



TAIWAN COMMUNIQUÉ

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Changing Taiwan's anachronistic political system

End of martial law in sight ?

At the end of July 1986 it was reported in the international press that the Taiwan authorities were considering establishing a timetable for the lifting of martial law. If this is indeed the case, there would be reason for cautious optimism. Cautious, because a timetable could stretch far into the future, and what Taiwan needs is an end to martial law as soon as possible. Caution would also be warranted because the Kuomintang might replace the present martial law by an equally repressive new system of national security legislation, making "an end to martial law" simply a cosmetic exercise, designed to pacify the democratic opposition in Taiwan and critics overseas, who have for years urged an end to the longest martial law in modern history.

A number of events taking place during the past few months seem to indicate that a change of Taiwan's anachronistic political system might indeed be finally forthcoming. The first element is the discussions which were held between Kuomintang officials and *tangwai* leaders. Although these discussions have now (beginning of August) been suspended, they carried the seeds for the first far-reaching dialogue between government and opposition.

The second element is the debate taking place in Taiwan regarding the composition of the National Assembly and Legislative Yuan, where most of the members are still representing mainland China provinces. The average age of the mainland leftovers is now past 80. Within the next few years a transition will have to be accomplished to a legislature which is for 100 % composed of representatives of the present population of Taiwan.

Hopefully the new developments in Taiwan will result in a "three yes" policy: yes to human rights, yes to full democracy, and yes to a rightful place for Taiwan among the international family of nations.

Taiwan Communiqué

The third element is the debate which took place during and after the “Jumbo diplomacy” episode of May 1986. Some observers suggested that this represented a crack in the Kuomintang’s “three no’s” policy (no contacts, no negotiations, no compromise) and heralded a first step on the road towards “peaceful reunification” under Mr. Teng Hsiao-ping’s “one country, two systems” arrangement.

Taiwan Communiqué comment: while the KMT’s “three no’s” policy is indeed cracking, this in no way implies a move towards unification. Certainly the native Taiwanese majority on the island is not in the least bit interested in being united with the mainland — united in the same way a mouse is united with a cat.

However, hopefully the new developments in Taiwan will result in a “three yes” policy: yes to human rights, yes to full democracy, and yes to a rightful place for Taiwan among the international family of nations. Then, at some time in the future, a **peaceful coexistence** between China and Taiwan might become possible.

On-off negotiations with the tangwai

As we already reported in *Communiqué* no. 25 (p. 3), on 10 May 1986 the first in a series of meetings took place between representatives of the Kuomintang and the *tangwai*. The gathering was mediated by four scholars and reportedly ended in a three-point agreement, whereby the authorities allowed the Public Policy Research Association (PPRA) to set up branch offices, and both sides agreed on the need for “respect for the Constitution”, and “political harmony.”

When the second session was held on 24 May 1986, both sides had something to complain about: the Kuomintang representatives expressed their displeasure about the May 19th demonstration at Lung-shan temple, commemorating 37 years of martial law. In their view, this was counter to the principle of “political harmony.” **Taiwan Communiqué comment: the KMT representatives apparently forgot that martial law itself, and the imprisonment of opposition leaders, might run counter to political harmony.**

The *tangwai* were upset about the fact that the authorities wanted them to drop the name “tangwai”, and required the PPRA to register. The *tangwai* were also angered by the re-opening of the **Neo-Formosa** libel case (see article on page 17), and by the continuing censorship campaign, in particular by the suspension of the publishing license of **The Eighties**. They were heartened, however, by the establishment — on 20 May 1986 in Washington, D.C. — of the Committee for Democracy on Taiwan (see following article).

The third meeting was originally planned for June 7th, but the sentencing of the three **Neo-Formosa** executives (on May 30th) and the arrest of **Min Chu Shih Tai** publisher Chen Nan-jung (on June 2nd) made the *tangwai* decide to postpone the meeting. A gathering was finally held on June 24th, ostensibly to congratulate KMT negotiator Hsiao Tien-tzang on his appointment to Minister Without Portfolio and to welcome home *tangwai* legislator Mrs. Hsu Jung-shu, who was returning from a trip to the United States. The meeting did not result in any concrete agreement, and the talks were suspended indefinitely.

Party ban reiterated

In the meantime, on June 16th, the Taiwan authorities reiterated that they would not allow the formation of new political parties, because these might pose “a direct, obvious and immediate danger” to the country. The Executive Yuan, Taiwan’s Cabinet, said in a reply to legislator Fei Hsi-ping, a mainlander who has played a prominent role within the *tangwai* movement, that the existence of many parties may result in “serious political bickering.”

Taiwan’s opposition has criticized the current one-party rule by the Kuomintang, and has pressed for the formation of an opposition party. Besides the KMT, there are two tiny parties, which also came over from the mainland, the Young China Party and the Socialist Democratic Party. However, these two parties offer no opposition whatsoever, and are generally considered to be only of ornamental value: the authorities pull them out of their magician’s hat every once in a while to “show” that there are other parties besides the Kuomintang. During the November 1985 local elections, there was only one candidate (out of an overall total of 357 candidates) from these two parties.

The June 16 Cabinet statement said that the present time is not “appropriate” for the formation of new political parties, adding that Taiwan still faces a threat from mainland China. Mr. Kang Ning-hsiang, an opposition leader, said the cabinet’s statement reflected the Kuomintang’s fear of open political competition. Mr. Kang said: “After 37 years of rule in Taiwan, the KMT should have had more confidence in winning public support than we in the opposition.”

