, Taiwan.

2. **SPEAHR head no. 16.** In January 1983 the Society for the Protection of East Asians' Human Rights (SPEAHR) published the sixteenth issue of their magazine. It contained articles about human rights in China, Japan and Taiwan. The two articles about Taiwan were: a book review by Mr. Ben Wei of “Through the valley of the shadow of death”,

the book dealing with the murder of the family of lawyer Lin Yihsiung (see Taiwan Communiqué no. 10, page 1) and a profile of prisoner Li Shih-chieh, a former official of the Investigation Bureau of the Ministry of Justice, who fell in disgrace in 1966 and has been imprisoned since then. SPEAHRhead is available from: SPEAHR, P.O. Box 1212, Cathedral Station, New York, NY 10025 U.S.A.).

3. **TROUW: “Many taboos in Free China”**. Below follows a translation of two articles about Taiwan, which appeared in TROUW, a major national daily newspaper in the Netherlands. The first article, which appeared in Trouw of January 25, 1983, is titled “There are many taboos in Free China.” The second article appeared on February 25th, and was announced on the front page with the words: “February 28, a day Taiwan never forgets.” Some excerpts from both articles:

There are many taboos in Free China

“On the long list of banned magazines in Taiwan one would hardly notice it: issue number 4 of **Taiwan Panorama** is confiscated and the magazine is banned for one year. However, the reason for the banning is quite interesting: a little report of a meeting of the Foreign Affairs Committee of the Dutch Parliament, held on September 1, 1982 in The Hague.

In Taiwan the people are not allowed to know that Prime Minister Van Agt expressed his concern about the imprisonment of political and religious leaders in Taiwan, and about the lack of democracy there. Although the authorities on Taiwan would love to establish diplo-matic relations with countries such as The Netherlands, the leaders of this “Free China” are not interested in some ideas from the free world.

Such a news item from a Dutch Parliamentary Committee which looks for a few moments at Taiwan when it discusses the human rights situa-tion in the world is hardly a major news item in Holland. However, on Taiwan itself it is a very risky piece of information, which only appears in publications such as **Taiwan Panorama**, which is pub-lished under leadership of a lawyer by the name of Dr. You Ch’ing.”

TROUW then described the other articles which prompted the Taiwan authorities to ban the magazine and gave a short history of **Taiwan Panorama**.

“It was the second time that **Taiwan Panorama** was confiscated. In the first issue of the magazine which appeared in September -Dr. You Ch’ing announced that no. 2 of

the magazine would contain a legal discussion about the formation of a new party. Thus, when the second issue of **Taiwan Panorama** appeared in the beginning of October, the TGC was ready to confiscate the magazine. The authorities don't think that a new political party is necessary: there is already a political party !! And Dr. You Ch'ing is not a member of that party, the Kuomintang, which battled the communists in mainland China before 1949.

Fairy tale

Dr. You is a member of the Control Yuan, a highly respected part of Taiwan legislative bodies. Two years ago he was elected to the Control Yuan as a representative of Taiwan "province." Now he sits next to some very old and even *extremely* old men, who were elected before 1949, and who can't be reelected because the communists took over mainland China 34 years ago. So, all these old men have stayed in their positions, and they continue to believe in the fairy tale that they are the true Chinese government which has "temporarily" settled in Taiwan, waiting for the end of the communist "rebellion."

Virtually all of these old men are members of the Kuomintang, KMT for short. A few of the men have "China Youth Party" or "Social Democratic Party" behind their name in the registry. However, this is only of interest to historians. It also comes in quite handy for government spokesmen, such as Raymond Tai, who wants to use those prehistoric fossils to show that Free China is not a oneparty state, such as communist China on the other side. (In China there are also a number of parties which only exist on paper).

Much more interesting for the future are Dr. You Ch'ing and those who have similar views. They use the name *tangwai*, which means "outside the party", thus nonKuomintang. Slowly but surely they are moving into the legislature, into positions reserved for the "province" of Taiwan.

They can't win big victories, because the number of seats reserved for Taiwan are almost negligible in comparison with the mass of seats which remain reserved for the mainlanders, and for which no elections are held. Another problem is that the *tangwai* candidates are not allowed to organize themselves into a party. There is also hardly time for a true election campaign.

