



# TAIWAN COMMUNIQUE

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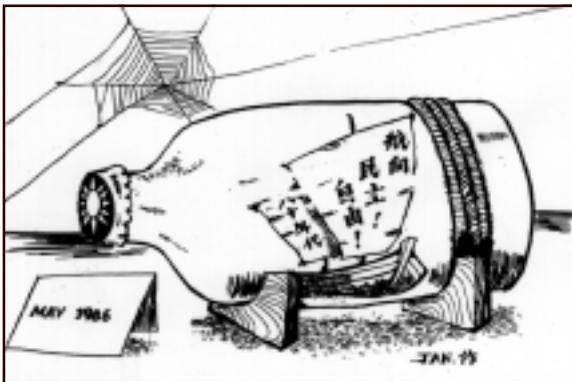
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## 37 Years of Martial Law

On May 19, 1949 the Kuomintang authorities — who had just crossed over from mainland China — declared martial law in Taiwan. Today it is still in force, the longest uninterrupted stretch of martial law in modern history. Under this law, all provisions for individual rights and freedoms guaranteed by the Constitution are suspended.

The tangwai opposition in Taiwan, which has long expressed its concern about the lack of freedom and democracy on the island, decided to mark the day with a “green ribbon” campaign, not unlike the American “yellow ribbon” campaign during the Iranian hostage crisis, and the use of the color yellow by Mrs. Cory Aquino of the Philippines during her presidential campaign.

The Kuomintang authorities have defended the state of martial law by referring to the “temporary rebellion” of the Chinese communists on the mainland. They say that as



**"Winds of Freedom" ...Bottled-Up by Martial Law**

long as this rebellion continues, martial law cannot be lifted, and no opposition parties can be formed. On the following pages you find some information on both the “green ribbon” campaign, and on the authorities’ attempts to inhibit the formation of an opposition party.

## *Green Ribbon Campaign*

To mark the 37th year of martial law in Taiwan, the tangwai opposition called for an island-wide non-violent protest, and asked the people to tie green ribbons to doors, tree branches, car antennas, lampposts, bridges and public telephone booths etc., and to wear green ribbons, or green-colored clothing in public places. The campaign was initiated by Min Chu Shih Tai, an opposition political journal.

On May 19th, a number of prominent opposition leaders and some 500 supporters gathered at Lung-shan temple in Taipei for a meeting in protest of martial law. It was the largest political gathering of the tangwai - outside meetings during election-time — since the Kaohsiung Incident of 1979. Until now the authorities have not allowed any political meetings outside the brief period preceding election campaigns. However, soon some 1500 policemen surrounded the temple and an eight-hour standoff followed. The police prevented the group from marching towards the Presidential Palace, as had been planned. Finally, the demonstration ended — without any incidents.

## *No opposition parties allowed*

During the past years, the authorities in Taiwan have repeated time and again that no opposition parties will be allowed to be formed. Persons advocating the establishment of such a party have been threatened with arrest and imprisonment. In mid-1985, a wealthy businessman was actually arrested and sentenced to six years imprisonment after he had allegedly tried to form a political party.

In spite of such pressure, the tangwai have increased their demands to be allowed to set up a party. The Public Policy Research Association (PPRA), formed in 1984, is generally considered to be a first step on the road towards the establishment of a formal party. The PPRA is an opposition think-tank, which was set up to do background research for tangwai members of the Legislative Yuan, National Assembly, Provincial Assembly, and City Councils. Its 44 members are elected representatives in these legislative bodies. The organization has regularly held public meetings and invited scholars and experts to give seminars on various topics, such as pollution control, nuclear energy, international relations, etc.

Recently the PPRA stepped up its efforts to organize local branch offices in order to strengthen its grassroots support for the upcoming December elections. On April 26, the PPRA held its annual assembly to elect a president. The incumbent, Control Yuan-member Dr. You Ch'ing, was elected to a second term. The members also voted in favor of setting up local branch offices. On May 10, the first office was formally opened in Taipei. Eleven other local branches are planned for Kaohsiung, Pingtung, I-lan, Taipei, Taoyuan and Taichung.

In the escalating war-of-nerves, the pro-KMT United Daily News had reported on April 24, 1986 that the KMT authorities would crack down on the PPRA, should it begin to set up local branch offices around the island. Its leaders would be arrested and sentenced to up to two years imprisonment. The English-language China Post (equally pro-KMT) reported on April 29, 1986 that the Cabinet itself had ruled that the PPRA should not open any branches.

However, the situation changed on May 7th, when President Chiang Ching-kuo issued a call for "KMT officials to communicate with the public." This was generally interpreted as a conciliatory gesture towards the tangwai: on May 10th a meeting took place between representatives of the KMT and the tangwai, mediated by four scholars. The five-hour meeting reportedly resulted in an agreement on three "principles", regarding "respect for the Constitution", the establishment of PPRA branch-offices, and "working for political harmony."

***Taiwan Communiqué comment:*** *Whether this is a real step forward remains to be seen: the KMT immediately added that the tangwai could not use the name "tangwai" (!?!), and stated that the PPRA should be registered with the authorities. No such requirement has been put on the KMT itself, or on the two other mainland parties.*

### ***Committee for Democracy on Taiwan set up in the U.S.A.***

In a press conference held on May 20, 1986 in Washington, D.C. four prominent members of the United States Congress, Senators Edward M. Kennedy and Claiborne Pell, and Congressmen Stephen J. Solarz and Jim Leach, announced the formation of the Committee for Democracy on Taiwan. The goal of the Committee is to promote human rights, freedom, and democracy for the people on Taiwan. The Committee does not endorse any political party, individual or group inside Taiwan, but rather includes concerned people from all walks of life who agree that this goal should become the chief priority of U.S. policy towards Taiwan.

In a statement to the press, the Committee emphasized that martial law continues to impose restrictions on civil liberties despite the impressive economic and social development which has occurred on the “beautiful island.” The founders of the Committee said they believe that Taiwan is ripe for democracy, and that democratization will help the people on the island successfully face the looming crises on the horizon: the succession to President Chiang Ching-kuo, the restructuring of the economy, and the peaceful determination of Taiwan’s future.