The Hong Kong parallel

The Kuomintang’s fear for a truly democratic political system was mirrored in an interesting way by the Chinese authorities on the mainland: in the second half of June,

press reports from Hong Kong indicated that the Communist Chinese authorities in Peking were taking steps to smother the formation of political parties in Hong Kong (“*China using Communist Party to limit Hong Kong changes*”, **International Herald Tribune**, 26 June 1986).

Taiwan Communiqué comment: the Kuomintang authorities would well to realize that allowing new political parties in Taiwan would set an inspirational example for the people of Hong Kong, and would be a difficult act for the Peking authorities to follow.

Phasing out a gerontocracy

Old legislators still claiming to represent their constituents back on the mainland constitute the majorities of the three legislative bodies in Taiwan: in the National Assembly the ratio is 918 out of 994, in the Legislative Yuan 217 out of 332, and the Control Yuan 38 out of 70 [data as of the beginning of 1986 — for a full overview, see **Taiwan Communiqué** no. 25, p. 91. The Kuomintang authorities consider them to be “Fa-tung”, the symbol of legitimacy, because they are the backbone of the KMT’s claim to be the government of all of China. Debates and discussions have been going on in recent months as to whether elections should be held in Taiwan to elect mainland representatives.

The proponents of maintaining seats for mainland representatives are generally those who cling to the outdated claim that the government in Taipei is still the rightful government of all of China. The elimination of these seats would — in their view - make the KMT government look like a “local” government.

Some more rational legislators, such as Hung Chao-nan and Hsieh Hsueh-hsien argue that giving guaranteed seats to the mainlanders will deepen the divisions between Taiwanese and mainlanders. Such a construction, they argue, violates the principle of democracy, because the mainland representatives elected in Taiwan do not represent the people of China.

A number of scholars, including Professor Li Hung-shi, an expert on the Constitution and a prominent legal scholar from National Taiwan University, are in favor of a gradual increase of number of seats contested in Taiwan. Right now 51 seats are contested in supplementary elections held once every three years. Professor Lin proposes that the number of seats be increased by 20 in the first round, then another 20 in the second round. The total number of seats contested would thus be increased to 91. These seats would be open to fair competition. In addition there are presently a

number of legislators appointed from overseas Chinese groups (27) or selected from aboriginal (2) and professional groups (16). *If* these would be added, the total number of seats in the Legislative Yuan would be 138. The old legislators' seats would eventually disappear as they die off.

The United States Congress: for democracy in Taiwan

Resolutions proceeding through Congress

In *Taiwan Communiqué* no. 25 (May 1986) we reported on the two identical Resolutions in the U.S. Senate and the House of Representatives, which urge the authorities on Taiwan to allow the formation of genuine opposition parties, end censorship and guarantee freedom of speech, expression and assembly, and move toward full representative government, including the free and fair election of all members of all national legislative bodies, and direct Presidential elections.

On 25 June 1986, a joint session of the House of Representatives Asia- Pacific and Human Rights and International Organizations subcommittees approved this Resolution and sent it to the full Foreign Affairs Committee. At the same time, the two subcommittees approved a resolution introduced by Congressman Gus Yatron (D-PA) on 7 May 1986, expressing concern about human rights in the PRC. The operative section of this resolution (H.Con.Res. 34) read as follows

“...it is the sense of the Congress that the relations between the U.S. and the PRC would be significantly enhanced if the government of the PRC continued and accelerated the progress it has made toward a more open economic and political system,” and emphasized the need for greater protection for the fundamental rights and liberties such as freedom of press, speech, religion, assembly, association, travel, due process, respect for the integrity of the family, and other basic rights as stated in the Universal Declaration of Human Rights.”

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.

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:



Senator Edward M. Kennedy

“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.”

Below we present excerpts from the statements made by the three senators and two congressmen, as well as from the statements by Mrs. Hsu Jung-shu and Mrs. Chou Ching-yu.

Senator Kennedy:

“Today marks the 37th consecutive year that the people of Taiwan have lived under martial law. Throughout this period, the government of Taiwan has used martial law

to deny civil liberties, suppress independent organizations and restrain the peaceful expression of dissent. It is time for martial law to be lifted and for true democracy to be brought to the people of Taiwan.

Our support for democracy and human rights draws no distinction between dictatorship of the left or the right. Our condemnation of totalitarian regimes is worldwide. We condemn the denial of freedom in the People's Republic of China, Nicaragua, and the Soviet Union, just as we condemn the repressive regimes in Chile, South Africa, and South Korea. And this 37th anniversary is a stark reminder that the people of Taiwan continue to be denied their fundamental freedom.

(...) the political structure in Taiwan's continues to deny democracy and to shut out participation by the majority of the population. New political parties are outlawed. Only 8 percent of the members of the national legislative bodies are elected by the people. According to the State Department's Country Reports on Human Rights Practices for 1985, "effective political power resides with the aging KMT leadership which fled the mainland in 1949." The vast majority of the leadership is a carry-over from mainland China nearly forty years ago; their average age is 80 and when vacancies occur, their positions remain empty or are filled by appointment.

Stability and peace have prevailed on Taiwan for decades, yet the government continues to argue that national security requires the continuation of martial law. But the truth is that today there is no justification for martial law. The United States remains committed to the security of Taiwan, and lifting martial law would in no way jeopardize that security. The citizens of Taiwan have repeatedly demonstrated the will and the capacity for self-government, and it is time for the authorities to permit it."

Senator Claiborne Pell:

"Thirty-seven years ago today, the government on Taiwan instituted martial law. Chiang Kai-shek, his army defeated, had moved the Nationalist Chinese government to Taiwan in the hope of one day returning to the mainland. But with only a precarious hold on the island, and fearing communist subversion and unrest among the local Taiwanese, he promptly resorted to emergency procedures to maintain Nationalist control.



