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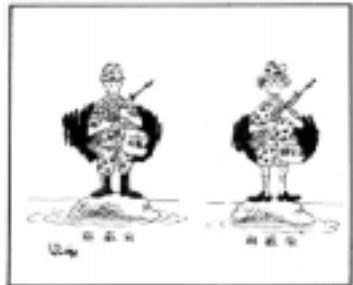
Taiwan ends Martial Law after 38 Years *but ... no dancing in the streets*

The lifting of martial law in Taiwan — proclaimed on July 14 by president Chiang Ching-kuo — is a welcome development for the 19 million people on the island. However, there was no dancing in the streets in Taipei or anywhere else on the island.

The reason for the lack of public jubilation is that the Kuomintang regime still keeps a tight rein on Taiwan's political system: just a few days before the lifting of martial law, a new "National Security Law" was passed, which — while less harsh than the old martial law — still contains a significant number of restrictions on freedom of assembly and association, and on political rights. Other existing laws effectively limit freedom of speech and of the press.

The most important restrictions of the new National Security Law are contained in three "principles" laid down in Article 2, which reads: "Public assembly and association must not violate the Constitution, advocate Communism or the division of the national territory." While most people in Taiwan will wholeheartedly agree with the restriction on the advocacy of Communism, the first and third "principle" raise major questions:

Adherence to the Constitution. While this provision sounds fair and innocent enough to the casual observer, it harbours stringent restrictions on freedom of expression and on political rights: the Constitution referred to is the Constitution of the so-called "Republic of China", which was drawn up in 1946 in Nanking, mainland China, and went into effect on 25 December 1947. Under the provisions of this Constitution the Kuomintang authorities still cling to their anachronistic claim



Before .. and after Martial Law

to be the rightful rulers of all of China, and maintain a governmental system brought over from the mainland in 1949. Under this Constitution the Kuomintang also keeps a legislature in place which mainly consists of old diehards elected on the mainland in 1947.

Thus, under the new National Security Law, questioning the legitimacy of this worn-out claim — and advocacy of a fully democratic political system in which all members of the legislature are elected by the people of the island — is still prohibited. Political parties and other organizations are required — as a condition of being allowed to function — to support the concept of “reunification” with the mainland.

Another problem with this first “principle” is that to the Taiwanese people it is highly hypocritical: during the past four decades the Kuomintang authorities themselves have been the major violators of this same Constitution. The fundamental human rights guaranteed in Articles 8 through 16 of the Constitution were routinely suspended by martial law itself, and by a whole series of decrees and statutes. Many of these decrees and statutes remain in force (see our article “What will it mean in practice?”, on page 4).

Division of the national territory. As the “national territory” referred to here includes China mainland, this clause is also linked to the Kuomintang’s outdated claim to sovereignty over all of China. This third “principle” is thus a Kuomintang code for the prohibition on the advocacy of self-determination and Taiwan independence. In fact, earlier drafts of the National Security Law contained a phrase forbidding “separatist ideology” instead of advocacy of “division of the national territory.” Under the new law it is thus prohibited to advocate a free and democratic Taiwan, separate from Communist China.

This clause has become the most controversial part of the new law, because it goes 180° against one of the native Taiwanese opposition’s basic aims, namely that — in accordance with the principle of self-determination — the future of Taiwan should be determined in a democratic manner by the people who live on the island.

On page 6 we present the full text of the National Security Law, as well as an overview of other restrictions contained in it. On page 4 we give a more general evaluation of the situation after the lifting of martial law.

Although the lifting of martial law does represent a first step in the direction of a free and democratic political system, its positive impact is severely undercut by the negative effects of the newly promulgated National Security Law. Further steps, such as full freedom of association and assembly, an end to the stringent restrictions on press

freedom, and a legislature elected fully and freely by the people of Taiwan, are needed before the people of the island will indeed go out into the streets and celebrate.

Who made it happen ?

Martial law was imposed on Taiwan in 1949, when Chiang Kai-shek came over to the island after his defeat on the mainland. Among other things, it prohibited the formation of new political parties, and it gave the secret police — the Taiwan Garrison Command and other associated agencies — wide-ranging powers to arrest anyone voicing criticism of government policy.

