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Key “Kaohsiung” witness retracts testimony

A key prosecution witness in the March 1980 trial of eight major Taiwanese opposition leaders (the “Kaohsiung Eight”) recently revealed that his testimony was a fabrication of the Investigation Bureau of the Ministry of Justice. In a 218-page book published in July 1985, Mr. Hung Chih-liang disclosed that Investigation Bureau agents forced him to implicate opposition leader Huang Hsin-chieh. Right after publication of the book, plain clothe policemen in Taiwan combed every bookstore and newsstand to confiscate copies of the book. However, several copies escaped seizure and an opposition magazine, **Min Chu Tien Di** published excerpts of the book in issue No. 28 of 7 September 1985.

Mr. Hung’s testimony was instrumental in the April 1980 conviction of opposition leader and Formosa magazine publisher Huang Hsin chieh. Mr. Huang was sentenced to 14 years imprisonment and is presently still serving his jail term. In total five of the “Kao hsiung Eight” are still languishing in a military jail. Mr. Hung Chih liang himself was sentenced to five years in prison and was released in August 1984. In his book, he revealed that he became an informer for the Investigation Bureau in June 1977. During the subsequent two years he used his magazine, **Fu Pao Chi Shen** (“Demo Voice”), as a cover for his activities.

Mr. Hung wrote that before a visit to Japan and the PRC in March and April 1979 he had a discussion *with the Investigation Bureau* about possible contacts with PRC officials in Japan. Immediately upon his return he extensively reported to the Investigation Bureau about his trip to the PRC. In



Mr. Huang Hsin-chieh

, April 1979 Investigation Bureau Director Yuan Cheng-chang, even praised his accomplishments, and offered him a reward of NT\$ 110,000. However, Mr. Hung's relation with the Bureau subsequently soured, and he was arrested on August 30, 1979. After his arrest he was kept in solitary confinement for 146 days. During this time he was frequently beaten, subjected to non-stop interrogations lasting several days, and constantly exposed to bright glaring lights. His interrogators threatened the lives of his wife and children if he did not cooperate. In the end he agreed and signed a confession stating that Huang Hsin-chieh [who had been arrested on December 14, 1979 after the Kaohsiung Human Rights Day demonstration -- Ed.] had sent him to the PRC to "conspire with the Communists in order to overthrow the KMT government."

Mr. Hung Chih-liang's book is entitled "Return from Calamity." Below we present a translation of excerpts from the book, originally published in **Min Chu Tien Di**, and reprinted by the New York-based **Taiwan Tribune** on September 19, 1985.

Mr. Hung first outlined his motivation for writing the book: after his release in August 1984 he found out that many people in Taiwan were angry at him because of his role in landing opposition leader Huang in jail. By writing the book he wanted to clear his name and have justice done. He said:

"Let me explain how it all came about: I was coerced by the Investigation Bureau to give false testimony in court. Afterwards I was put in prison. I am now directing my full efforts to correct the wrong, to have justice done. If we must place the blame somewhere, it is on the stooges from the Investigation Bureau, who should regret their deeds and repent their action, because they coerced witnesses to give false testimony in court."

After describing how he worked as an agent for the Investigation Bureau from 1977 through 1979, Mr. Hung wrote:

"In mid-March of 1979, on the eve of my departure for Japan, Mr. Hsia Hua-hsiang, the Investigation Bureau's agent in Yuan-lin, Chang-hua paid me a visit at home and raised the question: What would I do if I happen to meet officials from China in Japan. I replied that I would report it to the Investigation Bureau upon my return from Japan.

In Mid-march of 1979, I went to Japan. On March 29, I went to China from Japan to discuss the baby eel business. On April 10, 1979, I returned to Tokyo. On the 11th, I telephoned Taiwan to make an appointment to see Mr. Cheng Ming-hsun, the

station chief of the Investigation Bureau in Changhua. On April 12, 1979, I returned to Taiwan. On the 13th, Mr. Hsia Hua-hsiang, the Investigation Bureau's agent in Yunlin, came to see me and arranged a meeting for me with Cheng Ming-hsun, the Investigation Bureau's station chief in Changhua. Two days later, when I had a meeting with Mr. Cheng, I immediately reported to him about my trip to China

[a few days later in Taipei] I was received personally by the director of Investigation Bureau, Mr. Yuan Cheng-chang, who praised my cooperation with the Bureau. He equated my confession of the trip to China as reporting on a "mission accomplished." He indicated that he would appropriate a sum of NT\$100,000 as my reward money. When he learned that my wife had just given birth to a baby, he raised the reward by another NT\$10,000, which made the total sum of reward amounted to NT\$110,000. I did not collect this sum of reward money."

Mr. Hung then described how his relations with the Investigation Bureau soured, and how he was arrested on August 30, 1979. He continued:

"After I was taken to An Kang (Military Prison), I was completely severed from communication with the outside world. The agents of the Investigation Bureau began to show their ugly faces. They threatened to take the lives of my wife and children, unless I admitted to the evidence of my crime, which was concocted by the Bureau with the cooperation of the Bureau's witness Wu Chin-chou. They claimed that this was a test of my sincerity. My cooperation would pave the way for me to become a formal member of the Bureau. I was completely isolated from the outside world for 146 days. During this period, besides being intimidated, coerced, and deceived, I was subjected to non-stop interrogation, deprivation of sleep and was constantly exposed to a bright, glaring light.