The two senators and two congressmen were joined by Senator Gary Hart, the Democratic Party front-runner in the 1988 U.S. presidential elections, who also called for an end to martial law, and urged the Taiwan authorities to allow the opposition to form a party.

Special tribute was paid at the meeting to two leading members of the tangwai opposition, Mrs. Hsu Jung-shu, and Mrs. Chou Ching-yu, both of whom were present. Senator Kennedy said the following in his word of welcome to the two women:

“I would also like to introduce two extraordinary persons here with us today who are members of the national legislative bodies, Hsu Jung-shu and Chou Ching-yu. Their husbands are prisoners of conscience who were arrested in 1979 in connection with the Kaohsiung Incident; they were convicted by a military tribunal and sentenced to 12 years in prison. In the wake of that experience, these two courageous women entered politics, won places in the legislature, and have been working tirelessly ever since to obtain the release of their husbands and all political prisoners in Taiwan. They have been the victims of constant harassment and intimidation, but they have persevered -- and we are here to honor them today and to pledge our support for their cause and for the cause of freedom on Taiwan.”

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## **United States Congress Expresses Concern.**

### *Senate Resolution calls for full representative government*

On March 25, 1986 U.S. Senators Kennedy (D-MA) and Pell (D-RI) introduced a Resolution in the U.S. Senate, calling on the Taiwan authorities to allow the formation of genuine opposition parties, end censorship and guarantee freedom of speech, expression and assembly, and move towards full representative government. The Resolution is similar to one introduced in November 1985 in the House of Represen-

tatives by Congressmen Stephen Solarz (D-NY) and Jim Leach (R-10) (see Taiwan Communiqué no. 23, pp. 1-3).

In the key section of the Resolution a sentence was added referring to the need for “free and fair election of all members of all national legislative bodies, and direct Presidential elections.” At the present time only a small portion of the National Assembly and Legislative Yuan are elected by the people of Taiwan, while the President is “elected” by the National Assembly, which itself is dominated by the elderly men who came over from the mainland with Chiang Kai-shek (see “Gerontocratic government”, p. 9).

Taiwan Communiqué applauds this initiative by the esteemed Senators Kennedy and Pell (and the parallel efforts by Congressmen Solarz and Leach in the House of Representatives), and we strongly urge the U.S. Congress to speedily approve this Resolution. It is high time that the United States send a strong signal to the authorities in Taipei that it will no longer condone the violations of human rights and the lack of democracy which have characterized the Kuomintang’s rule of the island for the past four decades.

### *Mr. Reagan’s “winds of freedom” blowing in the wrong direction*

During his recent trip to Bali and Japan, Mr. Reagan spoke of “Winds of freedom” blowing through Asia. We suggest that his administration translates these lofty words into deeds, and actively uses its leverage in the right direction in order to bring about true democracy in countries such as South Korea and Taiwan. We emphasize “in the right direction”, because in the case of the Philippines Mr. Reagan prolonged the anguish by supporting the Marcos regime until the last minute [“fraud on both sides”]. In the case of South Korea, the U.S. Secretary of State, Mr. Shultz indeed seems to be bent on making the same mistake by refusing to meet with the two most prominent opposition leaders, and by expressing “admiration” for the Chun Doo Hwan regime, which — in the words of the New York Times (May 10, 1986) - holds South Korea “in the grip of backward authoritarianism.”

A totally different stance of the United States government is required, lest the people of these countries interpret the Reagan administration’s attitude as active support for these repressive regimes. Taiwan Communiqué wishes to add that the governments in Seoul and Taipei are responsible for a considerable amount of state-sponsored terrorism, which Mr. Reagan says he so abhors. In particular, Mr. Reagan is leaving himself open to charges of a double standard by remaining silent about 37 years of martial law in Taiwan, about the murder of mother and twin-daughters of Provincial

Assemblyman Lin Yi-hsiung in February 1980, of Professor Chen Wen-cheng in July 1981, and of writer Henry Liu in 1984 (perpetrated by Taiwan government agents on American soil !).

## ***Senator Kennedy: The time is now for a truly democratic Taiwan***

Fortunately, there are American political leaders, such as Senators Kennedy and Pell, who are willing to voice their disapproval of the repressive tactics by the authoritarian regimes in both South Korea and Taiwan. Below is the statement made by Senator Kennedy when he introduced the resolution. In the box on page 6 you find the text of the conclusion (“therefore be it resolved” part) of the resolution. The “consideration” part of the resolution is the same as that of the one introduced in the House of Representatives (see Taiwan Communiqué no. 23, pp. 2-3):

“I rise to introduce a resolution with my good friend Senator Pell calling for democracy in Taiwan. This May will mark the 37th year the people of Taiwan have lived under a political system which denies them the freedom to fully express their civil rights. For 37 years, the people of Taiwan have lived under a martial law — and it is high time that true democracy was brought to the people of Taiwan.

The thriving economy of Taiwan has been the envy of the developing world. By hard work and ingenuity, the people of Taiwan have created an educated citizenry, a prosperous society, and a respected body of able local leaders. Stability and peace have prevailed on the island of Taiwan and in the Western Pacific region and the citizens of Taiwan have repeatedly demonstrated the will and the capacity to participate fully in the democratic political process.

Yet, the government of Taiwan continues to deny the people of Taiwan the right to a democratic system of government. Under martial law and associated legislation, the government has suspended civil liberties, controls most of the media and censors heavily the handful of independent magazines it permits to exist. Independent organizations must register with the government and only one legal organization per function may exist. The government tightly controls labor unions and has outlawed strikes. In addition, the government has outlawed new political parties in order to maintain their virtual monopoly on political activity.

Those who challenge this restrictive system are subject to harsh treatment by the Taiwan authorities. Many citizens — some whose only crime was peaceful protest — face court-martials for charges of “sedition”, the death penalty or long terms in military prisons. Internationally recognized rules of trial procedure are often not followed and there are many reported incidents of torture of those held in prison.

### **Senate Concurrent Resolution 121**

Expressing the sense of the Congress concerning representative government, political parties, and freedom of expression on Taiwan.