Senator Claiborne Pell

Now, more than three and a half decades later, Taiwan has changed dramatically. In the 1950's rural land reform established a basis for the island's economic transformation, and in the 1960's and 1970's few nations matched Taiwan's economic growth. Meanwhile, military modernization supported by the U.S. gave Taiwan a well-trained, sophisticated armed force capable of conducting a formidable defense of the island. Today, Taiwan thrives as a miracle of economic development.

Unfortunately, Taiwan's political progress has not paralleled its advance in prosperity. Despite marginal reforms at the local level, key decision-making on Taiwan remains in the hands of a small mainlander political elite, which perpetuates its authoritarian control by denying press freedoms, censoring mail, and severely restricting freedom of speech and assembly through the application of an excessively broad definition of subversive activities. For years the people of Taiwan have seen their aspirations for democracy subordinated to the false imperatives of national security.

Consequently, we stand today at a point where further delay on progress toward democracy could begin serious erosion of the traditionally close relationship between the United States and Taiwan. If repression of basic freedoms does not end, Taiwan's many friends in America will find it increasingly difficult support for the Taiwan government. (...)

We have in recent months witnessed a remarkable transition to democracy in the Philippines, which offers inspiration to those seeking democratic reform in Taiwan. As with the Philippines, a Taiwanese transition to democracy should be seen not as an abstract question of human rights, but as a central aim of American security policy. In both countries, the American interest in democracy and the American security interest are inseparable. Only the achievement of Taiwanese democracy will place the U.S.-Taiwanese relationship on the stable ground of fully shared values embodied in institutions designed to reflect and fulfill the will of our two peoples.

Senator Gary Hart:

The United States has a long relationship with the people of Taiwan. Yet today marks the 37th anniversary of martial law in Taiwan, and so we have an important obligation to examine the current state of civil liberties and political freedom on that island.

Taiwan is clearly recognized as one of Asia's economic miracles. It has developed at an unprecedented pace from an agricultural to an industrial economy, an economy in which the United States has invested over \$1 billion over the years. It is a fact that

Taiwan, in spite of the severe adversities it has faced in its recent history, enjoys one of the highest living and educational standards in Asia.

For most Americans, however, there is a cloud which hangs over our relations with the people of Taiwan. The source of this cloud is the wide-spread perception that Taiwan's political development has not kept pace with its economic progress. Despite near universal economic enfranchisement of the Taiwanese population, the perception is strong in the United States that the people of Taiwan have not had access to adequate political participation. I believe Americans and the people of Taiwan share a common vision: a secure Taiwan, free from external invasion or oppression, with freedom to increase its prosperity under the rule of law. But thirty-seven years of martial law, even in the face of extreme challenges to external security, cannot be sanctioned by Americans.



Senator Gary Hart

Relations between the United States and Taiwan depend on the support of the American people to sustain a moral and political commitment to Taiwan's future. And it is a reality that such a commitment will be affected by what we call "linkage" — the inherent relationship between U.S. involvement in a country and the pattern of its political behavior. If we have linkage in our relations with the Soviet Union, one can be sure this will be the case with other states which hold fewer cards. (...)

I applaud the progress that has been made recently in Taiwan, including the release of several prominent political prisoners and permitting the opposition Public Policy Research Association to organize local branches. I would hope and encourage my Taiwanese friends to continue this progress, and to permit formally constituted opposition parties to participate in a pluralistic system. It must be recognized that the threat to security in Taiwan is not its own people — unless they are denied basic human freedoms. Enfranchised, they will work for the common good, united behind the common goals of prosperity and security. Disenfranchised, they may try to express political grievances through insurgency or violence. This is the imperative of political modernization.

Congressman Stephen J. Solarz. (Democrat - New York)

A tide of change is flowing through the world of the 1980's. It is the tide of democracy. This tide is sweeping away structures of repression. It is challenging the belief that dictators know best. In the past few years, this tide has moved through South and Central America. It is now moving through Asia, in the Philippines, in South Korea, and in Pakistan.

There are, however, places in the world where barriers are desperately erected against the tide of democracy. Taiwan is one of those places. Thirty-seven years after it was instituted, martial law still remains. The Kuomintang regime on Taiwan uses the fiction of a wartime emergency to deny the people on Taiwan any meaningful political voice or role. Clearly, the regime is more interested in preserving its hold on power than it is in fulfilling the democratic goals which Dr. Sun Yat-sen set for the Nationalist movement. What, after all, does the Kuomintang fear ?



Congressman Solarz

A clear sign of the Kuomintang regime's desire to retain a monopoly of political power is its refusal to allow the formation of new, genuine, mass-based

opposition parties. There are opposition politicians, but the regime has used all the tools at its disposal to prevent these committed democrats to organize a party. What, after all, does the Kuomintang fear?

(....) I believe that a democratic system on Taiwan will enhance the stability and security of the island. If the democratic movement in Taiwan is permanently frustrated in its efforts, radical solutions will be more appealing. We do not wish to see Taiwan wracked by a typhoon of violence. We do long for the day when the winds of freedom will blow over the island. No one need fear the coming of that day.

Congressman Jim Leach. (Republican — Iowa)

Today marks the 37th anniversary of martial law in Taiwan, a distinction of dubious character for any government which maintains a pretext of commitment to democracy and the free world. While there may have been a case for instituting martial law thirty-

seven years ago when peace and stability in the Taiwan area seemed so precarious, today there is none. Some argue that martial law is no longer a serious problem and is seldom enforced. The question then is: why then do Taiwan authorities continue to hold political prisoners, to arbitrarily and selectively censor opposition publications, to obstruct the formation of genuinely democratic opposition political parties, to spy on and harass oppositionists overseas, and to deny the majority of the people on the island the right to full representative government ?