“Squatters”

The tangwai are united in their longing for democracy on the island and in their opposition against the monopoly on power of the Kuomin-tang and mainlanders over the majority of native Taiwanese. If you follow the vision of the *tangwai* you could say that the Chinese nationalists are squatters who have occupied the island in order to continue their lost fight against the communists. For the *tangwai* the communist danger from the other side of the Taiwan Straits -which is emphasized day in day out by the newsmedia is equally real, but they think this should not be a reason to throw out the beautiful democratic principles, which are incorporated in Taiwan's Constitution, but which are not implemented. You can't say too much more about the *tangwai*, because they are not allowed to have a party, and thus there is no party program.

Dr. You Ch'ing (40) is such an islander who against great odds -tries to increase democracy in Taiwan. He publishes his **Taiwan Panorama** and he has his seat in the Control Yuan. He is thus a busy man. My first appointment with him doesn't quite succeed in the journalistic terms. He has a great sense of oriental hospita-lity. On our way to lunch he meets a large number of acquaintances, who one after the other are invited to join this lunch with the foreign guest. And You Ch'ing has so many friends that I don't get a chance to have a real interview with him.”

TROUW reporter Frans Dijkstra gave a description of a gathering in a restaurant, where Dr. You and his friends discussed a wide variety of issues, while enjoying lukewarm rice wine and dried squid. The reporter continued with the issue of “forbidden topics.”

“In Taiwan you really have to be careful with the words you use. One of these words is “independence.” If ordinary people use it, they can be punished severely. Only people like government- spokesman Raymond Tai talks about it openly, but in a negative sense. It is said that the *tangwai* group doesn't want to have too much to do with the Nationalist government and its “Free China.” It is also said that they want an independent Taiwan and don't share the aspirations held by both the Communists and the Nationalists to “unify” Taiwan.

“Those kind of ideas are indeed strictly prohibited here,” says government spokesman Tai. “Even if the government itself would think it hopeless to strive for recovery of the mainland and freeing it from the communists, still we would not allow an independence movement. That would cause the communists to attack us right away.

They don't want to see Taiwan apart from China either. The independence movement would not want a communist attack, unless it is a communist movement itself," thus speaks government spokesman Tai."

The TROUW article then discussed the precarious position of the opposition in Taiwan, and the ease with which the authorities there can imprison native Taiwanese leaders and ban their magazines if they only *appear* to be tilting towards "independence" ideas:

"The Taiwan authorities insinuate without too much hesitation that the independence movement might be inspired by the communists [nothing could be farther from the truth: "communism" and "Taiwan independence" are contradictions in terms Ed.]. This is the main but not the only reason that the *tangwai* politicians don't speak about independence. Antonio Chiang, chief editor of three monthly magazines, says "The *tangwai* don't strive for independence, we only want that the eighteen million people who live here can determine the future of this island, in other words: that there should be democracy."

February 28th, a day Taiwan never forgets

The second article appeared in TROUW of February 25, 1983 and was titled "Mrs. Chou's work of love (which is almost considered "incitement" by the authorities)." It was announced on the front page with the words: "February 28, a day Taiwan never forgets." The article was also written by Frans Dijkstra, a Dutch reporter who visited Taiwan in December 1982.

"Mrs. Chou Ching-yü has had a busy time. During the weeks before Chinese New Year, which began on February 13, she has traveled virtually all over Taiwan, an island which is about the same size as The Netherlands. She was visiting the relatives of political prisoners. Her handbag was full of little red envelopes.

According to Chinese tradition the children in all families get some money, wrapped in those little red envelopes. Usually it is the father of the family who hands out those envelopes. But if the father is in prison because he was a bit too critical of the ruling Kuomintang party, then Mrs. Chou fulfills that task. She knows what it is for a family to have a father in prison: her own husband is also imprisoned by the authorities.

Each week Mrs. Chou visits a group of relatives of political prisoners who depend upon each other for comforting and support. Usually they meet in the home of one

of them, but once a month they pray for “their” prisoners in the newest church of Taipei, Gikong church, set up by the Presbyterians.

The TROUW reporter then describes Gikong Church and the event the murder of Lin Yihsiung’s family on February 28, 1980 that led to its founding. He goes on to describe the “February 28 incident” of 1947:

“In 1947 the Nationalist government of Chiang Kaishek was still engaged in a full civil war against Mao Tsetung’s Communists in mainland China. But on the subtropic island of Taiwan, off the coast of China, Chiang’s mainlanders had already grabbed power after the Japanese had had to leave. These mainlanders were preparing the way for their later flight from the mainland, which eventually occurred in 1949. The departure of the Japanese had been celebrated by the Taiwanese, but the arrival of the Chinese Nationalists proved to be very unpleasant.

