

# TAIWAN COMMUNIQUE

Published by:

*International Committee for Human Rights in Taiwan*

Europe : P.O. Box 31, 3984 ZG ODIJK, The Netherlands

U.S.A. : P.O. Box 45205, SEATTLE, Washington 98105-0205

European edition, June 1983

Published 6 times a year

ISSN number: 1027-3999

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## Freedom of the press?

### *Bannings and confiscations on the increase*

During the past three months the Taiwan authorities have damaged their already blemished record on press freedom even further by banning or confiscating a record number of magazines published by prominent leaders of the *tangwai* ("outside-the-party") opposition.

- April 2nd: **The Eighties** magazine, published by Legislative Yuan member K'ang Ning-hsiang, was banned for a whole year.
- April 13th: issue no. 3 of **Progress Weekly**, published by Mr. Lin Cheng-chieh, a member of the City Council of Taipei, was banned.
- May 21st: agents of the Taiwan Garrison Command (TGC) confiscated issue no. 5 of **Bell Drum Gong** magazine, published by Mr. Huang ~T'ien-fu, also a member of the Legislative Yuan.
- May 28th: the TGC confiscated issue no. 9 of **Senh Kin magazine**, published by Mrs. Hsu Jung-shu, who also serves as a member of the Legislative Yuan.
- June 9th: agents of the TGC burst into the printing shop where issue no. 18 of **CARE magazine** was being prepared for publication and confiscated all 17,000 copies. CARE is published by Mrs. Chou Ching-yu, a leading human rights advocate and non-KMT member of the National Assembly.



Mrs. Chou Ching-yü

On the next pages we present more detailed information about the banning and confiscations of these magazines. The TGC-campaign appears to be related to the upcoming elections for a limited number of seats in the Legislative Yuan, which are scheduled for November of this year (see our *article "Fair, open and just elections?"* on page 5). Since radio, television, and the daily newspapers are totally controlled by the Kuomintang, the magazines are one of the few channels through which the *tangwai* can communicate with the public at large. The authorities do not allow the establishment of new daily newspapers, and take harsh measures against the few monthly and weekly non-K MT publications which dare to discuss democracy, human rights, political prisoners, and criticism of the government's ban on the formation of new parties. The ruling party thus maintains its tight grip on the media, and thereby on the political process.

During a recent session of the Legislative Yuan government spokesman James Soong, Director of the Government Information Office (GIO), made himself look "slightly" ridiculous by defending the ban on new daily newspapers and the confiscation and banning of magazines. We present some examples of Mr. Soong's "Byzantine logic" -- as Mr. Derek Davies called it in the **Far Eastern Economic Review** ("*Traveller's tales*", FEER, May 5th, 1983) -- by quoting a report of the Legislative Yuan discussion from the pro-Kuomintang **China Post** ("*GIO chief denies any newspaper-ban issue*", April 11, 1983):

"Soong denied that there is any question about the ban in effect against the establishment of new newspapers. He explained, however, that it is the policy of the Government Information Office not to consider any new applications or requests to establish new newspapers at this time. The reason the GIO will not allow any new newspapers to be published, he said, was to improve the quality of existing newspapers in Taiwan.

The GIO chief based his comment on the fact that although no new newspapers may be established, it is still possible for anyone to register new newspapers with the GIO. For this reason, Soong does not consider that a ban per se is in effect. None of the new registrations are being considered however, so that it can not be said there is any prejudice against registration from nonpartisans, he explained.

Soong also touched on the subject of the banning of magazines, saying that in each case where a magazine is confiscated or banned, the title of the offending article is always specified. For this reason, he said, it is not right to say that there are no standards for such actions."

## *The Eighties banned for a year*

On April 2nd, 1983 the Taiwan Garrison Command issued a banning order for one year to Mr. K'ang Ning-hsiang's magazine **The Eighties**. In *Taiwan Communiqué* no. 11 we already reported the confiscation of issue no. 32 of *The Eighties* because it contained a translation of two American research papers. One paper was titled "The U.S. re-evaluates its China policy", while a second paper dealt with the Taiwan policy of the United States. The latter paper was written by Dr. Robert G. Sutter, an American scholar working with the Congressional Research Service in Washington D.C. Publisher K'ang, who is a prominent non-KMT member of the Legislative Yuan, responded to the banning order by deciding to revive *The Current* monthly, formerly a literary magazine, to replace *The Eighties*.

Both the **New York Times** and the **Far Eastern Economic Review** reported the campaign by the Taiwan Garrison Command to clamp down on opposition magazines. The *Times* article was titled "*Wary Taiwan keeps tight reins on free expression*" (NYT, May 22nd, 1983), and the article in the *Review* "Muzzling the watchdogs" (FEER, May 19th, 1983). Some quotes from the second article:

More than 20 issues of *tangwai* magazines have been banned over the past six months and six major magazines have been suspended for one year. Many observers believe the campaign is related to the approaching central government elections in November.

*Tangwai* magazines flourished in 1982, with a number of publications opening and their criticism of the Kuomintang (KMT) government growing increasingly strident. Common themes in the publications include democracy, freedom, human rights, political prisoners and criticism of the government's ban on the formation of new political parties. Several have built up sizable circulations of 10-20,000, partly by printing news -- some of it sensationalized -- that newspapers are unwilling or afraid to publish [we suggest that Mr. Tanzer do an article on sensationalism in the pro-KMT press; he will have a few years of work ahead of him -- Ed.].

Most Taiwan newspapers, on the other hand, toe the KMT line closely. In the eyes of *tangwai* supporters and some independent analysts, the recent increase in bans is a KMT tactic to eliminate one of the *tangwai*'s primary political tools before the elections for seats in the Legislative Yuan, the Control Yuan and the National Assembly. The Government Information Office (GIO), Taiwan Garrison Command (TGC) and the KMT's Department of Cultural Affairs -- the three agencies most closely identified with policy towards the press -- declined to give interviews." (...)

“Observers predict more *tangwai* magazines will be shut down before the elections; suspensions are all for one year, which means the magazines may not reopen until after the elections. Nearly all opposition magazines were suspended in 1980, the last time elections were held for the three central government bodies.” (....)

“The TGC has been waiting to impose bans until after the magazines are printed but before they are sold. Such bans deal a severe financial blow to the magazines. Meanwhile, *tangwai* publishers replace old magazines with new ones.” (....)

## *Advance Weekly no. 3 banned*

On April 13th the Taiwan authorities issued a banning order for issue no. 3 of **Chien-ching Weekly** magazine (which can be translated either by “Progress” or “Advance”). The magazine had just been started in March of this year by Mr. Lin Cheng-chieh, a non-KMT member of the City Council of Taipei.

The reason for the banning given by the authorities was that the magazine contained an article about Mr. Lin Yi-hsiung, the imprisoned member of the Taiwan Provincial Assembly whose mother and two daughters were murdered in February 1980 (see the article about Mr. Lin Yi-hsiung in *Taiwan Communiqué*, issue no. 10). Another reason for the banning may have been that the magazine carried an article about the supposedly secret trip to the United States -- in March of this year - of General Wang Sheng, the recently demoted head of the Political Warfare Department of the Ministry of Defense.

Mr. Lin Cheng-chieh was earlier associated with the now-banned magazine Cultivate. In April 1981 he also tried to start his own magazine, The Progressive, which was banned after the first issue.

## *Bell Drum Magazine confiscated*

On May 21st the Taiwan Garrison Command confiscated 5,500 copies of the monthly magazine Bell Drum Gong, published by Mr. Huang T'ien-fu, a “non-party” member of Taiwan’s Legislative Yuan. Mr. Huang is the younger brother of Mr. Huang Hsin-chieh, the most prominent native Taiwanese leader imprisoned after the Kaohsiung incident of December 1979.

The official reason given for the banning order -- which was signed personally by General Chen Shou shan (head of the Taiwan Garrison Command) -- was that two

articles, titled “Taiwan, Sunrise, a sorrowful fate” (literal translation) and “The dream of the Taiwanese people” confuse public opinion and undermine the morale of the public. At this time we have no information on the contents of the articles. A third article in Bell Drum Gong no. 5 questioned the wisdom of the pro-Kuomintang press in Taiwan regarding the present press-campaign, in which President Chiang Ching-kuo is urged to seek a second term in office. The article stated that this decision should be made by President Chiang himself, and that the press should not interfere in this matter.

### ***Senh-Kin no. 9 confiscated***

On May 28th, 1983 the authorities confiscated more than 10,000 copies of Senh Kin magazine, published by Mrs. Hsu Jung-hsu, a member of the Legislative Yuan whose husband was also imprisoned after the Kaohsiung incident. In *Taiwan Communiqué* No. 11 you find (on pages 29 and 30) an extensive discussion of the background of this magazine and its predecessor, Cultivate magazine. The reason for the banning was that Senh Kin contained a report on U.S. Senator Kennedy’s statement of May 20th, in which Mr. Kennedy urged the Taiwan authorities to end martial law (see “34 years of martial law” on page 8).