In addition to my confession about my trip to mainland China, I also recounted my business venture with Huang Hsin-chieh on baby eel. Through beatings and constant interrogation they forced me to cook up accounts of my associations with other members of the *tangwai*. In my account of the baby eel business venture with Huang Hsin-chieh, I never said that China wanted to appoint him chairman of the "Taiwan autonomous region." This came about much later: during the sixth month of my detention [February 1980 -- Ed.], Mr. Lin Hui-huang, the military prosecutor showed me a written statement from Huang Hsin-chieh, saying that I had relayed a message to him from PRC officials, indicating that if Taiwan would become an "autonomous region", Huang would be appointed chairman. Prosecutor Lin

demanded that I cooperate with him by saying that China wanted to appoint Huang Hsin-chieh as chairman of the “Taiwan autonomous region.” In reality I never said this to Huang Hsin-chieh

At the end of February of 1980, before I testified at the trial of Huang Hsin-chieh, military prosecutor Lin Hui-huang showed me a written statement by Huang Hsin-chieh [who had similarly “confessed” after two months of interrogations -Ed.] and asked me to cooperate.

On March 8 1980, after I testified in court, Tsai Teng- hsiung, chief-prosecutor of the military court, and prosecutor Lin Hui-huang came to see me. They told me that I had fulfilled my end of the bargain. There was no reason for me to feel afraid. Since I had turned myself in, my prison sentence would be reduced in half [this never happened, Mr. Hung served his full sentence -- Ed].

In April 1980, before I went on trial, my family and my wife’s family were visited by the Investigation Bureau’s station chief in Changhua, Cheng Ming-hsun. He threatened my parents-in-law and my wife not to disclose the information that I had earlier confessed to the Bureau about my trip to China. If they divulged this information, they, too, would be put in prison. The chief military prosecutor, Tsai Teng-hsiung, also showed up at my house -- together with Cheng Ming-hsun -- to intimidate my wife. They succeeded in obtaining a written statement from her

After my five-years sentence was handed down on May 2, 1980, I applied for special trial and retrial as many as 35 times. My latest application was on May 24, 1985. I have plenty of evidence to use as the basis for a new court battle. I will continue fighting the battle until justice is done.”

The International Committee for Human Rights in Taiwan *is requesting the U.S. Government and Congress -- as well as international human rights and press freedom organizations -- to urge the Taiwan authorities to review the case of the “Kaohsiung Eight” in view of the information which has now become available, and to request the immediate release of the “Kaohsiung” prisoners who are still in jail.*

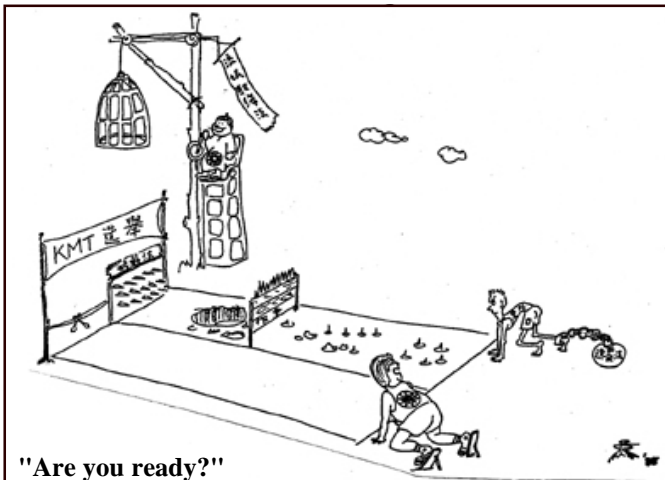
Local elections on 16 November 1985

Unfair competition

Local elections are coming up in Taiwan on 16 November 1985. Since the ruling Kuomintang still does not allow the native Taiwanese opposition to form a new party, the *tangwai* can only run in the elections on an individual basis. This deprives them of the possibility to set up a party machinery to coordinate campaign activities.

The authorities limit the campaign period to ten days: only during the first five days the candidates may organize campaign-rallies themselves. During the crucial second five-day period, they may give speeches but only at government-sponsored rallies, where the speeches of *tangwai* candidates are sandwiched in between the speeches of Kuomintang candidates. This restriction greatly limits the opportunity of the *tangwai* candidates to make themselves known to the electorate.

The Taiwan authorities attempt to present the elections as “evidence” that Taiwan has a democratic political system. To most Taiwanese people, however, this is only a facade. The reality is portrayed in the cartoon below: the Kuomintang’s race track is without any hurdles, but the *tangwai* candidate -- fettered by the Election and Recall Law -- finds hurdles such as ballot rigging by the authorities and martial law on his path, while the “Hoodlum Law” hangs above his head in case he gets too close to the finish line.



The exposure of the candidates is further limited by the prohibition on advertisements in the media, and by a very recent ruling forbidding the use of video tapes: during past elections, *tangwai* candidates produced large numbers of video tapes, and distributed these widely to increase their “reach.” However, this avenue is now also closed, while the government-controlled daily newspapers, radio, and TV give ample coverage to the campaigns of the KMT candidates, and pointedly ignore the *tangwai*.

As they have done during past elections, the Kuomintang authorities also silenced the opposition magazines ahead of time, because these magazines constitute one of the few channels through which opposition politicians can make their views known to the general public. In our section on “Freedom of the Press ?” (page 19) we present details on how the Taiwan authorities muzzled the opposition press during the past few months.

Election races to watch

In total 191 seats are up for election, divided up as follows: Taiwan Provincial Assembly (77 seats), Taipei City Council (51 seats), Kaohsiung City Council (42 seats), and county magistrates and mayors of major cities (21 seats). Although the Taiwan authorities do not allow the *tangwai* opposition to form a party, they still formed a “Campaign Support Committee”, which met on September 28, 1985 in the Taipei Mandarin Hotel to endorse candidates. The Committee endorsed a total of 42 candidates for various positions: 11 candidates for Taipei City Council, six for the Kaohsiung City Council, 18 candidates for the Provincial Assembly, and seven candidates for mayoral and county magistrate positions. Below we present a very brief description of some of these candidates:

Taipei County magistrate:

Dr. YOU Ching, age 39, defense lawyer at the 1980 trial of the “Kaohsiung Eight”, member of the Control Yuan, and president of the **Public Policy Research Association** (a *tangwai* think-tank). Dr. You is running against two strong opponents: the KMT-incumbent Lin Fung-cheng, and *tangwai* Legislative Yuan member Cheng Yu-cheng, who was not endorsed by the Committee, but who decided to run anyway, since he felt he had a strong local following in Taipei.