The present liberalization process was thus long overdue. The fact that it finally took place is first and foremost due to the persistent efforts of the Taiwanese democratic opposition, which had made the lifting of martial law a focal point in its policy. As early as the late seventies, many of the same people who now constitute the DPP- leadership — then referred to as “tangwai” (literally “outside-the-party people”, as the Kuomintang did not allow opposition parties to be formed) — had spoken out against martial law. From 1980 through 1986 the opposition movement gradually gained momentum, and was able to show its political muscle, first establishing the informal Public Policy Research Association (PPRA), and — on 28 September 1986 — formally setting up the Democratic Progressive Party.

The end of martial law in Taiwan is also to a considerable extent due to the very constructive efforts of members of the U.S. Congress, such as Representatives Stephen Solarz (D-NY) and Jim Leach (R-Iowa) and Senators Claiborne Pell (R-Rhode Island) and Edward M. Kennedy (D-Massachusetts), who have for years expressed their deep concern about the lack of democracy in Taiwan.

Last, but not least, the gradual liberalization on the island was due to a realization on the part of President Chiang Ching-kuo that continuation of martial law would mean permanent damage to his image after his passing, and would further isolate the island politically. Informed sources in Taiwan indicate that President Chiang came to the conclusion that martial law should be ended in the beginning of April 1986, after a talk with Mr. T’ao Pai-ch’uan, an elderly policy adviser to the President, who has been one of the few moderate and rational voices able to get through to Mr. Chiang.

The Kuomintang leadership must also have begun to realize that, in the long run, stability on the island can only be safeguarded if the majority of the people have a

commensurate say in the political decision-making process. Two recent examples at Taiwan's doorsteps — the Philippines and South Korea — showed Taiwan's opposition to the potential fruits of large-scale protests, but were also a vivid illustration to the Kuomintang of the unpleasant consequences of keeping the lid on the political steamboiler for too long.

What will it mean in practice ?

What does the end of martial law in Taiwan mean in practice ? In order to answer this question, we present below a first attempt to assess the new situation. We emphasize that this is a very preliminary evaluation: the coming months will show whether the lifting of martial law is indeed making a significant difference for freedom and democracy on the island, or whether this was mere window-dressing by the Kuomintang authorities, designed to placate foreign and domestic critics.

First of all, it must be mentioned that martial law itself will remain on the books. Only the emergency decree activating its provisions for Taiwan and the Pescadores have been lifted. It remains in force on the smaller offshore island groups of Kinmen and Matsu.

Civilians will not be tried in military courts. This is a significant improvement over the old situation, when the security agencies could arrest almost anyone at will, and put them on trial in military court. The defendants had hardly any access to defense lawyers. Inter-rogation by the security agencies was harsh, with lengthy beatings and torture occurring frequently.

The civil courts have a slightly better record than military courts, because they give defendants some access to defense lawyers, the possibility for appeal, etc. However, the civil courts are by no means independent: they have been widely used by the Kuomintang for political purposes, as was shown by a number of recent libel cases against well-known opposition figures. Invariably, the opposition members were sentenced to heavy prison terms. If any opposition members had filed libel suits against Kuomintang-supporters for the frequent slurs and false accusations, these suits would not have had the slightest chance of a fair hearing in these courts. Thus, much further improvement is required in terms of the impartiality of the civil courts.

Ending administrative decrees issued under martial law. Some 30 decrees, mainly regarding censorship and exit and entry, have been lifted. However, the Taipei-based **Independence Evening Post** reported on 15 July 1987 that more than 170 other decrees

still remain on the books. The opposition Democratic Progressive Party — in a statement issued following the lifting of martial law — called for the abolition of all emergency decrees, and urged the authorities to move towards full constitutional democracy.

Censorship transferred to GIO. The Taiwan Garrison Command (TGC) the primary agency responsible for the harsh press censorship during the past decades — will turn over its “responsibilities” in this regard to the Government Information Office (GIO). However, it has been reported in Taiwan that many of the TGC officials will simply shed their uniforms and don civilian clothes at the GIO to continue their old jobs.

Also, many existing laws, such as the “Statute for the Punishment of the Communist Rebellion” (promulgated in June 1949), the Publication Law and the Criminal Code, still mete out heavy sentences for publishing material considered “seditious” by the Kuomintang authorities. E.g., Article 7 of the Statute for the Punishment of the Rebellion stipulates a minimum of seven years imprisonment for anyone who conducts “seditious” propaganda. This, for example, includes expressing doubt that the Kuomintang authorities are still the legitimate government of all of China, or that they can recover the mainland.