**Now, therefore, be it Resolved** by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the authorities on Taiwan should continue and accelerate progress toward a fully democratic system, in particular by--

- (1) allowing the formation of genuine opposition political parties;
- (2) ending censorship and guaranteeing freedom of speech, expression, and assembly; and
- (3) moving toward full representative government, including the free and fair election of all members of all national legislative bodies, and direct Presidential elections.

The political structure in Taiwan has shut out participation by the majority of the population. Only 8 % of the members of the national legislative bodies represent Taiwan and are elected by the people. According to the States Department, “Effective political power resides with the aging KMT leadership which fled the mainland in 1949.” The vast majority of the leadership was elected on mainland China thirty years ago; their average age is 80 and when they vacate their seats, their offices remain vacant or are filled by appointment.

The resolution I am introducing calls on the government of Taiwan to take steps to bring a full democratic system to the people of Taiwan. It calls for the government to permit the formation of genuine opposition political parties, to end censorship, to guarantee freedom of speech, expression and assembly and

for the government to move towards full representative government, including the free and fair election of all members of the national legislative bodies and for direct Presidential elections.

The time has come for Taiwan to follow the same path as the Philippines. The time is now for a truly democratic Taiwan. I urge my colleagues to give careful consideration to this resolution and hope it is expeditiously and swiftly approved by the U.S. Congress.”

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### *House hearing highlights human rights violations*

On May 7, 1986 a “Taiwan Relations Act oversight Hearing” was held by the Subcommittee on Asian and Pacific Affairs of the U.S. House of Representatives. Such a hearing is held yearly to examine whether the provisions of the 1979 Taiwan Relations Act are being adhered to. The following persons presented testimony at the hearing:

Mr. David Dean, chairman of the American Institute in Taiwan (AIT), the unofficial U.S. “embassy”. Mr. Dean focused his remarks on economic matters.

Dr. Peng Ming-min, one of the most prominent and well-respected figures in the Taiwanese-American community, and the President of the Formosan Association for Public Affairs (FAPA), the major Taiwanese public policy research organization in the United States. Professor Peng presented an excellent statement on the lack of democracy and the widespread violations of human rights in Taiwan.

Mr. Curt Goering, Deputy Director of Amnesty International USA. The AI-statement presented a well-researched and up-to-date overview of the human rights situation in Taiwan.

Mr. Martin Lasater, of the Heritage Foundation, a conservative U.S. think-tank. Mr. Lasater is supportive of the Kuomintang regime. He focused his remarks on security issues.

Congressman Mark Siljander (R-MI), who took advantage of the fact that the Hearings were held to express his opposition against U.S. weapon sales to the PRC. The China Post’s May 10, 1986 report on the hearing was illustrative of the biased

reporting by the pro-government press in Taiwan: it only mentioned Mr. Lasater's and Mr. Siljander's testimony. Not a word was said about the testimony by Mr. Dean, Professor Peng or Amnesty.

Below we give the opening of the statement presented by Amnesty International U.S.A. In the next issue of Taiwan Communiqué we will present more extensive excerpts from the other presentations and the discussion.

### *Amnesty International*

"Amnesty International is particularly concerned about aspects of martial law which...have been used to deny people in Taiwan the right to express their political views in a non-violent fashion without fear of reprisal. The provisions of the ROC's Constitution protecting civil rights have been suspended since May 19, 1949 under the terms of the Statute for the Punishment of Sedition. This statute, the basis for martial law in Taiwan, which has continued unabated for 37 years, permits the government to punish expression of dissident political views as an offense against the security of the state. As a result of this law, a number of prisoners of conscience have served or are now serving long sentences in prison.

Amnesty International is concerned that some prisoners are denied adequate medical care, or received it after long delays. Many trials of political prisoners fell short of international standards for fair trials. Some prisoners were tried in camera; others were convicted on the basis of confessions they claimed were obtained from them under duress or torture. Furthermore, criminal offenders are still sentenced to death in Taiwan, a practice which Amnesty International opposes.

At present, Amnesty International is calling for the release of 18 prisoners of conscience, many of them arrested for non-violent expression of political opinions opposed to the ruling Nationalist Party. In addition, it is investigating the reasons for the detention of another 100. In the cases of each political prisoner adopted by Amnesty International as a "prisoner of conscience", exhaustive investigation has determined that the individual so designated neither advocated nor engaged in violence to express political views. Yet, despite their peaceful advocacy of political change, these people have been tried and imprisoned -- and in certain cases mistreated while in prison — in violation of the letter of Taiwan law and international norms."

# Gerontocratic Government

## *The Legislature is dying out*

On March 10, 1986 the Independence Evening Post, the only relatively objective and responsible newspaper in Taiwan (all others are closely controlled by the ruling Kuomintang and frequently engage in irresponsible journalism), published an updated overview of the size and age-composition of the Legislative Yuan. Based on this information — and on other material gleaned from mostly pro-KMT publications in Taiwan — Taiwan Communiqué arrives at the following overview of the three major legislative bodies — National Assembly, Legislative Yuan and Control Yuan:

	NATIONAL ASSEMBLY	LEGISLATIVE YUAN	CONTROL YUAN
Elected in 1947 in China	2961	760	180
“Life members”, remaining from 1947	918 **	235	38
Elected by the people in Taiwan	49 ('80)	52 ('83)	22 ('80)
Tangwai:	(2)	(7)	(2)
Appointed from overseas Chinese groups and selected from professional groups	27	45	10
<b>Total present membership</b>	994	332	70
Percentage elected by the people on Taiwan	4.9 %	15.7 %	31.4%

\*\* some 600 of these persons are “selected alternate delegates”, meaning that they themselves were not elected on the mainland, but were only candidates in those elections. They have now been appointed by the Kuomintang authorities to succeed members who have died since 1947.

Comparing the above overview with the one we published just over a year ago [see “Old legislators (almost) never die”, Taiwan Communiqué no. 18, pp. 5-6], we see that approximately 40 members of the National Assembly and 16 members of the Legislative Yuan have died.

If one would want to compute the overall representativity of these three bodies, one could divide the number of representatives elected by the people on Taiwan ( $49+52+22=123$ ) by the total number of representatives ( $994+332+70=1396$ ), which results in an “overall representativity score” of 8.8 %. Thus, presently only 8.8 % of the representatives in national-level legislative bodies are elected by the people on Taiwan.