Taichung City mayor: Mrs. Hsu Jung-shu, age 49, presently a member of the Legislative Yuan. She is the wife of imprisoned opposition editor Chang Chun-hung, and is publisher of **Taiwan Weekly**, which recently folded as a result of the government’s press censorship campaign. Mrs. Hsu faces several strong opponents.

Tainan County Magistrate: Mr. CHEN Shui-pien, age 35, defense lawyer at the 1980 trial of the “Kaohsiung Eight”, former member of Taipei City Council.

Kaohsiung County Magistrate: Mrs. YU Chen Yueh-ying, age 59, presently member of the Legislative Yuan. Mrs. Yu is the daughter of Mr. Yu Teng-fa, an old-time opposition leader in the Kaohsiung area.

Hsinchu City mayor: Mr. SHIH Hsing-Jung, age 50, a dentist who is the older brother of Mr. Shih Hsing-chung, the former mayor who was imprisoned in July 1985 on cooked-up charges.

Taiwan Provincial Assembly:

A total of 18 candidates were endorsed, among whom the “Iron Triangle”: three members of the Assembly who resigned in May 1985 in a conflict over the legitimacy of executive orders issued by the Taipei government since the declaration of martial law in 1949:

- * Mr. SU Cheng-chang, age 38, of Pingtung County;
- * Mr. YU Shyi-kun, age 37, of Ilan County;
- * Mr. HSIEH San-sheng, age 42, of Tainan County;

Three other (of the eighteen endorsed) candidates are relatives of well-known opposition leaders or political prisoners:

- * Ms. YU Ya-ling, age 36. She is an incumbent member of the Assembly. Her mother, Yu Chen Yueh-ying, is running for the position of Kaohsiung County Magistrate;
- * Mrs. SHIH Chuang Chi-mei, age 42, wife of imprisoned former mayor of Hsinchu City, Mr. Shih Hsing-chung;
- * Mr. Y'OU Hung, age 35. Publisher of **Taiwan Panorama** magazine and younger brother of Dr. Y'ou Ching;

Taipei City Council:

- * Mr. HSIEH Chang-t'ing, age 39, a prominent *tangwai* lawyer, is running for re-election;
- * Mr. LIN Cheng-chieh, age 33, publisher of Progress magazine (which recently also stopped publishing, due to the authorities' press censorship campaign) is also running for re-election;
- * Mrs. HUANG Lan Mei-chin, age 41, wife of former Legislative Yuan-member and **Neo-Formosa** publisher Huang T'ien-fu;

- * Mr. CHANG Teh-ming, age 47, a former member of the Legislative Yuan. Mr. Chang is associated with opposition leader K'ang Ning-hsiang;
- * Mr. CHOU Po-lun, age 31, publisher of **New Route** magazine.

Kaohsiung City Council:

Mrs. LIN Li-chen, age 29, wife of theologian Lin Hung-hsuan, one of the "Kaohsiung Eight." Mr. Lin is presently still serving his prison sentence on the isolated Green Island;

"No tea-parties allowed"

As both the KMT and *tangwai* candidates were warming up for the election campaign, there were an increasing number of reports that *tangwai* candidates were harassed and had difficulties in obtaining police permits for sites to hold pre-election gatherings. As no formal political meetings are allowed prior to the election campaign, these gatherings are referred to as "tea parties." Applications by *tangwai* candidates for spacious auditorium or public meeting places were routinely rejected, while permissions were only granted for small indoor "parties." The police said that these restrictions are necessary to maintain "public order." However, the restrictions were selectively applied to *tangwai* candidates and not to KMT candidates.

An example is the case of Dr. Y'ou Ching, the *tangwai* candidate for the position of county magistrate of Taipei County, who recently planned a seminar on the topic of democracy. The gathering was supposed to stretch out over three evenings, October 1 through 3. Dr. Y'ou was forced to hold the seminar in his tiny office on Wen Hua Road in Panchiao after his applications to hold the seminar on the Panchiao sports field and cultural center were rejected.

The authorities also require that applications for sites to hold meetings should be submitted seven days in advance, but the notice of approval or rejection is not delivered until the day before the scheduled meeting. Although Mr. Y'ou applied for permission to have 1000 people attend the seminar, he received approval for only 150 people.

Then, on October 1, the police arrived at 6:00 p.m., and set up a blockade in front of Mr. You's campaign headquarters. More than 500 policemen cordoned off the two major thoroughfares leading to Wen Hua Road. Nine police vehicles parked on the road, blocking traffic. Policemen armed with batons and teargas guns prevented the public from entering the area.

Still, when the seminar began at 8:00 p.m., the office was jammed with people who had been able to circumvent the police blockade through a narrow side-alley. While the discussion was getting under way, police alarms and whistles went off for about 20 minutes, in an obvious attempt by the police to disrupt the seminar.

Two political arrests

Mr. Hsu Chao-hung: six years imprisonment for a name card

On August 27, 1985, a wealthy Taiwanese businessman, Mr. HSU Chao-hung, age 44, was tried in Military Court in Taipei on “sedition” charges. The Taiwan Garrison Command had announced in mid-July that Mr. Hsu had been arrested four months earlier (on March 8th), and that he would face “treason” charges for allegedly trying to form a “Taiwan Democratic Party.” In its statement the TGC added that Mr. Hsu would be tried in a military court, and that he would face the death penalty if found guilty.