The American people look for more than lip service to democracy, for even communist governments have expropriated the terminology of democracy to serve their non-democratic ends. The real test of democracy is the respect which is guaranteed to the civil and political rights of the people of Taiwan.

While much is made of Taiwan's impressive economic development and material success, economic progress is no substitute for civil liberty. (...) the shadow of martial law is a constant reminder that piecemeal and sporadic progress does not constitute a fundamental change in the systemic non-democratic character of Taiwan's political system.



Congressman Jim Leach

Human rights are shared aspirations of all peoples. Democracy and the desire for full political participation are, in particular, front burner issues in Asia today. As the courageous people of the Philip- pines have so recently made so clear, democracy is not a credible goal only of highly developed Western societies. It fits the East as well as the West, the poor as well as the rich.

Today, as we meet, my colleagues and I appeal to the authorities in Taiwan to consider very seriously the enormous credit and recognition which they would enjoy internationally if they would move decisively to abandon a system of martial law and restore full constitutional rights to the people on the island. (...) I would add today a special appeal to the authorities in Taiwan to release the remaining political prisoners in Taiwan, including particularly Yao Chia-wen and Chang Chun-hung, the husbands of two distinguished guests we have with us today: Chou Ching-yu, Member of the National Assembly of Taiwan, and Hsu Jung-shu, member of the Legislative Yuan. The courage, dedication, and hard work of these two women, in the face of personal adversity, has

won admiration of all who cherish democratic ideals. I can't think of better emissaries of Taiwan than these two wives of prisoners of conscience.

It is my strong conviction that the pace of democratic change in Taiwan is crucial to the future of Taiwan. The lifting of martial law, the full restoration of constitutional rights, and the opening up of the electoral process to a much broader base would do more to enhance the stability and security of the island than any other conceivable steps. Governments which lack the support of their own people cannot long defend themselves. The people of Taiwan — both those of Taiwanese heritage as well as those from the mainland — cannot afford to be divided in facing the future and the enormous challenges ahead. The people of Taiwan desire what people everywhere desire — peace and the opportunity to determine their own future. They deserve both. Now is the time to end martial law.

Assemblywoman Chou Ching-Yu:

I want to thank everyone here and elsewhere who has worked long and hard to call attention to the abuses of martial law on Taiwan.

For the past 37 years, our people's civil liberties and political rights have been abridged by the authorities who restricted these freedoms, although they are to be protected by the Constitution. I am proud of the people of Taiwan, who are among the most intelligent, friendly, and hard-working in the world and who have made the economic miracle possible. But I am ashamed of the system of martial law which deprived us of our legitimate rights despite the high living standards, education and other achievements. The longest martial law rule in modern history has severely restricted our freedoms of expression, movement, association, and assembly and damaged our international image.

For too long the people of Taiwan have been denied a representative government. The legislative bodies on Taiwan, including the National Assembly in which I sit, have seats representing all of China, mostly elected 40 years ago. Less than ten percent of the total memberships were elected on Taiwan and are subject to either direct or indirect election. However, the people of Taiwan pay all of the taxes which support the government, and perform all of the obligations incumbent on citizens. As you know, your own country was founded because your earliest leaders said, "Taxation without representation is tyranny!"

Under martial law, if we challenge the unrepresentative nature of our government, we can be charged with "sedition" for challenging "basic national policy," tried by court martial,

and sent to military jails. Under martial law, organization of new political parties is banned and those who dare to organize, do so at the risk of being court-martialed and imprisoned. For too long, many peaceful critics and reformers have been imprisoned without the benefit of a fair trial, my dear husband, Mr. Yao Chia-wen, among them.

I also want to thank everyone here in the United States who has worked on behalf of my jailed husband and other prisoners of conscience whose only crime was to advocate democracy and human rights for all the people on Taiwan. We must continue to press on, until all political prisoners are released.

In order to have a truly democratic political system on Taiwan, we must insist on lifting martial law, on general election of all members of all parliamentary bodies and restoring the rights guaranteed by the Constitution.

Legislative Yuan-member Hsu Jung-Shu:

(...) I would like to draw your attention to three particularly grave aspects of martial law on Taiwan. Martial law severely restricts freedom of expression and freedom of association, and prevents direct presidential elections.

For the past year, the authorities have banned or confiscated almost every issue published by the opposition magazines. In the case of my own magazine, **Taiwan Weekly**, the government has banned or confiscated every issue in recent months. Since March, police and agents of the Taiwan Garrison Command - the body which administers martial law and censorship — have staged three raids on the office of my publication. Each time, these agents have arrived in the dead of the night and without any of my staff present. The government has censored my magazine, not because of the content of the articles, but simply because of our advocacy of democracy and human rights.

Martial law also forbids us to establish new political parties, forcing members of the democratic movement to run for office independents. Yet, collectively, we regularly receive 30 % of the vote under a highly restrictive electoral code. We are confident that if we could form a political party and run in truly free and fair elections, we could win a far higher share of the vote. In any event, freedom of association, including the right to form political parties, is the universally recognized right of all human beings and a right no government can legitimately stifle.

The president of Taiwan is currently elected by the members of the National Assembly, the large majority of whom [approximately 95 % — Ed.] were elected on the China

mainland in 1948. They have remained in office on Taiwan for nearly 40 years. Since they now represent neither China nor Taiwan, the people on Taiwan are denied the right to elect their own chief executive. I am, therefore, calling for direct presidential elections by the citizens of Taiwan.