Other laws restricting freedom remain. Aside from the newly passed National Security Law, another important law remains in force: the “Statute for the Punishment of the Communist Rebellion”, which was promulgated by presidential decree in June 1949, and amended in April 1950 and July 1958. Actually, most of the political prisoners during the past years were sentenced under this decree.

Furthermore, the National General Mobilization Law remains in effect. On 13 July 1987, in a reply to interpellation by Democratic Progressive Party members Hsu Kuotai and Yu Cheng-hsien, the Executive Yuan said that the lifting of martial law does not mean the end of “national mobilization to suppress Communists rebellion”. Therefore, a host of emergency regulations such as the “Temporary Provisions to the Constitution” still remain in effect.

New parties. Although the lifting of martial law technically also means an end to the ban on formation of new political parties, the restrictions imposed by the National Security Law on assembly and association make it doubtful that new political parties will be able to compete with the Kuomintang on a fair footing. Within the next few months, the Kuomintang authorities also intend to pass a “Civic Organization Law”, which can be expected to contain further restrictions on the activities of the opposition.

Partial amnesty for political prisoners. On 14 July 1987, on the eve of the lifting of martial law, the Ministry of Defense also announced a partial amnesty, which meant the reduction of sentences and restoration of rights to 237 civilians convicted under martial law. Of these 237, 23 persons were apparently released on the day the amnesty was proclaimed, but as of the time of this writing (30 August 1987) still no list of these 23 persons had been published in Taiwan. 144 others had already been released earlier on parole or on medical bail.

Seventy others were transferred to the jurisdiction of civil courts and had to finish their terms in civilian prisons. Those who had received life sentences had their terms reduced to 15 years; others had their sentences reduced in half. Excluded from the amnesty were those who had been convicted on charges of sedition more than once. This affects primarily Mr. Shih Ming-teh, a prominent opposition leader who is serving a life sentence on charges of "sedition" after organizing a Human Rights Day celebration in Kaohsiung on 10 December 1979. He will not have his sentence reduced, because he had been convicted of "sedition" before.

Leaders of the opposition Democratic Progressive Party called the partial amnesty a disappointment, because the KMT authorities failed to respond to their call for a general amnesty and to release all political prisoners.

Limited rights. To many former political prisoners, the restoration of their civil rights in practice means very little: only their right to vote in elections is restored. They will still not be able to run for public office or hold a job in their profession: the Election and Recall Law prohibits those who have been convicted of "sedition" to run for public office. Professor Li Hong-hsi of National Taiwan University, a prominent expert on Constitutional Law, indicated that there are no less than 30 laws prohibiting former political prisoners from holding professions such as civil servant, lawyer, medical doctor, accountant, architect, or pharmacist. A political prisoner is also prohibited from heading a business corporation. Thus, people like Lin Yi-hsiung and Yao Chia-wen, who were generally considered to be Taiwan's top lawyers before their imprisonment in 1979, cannot return to law practice.

The National Security Law Enters into Force

The text of the new law

Below you find the text of the new law, as passed on 23 June 1987 by the Legislative Yuan, promulgated on 1 July 1987 by President Chiang Ching-kuo, and entered into force at midnight on 14 July 1987.

1. This law is enacted to safeguard national security and maintain social stability during the period of mobilization and suppression of the Communist rebellion. Matters for which the present law does not provide shall be governed by other relevant laws.
2. Public assembly and association must not violate the Constitution, advocate Communism or the division of the national territory (was: "... or the government's anti-communist national policy, and must not advocate separatist ideology"). A separate law will be written to regulate assembly and association activities.
3. The people must apply to the Bureau of Entry and Exit Administration of the National Police Administration for permission to leave and enter the Taiwan Region. Individuals who do not have entry permits will be refused entry into, or departure from, the Taiwan Region.

Entry and exit permits will be denied to applicants who fall into any of the following categories:

- a) Wanted criminals at large, or individuals who have been sentenced to prison terms but have not begun serving their sentences or have not finished serving their sentences, or who have been restricted from leaving the country by judicial or military organizations.
- b) When there are indications that an individual could endanger national security and social stability.
- c) People who have been restricted or banned from leaving or entering the country by other laws.

A written notice will be issued to the person involved, offering explanations for reasons of refusal and remedial course of action.