Taiwan Communiqué has now learned that Mr. Hsu was detained by the Japanese police in Tokyo in the beginning of March after he had attempted to obtain political asylum there. He was then deported to Taiwan where he was arrested immediately upon his return at the airport.

The TGC indictment against Mr. Hsu stated that he formed a party called “Free Taiwan Democratic Party”, and that he had handed out name cards with the inscription “our belief and objective: to establish an independent and democratic Taiwan.” He also allegedly maintained contacts (by telegram dispatches) with a native Taiwanese opposition leader in the United States, Mr. Hsu Hsin-liang. According to the Taiwan authorities the above constituted evidence that Mr. Hsu was “carrying out seditious intent to overthrow the government.”

At the Military Court session on August 27, Mr. Hsu’s defense lawyer, Mr. Kuo Chi-jen, said that Hsu had not engaged in seditious activities at all, but had wanted to obtain political refugee status in Japan. He also said that it was hard to believe that printing and disseminating a name card constituted “sedition.” He doubted that this action would “foment public unrest,” as the Taiwan authorities charged. Lawyer Kuo also pointed out that the Investigation Bureau of Taiwan’s Ministry of Justice had confirmed that no other members of the “Free Taiwan Democratic Party” could be found in Japan.

On September 16, 1985 it was announced in Taipei that “after a regular trial in the Court-Martial of the Taiwan Garrison Command” Mr. Hsu had been sentenced to six years imprisonment.

The International Committee for Human Rights in Taiwan *considers the deportation of Mr. Hsu to Taiwan -- where he was certain to face persecution -- to be a **major violation of international law**: the principle of “non-refoulement” forbids that persons are returned to countries where they are subject to persecution on the basis of race, religion, nationality or political views. This principle is incorporated in the International Refugee Treaty of 1951. The Committee has strongly protested this violation of international law by Japan, and has urged the United Nations High Commissioner for Refugees (UNHCR) in Geneva to take immediate steps to obtain the release of Mr. Hsu.*

Mrs. Lee Ya-ping: harassment and intimidation

On September 17, 1985 the publisher of a Chinese-language newspaper in Los Angeles, the **International Daily News**, was arrested in Taiwan. The Taiwan Garrison Command announced that Mrs. Lee Ya-ping, age 62, had “... often delivered pro-Chinese remarks through her newspaper and advocated peace talks [between Taiwan and the PRC].” The TGC also said that Mrs. Lee had interviewed the PRC ambassador to the United States, Mr. Chai Zemin, and had publicized the PRC’s peace overtures. The TGC added that she would stand trial in military court on “sedition” charges.

In an unusually swift response, the U.S. Department of State said on September 18 that:

“... we view the arresting of a newspaper publisher for the exercise of constitutionally protected freedoms while in the United States as contrary to the concept of democracy. Democracy is based on the freely given consent of the governed but that consent can only be given where freedom of speech, freedom of the press, and freedom of assembly exist. Arresting a United States newspaper publisher for her professional activities in the United States must be seen as *an act of intimidation and harassment directed against individuals in the United States* [emphasis added]. We are asking the Taiwan authorities to review the case immediately and to release Ms. Lee without further delay.”

Taiwan Communiqué comment: we wish the State Department had responded this swiftly and strongly to the murder of the mother and daughters of Lin Yi-hsiung in February 1980, the murder of Carnegie Mellon professor Chen Wen-cheng in July 1981, the murder of writer Henry Liu in October 1984, or to the press censorship campaign which has been going on in Taiwan since April of this year.

Alas, in these previous cases of terrorism and repression the State Department either remained silent, or issued a lame statement like: "... at this preliminary stage I have no reason to believe that the killing of Henry Liu was part of a consistent pattern of acts of intimidation or harassment."

On September 19, U.S. Congressman Stephen Solarz, chairman of the Subcommittee on Asian and Pacific Affairs in the House of Representatives also issued a strongly-worded statement. He emphasized that under the terms of an 1982 amendment to the Arms Export Control Act, the President must end arms sales to a nation that is engaging in "a pattern of acts and intimidation and harassment against individuals in the United States." Mr. Solarz termed the arrest of Lee Ya-ping, like the murder of Henry Liu, "a frightening example of the long arm of Taiwan's martial law tearing at the fabric of American democracy." Mr. Solarz added: "The authorities of Taiwan are not content to destroy basic liberties on the island of Taiwan, but insist on violating the right to free speech of people in the United States as well. The Kuomintang needs to be reminded that the State of California is not a province of Taiwan."

During the subsequent days, the authorities in Taipei did a considerable amount of backtracking. On September 19, the Government Information Office (GIO) in Taipei still maintained that Lee's arrest was "legal" and predicted an "impartial trial." A GIO spokesman also said that Mrs. Lee's arrest was due to the fact that she "distributed copies of her newspaper in Taiwan, and not because she published and circulated the paper in the United States." On September 23, during an interpellation in the Legislative Yuan, Prime Minister Yu Kuo-hwa reiterated that Mrs. Lee would be tried for "spreading Communist propaganda."

On September 25, the military prosecutor issued a statement detailing Mrs. Lee's "offenses" and recommending that she be assigned to "reformatory education." On the following day she was released on bail. On October 1, 1985 the Military Court in Taipei handed down a verdict of two years of "protective guidance under the supervision of her relatives" (rather than reformatory education) since Mrs. Lee had shown "deep remorse" about her actions.