Prison Report

Shih Ming-teh's Hunger Strike into the Fifth Month

On 2 July 1986, it was reported in the press in Taiwan that the Executive Yuan confirmed that Shih Ming-teh — a prominent opposition leader imprisoned for life after the December 1979 “Kaohsiung Incident” - has refused to take food since 28 March 1986. In a reply to an interpellation by *tangwai* legislator Chiang Peng-chien, the Executive Yuan also said that on June 3rd, Mr. Shih received a physical examination, which showed that his health condition had “not deteriorated.” His blood pressure was 106/70, pulse 96 per minute, breathing 18 per minute, body temperature 36.4 C’.

The statement by the Executive Yuan also stated that Shih Ming-teh had made “unlawful demands” and threatened to go on hunger strike if his demands were not met, and that he tried to ask his relatives during family visits to transmit “inappropriate opinions.” Because Shih Ming-teh’s behavior “violated prison regulations,” he has been held incommunicado and was not allowed to receive letters.

Also to keep him in good health, doctors “with cooperation of the prisoner” have administered nutrients.

Three political prisoners in military hospital

Mr. Wang Hsing-nan, a Taiwanese-American businessman who has been serving a life term in Green Island Prison since 1977, was sent to Military Hospital no. 805 in Hualien at the beginning of May 1986. He was suffering from a thyroid gland disorder and irregular heartbeats. The results of his medical examination were not released, but in June he was returned to Green Island.

Two other well-known political prisoners, Mr. Chen Ming Chung and Mr. Yang Chin-hai were also transferred to the Military Hospital in Hualien in the beginning of April 1986 (see *Taiwan Communiqué* no. 25, pp. 13-14). They were allowed to communicate with each other.

In January 1977, Mr. Wang was on a business trip to Hong Kong, when he was detained at Taipei International Airport on charges of sending a letter bomb to then-governor Hsieh Tung-min three months earlier. Only three weeks after his arrest, Mr. Wang was sentenced by a military court to life imprisonment. Observers at the trial said that when Mr. Wang appeared in court, he was pale and shaky, his face was swollen, and fresh scars were visible on his face. It was obvious he had been tortured to get a “confession.” All indications are that Mr. Wang is innocent, but that he was kidnapped and framed because the authorities needed to convict someone to “solve” the case.

Torture common in Taiwan's prisons

Recently there have been a number of reports on torture by Taiwan's police and prison wardens. Below are three widely-reported cases:

A jump to death after beatings

In December 1985, a 17-year-old youth, Huang Yi-fung, jumped to his death through a window on the fourth floor of the police bureau, while being detained on charges of robbery. The press in Taiwan reported that his family gave evidence that his jump from the window was a desperate act to escape from torture. Police officials had stated that it was an attempt to escape from police custody.

The boy's family pointed out that the victim was severely beaten by the police after he was taken into custody. His sister witnessed the police beatings during the preliminary investigation, but was told to leave by the police officials involved. He was stripped down to his underpants during the interrogation. The family rejected the police explanation that the stripping was necessary in order to search for scars of intravenous injections because the victim was suspected to be a drug addict.

His family also pointed out that the victim would not knowingly jump from a four-story window to make the escape unless he was desperately seeking to escape from extremely painful treatment.

Evidence of torture

In April, newspapers in Taiwan reported that 22 years old Mr. HUANG Nan-hsing was tortured to death in the Taliiao Penitentiary in Kaonstung. Mr. Huang, who had been sentenced to a 5-months' prison term, died on 18 April 1986, four days after he reported to the prison. The coroner's initial examination showed that Huang's body was covered with wounds and bruises, including the following injuries:

- his head had sustained heavy blows, his right temple and the back of the head showed open wounds. Near his right eye there was a one-centimeter long scar.
- his testicles were severely damaged and bloodstained, apparently caused by externally inflicted wounds.
- his fingers showed injuries.

Huang's mother said that the prison guards had beaten her son to death. She said that her son, who had just completed his military service two weeks earlier, was a healthy and strong young man when he reported to the prison. She said that the type of injuries showed that he had been severely beaten by the prison guards.

Beaten and kicked

In May, there was yet another case of police brutality: a Mr. HUNG Mao-chun, who had been arrested for writing bad checks in the early morning of May 12, 1986 by agents of the Sung-nan branch police station in Taipei, was beaten and kicked by two of the policemen arresting him. As a result, he lost six teeth and suffered bruises and wounds all over his body.

Wang Yin-hsien affair revisited

Four policemen, who were sentenced to prison terms for torturing taxi-driver Wang Yin-hsien to death in May 1982 [see *Communiqué* no. 7/8 and 9], had their sentences reduced in a third retrial in the Taiwan High Court on May 14, 1986. The four men received sentences of only one year imprisonment. The most prominent policeman directly involved in the case, Mr. Chan Chun-jung, escaped overseas.

Freedom of the Press ?

Censorship forces tangwai press underground

From the beginning of 1986 through the end of June, the Taiwan Garrison Command has banned and/or confiscated at least 130 issues of opposition magazines and books, while the publishing licenses of at least five magazines have been suspended, one of them permanently. Reports from Taiwan indicate that the secret police now issues blanket banning orders for each issue published by any of the opposition magazines. By May 1986 not a single copy of a *tangwai* magazine was on sale openly at the newsstands in Taipei. All magazines had been forced underground by the government's censorship campaign.

Up until approximately one year ago, the authorities first considered the contents of a magazine, and then decided whether to issue a banning order. However, after the major crackdown on the opposition press, which started at the end of April 1985 (see *Taiwan Communiqué* no. 20, June 1985), the authorities intensified censorship even further by increasingly issuing blanket banning orders. This enabled plainclothe and uniformed policemen in the streets to confiscate magazines from bookstalls and vendors without having to go through a discussion whether a particular magazine had been banned or not.