### ***KMT Central Committee: Old wine in old bottles***

In an excellent article about the recent meeting of the Central Committee of the Kuomintang Party in Taiwan, TIME magazine aptly described the performance as “Old wine in old bottles” (April 14, 1986). The article contained one inaccuracy: it said that President Chiang Ching-kuo “spoke firmly and could walk unaided.” In fact Mr. Chiang’s 40-minute speech was read for him by KMT Party-Secretary Ma Soo-lay, and most other news reports (e.g. Far Eastern Economic Review April 10, 1986, p. 16) emphasized that Mr. Chiang “walked unsteadily.”

As indicated by the TIME article, not much new came out of the meeting. The most notable result was the appointment of four new members of the 31-member Central Standing Committee.- Education Minister Lee Huan, Interior Minister Wu Po-hsiung, Justice Minister Shih Chi-yang, and National Science Council Director Chen Li-an. According to the pro-government press the four men were “handpicked by President Chiang Ching-kuo” [an interesting indication of the level of democracy within the party itself -- Ed.], and brought the average age of the Central Standing Committee from 71 to 68 — still an age at which people in most other countries prefer a pleasant retirement.

Just for the record we present the names of the 12 top-ranking members of the Central Standing Committee (total membership 31) and their ages:

Rank	Name	Age	Position
1.	C. K. Yen	82	Former President.
2.	Hsieh Tung-min	80	Former Vice-President
3.	Lee Teng-hui	63	Vice-President
4.	Ku Cheng-kang	84	Honorary chairman of the World Anti Communist League
5.	Huang Shao-ku	86	President of the Judicial Yuan
6.	Yu Kuo-hwa	74	Premier
7.	Nieh Wen-ya	82	President of the Legislative Yuan
8.	Yuan Shou-chien	79	Member
9.	Kao Kuei-yuan	78	Member
10.	Shen Chang-huan	73	Secretary-General to President Chiang
11.	Li Kuo-tien	76	Minister without portfolio
12.	Wang Ti-wu	74	Board chairman, United Daily News

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## "Legal" Harassment of the Opposition.

As if martial law and the ban on the formation on new parties are not bad enough, the Taiwan authorities are also resorting to a number of "legal" means to harass and intimidate members of the tangwai opposition and their aides. The most widely-used form is to prosecute people for real or imaginary — and mostly minor — infractions on the large number of rules and regulations the authorities have set up to inhibit the functioning of the tangwai.

Below we present a number of recent cases, which show that the "law" in Taiwan is not a fair and just rule, uniformly applied, but an instrument in the hands of the ruling Kuomintang, used to enhance its own power. The people in question all served as campaign aides for opposition politicians. Opposition sources believe that these court cases are designed to scare others away from serving as campaign aides in the important upcoming partial elections for a limited number of seats in the Legislative Yuan and the National Assembly, to be held on December 6, 1986.

## *Opposition politician imprisoned on false charges*

As we reported in Taiwan Communiqué no. 24, (“The Hsin-chu Incident”, pp. 8-9) a number of people were arrested, tortured, and sentenced after a five-hour demonstration against election fraud in Hsin-chu on November 16, 1985. The person accused by the authorities of being the “mastermind”, was Mr. Chen Wen-hui, a local politician who served as a campaign aid to candidate Shih Hsing-chung. Mr. Chen presented a sound alibi (he wasn’t even present when the fracas took place), but on February 7, 1986 he was nevertheless sentenced to two years imprisonment.

The decision by the High Court of Taiwan on April 7, 1986 to uphold Mr. Chen’s sentence provoked an outcry of political persecution on the island. Opposition leaders say that the charges against Mr. Chen were not substantiated by evidence, and that the arrest and imprisonment are politically motivated.

Before Mr. Chen was arrested, he had registered as a candidate in the election for county council of his hometown, Miao-li in central Taiwan. Although he was not able to appear in public during the 10-day campaign, he won the election with a landslide on February 1, 1986, out-polling all his KMT opponents.

After his election victory, opposition leaders launched a campaign to secure his release on bail so that he could attend the inauguration on March 1, 1986, and be formally sworn in. Thirty-five opposition leaders submitted a petition asking the court to respect the mandate of the people. Mr. Chen’s supporters also circulated petitions in Mr. Chen’s constituency and collected more than 2,000 signatures. But the court refused to release him on bail. Mr. Chen’s seat thus remains empty.

Mr. Chen’s imprisonment raises serious questions about the independence of Taiwan’s judicial system. If the Courts were serious about dispensing justice fairly, opposition leaders say, it should investigate the election fraud that led to the 5-hour demonstration on election night.

## *“Legal” court cases against campaign aides*

The prosecutor’s office of Hsin-chu District Court has brought charges against Mr. Yen Chin-fu, a newly elected opposition member of the Taipei City Council, accusing him of violating Election and Recall law. In January, Mr. Yen campaigned for Chen Wen-hui, who was a candidate in the election for Miao-li County Council (see story

above). While Mr. Yen was speaking at Mr. Chen's campaign rally, which was organized by Mr. Chen's supporters, the Miao-li Election Commission served him a written order prohibiting the speech. Mr. Yen defied the election commission and proceeded speaking, saying that "freedom of speech" is guaranteed under the Constitution. The court case against him shows that it isn't.

The Kaohsiung prosecutor's office has brought charges against Huang Chao-hui, a campaign aide for opposition candidate Mrs. Lin Li-chen in the November 1985 election for Kaohsiung City Council. During a campaign rally, Mr. Huang caught an aide of Mrs. Lin's opponent distributing leaflets critical of Mrs. Lin. Since distribution of leaflets against another candidate was formally a violation of the election law, Mr. Huang pulled the aide onto the podium to turn him over to the members of the election supervisory committee present there. After the election, the man filed charges against Mr. Huang, accusing him of libel and assault. After mediation by opposition leaders, the man dropped the charges...but to everyone's astonishment the prosecutor's office insisted on proceeding with the case and pressed charges against Mr. Huang accusing him of "obstruction of freedom."

Mr. Huang has been active in the opposition movement. He has campaigned for many tangwai candidates, and is planning to run himself for National Assembly in the December 1986 election. Mr. Huang said the charges are part of a scheme to prevent people like him from running for elective office in December.