Taiwan Communiqué wishes to draw its readers' attention to some interesting aspects of Mrs. Lee's case:

- * What were the real motives for the arrest, and why did the Garrison Command arrest Mrs. Lee at this time, particularly in view of the fact that the International Daily News articles to which the TGC referred, were published several years ago? A very likely motivation for the arrest was that Mrs. Lee -- who returned from the United States to Taiwan approximately a year ago -- had attempted to gain the KMT's nomination for the position of Kaohsiung County Magistrate. She did not gain the KMT's nomination, but announced that she would run anyway. Her arrest was then intended to prevent her from running and playing a spoiler's role in an already close contest between the KMT-nominee and the *tangwai* candidate, Mrs. Yu Chen Yueh-ying.
- * According to opposition sources in Taiwan, Mrs. Lee's reasons for running in the upcoming election were not exactly laudable: she is a highly profit-oriented businesswoman, and owns two business schools in Kaohsiung which had recently come under pressure from local authorities. If she were able to get elected as County Magistrate she could use her position to gain more favorable terms for her schools. Several *tangwai* magazines also published information indicating that Mrs. Lee has had a long association with the "Wang Sheng faction" of the military secret police in Taiwan. According to this information, Mrs. Lee and her husband served as agents for the Kuomintang's military police (under the much-feared Tai Li) during World War II. General Wang Sheng is the former head of the powerful Political Warfare Department. Until 1983 he was seen as the main strongman behind President Chiang Ching-kuo, but in May of that year he was demoted and in October 1983 he was sent as ambassador to Paraguay.
- * In spite of its strongly anti-communist posturing, General Wang's faction has a history of moving towards closer contacts with the PRC: in 1981 one of General Wang's top aides, Mr. Ma Pi defected to the PRC, where he has since been a strong advocate of "reunification." The attention paid by Mrs. Lee and her newspaper to the PRC is thus not too surprising. Still, her newspaper (with circulation of 58,000) is generally regarded by the Taiwanese community in the United States as being closely tied to the authorities in Taipei.

Prison Report

Hunger strike ends after five months

On September 1, 1985 Mr. Shih Ming-teh, who had been on hunger strike since the beginning of April, ended his fast and started to take solid foods again. On September 25 he was transferred from the Tri-Services Military Hospital in Taipei to a military detention house under the Taiwan Garrison Command. The Ministry of Defense announced that "...except slight heart trouble, Shih's condition is quite good after he started to eat again."

In contrast to the case of Mr. Shih very little is known about the situation of Mr. Huang Hua. Mr. Huang -- a writer/journalist who has been imprisoned since 1976 -- also started his hunger strike in April [see Taiwan Communiqué no. 20, p. 2 and no. 21, p.2]. According to one recent report from Taiwan, Mr. Huang stopped his hunger strike on August 25, but on September 1st he decided to start fasting again. Before starting on this second phase of his hunger strike, Mr. Huang issued a statement calling on the Kuomintang authorities to convene a national conference on political reform. At this conference representatives from the Kuomintang, the native Taiwanese *tangwai* opposition, and from overseas Taiwanese organizations should discuss the major issues facing Taiwan and come to an agreement concerning a long-term strategy for the future of the island.



Mr. Shih Ming-teh

Mr. Huang indicated that if the Kuomintang authorities refused to respond to his request, he would go on a complete hunger strike, even refusing to take the daily ration of 500 cc of milk and juice. He is still being held at a military prison on the isolated Green Island. The authorities presently do not allow any family visits. Also, on 5 September 1985, the secret police confiscated the full circulation of the September issue of CARE magazine, because it contained an article about both Mr. Huang and Mr. Shih.

Below we present a statement Mr. Shih Ming-teh wrote some time before he started the hunger strike:

“With mounting and maturing years, knowledge, experience and powers of judgement, I have come to know that injustice and inequality among the human family is not limited to Taiwan alone. In every place and every time, wherever you look, you will find not only those control-led by political means, but also the economically exploited, those suffering from social discrimination and the victims of class plunder. So many social systems protect the privileged minority while holding in bondage the vast majority of the people, in violation of the most fundamental of human rights. So-called “liberation movements” are essentially aimed at liberating people from the inequality of these systems. In other words, “liberation movements” are nothing more than human rights movements.

The concept of human rights cannot be confined to issues of political rights and freedom; its scope covers the entire terrain of life. With this concept as our point of departure, the essence of “human rights” must be regarded as demanding that each and every person be accorded equal importance, that life, liberty and human dignity be respected, and that the rights, advantages and duties of each individual within society be reasonably apportioned.

To precisely define the scope of “human rights” is not a simple matter, because it is a creature of the times. Each new generation, faced with newly-emergent situations, developments and challenges, produces its own hopes and demands. This being the case, the preservation and extension of human rights is not so much for the goal of national survival as it is a reflection of the characteristics of civilization’s spirited advance. A true human rights activist must not only give each human rights case his or her full attention, but must spare no effort in the eradication of their root causes.

Friends, if someone were to ask me, with life being as short as it is, why I should choose to face yet another conviction after already having served one prison term of 15 years, I would answer as follows: “It is because I must hold fast. Born a Taiwanese -one of the oppressed -- I cannot abandon my mission and calling as a human rights activist.”

From time to time the democratic movement may stray from its appointed course, but ultimately it has nowhere to go but forward. Never will it reverse direction. The Chiang family resorted to violence in suppressing Formosa Magazine (in Dec. 1979 -- Ed.), thereby completely ignoring and repudiating the latent forces of democracy.

My advice for the people of Taiwan is this. If the pace of reform be overly slow, we need not be rash. All the more, "incidents" (of state violence) should not encourage us to embrace thoughts of "an eye for an eye" or "armed revolution." However rocky the democratic movement road, it will ultimately lead us to the destination: success and victory. Everyone must hold fast to this with unshaken conviction, even more with patience. Simply because we are confident of the supremacy and sacredness of our ideal, under no circumstance does this warrant our failure to carefully choose the methods used in its attainment. Foul means are still foul, and the sacredness of the purpose can in no way render them fair.

For reformers the sword and the gun are not tolls of the trade. Rather, we muster our resolve, always ready to climb the prison stairs or mount the executioner's block with courage. Blood of the hero, flower of the reformer. The emaciated wreck of the prisoner provides the living symbol for the people to look up to.