4. Police authorities (was: “Security personnel”) have, whenever necessary, the right to inspect the following list of people, goods and means of transportation:

- a) Travelers and their luggage upon arrival in, and departure from, Taiwan.
- b) Ships, aircraft or other means of transportation upon arrival in and departure from Taiwan.
- c) Domestic boats and aircraft and the goods and merchandise aboard.
- d) Crews, fishermen or other personnel aboard the vehicles mentioned under (b) and (c), and their luggage.

5. The Ministry of Defense — in consultation with the Ministry of Interior — has the right to designate the coasts, mountains and important military installations as restricted areas in order to safeguard coastal defense, the security of military installations and the highland areas. The restricted areas should be made known to the public.

- a) People who want to enter and leave the above-mentioned restricted areas must apply for permission to the organization in charge.
- b) Construction in restricted areas will be forbidden or restricted in accordance with the needs of the military. The scale of restriction will be decided jointly by the Ministries of Defense and Interior.

6. Those who enter or leave the Taiwan Region in violation of paragraph I of Article 3 will be subject to the penalty of maximum three-years’ one year prison sentence, hard labor and/or a fine of maximum thirty thousand yuan **.

Individuals who refuse to accept, or try to avoid, inspection as laid down in Article 4 will be subject to the penalty of maximum six months’ prison term, hard labor and /or a fine of maximum five thousand yuan.

7. Those who, in violation of paragraph 2 of Article 5, enter into or depart from restricted zones without applying for permission, will be subject to the penalty of maximum six months’ prison sentence, hard labor and/or a fine of maximum five thousand yuan.

Those who, in violation of paragraph 3 of Article 5, undertake construction projects in restricted areas and refuse to comply with instructions to cease construction, will be

subject to the penalty of six months' prison sentence, hard labor and/or a fine of maximum five thousand yuan.

8. Non-military persons will not be tried in military courts. Military personnel who commit offenses covered by Article 61 of the Criminal Code but not included in the Special Laws of the Armed Forces may not be tried by military courts.

9. Criminal cases of civilians, (“fei hsien yi chun jen”, literally: “non currently-serving military personnel”) who have been tried in military court in the period when martial law was in force, will be handled according to the following regulations:

- a. cases whose military trial procedure has not been completed, and cases which are under investigation, will be turned over to the prosecutors of civil courts. Cases which are currently on trial will be transferred to the civil courts.
- b. cases whose military trial procedure has been completed will not be allowed to appeal or protest in the civil courts [emphasis added]. Those who have grounds for a retrial or a special appeal may apply for a retrial or a special appeal.
- c. criminal cases involving civilians, who are serving their sentences, or those who have not begun to serve their sentences, will be transferred to the jurisdiction of the prosecutors of the civil courts.

10. The Executive Yuan will decide on the enforcement regulations of this law, and the date of its entry into force.

** 1,000 yuan equals NT\$ 3,000, which in turn is — at the present exchange rate — approximately equal to U.S.\$ 100.—

Other objections against the NSL

On pages 1 and 2 of this Taiwan Communiqué we already discussed the main provision in the new NSL which represents a stringent restriction on freedom of expression and on political rights in Taiwan: the three “principles” contained in Article 2. Below we discuss several other aspects of the law, which have been criticized by the DPP-opposition and by legal scholars in Taiwan as being restrictions on basic freedoms.

They are:

- * The fifty “implementing rules” passed in the beginning of July;
- * The restrictions imposed by the draft of the separate law — made public by the Ministry of Interior on 21 July 1987 — which is supposed to give detailed guidelines for assembly and association activities (as foreseen in Article 2 of the NSL).
- * The prohibition — contained in Article 9 of the NSL — on appeal by political prisoners who have been jailed under martial law;

Fifty “implementing rules”

On 2 July 1987 the Executive Yuan unveiled a set of 50 “Implementation Regulations of the National Security Law”, and presented these to the Legislative Yuan for approval. When DPP-legislators examined these implementing rules, they found that many of the regulations echoed provisions of martial law, and that they contained no specific definition of the “police organizations”, responsible for customs inspection in article 4 of the NSL.

Controversy erupted when some KMT officials tried to use a “broad” definition to include judicial police — the military police, the Investigation Bureau of the Ministry of Justice and even the Taiwan Garrison Command. Under martial law, the Garrison Command has been responsible for customs inspection at airports and harbours. If this interpretation had been followed, the situation would thus have remained unchanged.