## Prison Report

### *Two political prisoners on hunger strike again*

At the end of March 1986 reports from Taiwan indicated that two prominent political prisoners, Mr. SHIH Ming-teh and Mr. PAI Ya-ts'an had gone on hunger strike again.

In 1985 Mr. Shih had conducted a lengthy hunger strike, which ended on September 1st after complex negotiations. Mr. Shih indicated as reason for his new hunger strike that the authorities had not met a major condition on which he agreed to terminate his earlier hunger strike: the release of the other remaining "Kaohsiung" prisoners by February 28, 1986.

The Taiwan authorities have imposed a blackout on Shih Ming-teh's hunger strike. Since March 28, he has been denied visits by his family. Even his sister, who returned

from the United States and attempted to see him on May 7, was not allowed to visit him. The authorities said that Mr. Shih had “violated prison regulations.”

Mr. Pai Ya-ts’an reportedly went on hunger strike in order to convince the authorities to allow the tangwai to establish a branch of the Formosan Association for Public Affairs (FAPA) in Taiwan. This organization of U.S.-based Taiwanese was set up in 1982 in Washington D.C. and has worked hard for human rights and democracy in Taiwan.

In an interpellation on February 27, 1986, opposition legislators Mr. Chiang Peng-chien and Mrs. Fang Su-min asked the authorities to release Mr. Pai, who has been imprisoned in the Green Island prison since 1975 on charges of “sedition.” They pointed out that Mr. Pai, a candidate in the election for the Legislative Yuan in 1975, was arrested and sentenced to life for printing and distributing a campaign leaflet entitled “prerequisites to the solution of the Taiwan question”, which contained 29 questions directed to then-Prime Minister Chiang Ching-kuo. They said that Mr. Pai was simply exercising the most basic of his human rights, freedom of speech. International human rights organizations, they said, consider Mr. Pai as a “prisoner of conscience”. They asked the authorities to review Mr. Pai’s case and released him because Mr. Pai is formally eligible for parole, as he has served more than 10 years in prison.

### *Ch’en Ming-chung and Yang Chin-hai gravely ill*

In October 1985, we reported on the deteriorating health of Mr. Ch’en Ming-chung, a political prisoner, who has been kept imprisoned on Green Island since 1976 (see our Communiqué no. 22, p. 15). CARE magazine recently reported that Mr. Ch’en remains gravely ill. He continues to suffer from hemorrhoids, and the numbness and pain in his hands and feet have worsened. On January 15, 1986, he was taken to the Three Services Military Hospital in Taipei for treatment of his hemorrhoids. There the doctor also found that the numbness and pain in his hands and feet were caused by an abnormal bone growth on his spinal column, which presses against the nerve system. Surgery is required to correct the problem. Mr. Chen’s family was informed that such surgery is a high-risk operation, and that failure could cause the body to paralyze from the waist down.

On April 4, 1986, Mr. Chlen was abruptly transferred from Green Island to Military Hospital no. 805 in Hualien, while his family was deliberating about his surgery. On April 18, his hemorrhoids began to bleed again. Mr. Chen’s wife appealed again to the authorities to release her husband for medical treatment, while there is still a chance

for him to get well. She said that further delay would not only prolong her husband's suffering, but could also endanger his life.

## *Yang Chin-hai*

On 18 April 1986, Mr. Tang Chin-hai, a political prisoner serving a life sentence on Green Island, was taken to Military Hospital no. 805 in Hualien, on the East coast of Taiwan. There he was diagnosed to suffer from a severe case of duodenum ulcer, inflammation of the stomach, hepatitis, a lung infection, and hemorrhoids. Since the beginning of the year he had suffered from stomach bleedings, frequently coughing up blood, but requests by his family for medical treatment went unanswered until his condition worsened on March 23, 1986.

He was then transferred from Green Hospital no. 832 in Taitung for emergency treatment. Mrs. Yang visited him there, and found her husband severely weakened. She also learned that X-ray pictures showed black spots on her husband's right lung. She again applied for medical bail, but received no answer. After he was transferred to Hualien, she visited him twice, but was allowed to see him only for 20 minutes each time.



**Mr. Yang Chin-hai**

Since the hospital in Hualien has few facilities for adequate treatment, at the end of April thirty-four tangwai elected officials jointly submitted an appeal to the authorities to grant Mr. Yang medical bail on humanitarian grounds, or to transfer him to the Three Services Military Hospital in Taipei for treatment. The officials include Control Yuan member Dr. You Ch'ing, Legislative Yuan member Chiang Peng-chien, National Assembly member Chou Ching-yu, and Taipei City Council member Hsieh Chang-t'ing.

## *Another political arrest*

In the early morning of April 11, 1986, Mr. Fang Chao-chuan, age 48, a medical technician, was arrested at his home in Pintung, by more than 10 uniformed and plainclothes policemen. The police searched the house and took away photographs, campaign leaflets and one of his children's toy guns. The police claimed to have received information from an informant that Mr. Fang was involved in "seditious activity." Mr. Fang is being held at Ching-mei Detention Center and has been denied visits by his family.

Mr. Fang has been an active supporter of tangwai movement in Pintung. In the November 1985 local election, he campaigned for Mr. SU Tseng-chang, who was elected to the Provincial Assembly. In January 1986, he campaigned for the tangwai candidate for the position of mayor of Pintung.

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## **Freedom of the Press ?**

### *Press censorship campaign continuing unabated*

In the previous issue of Taiwan Communiqué (no. 24, March 1986) we presented censorship data for 1984 and 1985, based on a confidential official government document from Taiwan, and on direct information from the staff of the magazines. We arrived at a total "score" of 214 censorship actions for 1984 and totally 279 actions for 1985. This "score" is defined as the total sum of the number of issues banned and/or confiscated during the year (most magazines have a circulation of between 12,000 and 15,000 per issue) plus the number of suspensions of publishing licenses.

We also mentioned that only approximately three magazines — CARE, The Eighties, and Hsien Fung Shih Tai — had survived the heavy censorship campaign of 1985. At the beginning of 1986 two magazines Sheng Ken and Ti Yi Hsien — started up again on a weekly basis. In April 1986, two other magazines which had also folded in mid-1985 under the pressure of the censor's boot — Progress and The Movement — started publishing again, but only on a monthly basis.