As was explained in the above mentioned article in the Far Eastern Economic Review, it is becoming a tactic of the Garrison Command to confiscate magazines after they have been printed, which puts a very heavy financial burden on the publishers.

### ***CARE no. 18 confiscated***

On June 9th, 1983 more than 20 agents of the Taiwan Garrison Command burst into the printing office where CARE no. 18 was being prepared for publication, and confiscated the whole issue (17,000 copies). CARE was becoming one of the more popular magazines because of its emphasis on social welfare and its aid program for families of political prisoners. The apparent reason for the confiscation was the fact that the issue contained a list of political prisoners at Jen-Ai Detention Center near Taipei and an article about Mr. Wei T’ing-chao, a prominent Taiwanese writer imprisoned after the Kaohsiung incident. CARE is published by Mrs. Chou Ching-yu, a leading human rights advocate and one of the few democratically-elected members of the National Assembly. Mrs. Chou is married to Mr. Yao Chia-wen -- one of Taiwan’s most prominent lawyers -- who received a twelve years’ prison sentence after the Kaohsiung Incident of December 1979.

## “Fair, open and just elections?”

Elections continue to pose a major dilemma for the ruling Chinese Nationalists on Taiwan. They want to be considered “democratic” by the Western countries, and they thus have to go through the ritual of holding elections ever so often. These elections are piously billed as “fair, open, and just” by the authorities, but a brief survey of the situation shows very little of these three characteristics. Below we discuss the most important aspects:

**1. Representing China ?** The ruling Kuomintang still clings to the notion that it represents all of China, and thus maintains legislative bodies which purportedly represent the people of mainland China. Most of the members of the National Assembly, the Legislative Yuan, and the Control Yuan were indeed elected on the mainland in 1947 and they have been holding onto their positions ever since. Beginning in 1969, “supplementary elections” have been held to choose additional representatives from Taiwan and the adjacent islands. However, as the following table -- which is derived from *The Eighties*, December 1982 -- shows, Taiwan still has a long way to go before it can be considered to have a democratic political system:

	National Assembly	Legislative Yuan	Control Yuan
Membership according to the Constitution	3045	773	223
Elected in 1947	2961	760	180
Actual membership, as of October 1982	1133	388	74
"Life members", remaining from 1947 *	1057	291	42
Elected in 1980	49	54	22
of which <u>tangwai</u>	2	11	2
Appointed in 1980 from overseas Chinese and professional groups	27	43	10

\* Most of these “life members” are very old. Of the present members of the National Assembly and Legislative Yuan approximately 70 percent are over 70 years of age, while in the Control Yuan some 60 percent of the members are over 70 years old. For further details, see our article “The legislators are very old”, *Taiwan Communiqué* no. 9, p. 22.

**2. No opposition parties.** A second barrier to the achievement of true democracy in Taiwan is the fact that under martial law no opposition parties are allowed to be formed. On paper there exist two small nominal opposition parties, but these do not function and only distinguish themselves from the KMT in name. The native Taiwanese *tangwai* (“outside-the-party”) leaders may only run for office as individuals and are not permitted to formally establish a coordination mechanism. Any magazine which discusses the possibility of forming an opposition party is quickly confiscated -- as happened to Dr. You Ch’ing’s **Taiwan Panorama** in October 1982 -- and any person advocating “party-democracy” too openly is likely to end up in prison.

**3. Numerous campaign regulations.** A third important factor is the fact that the authorities have devised a large number of regulations which are aimed at limiting the contacts between the public and the *tangwai*. These regulations are laid down in the “Election and Recall Law”, which was enacted in 1980. In the beginning of June 1983 the Legislative Yuan passed a number of revisions of this law, which will make it even more difficult for the *tangwai* to get elected. Below we present the most important restrictions:

a. No campaign activities are allowed outside the two-week campaign period just before the elections. In 1981 *tangwai* candidates tried to circumvent this regulation by holding tea-parties, birthday parties, and other such gatherings during the month of October -before the election campaign actually started. Invariably these meetings were broken up by the police. In the present campaign the first skirmishes have already taken place: during the past two months the Kuomintang has, with great fanfare, gone through the process of selecting candidates for the elections. Taiwan governor Lee Teng-hui blandly stated that:

“... this selection was not an attempt to publicize their candidates prior to the opening of the campaign, but a purely internal party matter. He added that the selection of candidates was necessary prior to an election and that all other parties have an equal right to select their candidates before the campaign officially begins” (China Post, May 31, 1983).

The *tangwai* have charged that this selection process gives the ruling Kuomintang unfair publicity, since the *tangwai* are not allowed to set up a party and select candidates.

- b. The 15-day election campaign period is divided into two parts: first a one-week period during which privately organized gatherings can be held, followed by a second week when only government-sponsored meetings are allowed. During the first week the candidates are allowed to organize campaign meetings, but only at “approved” sites. During earlier elections the *tangwai* usually had great difficulty getting approval for their sites, and the KMT candidates got the best sites at the best times of the day.

During the second campaign week the *tangwai* candidates have to attend government-sponsored meetings, where their 10-minute speeches are sandwiched in between the speeches of KMT-candidates.

This minimizes their opportunity to get extensive contact with the public during the crucial final week of the campaign.

- c. Students are not allowed to help the candidates in their campaigns. Especially in the 1980-election, students were a major force in the *tangwai* campaigns.
- d. Advertisements in newspapers or on television are not permitted. The government-controlled daily newspapers give ample coverage to the campaigns of the KMT candidates and ignore the *tangwai*. Also: pasting-up campaign posters is not permitted, and campaign fliers must bear the name and address of the printer. This latter measure is designed to make it harder for *tangwai* to get printing shops to do work for them: during the past election campaigns printers who did work for the *tangwai* were invariably harassed by the police.

A further catch-all measure is Article 92 of the Election and Recall Law, which provides for jail terms for “... anyone found guilty of disseminating tape recordings, video recordings, drawings, photo’s or written information detrimental to the public for the purpose of helping a candidate get elected” (China Post, June 2nd, 1983 -emphasis added). The critical question is of course: what is detrimental to the public ? After the 1980 election, a *tangwai* candidate, Mr. Liu Feng-sung was sentenced to 31 years imprisonment for discussing topics which were “not in accordance with national law”, and for handing out a pamphlet titled “work hard for human rights in Taiwan” (see *Taiwan Communiqué* no. 4, July 14, 1981).



- e. The number of loudspeaker-vans which can be used by a candidate in his or her campaign has been reduced from eight to five. Especially in rural Central and Southern Taiwan -- where candidates have to cover a large number of small villages -- this measure presents a problem for the *tangwai*, who cannot campaign jointly with others, but who must campaign individually. In past campaigns the *tangwai* attracted large crowds by touring the countryside in groups, while their vans roamed around, calling the people to come to a central meeting place.
  
- f. A particularly galling revision of the Election and Recall Law is the one regarding the election of members of the Control Yuan. The 22 members which must be regularly re-elected (out of a total membership of 74 -- the remainder are appointed or "eternal" members), have up until now been elected by the members of the Taiwan Provincial Assembly by secret ballot -- along the "one man, one vote" principle. In order to elect a person to the Control Yuan it was thus necessary for four Provincial Assembly members to vote for that particular person. In December 1980 the *tangwai* thus managed to get Dr. You Ch'ing -- the well-known lawyer who defended Dr. Kao Chun-ming and Shih Ming-teh -- elected to the Control Yuan.

In a move which seems particularly aimed at getting Dr. You Ch'ing out of the Control Yuan, the Kuomintang has proposed an "open multiple-balloting" procedure, which would give each member of the Provincial Assembly a number of votes equal to half the number of Control Yuan members to be elected. Of course each vote has to be given to a different person: this will have the effect of diffusing the *tangwai* vote. An example: if 12 Control Yuan members are up for re-election, then each Assembly member has 6 votes, and there will be 38 votes ( $76*6/12$ ) needed to get elected. It is obvious that under this procedure the 14 *tangwai* members of the Taiwan Provincial Assembly -- who don't always agree amongst themselves either -- will never be able to elect even one person to the Control Yuan, while in the past they could in theory get three persons elected.

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# 34 Years of Martial Law

On May 20th, 1983 it was 34 years ago that the Taiwan Garrison Command declared martial law on Taiwan. It represents the longest uninterrupted stretch of martial law in modern history. Several prominent American senators and congressmen took this occasion to introduce a resolution in the House and the Senate, and to give a press conference where they called for an end to martial law and the introduction of a democratic political system on the island.