DPP legislators and legal scholars urged the KMT authorities to define “police authorities” narrowly, so as to include only the police organizations under the National Police Administration. Finally the Kuomintang yielded and accepted the “narrow” definition, and the implementing rules were passed by the Legislative Yuan on 7 July 1987. However, the Garrison Command will still play a role during the transitional period after the lifting of martial law by assisting in the training of police to carry out security inspection at the customs.

Restrictions on assembly and association activities

As stipulated in Article 2 of the NSL, a separate law would be written to regulate public assembly and association activities. Thus, on 21 July 1987, the Ministry of Interior made public a 34-Article draft of a new law, titled “Administration Law on Assembly and Marches during the Mobilization Period against Communist Rebellion” [the title of the law says much about the siege mentality of its authors - Ed.], which described detailed guidelines for assembly and association.

The provisions contained in this draft were so strict that they even drew heavy criticism from moderate KMT-legislators. The main target of both the KMT-moderates and the DPP-opposition was Article 4 of the draft of the new law, which restated the provisions of Article 2 of the NSL and added a few more (underlined):

“No marches or public assemblies may violate the Constitution or anti-Communist policy, disturb law and order or customs and traditions or advocate division of the national territory.”

The DPP and the KMT-moderates argued that such a loose definition would give the police far too wide a latitude to refuse a permit for a march or gathering of any group not to the liking of the authorities.

Other articles require an application for a march or public gathering 14 days in advance of the planned event, prohibit any gatherings near public buildings, such as the Presidential Office, the National Assembly, Legislative Yuan, Control Yuan, or Executive Yuan, and all court houses, and make the granting of a permit to hold a meeting subject to the availability of police and to maintenance of “social order.” The DPP and the KMT-moderates also voiced their opposition against these provisions, calling them unreasonable and unworkable. They pointed out that in democratic countries the required lead time is much less: in the U.S., the law requires only prior registration; in West Germany, 48 hours advance notice, and in Japan, 72 hours.

No appeal by political prisoners allowed

As we reported earlier (Taiwan Communiqué no. 29, page 4) Article 9 of the NSL has also been strongly opposed by the democratic opposition. It states in sub. b:

“cases whose military trial procedure has been completed will not be allowed to appeal or protest in the civil courts [emphasis added]. Those who have grounds for a retrial or special appeal, may apply for a retrial or a special appeal.”

This provision is actually a reversal of the original martial law, which stated in its Article 10:

“Appeal against a judgement rendered in accordance with Articles 8 and 9 of this Law [these articles stipulate a long list of possible offenses committed “within the combat area” !! — Ed.] may be instituted in accordance with law as from the day following the date on which martial law is repealed.”

During the debates about the NSL in the Legislative Yuan, the DPP- legislators voiced strong opposition against Article 9, stating that it means a further deprivation of rights of people whose human rights had been violated so seriously already by the secret police during the past decades. However, the Kuomintang — fearing that the some 8,000 former political prisoners would take their cases to court — did not alter its position. The DPP legislators emphasized that no social harmony can be attained unless the rights of these 8,000 men and women are fully restored, and their grievances redressed.

On 19 June 1987, during the final debate about the NSL in the Legislative Yuan, a group of prominent, recently released, political prisoners held an unprecedented sit-down demonstration in front of the Legislative Yuan building to protest Article 9. The group, all members of the three-years-old Association of Political Prisoners, included recently released politicians Chang Chun-hung and Yang Chin-hai, and writer/editor Huang Hua.



Former political prisoners demonstrate against the National Security Law

Another former political prisoner, Lin Shu-chih, said that the process of appeal through the civil courts offered the only hope for political prisoners to have their convictions repealed, and their right to work, and to hold public office restored. The National Security Law was taking that glimmer of hope away.

The French press agency AFP reported on 25 June 1987 that, in related development, some 20 political prisoners on Green Island went on hunger strike for a week to protest the National Security Law.