In spite of this courageous attempt by the several magazines to start moving again, the censorship by the Taiwan Garrison Command continues unabated. During the first

four months of 1986 Taiwan Communiqué counted some 80 confiscations and bannings, and two suspensions of a publishing license. We must emphasize that these are very preliminary data. We will present updates as more information comes in. We do know however, that the TGC confiscated all issues of both The Eighties and Sheng Ken. In the following two articles we present two blatant cases of confiscations.

### *Confiscation in Kaohsiung: “just carrying out orders”*

New Taiwan magazine, a new political journal published in Kaohsiung City, saw its first issue confiscated by agents of the Taiwan Garrison Command in the early morning of May 1, 1986 — a few hours before it was scheduled to appear on (or under the counter of) the newsstands. The cover story of the first issue focused on a number of basic problems facing Taiwan.

The publisher and chief editor, Mr. Wu Hsing-hui, said that the agents of the Garrison Command had kept a close watch on the printing shop the night before, and moved in at 6:30 a.m., just when the press-run had been completed. They seized more than 3100 copies of the magazine.

Mr. Chen Kuang-fu, the director of the magazine, who also serves as an opposition member of the Kaohsiung City Council, arrived at the scene after being contacted by the staff. He lodged a strong protest with the agents of the Garrison Command. He questioned the validity of the banning order, since it did not specify which article was considered offensive by authorities. The agents said that they were not the censors, but that they “were just carrying out orders.” They did a thorough job and seized every single copy of the issue.

### *Midnight raids and confiscations in Taipei*

In the middle of March, secret police in Taipei cracked down even further on the already embattled opposition press on the island. On 12 March 1986, police and agents of the notorious Taiwan Garrison Command repeatedly raided the office of Sheng Ken magazine, published by Mrs. Hsu Jung-shu, a prominent opposition-member of the Legislative Yuan, and wife of imprisoned opposition leader Chang Chun-hung.

On the morning of March 12th, the agents arrived at the Sheng Ken office, and demanded to search the office. However, they could not produce a search warrant, so the staff refused to let them enter the premises. The agents returned at around 8:30 in

the evening, this time with a warrant. They searched the office and confiscated more than 10,000 copies of the magazine and an assortment of other magazines, books and reference materials.

After the staff had gone home, the secret police returned at around 11:30 p.m., broke into the office, and confiscated more magazines. When Mrs. Hsu went to the police station the next morning to report the “burglary”, the police showed her a list of things taken from the office. They said they had conducted a midnight search and had confiscated an additional 20,000 copies of the magazine.

In the evening of 14 March, secret police agents conducted another raid, this time on a storage center of The Eighties magazine, published by former opposition-legislator K’ang Ning-hsiang. They confiscated virtually the full supply of back-issues of the magazine, in total more than 150,000 copies. Several prominent opposition- legislators went to the scene of the raid, but the secret police agents said they had orders from the “highest authorities”, and continued their confiscation.

During the night of 17 March, the police raided the Sheng Ken office again. This time the agents confiscated an additional 7,000 copies of magazines and books.

The crackdown is the continuation of an intensive censorship campaign, which began in early 1984 and stepped up in May 1985 when some 1,000 uniformed and plain-clothes policemen started to perform systematic raids on printing shops, distribution points and news-stands to seize opposition magazines. In September 1985, this led to the collapse of more than half of the dozen tangwai magazines in existence at that time. According to Taiwan Communiqué statistics, in 1985 the authorities banned or confiscated some 266 issues of opposition magazines, while at least 13 suspension orders were issued.

Observers in Taiwan believe that the crackdown is prompted by several factors, which are causing growing uneasiness among the conservative elements in the Kuomintang government, military, and secret police. The most important factor is the collapse of the Marcos government and the rise of a democratic government headed by Mrs. Corazon Aquino. Several of the tangwai leaders have good contacts with the new leadership in the Philippines, and Mrs. Hsu herself visited Manila in the beginning of March.

A second factor is the pressure in Taiwan itself for an end on the ban on the establishment of new political parties. The Kuomintang authorities have used the 37-years’ old martial law to prohibit the formation of an opposition party. However, the

“outside-the-party” tangwai, and in particular their informal umbrella-group, the Public Policy Research Association, have lately stepped up demands that they be allowed to set up a formal opposition party.

Thirdly, at the end of March, the Kuomintang held the Third Plenary Session of its Central Committee. Recent international setbacks, such as the admission of the PRC in the Asian Development Bank, have damaged the image of the party and the government. KMT hard-liners and the aging diehards in the military and secret police thus wanted to stifle dissent in order to have a quiet home front, so they can at least keep up the appearance of stability.

### *Heated debate in the Legislative Yuan*

On Friday, 14 March 1986, Mrs. Hsu Jung-shu brought up the matter of the confiscations and police raids during an interpellation with Defense Minister Soong Chang-chih in the Legislative Yuan. To her amazement, Mr. Soong himself produced several of the confiscated items, and accused the opposition magazines of “slandering the government” and “insulting the national leader.” Mr. Soong said that to prevent the opposition magazines from “eroding solidarity, demoralizing the public, and rocking public security” the secret police had decided to ban these “biased publications.”

Mrs. Hsu soon found herself under vicious attack by KMT-members of the Legislative Yuan. In a joint interpellation, ten KMT legislators accused her of “sedition”, and said that her publication of four banned books could “endanger national security.”

### *Neo-Formosa libel suit decision in High Court*

On May 23, 1986 the High Court in Taiwan held its fourth and final hearing in the **Neo-Formosa** libel suit. At the session it became clear that the Court had secretly heard three witnesses for the prosecution -- without the knowledge or the presence of the defendants -but that it was not willing to hear testimony for the defense, or consider the most significant piece of evidence put forward by the defense: a detailed report by the North American Taiwanese Professors Association (NATPA). The Court overruled strong protests by the defendants and announced that it would pronounce its final verdict on May 30, 1986.