Generalissimo Chiang Kaishek sent a rather corrupt bunch of soldiers and bureaucrats to take over Taiwan. Also, more and more mainlanders came over from China to Taiwan and they settled on the beautiful island, moved the “despised Taiwanese” out of their jobs and took over the best positions.

Japanese rule, which had been hard, was replaced by a Chinese rule which was just as hard. The Americans had raised the expectations of the Taiwanese people by talking about the right of self-determination, but the events of the late forties proved to be a disillusionment for the Taiwanese. In the beginning of 1947 all hell broke loose.

The immediate cause of the incident was small. A mother with her two small kids wanted to set up a stall to sell some cigarettes. Agents of the Government’s Monopoly Bureau confiscated her cigarettes because she presumably had not paid a tax. Bystanders tried to help the woman. The agents started to shoot at the angry crowd.

The next day, February 28th 1947 two thousand people demonstrated against this wild behavior of the mainlander agents. Then somewhere in a Government office someone took a wrong decision: soldiers were sent out with machine guns. Then hell really broke loose in Taiwan.

Run for your life

In the week following this incident many mainlanders had to run for their life, chased by angry islanders. The mainlanders suddenly tried all kind of ways to make the

distinction between themselves and the islanders as small as possible: even Japanesetype shoes became very popular.

The Nationalist Chinese government declared martial law. Now, 36 years after the 228 incident, Taiwan is still suffering under martial law. Formally because the Nationalists still want a force-ful unification with the Communist “mother country.”

Official history in Taiwan says that “gangsters” caused the 228 incident of 1947. However, the “other” (true) story is told inside the houses of Taiwan, from one generation to the next.

The date of February 28th remains in the memory of the people as the date of a harsh reality: the dictatorship of the minority of main-landers over the majority of islanders. For people such as lawyer Lin Yihsiung, who are of the opinion that the islanders should have more say in the government of their island, that date means very much. For the murderers of Lin’s mother and daughters the date of February 28th apparently also had a special significance."

The TROUW reporter then described his visit to the weekly prayer-meeting in Gikong Church and discussed the imprisonment of the Secretary-General of the Presbyterian Church, Dr. Kao Chun-ming:

Although in Taiwan the law says that there is freedom of religion, people who fully follow their faith are persecuted. The authorities are very quick in applying the label of “communist” to anyone they don’t like. And if that label doesn’t quite apply, then the label “incitement of the people” comes in very handy.

One person who experienced that is Dr. KAO Chunming, the Secretary--General of the Presbyterian Church. He is now withering away in a cell of two by four meters, which he has to share with other people too. His wife is “lucky” that he is imprisoned nearby in Taipei. Other wives of prisoners have to travel many hours to talk to their imprisoned husbands for only ten minutes through a telephone behind a glass wall.

Mr. Ruth Kao is allowed to bring two books during each visit. She says: “the last few times the prison guards always refused one book. Why ? I don’t know !! These are not political books. A few weeks ago they even refused Billy Graham’s book DECISIONS.”

The Reverend Dr. Kao would like to have a map of the world on the wall of his prison cell. However, the prison authorities don't allow anything bigger than a lettersize piece of paper, and usually maps of the world are much bigger ! So Mrs. Kao is still looking for a map of the world which is smaller than a regular lettersize piece of paper.

In Gikong Church the people Presbyterians, Catholics, Buddhists all are reminded of Dr. Kao by a hymn he wrote: they all sing it each time they gather. The hymn is in the Taiwanese language the language the mainlanders are trying to ban from Taiwan. On the pulpit is a Taiwanese Bible; the authorities don't allow those to be printed anymore because "Mandarin is the only official language."

The preacher says to the people in the congregation: "We miss our friends; they are in prison because they were so courageous to tell the truth; they did nothing wrong. How can we as Christians be silent when our people are mistreated in such a bad way?"

Freedom of the Press?

1. **TAIWAN PANORAMA banned for a year.** On december 22, 1982 agents of the Taiwan Garrison Command came to the printing shop where issue no. 4 of **Taiwan Panorama** had just been printed, and confiscated all copies. On December 31, 1982 the magazine received a banning order for one year. Dr. You Ch'ing, a "nonparty" member of the Control Yuan, started to publish this magazine in September 1982. The second issue was confiscated in the beginning of October because it contained an appeal for the establishment of a formal opposition party.