On 16 July 1987, on the day after the lifting of martial law, two prominent political prisoners who were recently released, Messrs. Chang Ch6n-hung and Huang Hsin-chieh (see [Prison Report](#), page 18) went to the High Court in Taipei, and — in defiance of the NSL — submitted an appeal against their convictions. Mr. Huang stated that he had ground for appeal because Mr. Hung Chi-liang the prosecution witness who testified against him, had recanted his testimony, and had written that it was a fabrication by agents of the Investigation Bureau of the Ministry of Justice (see *Taiwan Communiqué* no. 22, October 1985). On 22 August 1987 the High Court rejected the appeal by the two men. In the meantime, at least seven other former political prisoners filed their appeals with the High Court.

The 12 June 1987 Incident

Right-wing provocateurs incite violence

On 12 June 1987, the DPP sponsored a rally in front of the Legislative Yuan to protest the National Security Law. The gathering drew more than 3,000 DPP-supporters. The police had set up a cordon around the building, but inside the cordon a small group — by most accounts some 100 persons — of counter-demonstrators of the right-wing extremist Anti-Communist Patriotic Front (APF) and People’s Patriotic Society (PPS) moved around freely. At several times during the 14-hour standoff the right-wing provocateurs broke through the police lines, attacked the DPP-followers with wooden poles, and retreated again to safety behind the police lines.

Immediately after the incident, the DPP became a target of a media smear campaign. The two major newspapers [China Times](#) and [United Daily News](#) — both owned by members of the Kuomintang Central Committee — and the government-controlled radio- and TV-stations carried strongly-biased reports and tried to portray the DPP supporters as “violent demonstrators.”

However, the more objective and neutral [Independence Evening News](#) and [The Journalist](#), a weekly, reported that the members of APF, who stationed themselves at the gate of the Legislative Yuan, initiated the violence by breaking through the police cordon and attacking DPP-supporters. The Hong Kong-based [Far Eastern Economic Review](#) also reported that “The violence began around noon that day when members of the rightist contingent broke through a police line separating the two groups, wielding broken-off flagpoles as clubs.”

The DPP-organizers called off the demonstration at the Legislative Yuan at 6 p.m., but a crowd of several hundreds refused to disperse. Some were curiosity-seekers. But many others had been beaten or injured by the right-wing extremists in earlier confrontations, and they demanded an apology before they would agree to disperse. The APF and PPS-leaders refused to apologize. The standoff continued until deep into the night, and only ended when — some time after midnight — police wielding batons charged into the crowd and began beating the demonstrators, who finally fled. APF- and PPS-members were escorted off through a side door of the Legislative Yuan in police vehicles.

The aftermath: Five indictments

A few days after the June 12 events, the Taipei prosecutor summoned three of the DPP-organizers and two APF-leaders for questioning. The two APF-leaders, Shu Tseng-tung and “field commander” Wu Tung-yi appeared on Saturday, June 20.

The hearing of the three DPP-leaders — Taipei City Council member Hsieh Ch’ang t’ing, National Assembly-member Dr. Hong Chi-chang, and writer/editor Chiang Kai-shih took place on Tuesday, 23 June 1987 in the Taipei District Court building. The three were accompanied by prominent DPP-leaders. A large crowd of supporters gathered outside, and some scuffles occurred between DPP-supporters and plainclothes policemen trying to take pictures of the crowd. Two DPP-supporters were later arrested and beaten up by the police.

The five were indicted by the Taipei District Prosecutor on 17 August 1987. The three DPP-leaders on charges of “disrupting public order and interfering with the duties of the police,” and the two APF-men for “inciting clashes by staging a counter-demonstration.”

Who are the right-wing extremists ?

According to informed American sources in Taiwan the two right-wing groups have close ties to the criminal underground in both Taiwan and Hong Kong. Mr. Wu Tung-yi, the “field commander” of the APF on 12 June 1987, was a convicted criminal. According to press reports in Taiwan, he was imprisoned before on charges of theft, extortion, and forgery. He has admitted to having previous criminal record.

The two groups apparently receive political and financial support from conservative elements in the KMT, the military, and the intelligence apparatus who are unhappy

about the present liberalization process (see “The Right lashes back”, in the Far Eastern Economic Review, 2 July 1987).



Stick-wielding provocateurs break through police lines

The provocative tactics used by the extremists are not new: they were also used by the group around Chi Feng magazine in 1979. In fact, APF-leader Shu Tseng-tsung was a key-member of the Chi Feng group. From September through December 1979 these right-wing vigilantes carried out violent attacks against the homes of the “tangwai” opposition leaders and the offices of Formosa magazine. At that time the police did not take any action against the extremists either. These attacks were a major reason for the increasing tension during that period, which eventually escalated into the confrontations at the “Kaohsiung Incident” of 10 December 1979 (see our publication “The Kaohsiung Tapes”, published jointly with the Society for the Protection of East Asians’ Human Rights in February 1981).