Resolutions in the House and the Senate

Below is the text of the resolution as it was introduced in the Senate. The resolution in the House of Representatives used similar wording.

## CONCURRENT RESOLUTION

Expressing the sense of the Senate concerning martial law on Taiwan.  
Resolved by the Senate (the House of Representatives concurring),

Whereas 1983 marks the 34th year of martial law on Taiwan;

Whereas the Taiwan Relations Act states, "The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States";

Whereas martial law on Taiwan denies people their political rights and civil liberties, through such practices as the imprisonment of legislators, the censorship of the press and the detention of citizens for political reasons;

Whereas there are also welcome trends on Taiwan, including the release of long-term political prisoners, increasing political representation of all the people on Taiwan, and prospects for more open elections;

Whereas a more free and open Taiwan with full respect for human rights would have an even stronger claim to the moral support of the American people;

***Now, therefore be it resolved,*** that it is the sense of the Senate (the House of Representatives concurring)

that the authorities on Taiwan should continue democratic progress and end martial law in order to establish a more democratic, free and open system that will guarantee and protect the rights of all the people on Taiwan.

## *Congressional press statements*

On the next pages you find the statements given on May 20th, 1983 at a press conference in the Russell Senate Office Building by:

Senator Edward M. Kennedy (D-Mass.);  
Senator Claiborne Pell (D-Rhode Island, Mr. Pell is the highest ranking Democrat on the Senate Foreign Relations Committee);

Congressman Jim Leach (R-Iowa, Mr. Leach is the highest ranking Republican on the Subcommittee on Human Rights, and is a member of the Subcommittee on Asian and Pacific Affairs. He also serves as the chairman of the Arms Control and Foreign Policy Caucus of the U.S. Congress);

Congressman Stephen Solarz (D-New York, Mr. Solarz is the chairman of the Subcommittee on Asian and Pacific Affairs in the House of Representatives).



**From right to left: Senators Pell and Kennedy, Congressmen Solarz and Leach**

### **Senator Edward M. Kennedy**

I am joining today with Senator Pell and Congressmen Solarz and Leach to observe another bleak anniversary for the people of Taiwan. An entire generation has passed since the ruling Kuomintang Party declared a state of emergency in 1949 and imposed martial law on the island. The time has come to end this permanent state of siege against human rights. Thirty four years of martial law is enough. What possible justification can there be for maintaining martial law in such a land? There is no serious threat of military invasion from the mainland. The repressive measures associated with martial law are anathema to democratic government. They are a violation of fundamental

human rights. They weaken Taiwan's ability to meet the challenges it faces, by suppressing legitimate debate and excluding citizens from participation in the political process. And they undermine Taiwan's relations with the United States.

U.S. ties with the people of Taiwan are based on a clear American commitment to their security and well-being. I am proud of my role in the Senate as a principal sponsor of the Taiwan Security Resolution of 1979, now a part of the law of the land. In that resolution, Congress reassured the people of Taiwan about our concern for their security and prosperity and for lasting peace in the area.

But the close ties between the people of the United States and the people on Taiwan include a clear commitment to human rights. Political repression on Taiwan blights our mutual interests and friendships. Only a decent respect for individual liberty on Taiwan can guarantee the future of the island and continued close relations between our peoples. Only an end to martial law can ensure that civil rights and liberties on Taiwan will be safeguarded.

*Despite official claims to the contrary, basic liberties are still denied on Taiwan today. Restrictions remain on press and political freedom. Political and religious leaders are subjected to arrest and imprisonment. Military tribunals mete out justice to civilian defendants.*

*Senator Edward M. Kennedy*

Despite official claims to the contrary, basic liberties are still denied on Taiwan today. Restrictions remain on press and political freedom. Political and religious leaders are subjected to arrest and imprisonment. Military tribunals mete out justice to civilian defendants.

Legislative and religious leaders -- including Assemblyman Lin and Reverend Kao, the courageous leader of the Presbyterian Church on Taiwan -- remain imprisoned. There still have been no satisfactory explanations for the death of Professor Chen Wen-cheng and the killings of Mr. Lin's mother and daughters.

But in deploring continued human rights shortcomings on Taiwan, I want to make three very important additional points:

- \* First, we are in no way singling out Taiwan for unique criticism. Arbitrary arrest and persecution of individuals for their beliefs cast a shadow over any country where

these practices occur. I am committed to speaking out against such abuses wherever they exist, whether in Poland, or El Salvador, on Taiwan or in the People's Republic of China.

- \* Second, we recognize that progress has been made on Taiwan. A number of long-term political prisoners has been released; the proportion of native Taiwanese serving as local officials has increased; fair local elections have taken place and further legislative elections are scheduled for the end of this year; restrictions have been reduced on freedom of speech and association. But these steps do not lessen the urgency of ending abuses of human rights.
- \* Third, I condemn the recent bombings in Taipei attributed to opponents of the regime. There is no justification for resort to violence and destruction. The goal of democracy for Taiwan cannot be won by tactics that rely on the bomb or the bullet.

I therefore renew my call today for the leadership of Taiwan to take action now to release remaining political and religious prisoners, to guarantee basic human rights for all, to lift the censorship, and to end the repressive reign of martial law.

I am proud to join Senator Pell and Representatives Solarz and Leach in introducing a Concurrent Resolution expressing the sense of the Congress that the authorities on Taiwan should continue democratic progress and end martial law in order to establish a more democratic, free and open system that will guarantee and protect the rights of all the people on Taiwan.

## **Statement by Senator Claiborne Pell**

Today marks the 34th anniversary of martial law on Taiwan. I join with my colleagues -- Senator Kennedy and Congressmen Solarz and Leach -- in calling for the end of this unnecessary and repressive measure. For the native Taiwanese -- some 16 million strong -- martial law continues to frustrate their quest for a free society.

The mainlander Chinese perpetuate their martial law control over the Taiwanese by denying press freedoms, censoring the mail and severely restricting freedom of speech, assembly, and other political activities. The authorities' preoccupation with communist subversion and a broad definition of subversive activities combine to constrain political opposition and dissent, and encourage a tendency for the security apparatus to abuse its power. For too long, the government has, by its actions, impeded respect for human rights and the growth of a democratic system on Taiwan.

Last year, I urged the authorities on Taiwan to make a start at real reform. My recommendations called for the immediate establishment of a clearly defined timetable for change that included:

1. an end to martial law;
2. provision for the organization of new political parties;
3. freedom of the press; and
4. a plan to including a fair representation of Taiwanese in all national level government offices.

Such a program would greatly improve the human rights conditions on Taiwan and begin the process of opening up the political process to all of the Taiwanese people. Happily, some officials on the island heard my plea and have begun to discuss reform along the lines I suggested. Unfortunately, I have seen little concrete results so far. Consequently, I renew my call for reform today, hoping that the government moves from talking about the need for change to an action program designed to bring real freedom to the people on Taiwan.

*The mainlander Chinese perpetuate their martial law control over the Taiwanese by denying press freedoms, censoring the mail and severely restricting freedom of speech, assembly, and other political activities.*

*Senator Claiborne Pell*

Despite my long-standing concerns for human rights on Taiwan and my criticisms of government abuses there, I was shocked and saddened by recent reports that Taiwanese opposed to the regime had resorted to violence and terrorist acts to demonstrate their opposition. I cannot condone such activities. Violence is not the answer to the problems of Taiwan. Taiwanese must continue to work within the system to bring about change. Such a democratic revolution requires patience, sacrifice and hard work. Results sometimes come slowly. But in the end, I am confident that the Taiwanese can achieve their goals peacefully.

Not too many years ago the mainlanders used brutal force to consolidate their grip on power. Today, most members of the ruling KMT party are Taiwanese and the native-born dominate local and state elections. Tomorrow, a way can be found, mark my words, for Taiwanese and mainlanders to live together in a more open and free political system.

Thank you.

## Statement by Congressman Stephen J. Solarz

As someone who has tried to promote human rights around the world, from Southern Africa to Eastern Europe, I want to spell out why I attach so much importance to this resolution on Martial law on Taiwan which I will be introducing in the House of Representatives today.

On May 20, 1982, the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, which I chair, held a hearing on Martial Law on Taiwan as part of a series of hearings on Balancing Human Rights and American Security Interests in Asia.

We discovered that both Korea and the Philippines had ended martial law, but Taiwan had not. We also learned that the President of the Philippines, Ferdinand Marcos, had released his leading opponent Benigno Aquino, and let him go into exile into the United States. Several months later, Korea's President Chun released his leading opponent, Kim Dae-jung, and let him go into exile in our country.

But on Taiwan, President Chiang Ching-kuo has not been willing to release his most well-known democratic adversary, legislator Lin Yi-hsiung, even though, while Lin was in prison, several members of his family were murdered in circumstances suggesting hit squad activity with the collusion of the authorities.