The theme of the fourth issue was "Human Rights." The main article was titled "The Struggle for Human Rights" which surveyed the history of the human rights movement in Taiwan since the end of World War II. Other articles which were not to the liking of the TGC officials were:

1. "Speed up the probation process for political prisoners."
2. An appeal for more humanitarian treatment of prisoners in general.
3. A translation of the Taiwan section from Amnesty's Human Rights Report 1982.
4. A translation of the report on the hearing in the Dutch parliament about human rights violation in Taiwan (see our report in **Taiwan Communiqué** no. 9, page 11).

2. **Tsung-heng banned.** In January 1983 issue number 22 of **Tsung-heng** magazine was banned by the Taiwan Garrison Command. The issue contained a translation of an article, titled “The shoes of the strongman will be difficult to fill” from the December 1723, 1982 issue of the **Far Eastern Economic Review**, which discussed the possible successors of President Chiang Chingkuo. In March 1983 the magazine narrowly escaped another banning: the Garrison Command considered several articles of issue no. 24 “inappropriate” and forced the publisher to agree to change the offending passages. The magazine reached the newsstands after a delay of one week. One of the articles, titled “Victor Li’s view on the future of Taiwan”, described the views of professor Victor Li, a prominent American scholar who is the Director of the EastWest Center at the University of Hawaii.

3. **The banning of CULTIVATE magazine.** On February 24th, 1983, at three o’clock in the afternoon, a squad from the Taiwan Garrison Command appeared at the printing shop where issue no. 28 of **Cultivate magazine** (published by Mrs. Hsü Jung-shu, a prominent non- KMT member of the Legislative Yuan) was being prepared for publication. The secret police agents confiscated 7,700 copies of the magazine. On March 2nd, another TGC squad went to the Taichung office of Mrs. Hsü, broke the lock to the basement, and confiscated 1,400 copies of no. 28, together with earlier issues of the magazine. On March 4th the publication was banned for the period of one year.

The major reason for the confiscation and banning was apparently an article on “The major political cases of the past 30 years.” The TGC said that “the article confuses the public and undermines the morale the people.” The article documented 60 cases of political imprisonment and execution during the period 1949-1980. The information on a number of these cases had not been published before. **Cultivate** further reported extensively on the recent arrest and imprisonment of Professor Lü Hsiu-yi and a Japanese citizen, Mrs. Maeda (see our report on this case on page 23).

Cultivate no. 28 also contained an article reprinted from a new weekly publication **SenhKin**: “Account of the 228 incident, from official records”, which presented information about the “February 28 incident” of 1947 in which thousands of Taiwanese were executed by Chiang Kaishek’s troops. In an editorial, titled “A prayer on February 28th”, the magazine’s editors urged the authorities to introduce political reforms and release political prisoners. Below we present a translation of the main points of the editorial.

A Prayer on February 28

“The end of World War II brought the restoration of Taiwan to China. At that time it seemed that the hopes and aspirations of the Taiwanese people would finally come true. The termination of Japanese repressive rule and the return to the motherland promised a life of freedom and democracy, under which the Taiwanese would finally have the chance to rule themselves. But the Taiwanese people soon realized that the return to the motherland and the arrival of the Nationalist regime brought only disillusionment the new regime’s authoritarian rule replaced the repressive rule of the Japanese. For the past 30 years, the high expectations of the Taiwanese people were crushed many times by political reality. These political conflicts brought about an alienation between those who were ruled and their rulers. Although these political conflicts have become forbidden topics for public discussion in Taiwan, the pain inflicted upon the people is still fresh in their memory.

In our opinion the only way to solve the present impasse is to open-ly discuss these matters, so these hidden wounds can be healed.

The first “hidden wound” was the “February 28” incident which happened 36 years ago. It signified the disappointment of the Taiwanese people after they had been exposed to the authoritarian rule of the traditional Chinese feudalistic system. It caused the loss of life of thousands of bright young Taiwanese. The survivors have since stayed away from politics as if it were a poisonous snake.

*The second “hidden wound” was the Lei Chen incident which happened on September 4, 1960. The liberal intelligentsia of the first generation mainlanders working together with the local political leaders attempted to form a new political party in order to bring true democratic rule to Taiwan. But the iron fist of the KMT regime terminated the life of **Free China Fortnightly** magazine. It has also silenced the voice of the people for 20 years.*

It wasn’t until the arrival on the political scene of the new generation, born after the Second World War, that we could feel again the pulse of the Taiwanese people. Awakened by a series of domestic and international crises which confronted the country, they demanded political reform. The “Mei Li Tao” incident on December 10, 1979 took its toll of the human rights movement of the new generation. Three months later, on February 28, 1980 the beloved mother and twin daughters of Provincial Assembly member Lin Yihsung were murdered.