Police partiality to the right-wing extremists

During and after the events of 12 June, there were strong indications of partiality towards the right wing extremists by police and other KMT government officials. Below, we present an overview:

The Far Eastern Economic Review reported (2 July 1987): “The impression that at least some parts of the government were partial to the rightists was strengthened by the scene at the Legislative Yuan on 12 June. While opposition supporters were kept outside the police cordon around the building, the APF and PPS demonstrators were allowed to go in and out of the building freely. At one point, the KMT deputy secretary-general of the Legislative Yuan, Mr. KUO Chun-tzu, emerged to greet them and receive a national flag as a gift.”

The Independence Evening Post reported that during the whole episode a group of 20 to 30 unidentified young men — many speaking Cantonese — moved around relatively freely, wielding broken-off flag-poles as clubs, and taunting the DPP supporters. The police never tried to stop them.

Mr. Hsieh Chang-t'ing, the DPP-coordinator of the 12 June 1987 demonstration, in an appeal to the prosecutor, called the prosecutors' attention to several instances of police partiality to the APF members. Mr. Hsieh pointed out the following:

1. The police have removed Wu Tung-yils criminal record from the file, which was turned over to the District Court, in order to accentuate Wu's "patriotic" image.

2. Another leader of the APF-extremists, Mr. Chao Hung-wu, a retired army officer, was reported to have incited the APF members to shout "kill". But he was not summoned for questioning. Mr. Hsieh asked whether the police was trying to protect Mr. Chao because of his military background.

3. The police had tried to withhold evidence pointing to the culprits who injured policeman Chang Tsai-min on June 12 at noontime at the gate of the Legislative Yuan. Several video cameras had recorded the scene, and several plainclothes men had also witnessed the incident. But the police would not arrest the culprits, and instead tried to implicate DPP members.

4. Mr. Hsieh also accused the police of trying to present to the court only evidence that is unfavorable to the DPP. Mr. Hsieh pointed out that the police had recorded several hours of videotape of the confrontations between DPP supporters and APF members. But the police had turned over to the prosecutor only an edited 20-minute videotape.

News from the U.S. Congress

House passes amendment on democracy in Taiwan

In Taiwan Communiqué no. 30 we reported that in April 1987 members of the U.S. Senate had introduced a Resolution concerning representative government, political parties, and freedom of expression in Taiwan. In June 1987, Congressman Stephen Solarz (Democrat, New York) and Jim Leach (Republican, Iowa), respectively

chairman and ranking minority member of the Subcommittee on Asian and Pacific affairs, introduced a similar resolution in the House of Representatives. On 18 June 1987, the full House attached the resolution as a “sense of Congress” amendment to the State Department Authorization Bill, a measure authorizing the appropriation of operating funds for the Department of State.

The amendment, formally known as Section 701 of the authorization bill, concludes,

“The Congress —

(1) commends the authorities on Taiwan, the democratic opposition, and the people of the island for recent progress in building a framework for full democracy in Taiwan;

(2) will welcome the day that the state of martial law is ended and the ban on new political parties is lifted; and

(3) urges the authorities on progress towards a fully particular by — Taiwan to democratic continue and accelerate system of government, in

A. guaranteeing freedom of speech, expression, and assembly; and

B. moving toward a fully representative government, including the free and fair election of all central representative bodies.”

The State Department Authorization Bill also includes additional sense of Congress amendments calling for “free and constitutional elections” in Panama; “a free and open political system that will protect the essential human rights of all the people living within” the People’s Republic of China; and respect for “internationally recognized human rights,” including cultural and religious rights, in Tibet.

In order for these amendments to become law, the Senate must also approve them. As we went to press, Senate action was still pending.

Senator Pell comments on the end of martial law

On 17 July 1987, just after the end of martial law was announced in Taiwan, Senator Claiborne Pell, the Chairman of the Senate Foreign Relations Committee, made the following statement in the U.S. Senate:

“Mr. President, in the past year, after four decades of one-party martial rule, Taiwan has begun to move forward on the path toward self-determination. The two most promising developments have been government moves to abolish martial law and the formation of a vibrant new political party, the Progressive Democratic Party.