No new daily newspapers allowed

On 24 June 1986, the Executive Yuan reiterated that no new daily newspapers would be allowed to set up. At present there are 31 daily newspapers in Taiwan, but most of them are owned by the KMT-party, government organizations or high KMT-party officials. The **Independence Evening Post** is the only daily newspaper which has shown some objectivity in its reporting on political matters - and has therefore come under severe pressure from the authorities. All other newspapers closely toe the KMT-party line and frequently engage in irresponsible and vitriolic attacks against the opposition. These newspapers are not punished for this: any libel suits by opposition members would be swiftly thrown out of court. However, opposition magazines which write critical articles about government officials or supporters are prosecuted, and their editors imprisoned.

Ti Yi Hsien license suspended

On 31 May 1986, **Ti Yi Hsien**, an opposition political journal published by Mr. Wu Hsiang-hui, the former chief editor of **Progress**, was suspended for one year by the Taiwan Garrison Command. The magazine had published several articles critical of former president Chiang Kai-shek. In total, the magazine published 20 issues since it started on 28 December 1985, but each of them was banned by the Taiwan Garrison Command. Mr. Wu has now joined Dr. You Ching, the president of Tangwai Public Policy Research Association, in publishing a new magazine, **Tzu-Yu Taiwan**, which first appeared on 16 June 1986. The first two issues of this new magazine have already been banned by the authorities.

The Eighties and Current Suspended

On 9 May 1986, the Taiwan Garrison Command issued a suspension order against **The Eighties**, one of the most well-respected and moderate of the opposition magazines, published by former member of the Legislative Yuan, Mr. Kang Ning-hsiang. The major reason for the suspension was that in April and May 1986 **The Eighties** had published a series of articles on the military's budget and its operations. These articles offered insights into the military's power structure, internal wrangling among the different factions. On May 3 in issue No. 35, an article entitled "Top Secrets of Defense Budget" revealed that 1.5 percent, or about NT\$ 2.4 billion (U.S.\$ 64 million), of the budget of national defense is used to finance the operation of several departments of KMT party, including the Cultural Affairs, Youth Affairs, Overseas Affairs and the Youth Corps. It also presented further evidence that the budget of the KMT party comes from the national treasury.

After the suspension, Mr. Kang was able to continue publishing his magazine under the name **The Current**. However, on May 28, 1986 - after only three issues — the license for this publication was withdrawn *permanently* [the heaviest punishment handed out to date]. The third issue carried a cover-article showing that a Mr. Wen Chin-lung, a police officer who had recently been arrested on charges of involvement in a major robbery of a bank security van on 7 October 1985 (in which a policeman doing duty was killed), was the driver and personal body guard for the Director-General of the National Police Administration, Mr. Lo Chang. Earlier, Mr. Lo had denied knowing Wen Chin-lung, but **The Current** carried a cover-picture, taken on 29 November 1985 in front of the Executive Yuan, showing Mr. Lo standing in front of his limousine and Mr. Wen, as his chauffeur, standing behind him. On that day Mr.

Lo was driven to the Executive Yuan to inspect a demonstration staged by employees of a glass manufacturer, which had declared bankruptcy and refused to pay compensations to the employees.

The picture generated much publicity about the fact that Mr. Lo had lied about his association with Mr. Wen. On May 30, opposition legislator Chang Chun-hsiung asked the authorities in an urgent interpellation to dismiss Mr. Lo. However, until now Mr. Lo has been retained in office.

Three Neo-Formosa executives imprisoned

On 30 May 1986 the High Court in Taiwan sentenced the three defendants of the **Neo-Formosa** libel suit — publisher Huang Tien-fu, director Chen Shui-pien, and chief editor Li Yi-yang — to eight months imprisonment. During the Court's fourth and final hearing on 23 May 1986, it became clear that the Court 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).

These unfair and unjust procedures add to the already strong evidence that the case is an attempt by the Kuomintang authorities to silence two outspoken proponents 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, the three magazine executives were sentenced in Taipei District Court to one year imprisonment and payment of NT\$ 2 million (approximately U.S.\$ 52,000) compensation.

“Though police” meeting

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 1995, 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. The defendants submitted the 77-page document to the High Court in Taiwan, but the Court does not want to consider this information. Neither did the Court want to hear the testimony of several prominent scholars of National Taiwan University in Taipei.

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 reopened 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 May 10, 1986, precisely the day of the formal establishment of the PPRA’s first Taipei-branch, and the election of Mr. Chen as its chairman.

The fact that both Chen Shui-pien and Huang Tien-fu had indicated that they would run for the Legislative Yuan, and Li Yi-yang would run for the National Assembly in the December 1986 National elections, apparently also played a role in the Court’s decision to revive the case. Their imprisonment prevents them from running in these elections. Mr. Chen’s wife, Wu Shu-cheng, has indicated she will now run for a seat in the Legislative Yuan. In November 1985 she was paralyzed from the waist down after she was run down by a farm-tractor in a suspicious “accident” [see “*Murder attempt in Tainan County*”, **Taiwan Communiqué** no. 23, January 1986].

After the High Court verdict was handed down, farewell parties were organized all over the island to see them off to prison “with honor.” Between June 1 and June 10, seven such gatherings were held in Tainan, Taipei, Pan-chiao, Hsin-chu, and Taichung. At each rally, crowds of between 10,000 and 20,000 people showed up to express their support. Speeches by each of the three men were followed by applause lasting several minutes.

On June 2 at a farewell party in a park in Taipei, scuffles broke out, when the police formed a barricade in front of the entrance to prevent the people from entering the park. The authorities sent in riot-control trucks and more than 1000 policemen in full battle gear to the peaceful gathering.