Surely, legislator Lin has suffered enough. He should be released from prison. Surely, the people of Taiwan have suffered enough. Martial law should be ended.

I want now to share with you what the Subcommittee found in the course of its investigation of human rights and the American security interests in Asia which has made me such a firm supporter of democratization on Taiwan.

First, the authorities on Taiwan are not the worst violators of human rights in Asia. But, in contrast to many other societies, there is no conflict between promoting human rights and security interests on Taiwan. The issue of martial law on Taiwan can therefore be approached purely in human rights terms.

Let me explain why. The military threat to Taiwan has diminished in the 34 years since martial law was first declared. In fact, since the normalization of U.S. - China relations, peace has prevailed in the Taiwan Straits region .

... President Chiang Ching-kuo has not been willing to release his most well-known democratic adversary, legislator Lin Yi-hsiung, even though, while Lin was in prison, several members of his family were murdered in circumstances suggesting hit squad activity with the collusion of the authorities.

In addition, the able and industrious people on Taiwan are well-educated, politically conscious and relatively well-off. In local elections, they have proven they can make democracy work. I have learned from wide ranging conversations with people from all points on Taiwan's political spectrum, that martial law blocks their democratic aspirations.

There is only one real political party on Taiwan. Military-security forces and hit squads violate human rights. Electronic surveillance and spying on people is pervasive. And, censorship of the press has been stepped up.

*Surely, legislator Lin has suffered enough. He should be released from prison. Surely, the people of Taiwan have suffered enough. Martial law should be ended.*

*Congressman Stephen J. Solarz*

In the difficult transition years that lie ahead, the best hope that Taiwan will continue to deal with its problems successfully and peacefully is that martial law would end, human rights would be observed and all the people could democratically participate in determining their destiny.

Finally, I want to call to your attention the unusually compelling American concern in the human rights situation on Taiwan. I discovered in July 1981 when Carnegie-Mellon University Professor Chen Wen-cheng was murdered in Taipei where he had taken his American citizen son to meet his grandfather. Investigations revealed, first, that secret agent reports from the United States led the Taiwan security forces to take professor Chen in for interrogation and, second, that those security forces -- acting under color of martial law -- terrorize Americans who migrated here from Taiwan and terrorize their families back on Taiwan. In June, the Subcommittee on Asian and Pacific Affairs joined by the Human Rights Subcommittee will hold a hearing on foreign agent intimidation in our country.

Let me share with you a little about my own experience with the human rights situation on Taiwan. I get calls all too regularly from Americans who migrated from Taiwan and



who want to return to Taiwan because a beloved parent is seriously ill or dying. But these citizens of ours are scared of what awaits them on Taiwan. Sometimes we arrange for such people to check in with the American Institute on Taiwan which then keeps tabs on their comings and goings and, by such action, affords these terrified people some small measure of security.

In January this year, the link between Taiwan's martial law, the United States, and violations of fundamental human rights, was revealed again. A 70 years old gentleman named Yang was returning home to Taiwan from the United States with his wife and infant grandchild. They had been visiting with family here in the States. At Taipei Airport the family was seized and taken into custody without any charges, again apparently based on witch-hunting accusations of Taiwan agents in this country.

The Yang family was terrorized by Taiwan's security forces. Old man Yang, newspapers reported, was first accused, falsely, of being a member of the Taiwan Independence Movement, because he once went to a meeting of a Taiwan cultural society in the United States. After more than a month, Mr. Yang, was released. But there are reports now that during the period of his disappearance without charges, he was subjected to humiliating and degrading treatment. There have been many such disturbing reports.

There can be no disputing the fact that there are serious human rights abuses on Taiwan and that ending martial law could increase civilian authority and make a contribution to moving Taiwan on the road to becoming a truly democratic society based on legal due process.

Consequently, I am asking Members of the House to join me in calling for an end to martial law on Taiwan. Later today, joined by Congressman Leach, I will be sending out a letter asking for cosponsors. Last year, with little effort, 35 Members of the House joined us. This year I expect many more.

Already, unsolicited, the following Members have called me to ask that they be among the cosponsors of this resolution:

Congressman Robert Torricelli  
Congressman Andy Jacobs  
Congressman Lee Hamilton  
Congressman Mike Barnes.

The resolution attached. I would be delighted to answer your questions.

## Statement by Congressman Jim Leach

On the face of Taiwan's three decades of economic, industrial, trade, scientific, educational and social progress there remains one imposing blemish: martial law. Martial law, and the sweeping powers it gives to Taiwan's various security organs, continues to be the most destabilizing factor in the island's domestic politics, with profound implications for the future.

It requires great delicacy and respect for the citizens of one country to express views critical of affairs elsewhere, but the traditionally close relations between the people for this country and Taiwan, as well as the shared democratic aspirations articulated by statesmen of the stature of Thomas Jefferson and Sun Yat-sen, dictate that Americans speak out in opposition to martial law. Rather than enhancing peace and security, as leaders of the Kuomintang argue, martial law, by frustrating the Taiwanese people's natural desire for an increased role in determining the policies that affect their lives, actually jeopardizes the tremendous gains made on the island in just the last generation.

As a member of Taiwanese political and social leaders have wisely pointed out, equal attention must be paid to a people's "spiritual wealth" as to their material wealth. No single action would contribute more toward the goal of improving the Taiwanese people's livelihood than lifting martial law and allowing them to exercise all of their God-given human rights. Spiritual development is impossible without freedom.

*Martial law, and the sweeping powers it gives to Taiwan's various security organs, continues to be the most destabilizing factor in the island's domestic politics, with profound implications for the future.*

***Congressman Jim Leach***

Individuals seeking to rationalize the continued existence of martial law hold that the law is enforced "only three percent" and that the vast majority of the people on Taiwan are not even aware of its effect on their lives. It is sad to note that, indeed, many Taiwanese may not realize the full repressive effect of martial law since the majority of them are under 34 years of age and, consequently, have not lived a day free from its burden.

Moreover, even if the figure of three percent is an accurate quantitative description of the law's impact on the people, it is nonetheless intolerable qualitatively, especially when it's the same three percent of politicians who are imprisoned, the same three percent of the island's journals that are shut down, and the same three percent of the people's rights --

including free expression, free association, and free travel -- that are violated. Freedom that is restricted, whether three percent or ninety-three percent, is no longer freedom.

Some progress has been made in the past year. Among the laudable gains are revisions in laws granting individuals the right to have an attorney present during police interrogation, the release of long-term political prisoners, and the conviction of police involved in the death by torture of a taxi driver falsely accused of robbing a bank. The authorities continue to recruit qualified Taiwanese to fill economic, political and security positions previously denied them.

But, in what appears to be a pattern of taking a half-step backward for each step forward, it is sad to note that such progress is not untainted. Other changes in the law have granted police increased powers to arrest individuals without a summons. Recently released political prisoners were found to be suffering from serious ailments, including tuberculosis, eye disease, ulcers and mental illness.

An American permanent resident, accused of collaborating with the Chinese Communists, was improperly arrested, thought promptly released with a light sentence. And at the same time as the KMT has tolerated an unprecedented level of debate on public issues in political journals, an unprecedented number of those journals have been confiscated or banned for up to one year.

Contrary to the opinion of several organizations claiming to represent the sentiments of the Taiwanese people, it is tragically wrong to believe that terrorism and violence are viable ways of reacting to the apparently slow pace of political liberalization in Taiwan. Three recent terrorist bombings in Taipei, for which the so-called Taiwan Independence League has claimed credit, must be unhesitatingly condemned. No constructive goal can be achieved through terrorism.

There may have been a case for instituting martial law a generation ago, when peace and stability in the Taiwan area seemed so jeopardized. But today there is none. For Taiwan in the 1980's, true progress lies in releasing political prisoners before they are blinded, senile or too weak to function within society. It is in showing clemency for the Kaohsiung defendants, including Legislator Lin Yi-hsiung and Reverend Kao Chun-ming, who are sentenced to waste away in jail for years to come. Progress is in protecting citizens from the irresponsible actions of overzealous security personnel, and in solving the Chen Wen-cheng and Lin family murders. Progress lies in lifting the suffocating ban on the formation of new political parties. For Taiwan, progress begins with lifting martial law.

## *Amnesty International's statement*

At the May 20th press conference there was also a statement on behalf of Amnesty International: professor James D. Seymour - a member of AI/USA's National Advisory Committee -- spoke about human rights conditions on Taiwan. Below is the full text of his statement:

“Although there have been a few improvements in the human rights situation on Taiwan in recent years, the government's human rights record continues to fall short of international standards as established in the UN's Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966).