The reformer will not be swayed: we'd sooner go to jail and more gladly court death than throw bombs at our oppressors. Only the weak, their hearts filled with dread and guilt, resort to the blade and the gun, to robbing people of their freedom, to taking their lives. Reformers are not weaklings.

Taiwanese have no "motherland." Only if we have Taiwan, do we have a motherland !"

Ch'en Ming-chung's health deteriorating

Mr. Ch'en is a political prisoner, who has been jailed in Green Island Military Prison since 1976. After his arrest he was reportedly tortured, which resulted in his continued ill health. He is suffering from a severe case of hemorrhoids, complicated by anemia. A recent report from Taiwan indicates that he is still bleeding a few times a day. His wife has requested the authorities to allow him to be released on medical bail, so he can be treated in a hospital, but to no avail.

On August 7 Mr. Ch'en was transferred to Military Hospital no. 805 in Hualien, a city on the East coast of Taiwan. However he was just kept there for observation, and no medical treatment was provided. In fact, the ward where he was being held was a criminal ward, and was a worse place to be in than his cell in the Green Island prison: adjacent rooms contained a number of insane people. His wife was allowed to visit him a couple of times there. Her August 22 request that the authorities allow him to 'be transferred to An Wang Military Prison near Taipei, was also denied: at the end of August he was returned to Green Island.

In their response to Mrs. Ch'en's request, the authorities stated that Mr. Ch'en has "only a mild ulcer" and that his hemorrhoids "don't need treatment." However, Mrs. Ch'en said that when her husband tries to walk, he looks like "an oarsman rowing a sampan", because of the contortions of his body due to extreme pain.

Pai Ya-ts'an: profile of a political prisoner

This month marks the tenth year of imprisonment for Pai Ya-ts'an. In October 1975, the 30-years-old law graduate was arrested in the middle of a political campaign for national legislature and charged with "attempting to stir seditious feelings." An in camera military court sentenced him to life imprisonment, and he was banished to the remote Green Island prison.

In the 1975 election campaign, Mr. Pai made an unprecedented move by publishing a 29-question campaign statement, addressed to the then prime minister, and the current president, Chiang Chingkuo. Mr. Pai requested Mr. Chiang to answer them personally and publicly. The response to his 29 questions was indeed prompt and swift: on the night of October 23, he was arrested. A month later a military court sentenced him to life imprisonment.

Mr. Pai's 29 questions related to a wide variety of issues, ranging from foreign policy to the personal wealth of Mr. Chiang. He also asked the prime minister to abolish martial law, to release political prisoners, and to establish a national health insurance and social welfare system for the needy.

Pai was born in Changhua in central Taiwan to a poor family. His college friends remember him as being outspoken, and critical of bureaucracy and corruption. While he was attending the law department of Chengchi University, he befriended several Taiwanese opposition politicians. After graduation, he held several jobs, first as clerk in a military court, later as salesman and as high school teacher. In 1969, he campaigned for Huang Hsin-chieh, an opposition member of the Legislative Yuan. In 1971, he was detained for 120 days by the Taiwan Garrison Command on suspicion of "sedition." However, he was not charged, and subsequently released. In 1973, he campaigned for several opposition politicians who were running for a seat in Taipei City Council.

In October 1975, he decided to run for public office himself, because he felt that he could make a greater impact by speaking from the podium of the legislative chambers. He

declared candidacy for a position in the Legislative Yuan - Taiwan's national parliament. He explained his motive to his sister, "Speaking from the grass-roots level makes no impact. The election process offers me a chance to realize my ideals. If elected, every penny of my salary will go to helping the poor."

Pai's sister, in a 1983 interview with CARE magazine also told about her brothers arrest:

"He came back to our home in Chang-hua four days before his arrest. He told us that he was going to mail us his campaign fliers so we could distribute them in the neighborhood. We did not know what was in the campaign fliers. He was arrested before he could mail them out. After his arrest, the police came to our house to search for the campaign fliers. They couldn't find a single copy. We didn't even know what it looked like.

We could not believe it when the police told us that my brother had been arrested. We had no idea where he was held. My mother traveled to Taipei to deliver petitions to the Control Yuan and to the Legislative Yuan. Then we received a letter from the Taiwan Garrison Command with the message that he was not allowed to receive visitors during the period of interrogation. So we waited at home and hoped that a notice from the authorities would soon arrive to tell us when we could go and see him in prison.

I found out later that an official from the Government Information Office had said in a press conference on February 11, 1976 that my brother printed 40,000 copies of a seditious statement and distributed them publicly. This was "evidence" of his attempt to carry out seditious activities. The official also declared that he was indicted by a military prosecutor and "had been given an open trial." At the time of this press conference -- three-and-a-half months after the arrest -- we hadn't even been informed that he had been tried, and we were trying desperately to find his whereabouts. It wasn't until a few days later that we were informed by a friend that my brother had been sentenced to life imprisonment.



Mr. Pai Ya-ts'an

We could hardly believe the news. So we went to the library to check the newspapers. The news of his life sentence appeared in every newspaper. My sister and I immediately boarded a train for Taipei. We went to the Garrison Command, where we were curtly told: "Pai Ya-ts'an has been sent to Green Island." We made the long trip to Taitung, and from there we flew to Green Island, where we were finally allowed to meet him. We were greatly relieved to see him. We asked him whether he has been tortured. Should we send him some medicine? He said 'Yes' and refused to say anything further.

Pai Ya-ts'an later also disclosed that he himself did not find out about his sentence of life imprisonment until his arrival at the Green Island prison."