For the past 30 years, the Taiwanese people have learned a hard lessons from the 228 incident, the Lei Chen incident, the Formosa (Meili Tao) incident and the Lin family murder. They have realized that their hopes to be treated as equals rather than as subordinates by the ruler might never come true. However, although the KNIT regime has until now been able to suppress the democratic aspirations of the people, can they sleep peacefully? These incidents have created tension between the ruler and the ruled. They are suspicious of each other. They are constantly on guard against each other.

On this day, February 28th, we decided to discuss these hidden wounds because we hope that our government and our people will face reality, and will not treat these wounds as incurable diseases. We should also realize that to heal the wounds and to stop the pain, piecemeal approaches and legislation which has only form and no substance will not be effective. Especially the enactment of the Election Laws and Criminal Procedure Code are examples of the KMT regime's disregard of the rights of the people. All these facts worsen the pain in the hearts of the people, they only make it more difficult for the government and the people to get along.

The Taiwanese people want "good will" on the part of the authorities. Many people have called for the release of Lin Yihsung, amnesty for political prisoners, substantial political reform. All these voices represent the expectation of the people that the authorities would take the first step of good will, and would give a signal of reconciliation, so we can start an equal relation with each other. This is our prayer on February 28."

Right after **Cultivate** was banned, the publisher decided to let its place be taken by **SenhKin** (meaning "growing roots"), a new week-ly magazine which just started publishing in February. The pronunciation of the name of this magazine is virtually the same as the Chinese pronun-ciation of **Cultivate**. In the editorial of issue no. 5 of **SenhKin**, Mrs. Hsü Jungshu wrote:

"We want to cultivate the soil so the roots can grow strong and deep. This is a very difficult task. For the past year **Cultivate** has raised the political consciousness of the Taiwanese people and has strengthened our spirit of opposition. These goals will not be given up because **Cultivate** is banned. On the contrary, **SenhKin** will take over where **Cultivate** left off, and **SenhKin** (Roots) will continue down the same road which **Cultivate** was not allowed to finish."

Below are the Chinese characters for both magazines

深耕

CULTIVATE

生根

SENH-KIN

4. **THE ASIAN no. 22 banned.** On March 5th the TGC also banned issue no. 22 of **The Asian** after it had already appeared on the news-stands. The magazine is published by Mr. K'ang Ninghsiang, a prominent nonKMT member of the Legislative Yuan. The apparent reason for the banning was an article about Mr. Lei Chen, a liberal mainlander, who in 1960 tried to convince the Chinese Nationalist authorities to end martial law and work towards a democratic political system. Mr. Lei Chen – who was sentenced to ten years imprisonment died on March 7th, 1979.

5. **THE EIGHTIES no. 32 confiscated.** On March 14th the TGC confiscated all issues of **The Eighties**, which is also published by Mr. K'ang Ning-hsiang. The magazine has become known for its subtle criticism of the Taiwan authorities and for its excellent cartoons. It is generally considered to be one of the most prominent “nonparty” publications. The reason for the banning was that the magazine published translations of two research papers of the Atlantic Council of the United States. One paper was titled “The U.S. reevaluates its China policy”, while a second paper dealt with “U.S. Taiwan policy.”

FROM:
TAIWAN COMMUNIQUÉ
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3984 ZG ODIJK
The Netherlands

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OdiJK

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CONTENTS Taiwan Communiqué no. 11
April 1983

A hearing and a resolution in the U.S. Congress
Resolution on the future of Taiwan 1
Eleven years after the Shanghai Communiqué 7

The State Department's human rights report 10

Prison report
Yang Chinhai rearrested 20
The arrest of Yang Huanghsi• 22
The arrest of Professor Lu and Mrs. Maeda 23
A visit to Kueishan prison 25
Some longterm prisoners released 26

Articles, and publications
Taiwan Church News, English language edition 27
Speahrhead no. 16..... 27
Trouw: "Many taboos in Taiwan" and
"February 28, a day Taiwan never forgets" 28

Freedom of the press
Taiwan Panorama banned for a year 34
Tsung- heng no. 22 banned 35
Cultivate confiscated and banned for a year 35
The Asian no. 22 banned 38
The Eighties no. 32 confiscated 38

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