Amnesty International's concerns may be grouped into two categories: (1) The organization opposes torture and execution in all instances. (2) We believe that there should be no prisoners of conscience, i.e., that no one should be imprisoned because of his or her beliefs. The organization does not take positions on legislative questions, including the issue of martial law. Nonetheless, we note that under the terms of the martial law (§11) the military authorities may “stop assembly, association, demonstration and petition ... if such are deemed prejudicial to military affairs,” and that often the way such phenomena are prevented is by imprisoning the would-be participants.

### *Torture and Capital Punishment*

Executions are sanctioned by many Republic of China (ROC) laws, including the State of Siege, the declaration of which occurred 34 years ago yesterday. The death sentence is allowed not only for serious common-law crimes, but also for spreading rumors, “beguiling” the public, striking, or encouraging strikes. The death sentence is mandatory in the case of “rebels.” This category includes people who participate “in an organization or meeting for the purpose of rebellion,” and making of “propaganda beneficial to the rebels by written word, books or speeches.” However, in recent years capital punishment has not been carried out in such cases, even though it is not discretionary. There have, however, been a few political murders under circumstances which give rise to suspicions of governmental involvement. Also, greater emphasis has been given to executing common-law criminals.

Though not sanctioned by law or announced policy, torture has been a problem. There are many well-documented cases of individuals being physically and psychologically abused. People are held incommunicado for periods of as long as four months, during

which period those holding the prisoners appear to act with impunity.

Last year a man died during questioning in connection with a bank robbery. It turned out that another man had committed the crime. There appears to have been some soul-searching among the authorities, and it was announced that thereafter detainees would be given access to legal counsel. If this provision were to be fully implemented, it would go a long way toward curbing abuses. However, it has come to Amnesty International's attention that the new provision applies only to civil cases, and not to martial-law cases. Unfortunately, it is precisely those arrested under martial law who have been most likely to be tortured. Even when such an inmate is permitted to retain legal counsel, the lawyer must be someone acceptable to the military authorities

*... it has come to Amnesty International's attention that the new provision (regarding access to a lawyer) applies only to civil cases, and not to martial-law cases. Unfortunately, it is precisely those arrested under martial law who have been most likely to be tortured.*

*Professor James D. Seymour*

Because the abuses occur in secret, it is difficult to document current instances. The most prominent figure to be arrested this year was the chairman of the political science department of Chinese Culture University, Professor Lu Hsiu-yi. He was held incommunicado for approximately six weeks, at the end of which he is said to have "repented."

We do not know the details of his treatment, but a Japanese woman arrested in the same case (and subsequently deported) claims that she was surrounded by up to 40 people and questioned "ferociously" for 48 hours non-stop, during which period she was required to stand. She says that she was threatened with execution if she did not cooperate. Such treatment, if confirmed, could be considered psychological torture. Indeed, sleep-deprivation is a form of physical torture.

## ***Prisoners of conscience***

Political arrests continue at a rate sufficient to discourage most from participating in the political process. Few prisoners of conscience have been released from prison. However, in recent years the number of new arrests is much lower than previously.

The best-known Taiwanese political prisoners are those arrested in connection with a 1979 human rights demonstration in the southern city of Kaohsiung. This event grew

out of a magazine called **Formosa**. The magazine itself was almost a quasi-political party (actual political parties being banned). After stalling for a long time, at the last minute the authorities granted permission for the rally. Nonetheless, police blocked the way. Demonstrators broke through the police lines and reached the approved cite. Anti-riot vehicles then invaded the crowd. Despite the **Formosa** leaders call for calm and non-violence, a riot erupted. A few policemen, and an unknown number of demonstrators, were injured.

In the wake of these unfortunate developments, a large number of the government's critics were arrested. A list of their names reads almost as a "who's who" of the opposition: Yao Chia-wen, Chang Chunhung, Lin Yi-hsiung, Huang Hsin-chieh, Lu Hsiu-lien, Chou Ping-teh, Ch'en Chu, Shih Ming-teh, Fang Cheng-yu, Wang T'o, Yang Ch'ingch'u, Ts'ai Yu-ch'uan, Chi Wan-sheng, Chang Ch'un-nan, and about 30 others. Most remain in prison.

Indirectly related to this case is another involving various Protestant religious leaders, including the highly-regarded head of the Taiwan Presbyterian Church, Rev. Kao Chun-ming. They were accused of providing refuge for one of the participants in the Kaohsiung human rights demonstration. A number of these religious leaders have been imprisoned. Rev. Kao is currently serving a seven-year term.

Most Protestant denominations have been under considerable pressure from the government. The authorities have been suspicious both of those whose ideas of the "social gospel" give rise to active humanitarian concerns, and of the more evangelical sects. The Unification Church is totally banned in Taiwan. Jehovah's Witnesses are sometimes imprisoned because of their objection to military service.

### *Special Concerns of Amnesty International*

Limitations on freedom of the press. These have led to the detention of journalists and other writers, such as: Li Ching-sun, Huang Hua, Chang Hua-min, Li Ch'ing-Jung, and Lin Chen-ting. We also place bookstore owner Li Pei-lin in this category.

Limitations on freedom of political association and speech. Examples of people arrested because of the political views they have expressed are those mentioned above as being involved in the Kaohsiung Incident, and, in addition: Pai Ya-ts'an, Chang Chun-nan, Yen Ming-sheng, Yang Chin-hai, Ch'en Ming-chung, and Liu Feng-sung. (The last named was a candidate for political office who was imprisoned because the

views he had expressed during the campaign were “not in accord with national policy.”)

Long-term detainees. At least 14 people (and in all likelihood more) have been imprisoned since around 1950 for political reasons. Although not all the facts of these ancient cases are clear, we consider it inhumane for the authorities to continue to incarcerate these men. Some were only boys when they committed their alleged indiscretions. Many are now old and in poor health. Some have deteriorated mentally. We applaud the government’s action of releasing nine such people some months ago. There is no conceivable justification for failing to release the others.”

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## **Congressional human rights report on Taiwan**

On January 6th, 1983 the Congressional Record, the official publication of the U.S. Congress, published a report on the human rights situation in Taiwan. The report was authored by Mr. Frank Record, a staff consultant of the Arms Control and Foreign Policy Caucus, a group made up of members of both the U.S. Senate and the House of Representatives. The report was inserted into the Congressional Record by Congressman Pease of Ohio:

Mr. PEASE. “Mr. Speaker, during a recent congressional visit to Taiwan, sponsored by Soochow University, a staff consultant from Members of Congress for Peace Through Law, Frank Record, had an opportunity to talk with several government officials, American businessmen, several “retired” Foreign Service officers at the American Institute in Taiwan and several Taiwanese politicians concerning the human rights situation in the Republic of China. His report, which follows, is based on these meetings and conversations as well as on information compiled by the State Department, Members of Congress, Amnesty International, Freedom House, and other human rights organizations.

The Taiwan Relations Act specifies that “the preservation and enhancement of human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.” This report indicates, however, that despite some recent improvements there are some serious human rights problems in Taiwan. As the chair of the Human Rights Committee of Members of Congress for Peace Through Law. I commend it to the attention of my colleagues.”

## *Human rights in Taiwan: a status report*

In many respects Taiwan is the envy of the developing world. Its dramatic economic growth and its relatively high per capita income and distribution of income has placed it alongside Japan as one of the most prosperous countries of the region. Yet there is a darker side to modern day Taiwanese society.

In the face of the impressive economic statistics, a highly educated population, a prosperous middle class and a growing number of very able local political leaders, it comes as somewhat of a shock to learn that the 18 million people of the island have lived under martial law for 33 years -the longest such period for any country in modern history.

Martial law empowers the military authorities in Taiwan to suspend all the rights of the constitution in the Republic of China, including the freedom of speech, assembly and demonstration. It permits the Taiwan Garrison Command and other military authorities on the island to detain, interrogate and harass those suspected of opposing the ruling party, the Kuomintang, KMT. Perhaps warranted under the chaotic conditions which prevailed in Taiwan a generation ago, martial law seems very much out of place in a country enjoying economic prosperity, social stability and a much reduced threat of invasion from the Chinese mainland.

Although KMT officials can assert with some justification that their human rights record compares favorably to that of such Asian nations as Vietnam, the Philippines and the People's Republic of China, it is clearly inferior to Japan's accomplishments in the area of democratic government and civil and political liberties.

*Freedom House, in its 1982 edition of Freedom around the World, ranks Taiwan's commitment to political rights in the same category as that of Uganda and South Africa -- hardly a flattering comparison.*

***Congressional Record***

Most outside authorities on international human rights issues have been critical of Taiwan's record: Amnesty International and the National Council of Churches have documented human rights abuses. Freedom House, in its 1982 edition of Freedom around the World, ranks Taiwan's commitment to political rights in the same category as that of Uganda and South Africa -- hardly a flattering comparison. The Asian Subcommittee of the House Foreign Affairs Committee has held hearings on the



repressive policies of the KMT inside Taiwan and their surveillance activities of Chinese nationals living in the U.S. The State Department, in its most recent human rights report, also noted that Taiwan remains an essentially one-party system where coordinated opposition is generally prohibited.