Ten years of prison life has not changed Mr. Pai's personality: he continues to care for the less-privileged around him, and is as concerned as ever about Taiwan's lack of democracy and its international isolation. He participated in several hunger strikes to express these concerns, most recently in October 1984, when he went on a 21-day hunger strike in protest against the KMT authorities' handling of the Hong Kong issue, and in April 1985, when he briefly joined Mr. Shih Ming-teh's hunger strike for human rights and democracy on Taiwan.

The death penalty becomes cheaper in Taiwan

A recent report from Taiwan indicates that respect for human life by the authorities there is deteriorating even further. According to this report (**China News**, Sept. 14, 1985), the Ministry of Justice is "toying with the idea" of replacing bullets with poison in the execution of persons who have been sentenced to death. The report stated that the Ministry dropped the suggestion of using electrocution or gas, "because the facilities are too expensive."

Presently executions are carried out by a firing squad, however, "this is frowned upon because it leaves bullet holes in the body, which is against the traditional Chinese preference for an intact body." The report concluded that the Ministry is considering the use of calcium cyanide, "which is cheap and kills instantly."

Taiwan Communiqué comment: *if the Taiwan authorities really wish that their country is viewed as a civilized country by the international community they would do well to abolish the death penalty altogether. Particularly people in Western Europe view the death penalty (whether applied by the U.S., the U.S.S.R., South Africa, China*

or Taiwan) as something that doesn't belong in a modern society.

As to the presumed "Chinese preference for an intact body": we do wonder where this concept suddenly came from: it certainly wasn't there when Chiang Kai-shek's troops massacred thousands of innocent Taiwanese during the "February 28" incident of 1947. And even since then, firing squads have executed hundreds of persons, guilty or not. According to our statistics even in this year (1985) already three persons were executed in Taiwan, while at least a dozen others were sentenced to death in District Courts. In total more than seventy persons are presently on death row in Taiwan, awaiting appeals in higher courts.

Freedom of the Press?

Secret police enters legislator Hsu Jung-shu's home

On Thursday, September 19, 1985 -- in an unprecedented violation of press freedom in Taiwan -- secret police agents entered the Tienmu (a suburb of Taipei) home of *tangwai* legislator Mrs. Hsu Jung-shu and confiscated some 80,000 copies of her magazine, **Taiwan Weekly**. Mrs. Hsu was away at the time. A few hours earlier, secret police agents had also entered a publication house of her magazine, and confiscated 16,000 copies of a book written by Dr. Peng Ming-min -- a prominent Taiwanese leader living in exile in the United States.

Police entry into her home came right on the heels of a break-in into her home a few days earlier. Several unidentified men forced their way through the front door, and ransacked the home. She reported this to the police, but the police failed to take any action. According to a report in the pro-government press, the police "have yet to come up with concrete evidence." Opposition sources in Taiwan indicate that this leads them to believe that the burglary was carried out by the secret police itself, or by elements close to it.

Mrs. Hsu has strongly protested these acts of harassment and intimidation. In an interpellation in the Legislative Yuan on September 23, she termed the entry into her home a gross violation of constitutionally human rights, and demanded an explanation from the Executive Yuan, but received none.

Taiwan Communiqué requests its readers to write to President Chiang Ching-kuo of Taiwan, expressing strong concern about this unwarranted and repressive action by the secret police. The address is:

President Chiang Ching-kuo
Office of the President
Chieh-shou Hall
Chungking South Road
Taipei, TAIWAN

Confiscations and bannings: no end in sight

During the past two months, Taiwan's press censorship received wide attention in the international press. A few of the major reports:

Index on Censorship: "Taiwan's thought police" (May 1985), and "Spring wind blows no good" (August 1985), both by Dr. James D. Seymour.

Newsweek: "Taipei's thought police" (August 5, 1985).

Asian Wall Street Journal: "Taiwan pays the price of repression" (August 5, 1985), by Dr. James D. Seymour.

Asian Wall Street Journal: "Opposition press plays moving target to elude censor's clutches" (August 12, 1985).

Far Eastern Economic Review: "Room for dissent" (September 5, 1985).

In spite of this worldwide negative publicity, the Taiwan Garrison Command continued its campaign, and as of the end of September 1985, Taiwan Communiqué had counted approximately 230 bannings, confiscations, and suspensions since the beginning of the year. By this time most magazines were in serious financial difficulties: the confiscations meant continuing costs for printing, but no income from sales. One after the other they were forced to suspend their operations, so that at the beginning of October only three out of approximately a dozen magazines -- The Eighties, New Route, and Min Chu Tien Ti -- had survived.

Financial problems forced one other magazine, Progress, to switch from their original magazine format to that of a less expensive tabloid, costing only NT\$ 10 (25 U.S. cents). The publisher, Taipei City Council-member Lin Cheng-chieh, courageously announced that during the coming election campaign (see story on page 5) his paper would publish every day.

Notes

The Henry Liu affair: “getting away with murder?”

In *Taiwan Communiqué* no.'s 18, 19, and 20 we presented overviews and details of the events in Taiwan and the United States following the murder of Henry Liu, the Chinese-American writer who was murdered on October 15, 1984 in his home in Daly City, a suburb of San Francisco. In April 1985 -- after strong pressure from the United States -- a civil court in Taipei sentenced two of the three persons responsible for carrying out the murder, Bamboo Union gang leader Chen Chi-li and his gang member Wu Tun, to life imprisonment. Three top-officials of the Military Intelligence Bureau of the Ministry of Defense, also received prison sentences: a military court sentenced vice-admiral Wang Hsi-ling to life imprisonment, while major-general Hu Yi-ming and colonel Chen Hu-men each received sentences of two-and-a-half years for their involvement in the murder.