These unfair and unjust procedures add to the already strong evidence that the case is an attempt by the Kuomintang authorities to suppress two outspoken exponents of the

tangwai (“outside-the-party”) opposition, **Neo-Formosa** publisher and former legislator, Mr. Huang T’ien-fu, and Mr. Chen Shui-pien, an opposition-member of the Taipei City Council, who also served as the magazine’s, director. **Neo-Formosa** is one of the handful of magazines which have borne the brunt of the Taiwan government’s press censorship during the past years: a record 51 out of the 52 issues published by the magazine from mid-1984 through mid-1985 were banned or confiscated by the secret police.

The libel suit against the magazine was filed in October 1984 by the strongly pro-KMT dean of the College of Philosophy of Tunghai University, Mr. Fung Hu-hsiang. In an article about the University in its June 19, 1984 issue, **Neo-Formosa** had reported that in his book “A Critique of New Marxism”, Mr. Fung had plagiarized foreign publications, and had presented this as his own scholarly work. In January 1985, Mr. Huang and two executives of the magazine, editor Li Yi-yang, and director Chen Shui-pien, were sentenced in Taipei District Court to one year imprisonment and payment of NT\$ 2 million (approximately U.S.\$ 50,000) compensation.

In 1985 it became evident that the libel suit was not an individual action by Mr. Fung, but that it was part of a government plan to silence the opposition press: it was filed ten days after the now well-known October 17, 1984 “thought-police” meeting of high-level civilian, military and secret police officials. At this session, the officials planned a more “active” approach against opposition press, and specified libel suits as a convenient tactic. At the end of January 1985, Mr. Huang disclosed the existence of minutes of this meeting, and published them in his **Neo-Formosa** magazine. They received wide publicity in Taiwan and overseas: the London-based **Index on Censorship** published a full translation of the text in a cover-article in its June 1985 issue.

On June 25, 1985, the North American Taiwanese Professors Association (NATPA) published a report, drafted by a committee of seven well-known Taiwanese scholars in the United States and Canada. The report supported **Neo-Formosa**, and provided substantive evidence that Mr. Fung did in fact commit extensive plagiarism in his book. NATPA officials submitted the 77-page document to the High Court in Taiwan, but now it has become clear that the Court does not want to consider this information. Neither does the Court want to hear several prominent scholars of National Taiwan University in Taipei, who have indicated they agree with the NATPA analysis.

The timing of the High Court’s move must also be considered highly questionable: the case has been dormant since October 1985, when the Court held a previous hearing. Mr. Huang T’ien-fu believes that the case was revived at this time because he and Mr. Chen Shui-pien were active in setting up a Taipei-branch of the **Public Policy**

**Research Association** (PPRA) -- an embryo opposition party. The subpoena ordering Mr. Huang and Mr. Chen to appear before the High Court was dated 10 May 1986, precisely the day of the formal establishment of the PPRA's Taipei-branch, and the election of Mr. Chen as its chairman.

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## Notes

### *Death sentences in Taiwan rising sharply*

The Independence Evening Post reported on March 30, 1986 that the President of the Judicial Yuan — in a statement delivered to the Third Plenary Session of the Kuomintang Central Committee — said that during 1984 and 1985 the Supreme Court upheld nine death sentences, and 215 sentences of life imprisonment.

The High Court and its branches reviewed a total of 2827 cases in which 3671 persons were sentenced [apparently one “case” can cover more than one person — Ed.]: 311 death sentences were upheld; 557 sentences of life imprisonment; 2786 prison sentences (presumably less than life); in 316 cases the High Court handed down a longer sentence than the one originally received in the District Courts.

According to Taiwan Communiqué statistics, the number of death sentences in Taiwan is presently rising sharply: In the first four months of 1986 we counted 12 death sentences handed down in District Courts, which is almost as high as the total number of death sentences pronounced by District Courts in all of 1985.

### *Mail Censorship and wiretapping on the rise*

It had been known for a long time that mail to and from leading opposition persons and the tan gwai magazines was the subject to close scrutiny by secret agents working within Taiwan's postal service. Letters are opened, and if they contain “political information” they are confiscated. Publishers of opposition magazines are frustrated by the frequent seizure of their magazines in the post office. The telephones of virtually all prominent opposition leaders are tapped: at times they even receive phone calls from the secret police, demanding an explanation for what they said in a previous telephone conversation with someone else.

Now mail censorship and wiretapping are even increasing further: on March 20, 1996, opposition legislator Chiang Peng-chien — in an interpellation in the Legislative Yuan — stated that mail censorship and telephone wiretapping by intelligence agencies had become so rampant, that he felt he had to call on the authorities to remedy the situation. He pointed out that such measures violate the confidentiality of correspondence guaranteed by the Constitution.

Mr. Chiang's interpellation was prompted by reports that the authorities had issued instructions to step up mail censorship. The instructions were spelled out explicitly in an official directive to the postal services. Since the directive was issued, the number of people blacklisted for mail censorship and telephone tapping quadrupled from 50 to 200.

A further — rather amusing — piece of evidence of mail censorship recently surfaced in Taiwan:

In March 1986, the San-chung office of a tangwai member of the Control Yuan, Dr. You Ch'ing, conducted an opinion survey to gauge public opinion on the pricing policy of gasoline, electricity and public transport, and on the government's policy towards the oil industry.

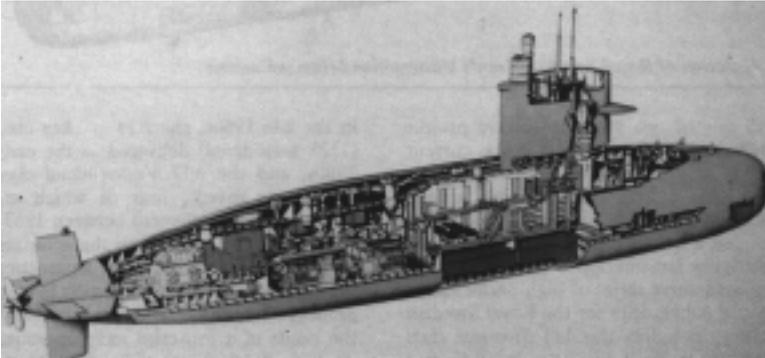
After thousands of questionnaires were distributed, the survey workers were surprised at the lack of response from the public. Only 19 questionnaires were returned, 12 delivered personally by respondents, 7 delivered by the postman. Examination of the results brought a strange pattern to light: of the 12 questionnaires delivered by respondents themselves, 11 were in favor of a change in the government's policy towards the oil industry, and only one was in support of current government policy. Of the seven returned by the postman, only one was in favor of policy changes, and six were in favor of current government policy.