The following discussion of human rights in Taiwan centers on the following issues: (I) the make-up of the country's ruling party, the KMT; (II) the handling of political demonstrations, as exemplified in the Kaohsiung incident of 1979; (III) the highly publicized death of Prof. Chen Wen-cheng while in police custody; (IV) the KMT's policy toward the Presbyterian Church in Taiwan; and (V) political prisoners and the alleged mistreatment of detainees by the police and security forces.

## I. Make up of the KMT

According to many political observers, the domination by the "mainlander" minority -- about 15 percent of the island's population who fled from the Chinese mainland in the late 1940's -- over the "Taiwanese" majority -- those islanders whose roots go back earlier than the 1940's -- has been the root cause of most of the human rights problems in that island nation over the past three and a half decades.

Since 1949 the mainlanders, through the KMT's total control over the armed forces, the judiciary and the political system, have held all the levers of power and have not allowed any other political groups or parties to organize against them.

KMT officials, however, maintain that their ranks include numerous Taiwan-born party members, that the representation of native Taiwanese in local and central legislative bodies has been increasing in recent years and that many non-mainlanders now hold executive branch positions.

*Political opponents of the KMT contend, however, that democratization of the political system and the lifting of martial law would enhance Taiwan's international reputation and, thereby, do more to protect the island from communist control than any of the policies of the present authoritarian government.*

***Congressional Record***

All the KMT officials with whom this observer talked -- including the Defense Minister, the Vice Foreign Minister and the Premier - are very concerned about the

security threat to Taiwan from the PRC and thus justify continued martial law and tight political controls over the island's population as vital to their national survival.

They argue that the PRC's promises concerning "peaceful reunification" cannot be trusted and that sooner or later the government on the mainland will invade or threaten to invade Taiwan. Furthermore they insist that their government faces an internal threat from the Taiwan Independence Movement which, they claim, seeks the violent overthrow of the KMT.

Political opponents of the KMT contend, however, that democratization of the political system and the lifting of martial law would enhance Taiwan's international reputation and, thereby, do more to protect the island from communist control than any of the policies of the present authoritarian government.

## **II. The Kaohsiung incident**

Many human rights observers believe that Taiwan's international image -already marred by the long-standing imposition of martial law -- was further damaged by its handling of a large anti-government demonstration in the port city of Kaohsiung in December of 1979 and the subsequent crackdown on dissidents throughout the island.

Government officials contend that during the Kaohsiung incident numerous members of the police and security forces were injured by demonstrators. They point to the open trials of the Kaohsiung defendants and to what they say is the widespread sentiment across the island that they fully deserved their long jail sentences.

Critics of the government claim that its security agents deliberately provoked incidents of violence at an otherwise peaceful political rally and that the KMT used the demonstration as a pretext to arrest, torture, and imprison its political opponents. In their opinion, the detained Kaohsiung defendants, including Huang Hsin-chieh, Chang Chün-hung, Yao Chia-wen, Lin Hung-hsuan, have become even more popular among the Taiwanese as symbols of resistance to the KMT.

## **III. The Chen Wen-cheng case**

There is near unanimous agreement from many diverse sources of human rights information that the death of Prof. Chen Wen-cheng, while in police custody, marked a deterioration in the human rights situation in Taiwan and heightened concerns about

freedom of speech and association in the Chinese communities throughout the United States. Professor Chen, who taught statistics at the Carnegie-Mellon University (in Pittsburgh), went to Taiwan in the Spring of 1981 to visit relatives. On July 3 of that year his body was found on the campus of Taiwan National University shortly after a 12 hour interrogation by the security police concerning Professor Chen's alleged Taiwan Independence activities in the United States.

In its most recent human rights report, Freedom House noted that the Taipei authorities had made progress in allowing greater freedom in local elections and in otherwise meeting local Taiwanese aspirations for more political influence within the government. However, it also made reference to what it called the very disturbing death of professor Chen and indicated that he might have been murdered as an example for other Taiwanese living abroad to remain silent about the political situation inside Taiwan.

On July 30, 1981 the Asian and Pacific Affairs subcommittee of the House Foreign Affairs Committee held a hearing on the circumstances surrounding Professor Chen's death and on the activities of the Taiwan Government agents in the United States. According to Representative Jim Leach, a long-time advocate of human rights in Taiwan, it appeared likely that information gathered by these agents in Pittsburgh at the Carnegie-Mellon University was partly responsible for his death at the hands of one of Taiwan's security forces. According to Representative Leach, these intelligence-gathering and surveillance activities are a flagrant violation of the Bill of Rights protecting all U.S. citizens and residents.

#### **IV. Persecution of the Presbyterian Church**

The Reverend Arie Brouwer, representing the National Council of Churches of Christ, in testimony before the Human Rights Subcommittee of the House Foreign Affairs Committee, described the persecution of the Taiwanese Presbyterian Church by the KMT. The Presbyterian Church, outspoken in defense of the rights of self-determination for the Taiwanese people, has seen its leader, Reverend Kao Chun-ming, imprisoned for seven years on charges of sedition.

Other members of the Church had been arrested, interrogated and jailed, including Wang Hsien-ho, a Church Elder who got a six year sentence for reportedly criticizing the sentence handed down to Reverend Kao. The Church has also been prevented from joining the World Council of Churches and some of its parishes have been arbitrarily taxed and their congregations reportedly infiltrated with KMT agents.

## V. Political prisoners and judicial system abuses

Amnesty International, the Nobel-prize winning human rights organization based in London, has called on the Taipei authorities to release the Kaohsiung defendants and to amend Taiwan's legislation so as to bring it in line with international standards on interrogation and trial procedures.

Amnesty International has long recommended, without much success, that the government make full investigations into the allegations of ill-treatment and torture, that evidence or confessions obtained as a result of torture be excluded by the courts and that all prisoners of conscience be released.

Its efforts to protect the rights of detainees have been at least partially successful as the government now allows defendants the right to retain a defense lawyer immediately after their arrest. It remains to be seen, however, whether they will actually be able to make use of this new provision and if it has any effect in deterring ill-treatment and torture -- an all-too-common practice by the police and security forces.

There now seems to be some optimism regarding the possible release of long-term political prisoners: On October 20, 1982 Defense Minister Soong Chang-chih announced that the Legislative Yuan, the country's chief legislative body, was reviewing the cases of 22 prisoners who have been detained on charges of sedition for more than 30 years. It appears that some or all of these prisoners, who are between 55 and 65 years of age and in poor health, would be released on humanitarian grounds.

*If Taiwan's leaders would implement a policy designed to bring political and human rights standards up to the level of their economic and industrial achievements, then that country could begin to emerge from its near pariah status in the international community.*

***Congressional Record***

Other recent positive developments include the introduction of a law under which prisoners and former prisoners could claim compensation for ill-treatment suffered at the hands of the police or security forces. The government has also started what is probably the first judicial investigation into claims that torture by the police led to a detainee's death following the death in police custody of Wang Ying-hsien on May 7, 1982, one day after he was detained on suspicion of carrying out a bank robbery.

## VI. Summary

Despite some recent improvements there are, nonetheless, some fundamental human rights problems in Taiwan including martial law, the ban on the formation of new political parties, widespread press censorship and the continued policy of arresting and detaining people for the non-violent exercise of their rights to freedom of expression.

If Taiwan's leaders would implement a policy designed to bring political and human rights standards up to the level of their economic and industrial achievements, then that country could begin to emerge from its near pariah status in the international community: the full political participation of all Taiwanese on the island, the implementation of all the rights guaranteed in the country's constitution are urgent tasks facing the Taipei government.

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## The Dutch Connection: of submarines, uranium and landing rights

During the past few months several sensitive issues have enlivened the informal relationship between the Netherlands and Taiwan. First came the news -- in November 1982 -- that Taiwan's China Airlines would start flying the Taipei-to-Amsterdam route, while KLM -- disguised as Martinair -- would also establish an air connection between the two cities. Then, in January there was the news that Urenco, a joint Dutch-British German firm, might sell uranium to Taiwan at some time in the future, while in February the impending bankruptcy of Rijn-Schelde-Verolme (RSV) shipyards was threatening the completion of the two submarines the company is building for Taiwan. Below we give a short sketch of each issue, followed by a *Taiwan Communiqué* comment on the Dutch policy.