Since our latest report (*Taiwan Communiqué* no. 20, June 18, 1985), the following events have taken place:

Sept. 5: The Supreme Court in Taipei turned down the appeals of Chen Chi-li and Wu Tun. Lawyers for the two gangsters stated that they would file an “extraordinary appeal” or request a retrial. The lawyers argued that Chen had “only” instructed Wu Tun to “teach Henry Liu a lesson” and that the shooting had been “an accident.” Interestingly, the lawyers also stated that Chen Chi-li was “a government employee following orders” and that he therefore should be acquitted: the Taiwan authorities have always denied that Chen Chi-li was ordered to murder Henry Liu.

Sept. 12: Chen Chi-li and Wu Tun were moved from a Garrison Command detention center, in Taipei to a prison in Taoyuan County to start serving their life sentences.

Sept. 18: a suit filed by Mr. Henry Liu’s widow, seeking NT\$ 2 million compensation for funeral expenses was supposed to be heard in the Taiwan High Court in Taipei. However, Mrs. Liu withdrew the suit, and decided to file a suit in the United States instead.

Sept. 25: newspapers in Taiwan reported that the third murder suspect, Mr. Tung Kuei-sen, age 33, had been arrested in Brazil. The report stated that U.S. authorities were negotiating with Brazil for the extradition of Tung to the United States.

Oct. 11: lawyers for Mrs. Liu filed a federal suit for damages totaling **290 million U.S. dollars** in U.S. District Court of Northern California. As defendants were named: “the Republic of China,” the three top-officials of the Military Intelligence Bureau of the Ministry of Defense, and the three Bamboo Union gangsters. The lawyers demanded a trial by jury. The suit listed six counts: racketeering injury (US\$ 60 min.), wrongful death (US\$ 80 min.), physical and emotional suffering by Helen Liu (US\$ 60 min.), interference with Henry Liu’s civil rights (US\$ 45 min.), failure to prevent murder (US\$ 45 min.), and assault of Henry Liu (US\$ 10,000).

Reagan signs bill encouraging democracy in Taiwan

On 17 August 1985, President Reagan signed into law a Congressional bill which included a “sense of Congress” section calling for the U.S. government to encourage the development of democracy on Taiwan. The statement is contained in the Foreign Relations Authorization Act for Fiscal Years 1986 and 1987, which provides for the appropriation of operating funds for the State Department and other foreign policy agencies. In *Taiwan Communiqué* no. 20, p. 22 we presented the text of the amendment, while in no. 21, p. 23 we gave an update on the progress of the amendment through the congressional machinery.

The amendment represents a major step forward in U.S. policy towards Taiwan. It was passed due to the initiative of Senator Claiborne Pell (Democrat -- Rhode Island) and the persistent lobbying efforts of the **Formosan Association for Public Affairs (FAPA)**, the major native Taiwanese lobbying organization in Washington, D.C. In its September 1985 newsletter, FAPA outlined five reasons, why it considered passage of this legislation significant. A summary:

- a. The legislation strengthens U.S. commitment to uphold the “human rights of all the people on Taiwan” (Taiwan Relations Act of 1979) by stating that the U.S. “considers democracy a fundamental human right.” By stating this, the U.S. Government and Congress express the view that the right of the people of Taiwan to change their government is of equal importance as fundamental human rights, such as freedom from violations of the integrity of the person.
- b. The legislation recognizes that American public support for maintaining unofficial ties with Taiwan depends on progress toward democracy on the island.
- c. The bill notes that the existing martial law on Taiwan impedes democratization. Thus, the new law puts pressure on the Kuomintang authorities to lift the 36-years old martial law.

- d. The legislation links democracy to Taiwan's international status, calling security "an indispensable element for the island's further democratization." The converse is also true: without democracy, people will not feel that they have a genuine stake in that society, and the consensus necessary to guarantee national security will not emerge. Under such circumstances, "security" become merely a justification for dictatorial rule.
- e. Finally, the bill gives the American Institute in Taiwan (AIT), the unofficial U.S. representative office in Taiwan, an important new tool: in its contacts with the Taiwan authorities the AIT can point to the new law as an unambiguous statement that the U.S. expects the Taiwan government to move vigorously towards the creation of a free and open society.

Taiwan Communiqué fully agrees with FAPA's assessment. We wish to add that -- if the Reagan Administration does not act vigorously in exerting strong pressure on the Taiwan authorities to move quickly towards a democratic political system on the island -- then the Taiwanese people will feel that this action was "too little, too late": if the U.S. only talks about democracy, but in the meantime supports a repressive one-party system by providing it with extensive weapon systems, the U.S. risks losing the sympathy of the people on Taiwan.

The succession question

When asked about his succession in a recent interview with **TIME** magazine [*"Island of Quiet Anxiety"*, September 2, 1985], Taiwan's President Chiang Ching-kuo -- 75 years old and suffering from diabetics and eye-problems -- responded that he had never given any consideration to the possibility of one of his own sons, Chiang Hsiao-wu, succeeding him. Said Chiang -- himself the son of generalissimo Chiang Kai-shek: "since 1947 ... the President and Vice-President have been elected by the National Assembly in accordance with the Constitution."

The **TIME** interview drew headlines in Taiwan's press, and most newspapers carried the full text of the interview. The pro-government China Post even went as far as to run the article under the headline: "President Chiang: my successor will not be a Chiang."

***Taiwan Communiqué* comment:** *To the casual observer, Chiang's words may have a reassuring ring. However, a more informed Taiwan watcher will quickly see the loopholes: President Chiang failed to mention that the National Assembly largely*

consists of elderly “permanent” representatives of mainland provinces, elected in 1948. Less than 5 % of the members of the Assembly -- those representing “Taiwan Province” -- are elected by the people of Taiwan, and have to stand for re-election every six years.

Thus, since 1947, the Assembly -- whose main function is to elect the President and Vice-President -- faithfully did what it was told to do by the ruling Kuomintang, and re-elected Chiang Kai-shek five times in a row until his death in 1975, and elected Chiang Ching-kuo twice since then: No opposition allowed.