The public also contributed generously to the NT\$2 million compensation to be paid to Mr. Fung. At each gathering, between NT\$400,000 and 500,000 was collected, totaling more than NT\$3 million for the seven farewell parties. Mr. Fung, embarrassed by the broad public support for the three, said that he would give up the NT\$2 million compensation. The donations were then put into a fund to help political prisoners and their families.

The final farewell party turned into a 16-hour standoff with the police in front of the Taipei City Council. The standoff began on June 9 around noontime: after they had attended a farewell party at the Taipei City Council, the three men decided to walk to the Taipei District Court to report for their prison sentence. However, the plan apparently did not meet with the police’s approval: to prevent the trio from leaving, more than 1000 police formed a multi-layered barricade in front of the Taipei City Council, while the three men and their supporters — wearing sashes across their chests, inscribed with “enter prison with honor” — sat on the front steps. Riot trucks were also called in. By nightfall some 5,000 supporters had turned the rally into a noisy final farewell party. Meanwhile, opposition leaders negotiated with the police for a solution. Finally, at 4 o’clock in the morning of June 10, the standoff ended when the trio agreed to leave in vehicles provided by the Taipei City Council.

Two “Min Chu Shi Tai” Executives Sentenced

Mr. Cheng Nan-jung, age 38, the founder and chief editor of opposition magazine **Min Chu Shih Tai**, was arrested on 2 June 1986 at his office in Taipei. On July 14 the Taipei District Court sentenced him to 18 months imprisonment. He was also deprived of his civil rights for three years. The magazine’s publisher, Mr. Wang Chen-hui was sentenced to 10 months imprisonment, but this sentence was suspended, and Mr. Wang was released after paying NT\$ 50,000 bail.

Opposition sources in Taiwan are convinced that Mr. Cheng was arrested for his political activity, and particularly for being the driving force behind the “Green Ribbon” campaign, culminating in a demonstration against Taiwan’s 37-years’ old martial law, which took place on May 19 at Lung Shan Temple in Taipei.

The official arrest warrant, issued on 30 May 1986, said that Mr. Cheng had “repeatedly failed to appear in court” to answer to charges in connection with a court case resulting from a libel suit filed by another member of the opposition, Mr. Chang Teh-ming. However, Mr. Cheng had been represented at the court hearings by his lawyers, and the prosecution had not made objections to his absence.

The case resulted from an article in Min Chu Tien Ti of 4 November 1985. In the article Mr. Chang was incorrectly mentioned as having played a minor role in the withdrawal from the election race of Mr. Lin Ching-sung, the *tangwai* candidate for county magistrate of Taoyuan. Mr. Lin withdrew minutes before the closing of the registration in October 1985, making it impossible for the *tangwai* to find a replacement. Mr. Chang was in the middle of his election campaign for a seat in Taipei City Council, and was infuriated by such groundless accusations. On 11 November 1985, he filed charges of libel and violation of the Election and Recall Law against Mr. Cheng. Publisher Wang Cheng-hui published an apology to Mr. Chang, but Mr. Cheng has adamantly refused to apologize to Mr. Chang.

In early April Mr. Cheng and his magazine took the initiative to hold a “Green Ribbon Campaign” to mark the 1949 declaration of martial law in Taiwan (see *Communiqué* no. 25, p. 2). The campaign culminated in a demonstration on May 19, 1986, in which more than 500 *tangwai* members participated. The organizers’ plan to march to the presidential palace was thwarted by police. More than 1500 policemen and -women formed multi-layered human blockade in front of the gates of the temple and in surrounding streets, preventing several thousand people outside the temple from joining the demonstration. A stand-off lasted for more than 10 hours. The demonstration ended without any incidents.

Just before his arrest, Mr. Cheng announced in his magazine a new campaign to collect one million signatures on a petition that asked for direct presidential election by the people of Taiwan. Presently, the President of Taiwan is elected by the National Assembly, which is mainly composed of old mainlanders, who were elected in 1948 in the mainland China.

Mr. Cheng's **Min Chu Shih Tai** has earned a reputation as one of the most outspoken opposition journals. Since it began publishing two years ago, it has consistently criticized the heavy-handed rule of the KMT authorities. It paid a heavy toll: more than 95 percent of the issues published by Mr. Cheng were banned or confiscated by the secret police, the Taiwan Garrison Command (TGC).

Tangwai editor beaten up

In *Taiwan Communiqué* no. 25 we reported on the "Green Ribbon" campaign commemorating 37 years of martial law in Taiwan, and on the May 19th 1986 demonstration in Lung Shan temple in Taipei. While the demonstration itself ended without incidents, it has not been without repercussions: the main organizer, **Min Chu Shih Tai** publisher Chen Nan-jung, was arrested on June 2, 1986 (see story above).

Also, on June 8, 1986, one of the persons who was most visible at the rally, Mr. Chiang Kai-shih, a former editor of Sheng Ken magazine and an active member of the opposition, was beaten up by unknown persons in Taoyuan. He had to be taken to the hospital for treatment. The police has been unwilling to investigate the case. Mr. Chiang's picture appeared in international publications such as **Newsweek** (June 2, 1986).

Notes

Score: Taiwan 5, Nicaragua 5

No, this is not the score in a hypothetical football game between Taiwan and Nicaragua at the recent world football championships in Mexico. The "5" stand for the low score, which both the Kuomintang regime in Taiwan and the Sandinista regime in Nicaragua received from the New York-based human rights organization **Freedom House**, in its "Comparative Survey of Freedom" for 1985. On a scale of 1 (very free) to 7 (least free) Taiwan and Nicaragua receive exactly the same score for both (lack of) political rights and civil liberties.