### *Landing rights*

On November 6th, 1982 the **NRC-Handelsblad** reported that KLM and Taiwan's China Airlines had signed an agreement for a new route between Amsterdam and Taipei. It would be a first for both airlines: KLM would be the only European airline landing in Taipei, while Amsterdam would be China Airlines' only landing spot in Europe. The **NRC-Handelsblad** indicated that the deal might create problems for the

Netherlands since CAL presents itself as the “national” airline of the “Republic of China.”

On January 26th, 1983 it was announced in the Hague that the Dutch government had given its approval to an agreement between Martinair -- a private charter-airline -- and China Airlines. With this legalistic construction the Dutch authorities apparently intended to create the impression that the deal did not involve “official” links between Taiwan and the Netherlands. A spokesman for the Foreign Ministry in The Hague even stated that “under no circumstances” KLM-airplanes would land in Taipei.

However, at the same time, the authorities in Taiwan and the newsmedia there were emphasizing the official character of the deal. An official spoke about an accord “with the Dutch authorities” while the pro-KMT China Daily News gloated: “The most encouraging part of the news is that the ROC flag, carried by China Airlines’ airplanes, will be seen more often in Holland, reminding the Chinese there of their mother country” (China Daily News, January 27, 1983).

The agreement drew a predictable protest from Peking, which was brushed aside by the Dutch government with the response that it involved an agreement between two private companies. In an article in **NRC-Handelsblad** (February 25th, 1983) Mr. Willem van Kemenade -- NRC’s reporter in Hong Kong -- argued that the Dutch authorities had missed the essence of Peking’s protest. According to Mr. van Kemenade the fact that the national airline from Taiwan had received landing rights at Amsterdam Schiphol Airport under the name “China Airlines” was the most irritating to the authorities in Peking.

On March 4th a spokesman for KLM Airlines announced that the company would start flying to Taipei under its own flight-number, thereby ignoring a recommendation of the Dutch Foreign Ministry that the airline fly under a Martinair flight-number.

**Taiwan Communiqué comment:** *an air-route between Amsterdam and Taipei will enhance the economic relations between Europe and Taiwan, lead to more intensive contacts between the people of Taiwan and Europe, and thus will hopefully contribute to the democratization of the political system in Taiwan. However, the Dutch authorities have insufficiently understood that for the government on Taiwan the new air-route is yet another tool in keeping up the pretense that it is the government of all of China. The Dutch government should therefore have insisted that it would only grant landing rights at Schiphol to “Taiwan Airlines.”*

## Uranium

During the month of January the issue of a potential sale to Taiwan of enriched uranium by URENCO, a Dutch-German-British company, was a hot topic of debate in the Dutch press. In the beginning of January several Dutch newspapers carried articles indicating that URENCO had requested the Dutch government for permission to start negotiations with Taiwan for the sale of enriched uranium for Taiwan's nuclear power plants. Immediately several members of the Dutch legislature commented on the issue.

Mr. Van Iersel, of the ruling Christian Democratic Party CDA saw as the greatest barrier to any sale the fact that there are no diplomatic relations between Taiwan and the Netherlands, which make it virtually impossible to get any guarantees on the peaceful use of the nuclear material. Even Mr. Jacobse, a member of the conservative VVD party expressed concern about the possible use of the enriched uranium for the fabrication of nuclear weapons. A number of parliamentarians also considered it a bad sign that Taiwan is cooperating with South Africa in the area of nuclear technology.

The issue also became the source of disagreements between the Dutch Ministry of Economic Affairs, which is mainly concerned about employment in Holland, and the Foreign Ministry, which wants to avoid any action which would "provoke" China's anger (such as the submarine issue two years ago), but which is officially maintaining neutrality. The cartoon below appeared in the **Volkscrant**, a large national daily newspaper (explanation on the next page):



**Explanation:** Minister Van Aardenne (Economic Affairs) and Van den Broek walk behind each other, both dressed up as Chinese mandarins. Van Aardenne says: “Say ....., colleague Van den Broek, why don’t we let Taiwan have permission to make its own atom bomb ? It also, because of me, will have its own submarines ...?!” [explanation: Van Aardenne also was Minister of Economic Affairs when the Dutch government permitted RSV shipyards to go ahead with building two submarines for Taiwan].

Minister Van den Broek responds: “The Netherlands officially don’t even know where Taiwan is located, so I can’t give you any comment.” In the meantime a little fellow, named URENCO, walks along delivering enriched uranium to Taiwan.

## *Submarines*

In February the impending bankruptcy of Rijn-Schelde-Verolme (RSV) shipyards threatened the completion of the two submarines the company is building for Taiwan. On February 15th, Prime Minister Lubbers stated that the Dutch government could not guarantee the completion of the submarines because the Dutch government was not involved in any way in the deal. Thus, according to Mr. Lubbers, Taiwan must itself be responsible for saving the project.

Subsequently there were reports in the Dutch press that the Taiwan authorities had promised additional funding for the RSV shipyards, and on February 23rd and 24th two Dutch newspapers published reports -- later denied by the Taiwan authorities -- that Taiwan was planning to purchase the shipyards themselves. This prompted the following cartoon in **De Volkskrant**:





**Explanation:** A happy Mr. Van Aardenne, Minister of Economic Affairs, tells his colleagues in the Dutch cabinet: "... Ladies and gentlemen, Taiwan has offered to buy all of the Netherlands !" Finance Minister Ruding mumbles: "Finally !"

**Taiwan Communiqué comment:** *During the 1981 parliamentary debate about the submarine deal it was decided that the parliament attached two conditions to the Dutch government's promise to RSV shipyards that it would grant export permits after the completion of the submarines. These conditions were:*

- a. *Taiwan would also place civilian industrial orders in the Netherlands, to the approximate value of 400 million Dutch guilders (160 U.S. dollars).*
- b. *The equipment should not contribute to the tension in the area.*

*The latter condition is part of a general policy of the Dutch government, which prohibits sales of weapon systems to countries which are located in a "tension area" and/or are involved in a military conflict. This policy was laid down in a 1975 policy statement, the "Ontwapeningsnota."*

*We believe that in next year's decision whether to grant the export permits or not the Dutch government should make this second condition more specific by insisting 1) that martial law in Taiwan is lifted and 2) that the Taiwan authorities end their claim to be the government of all of China.*

*One can be certain that delivery of submarines to a regime that has maintained martial law for 34 years and has continued to vow to "recover the mainland" will add considerably to the tension in the area.*

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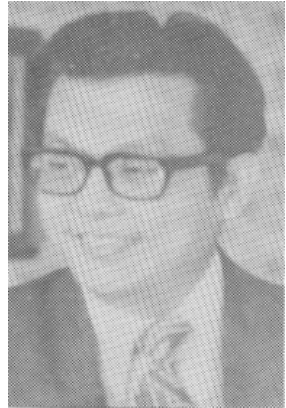
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## Prison Report

**1. Chang Chün-hung's health deteriorating.** At the end of May the father of imprisoned Taiwan Provincial Assembly member Chang Chün-hung sent a petition to the Taiwan authorities, asking that his son be allowed to go to a private hospital for medical treatment. Old Mr. Chang said in the petition that his son suffers from pains in the chest, breathing problems, a rapid pulse, an irregular heart beat, and water retention. Recent reports from Taiwan indicate that Mr. Chang's weight is down to 45 kilo's.

On June 2nd, 1983 two *tangwai* legislators, Mr. Huang T'ien-fu and Mr. Huang Huang-hsiung requested the Executive Yuan in an interpellation to grant Mr. Chang permission to go to a private hospital for medical treatment. Numerous earlier petitions by Mr. Chang's wife Hsu Jung-shu, who is also a member of the Legislative Yuan, produced no response from the Executive Yuan.

**2. Hsintien prison.** Hsintien is the main Taiwan Garrison Command prison near Taipei, where most of the most prominent political prisoners are being held. As we reported in Taiwan Communiqué no. 10 (p. 23) the imprisoned legislators, magazine editors, human rights leaders and other persons who were imprisoned because of their political activities, have to live on the floor, since there is no table, chair, or bed in their cell. Dr. Kao Chun-ming, the General Secretary of the Taiwan Presbyterian Church, recently suffered increased hemorrhoidal pains as a result of sitting on the hard floor. He asked for permission to have a small chair, but has up until now not received a response from the prison authorities.



**Mr. Chang Chün-hung**

Several months ago Mrs. Hsu Jung-shu described the conditions in the cells in an article in Cultivate magazine (no. 23, December 1982):

For three years, these people still sleep, eat, read and write on the floor. Often three to six people share a small cell, which is not larger than six by ten feet. At night they can only sleep on their side, since there is no space for them to turn over. They cannot stretch their legs. The air in the cell stinks due to overcrowding and the fact that the toilet is inside the cell. The four walls are covered by a thick foam pad, which prevents the circulation of fresh air. In the summer the cell is filled with mosquitoes and flies. The ventilation machine works only during mealtime. Sometimes the prisoners protest, and the guards let the machine run for a few more hours, but then it is shut off again, "because there is not enough electricity."