Puzzled by the statistical bias in the answers of the two groups, the director of the office decided to conduct an experiment. He filled out ten questionnaires with three in favor of government policy, seven against, and dropped them off at the post office. A secret code was put on the 10 questionnaires to make them recognizable when they were returned. Two days later, only the three that were in favor of government policy were returned by the postman, the other seven simply disappeared.

## Submarines and other trouble

### *Shipyard "in Dutch" with The Hague Government*

During April 1986, Wilton-Feyenoord, the Dutch shipyard which is constructing two submarines for Taiwan, came into serious conflict with the Dutch government. The problems stemmed from a government plan to streamline navy shipbuilding in the country. The plan, drafted by an external advisor to the Ministries of Economic Affairs and Defense, dr. J.M. Goudswaard, called for a merger of the three existing shipyards — Wilton-Feyenoord, Rotterdam-based RDM ("Rotterdamse Droogdok Maatschappij"), and Vlissingen-based KMS ("Koninklijke Maatschappij De Schelde") — into one consortium called NUNY ("Netherlands United Naval Yards").



**Cutaway drawing of the "Seadragon" submarine**

As proposed by Dr. Goudswaard, RDM and KMS would have a preferential position within this consortium (they would receive all orders from the Dutch Navy and have priority in obtaining foreign orders), while Wilton-Feyenoord would be relegated to a secondary position (and mainly handle repairs).

The debate heated up in the middle of April when Wilton-Feyenoord president, ir. B.J.A. Sluis, accused the Dutch government of actively working against the interests of the shipyard. Apparently several Dutch embassies abroad had not assisted potential customers of Wilton-Feyenoord in getting the appropriate documents quickly enough.

On 29 April 1986, the matter was discussed in a session of the Dutch parliament's Committee for Economic Affairs. The Committee disapproved the government's

policy of withholding assistance from the shipyard at Dutch embassies, and also told Economic Affairs Minister Gijs Van Aardenne to come up with a better plan for dividing up the work between RDM, KMS, and Wilton-Feyenoord. Mr. Van Aardenne's response: "We're back to square one."

## ***Bribes for Taiwan government officials***

In a matter not directly related to Wilton-Feyenoord's present problems — but connected with an earlier nightmarish period of troubles — Mr. J. van Rijn, the stubborn former President of RSV (formerly the parent-company of Wilton-Feyenoord), refused before a Dutch court to name Taiwan officials who received bribes (euphemistically called "commissions") in the course of the negotiations for the submarine contract. The prosecutor stated he would appeal the case. The person most closely involved on Taiwan's side was vice-admiral Lo Chi [see Communiqué no. 16, pp. 28-30 - Ed.]. Press reports in the Netherlands did not indicate whether he was the one who received the Dutch "commission" or not.

## ***The submarines: what do they cost, and when are they ready?***

During the past few months, an interesting discrepancy surfaced between the project costs as given in the Dutch press, and those presented by the government in Taiwan: in the Netherlands the total project costs for the two submarines is given as 907 million Dutch guilders, which is approximately equivalent to U.S.\$ 300 million. However, during an interpellation in the Legislative Yuan in Taipei on 21 March 1986, the Director-General of Budget, Accounting and Statistics, Mr. Chung Shih-yi, said that the total cost of the two submarines was U.S.\$ 725 million. Part — but not all — of the difference between the two figures could be accounted for by training [the Dutch newspaper De Volkskrant reported on April 22, 1986 that some 150 persons from Taiwan are presently receiving training at the shipyard — Ed.] and construction of facilities for maintenance and repair in Taiwan. The interesting question remains: where did the difference go ?

As far as the date of completion is concerned, the estimates also differ considerably: according to the original schedule the first submarine was to be completed in the fourth quarter of 1986, and the second one in the first quarter of 1987. Now sources both in Taiwan and the Netherlands refer to delivery "in 1987.11 Reliable sources at Wilton-Feyenoord speak of a delay being unavoidable, partly due to the troubles with the government in The Hague, as described above. It is also not sure yet whether the Dutch

Navy will assist the shipyard with the sea-trials (only qualified Navy personnel can perform these trials). The Dutch daily Het Financieele Dagblad reported on May 7, 1986 that the shipyard had not received a response yet to its request for assistance.

In any case, before they formally grant an export permit, the Dutch government and parliament will have to consider the question raised in Taiwan Communiqué no. 24: under what conditions will the delivery of the submarines contribute to an increase of tension in the area, and in particular: how do the perpetual state of martial law on the island and the claim by the Taipei authorities that they will “recover” mainland China affect the situation ?

According to a Dutch basic policy statement on the export of weapons [the “Ontwapeningsnotall of 19751 the sale of weapons is prohibited if this contributes to tension in the area. It may be of interest to the Dutch government and parliament that the Taipei- based pro-KMT China Post recently stated in an editorial that the tension in the Taiwan Straits “remains high” [30 April 1986].

## ***Freedom House gives low rating to Taiwan***

Each year, **Freedom House**, a politically conservative New York-based organization, publishes a “Comparative Survey of Freedom”, in which it briefly describes the state of political rights and civil liberties in the world. It also rates each country on a scale of I (very free) to 7 (least free). In the Report for 1985, Freedom House compared the level of freedom in Taiwan to that in Eastern European countries such as Hungary, and gave it a low score of “5” for both “political rights” and “civil liberties.” Below is an excerpt from the section on political rights:

“Taiwan is ruled by a single party organized according to a communist model (although anti-communist ideologically). There is a parliament which includes some representatives from Taiwan; a few members oppose the regime but no effective opposition party is tolerated. The campaigns of non-government candidates are highly limited, particularly because the media are nearly uniformly pro-government. Most parliamentarians are still persons elected in 1947 as representatives of districts in China where elections could not be held subsequently because of communist control. The indirect presidential election is pro-forma.(...)”