Taiwan Communiqué wishes to suggest — perhaps tongue-in-cheek — that, if the Reagan Administration wants to be perceived to have a balanced human rights and foreign policy, it should also give U.S. \$100 million in assistance to those working for democracy in Taiwan.

In all seriousness, giving moral support to the tangwai in Taiwan would be a much more worthwhile — and less costly - cause than aiding the “contras”, because the Taiwanese opposition is working towards full democracy in Taiwan in a peaceful manner, while Mr. Reagan’s “contras” predominantly consist of corrupt supporters of former dictator Somoza, whose main occupation seems to be murder, destruction of villages in Northern Nicaragua, and drug smuggling.

We are deeply disturbed by the fact that — unlike the Congress - the Reagan White House has up until now failed to express support for democracy and human rights in Taiwan. By remaining silent on the structural lack of democracy and on the human rights violations occurring there, Mr. Reagan is failing to live up to the ideals of freedom and democracy. If it weren’t for Congress — Lady Liberty’s torch would almost have been extinguished.

Church appeals for release of political prisoners

On 25 February 1986 the Presbyterian Church in Taiwan issued an appeal to the Taiwan authorities to release political prisoners. In a letter signed by the Moderator of the General Assembly, the Reverend P.C. Chen, and General Secretary Dr. C.M. Kao, the Church stated that “... a policy decision to release those imprisoned on charges of involvement of political incidents would speedily and surely bring about harmony and solidarity amongst all our people.”

The Church’s appeal particularly applies to opposition leaders jailed after the “Kaohsiung” incident of Dec-ember 1979. Four of these persons, Legislative Yuan member Huang Hsin-chieh, Provincial Assembly member Chang Chun-hung, lawyer Yao Chia-wen, and Formosa magazine manager Shih Ming-teh, are presently still in jail. According to a statement made by KMT Assistant Secretary-General Ma Ying-jeou to the French newspaper **Le Monde** in August 1985, Taiwan has some 256 political prisoners, i.e. those jailed on “sedition” charges.

In the beginning of March, Church officials sent the statement to different branches of the government, such as the Kuomintang party headquarters, the Taiwan Garrison Command, the Provincial Government, the Provincial Assembly, the Taipei City government, the Taipei City Council, the Executive Yuan, and the Legislative Yuan. However, by the end of June, they had received no response yet.

Plans for DuPont plant anger Changhua residents

Du Pont's plan to build a titanium dioxide plant in Lukang, a city along the coastal area of Changhua in central Taiwan, has been met with strong resistance from the residents in the area. In recent months residents of Lukang have staged a series of large-scale demonstration against the project. This grass roots revolt against government policy is unprecedented in Taiwan. But it is a sign that — after decades of unbridled economic growth - the people on Taiwan are waking to the severe consequences of environmental pollution.

The controversy pitted the authorities, who stress the importance of job opportunities provided by foreign investment, against the residents of Lukang, who want to prevent their livelihood from being destroyed by pollution. The residents fear that the waste discharged from the chemical plant will pollute the coastal waters, which provide the livelihood for thousands of fishermen in the area. Another worry is that the air pollution will slowly destroy the cultural relics of Lukang, which is designated as a preservation area of ancient relics and a major tourist attraction.

Since February of this year, the residents have appealed repeatedly to the central authorities to withdraw its approval of the Du Pont plant. A petition bearing 100,000 signatures was delivered to the Executive Yuan. But their appeals fell on deaf ears. On June 24, 1986 they took to the streets. About 800 demonstrators, carrying placards with messages such as "We don't want environmental pollution", "We oppose the building of the Du Pont plant", marched in the streets of Lukang.

The protest action was led by Li Tung-liang, a non- partisan County Councilor of Changhua, who as the chairman of the Association for the Prevention of Public Hazards, a grass-roots environment protection organization, has been active in informing the residents of the danger of environmental pollution if the Du Pont plant of titanium dioxide is built in Lukang.

Mr. Li said that the residents have no faith in the guarantees given by the authorities that the Du Pont plant will be pollution-free, because Taiwan's Environmental Protection Bureau (EPB) of the Department of Public Health is powerless in enforcing anti-pollution measures. He points out that the EPB has not been able to force another major polluter in Changhua, the Taiwan Chemical Company, to clean up, in spite of numerous petitions by the residents in the area. For more than 20 years, the chemical company discharged waste into the air and water. Many residents suffer respiratory and skin diseases as a result of air pollution, and rice crops in the area were destroyed as

a result of water pollution. But the EPB has not been able to force the chemical company to clean up. Would the EPB be able to force a multi-national giant like Du Pont to clean up ?

As a result of his protest activity, Mr. Li received a rather transparent threat from the police: on June 26 at 6 p.m., police chief of a branch office in Lukang paid a visit to Li's family and told Mr. Li's wife that Mr. Li should restrain his activity against Du Pont, otherwise "unfortunate tragedy" might happen to his family. The police chief said that he had received "reliable intelligence" that underworld gangsters were plotting against his family.

Mr. Lin made a statement on June 28, saying that he would not be silenced by threats, as he is committed to see that the Du Pont plant is not built in Lukang. He called on the authorities to hold a referendum and let the residents decide whether the Du Pont plant should be built. A opinion survey, conducted in Lukang and five neighboring towns and villages by students from the National Taiwan University, showed that more than 83 percent of the respondents are against the building of the Du Pont plant.

Epilogue: On 30 July 1986, the **International Herald Tribune** reported that Prime Minister Yu Kuo-hwa had announced that the plans for the Du Pont plant would be postponed.

Taiwan Communiqué comment: we fear that this is only a tactic designed to defuse this sensitive issue before the December 6 elections. We suspect that Mr. Yu will push ahead with the construction of the plant after these elections are over.