**3. Jen-ai prison.** Officially this prison in Panchiao, to the Southwest of Taipei, is a minimum-security institution where people with lesser political crimes, and persons who are approaching their release, are locked up. Indeed, a number of prisoners can move freely around the prison compound, and visiting regulations are less strict than at Hsin-tien. Still, some prisoners are treated more harshly: the two most prominent

female human rights leaders, Ms. Chen Chu and Ms. Lu Hsiu-lien do not enjoy the same rights as the other prisoners at Jen-Ai: they cannot move around in the compound, they may only receive visits from blood relatives (once a week for 30 minutes), and they are watched by guards at all times. Particularly Ms. Lu's is still not in good health: she has complained of pain and swelling in the abdomen.

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## Articles and Publications

**1. Asian Survey: Taiwan in 1982.** In its January 1983 issue this scholarly journal published an article by Professor Parris Chang, a Taiwanese-American political scientist who teaches at Pennsylvania State University. The article was titled "Taiwan in 1982: Diplomatic setback abroad and demands for reform at home." It first discussed the developments which took place in 1982 in the relations between the United States, China and Taiwan. In this context it also focused on the feelings of the native Taiwanese:

"Yet there is widespread apprehension, warranted or not, among the Taiwanese (who comprise more than 85% of Taiwan's 18 million population) that the KMT leadership might someday strike a bargain with the Communists without their knowledge or approval. The suspicion of the Taiwanese is due partly to the fact that the mainlanders continue to dominate Taiwan's power structure and effectively monopolize decision-making, notwithstanding cooptation of more natives into leadership posts in recent years.

They feel the government is not truly representative of their wishes and interests, especially in its undue emphasis on Taiwan's reunification, which they see as a ploy by the KMT to monopolize political power. Few Taiwanese share the nostalgia of many aging mainlanders who yearn for their motherland. Nor are they enthusiastic about China's reunification, which they see as a mission impossible under KMT auspices, and a catastrophe if brought about by the Communists."

The article then discussed the issue of President Chiang Ching-kuo's succession, the lack of democratic representation in the central legislative bodies, the ban on the formation of new parties, and the tactics used by the Taiwan Garrison Command to silence *tangwai* publications. Asian Survey is available from: University of California Press, 2223 Fulton Street, Berkeley, CA 94720 U.S.A.

2. **SPEAHRhead: Easterners' rights.** Issue no. 17 of this publication of the Society for the Protection of East Asians' Human Rights carried an interesting article by Raymond Gastil and James Seymour on "Easterners' Rights: The West's Role." It discussed the human rights situation in both Taiwan and China. The article served as the basis for discussion at a conference on the problem of democracy in the PRC and Taiwan, held in New York on May 6th and 7th 1983. SPEAHRhead is available from SPEAHR/USA, P.O. Box 1212, Cathedral Station, New York, NY 10025-1212 U.S.A.

3. **Der Spiegel: interview with Chiang Ching-kuo.** On May 16th, 1983 this West German magazine published a wide-ranging interview with President Chiang. The reporter queried Mr. Chiang on sensitive topics such as Taiwan's international isolation, its military cooperation with South Africa and Israel, and about martial law and the ban on new political parties. The article was titled "Wir können Atomwaffen bauen" (We are able to produce atomic weapons). The pro-government China Post in Taiwan published a relatively accurate translation of the article, but changed the title to: "Most Chinese reject Communism."

4. **ANP: Three articles about Taiwan.** The Algemeen Nederlands Persbureau (ANP) is the Dutch equivalent of Associated Press (AP) and United Press International (UPI). In April and May it carried three newswire reports about recent developments in Taiwan:

- a. On April 25th, ANP carried an article which discussed both the new airroute between the Netherlands and Taiwan and the internal political situation on the island. The reporter interviewed Dr. You Ch'ing, a *tangwai* member of the Control Yuan, who gave his views on democracy and human rights in Taiwan.
- b. On April 26th, ANP focused on the *tangwai* movement in an article titled "The opposition has a difficult time in Taiwan." The article presented an interview with one of Taiwan's foremost human rights leaders, Mrs. Chou Ching-yu. A few excerpts:

"Since 1980 she is a member of the National Assembly. According to Mrs. Chou democracy is only functioning partially in Taiwan. Her husband, lawyer Yao Chia-wen, has been imprisoned for twelve years for what the government calls "sedition." This was the result of the fact that he led a human rights day celebration in the southern city of Kaohsiung in December 1979. The gathering ended in chaos. Mr. Yao tried to calm down the crowd, but still a number of people were injured,

including a few policemen.

For lawyer Yao the gathering had an unpleasant result. The government used it as an excuse to arrest him and many others who had expressed criticism of the regime of Chiang Ching-kuo, the son and successor of Chiang Kai-shek. Lawyer Yao started to be active in politics in 1977, when he became involved in legal aid work in Taipei. In September 1979 he joined Formosa Magazine, which expressed opposition to the single-party rule of the Kuomintang. The magazine was banned after four issues.

Since lawyer Yao was imprisoned his wife sees him once a week in a prison near Taipei. They can only see each other through a heavy glass window, and talk to each other through a telephone. A guard listens in on the conversation and cuts the connection when it turns too "political." Mrs. Chou is of the opinion that her husband did not receive a fair trial. The interrogators used torture to force him to confess. Besides, he was not tried in civil court, but in military court, because martial law has been in force for 34 years in Taiwan.

After Mr. Yao's imprisonment Chou Ching-yu was elected into the National Assembly as an "outside-the-party" person. She set up Care Magazine and started a center for aid to political prisoners. Her center helps dozens of prisoners and their families."

- c. On May 20th, ANP carried an article titled "IPI keeps a close watch on Taiwan's pulse." The article first discussed the fact that martial law has been in force in Taiwan for 34 years, and then focused on the banning and confiscation of magazines. It continued with an extensive discussion of the efforts by the International Press Institute -- an international organization of newspaper editors and publishers -- to monitor the lack of press freedom in Taiwan.

**5. Internationale Spectator: Taiwan and the reunification with China.** The May 1983 issue of this Dutch-language publication of the Netherlands Institute for International Relations in The Hague contained an accurate analysis by a Mr. J. Cromwell of the developments in Taiwan. It presented the six-point statement issued by *tangwai* leaders on September 28, 1982 in Taipei (see *Taiwan Communiqué* no. 9, p. 5-6), and carried a number of quotes from K'ang Ning-hsiang's magazine *The Eighties*. The **Internationale Spectator** is widely read in Dutch government circles and is generally considered to be the most prominent Dutch publication on interna-

tional affairs. It is available from: Clingendael, Postbus 93080, 2509 AB THE HAGUE, The Netherlands.

**6. Asian Wall St. Journal: a pessimistic outlook.** On November 23rd, 1982 this business-oriented weekly published an extensive article about Ms. Chou Ching-yu, one of Taiwan's foremost human rights leaders, who is also a member of the National Assembly, and publisher of CARE magazine. In an interview with reporter Robert King, Mrs. Chou gave her views on a wide range of topics.

**7. Wall St. Journal: Taiwanese long to shape their own destiny.** On April 11, 1983 this New York-based daily newspaper carried an article authored by Professor Trong R. Chai, chairman of the Formosan Association for Public Affairs. Dr. Chai first discussed Mr. Nixon's Shanghai Communiqué of 1972 and then Mr. Reagan's Shanghai Communiqué of August 17th, 1982. He then stated:

“What the U.S. acknowledged in these communiqués was the position of the mainland Chinese, not that of the native Taiwanese, who constitute 85 % of the population of Taiwan. But mainland Chinese cannot speak for the 18 million people on the island.”

Dr. Chai discussed the lack of democratic representation in national legislative bodies, and reviewed the courageous position taken by the Presbyterian Church in Taiwan. He also discussed the joint statement issued by four imprisoned Taiwanese leaders on September 28, 1983 (see the full text of the joint statement in *Taiwan Communiqué* no. 9, October 28, 1982, pp. 1-2). Dr. Chai concluded as follows:

“The people on Taiwan do not wish Taiwan to become a part of China, but to become a new nation, independent of China. In fact, Taiwan is capable of becoming an independent country. Its gross national product exceeded \$ 43 billion in 1982. Its per capita income, \$ 2,350.--, is the third highest in Asia, and the island has a larger foreign trade than that of China, and it has more inhabitants than 121 of the 157 members of the United Nations.”

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FROM:  
TAIWAN COMMUNIQUE  
P.O. Box 31  
3984 ZG ODIJK  
The Netherlands

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ISSN Number: 1027-3999

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