On July 14, the Taiwan government formally fulfilled an earlier pledge to lift the regime of martial law that for so long suffocated political freedoms on that island. This is a welcome sign — perhaps a historic step — and I commend Taiwan’s leaders, particularly President Chiang Ching-kuo, for having the courage and wisdom to remove the most prominent symbol of repression and resistance to reform.

At the same time, we cannot be content with cosmetic changes that put a new face on the same reality. The end of martial law must bring real change. Under the new National Security Act that will replace martial law, military courts and military sensors will no longer operate in the public domain. That is good, but the new civilian system must also accord the people of Taiwan greater rights and liberties denied under martial law. It is my hope and expectation that it will, because that is crucial to the future development of United States-Taiwan relations. I and other friends of the Taiwanese people will be following with great interest the further elaboration and implementation of the National Security Act.

Another critical question is political representation. At present, in Taiwan’s national legislature (the “Legislative Yuan” — Ed.), only one fifth of the members are elected. Most seats are held by Nationalist stalwarts who were ensconced there 40 years ago for life — and who now have an average age of about 80. Change is clearly imminent, and the best change would be the Government’s introduction of truly democratic procedures for election of Assembly members. This would entail the tolerance of free political activity and free political parties.

The issue of political parties brings me to the second positive development of the past year — the formation of the Democratic Progressive Party. The creation of the DPP last November was an inspiration to all of us who want the Taiwanese people to have a

greater voice in their own future. I hope and trust that members of the DPP draw inspiration from the knowledge that many Americans share their vision for a democratic Taiwan.

The government of Taiwan should be credited for the tolerance it has shown toward the DPP, and Americans will be following events with a powerful conviction that this tolerance must continue if Taiwan is to attain true democracy. The DPP should be recognized as a legitimate political party and accorded full political rights. Such full rights would not be in effect if the DPP were required, as a condition of being allowed to function, to support the concept of eventual reunification with the mainland.

Of Taiwan's 19.5 million people, only about 20 percent are native mainlanders; the remainder are native Taiwanese. The position of the DPP is clear. It calls neither for reunification with the mainland nor for permanent separation; it calls for self-determination. The DPP does not say that Taiwan should declare its independence from the mainland; it declares that the people of Taiwan must be free to determine their own future. It says, if the Taiwanese people freely vote for independence, the world should respect their judgement.

I fully support that position. Because I do, I am proud to serve, with Senator Kennedy, as an honorary co-chairman of the Committee for Democracy on Taiwan, along with Congressmen Solarz and Leach, who serve as operational co-chairmen. America was built on the principle that the American people should determine their own destiny. We cannot and should not expect the Taiwanese people to settle for anything less. Progress is underway on Taiwan. We must urge that it continue."

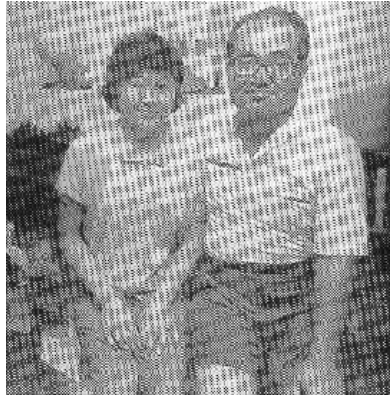
Prison Report

Prominent political prisoners released

At the end of May 1987, a total of seven political prisoners were released. Five of them are prominent members of the democratic opposition, who had been adopted by Amnesty International as prisoners of conscience. Writer/editor Wei T'ing-chao was released on May 27th upon completion of his prison term, while the six other political prisoners were released on parole on May 30th. Below is a brief description of each of the released persons:

Wei T'ing-chao, age 51. Mr. Wei, a well-known opposition writer and editor (see “profile of a scholar-prisoner” in *Taiwan Communiqué* no. 23), was arrested in December 1979 after the “Kaohsiung” Incident and was sentenced to six years imprisonment. In July 1984 he was granted parole, but was detained to serve another two years and 10 months — the remainder of an earlier sentence.

Upon his release, Mr. Wei received an enthusiastic and tumultuous welcome by a crowd of several hundred people. Ironically, this is precisely what the prison authorities had tried to avoid: at six in the morning they had escorted him from Jenai prison in Tucheng to his home in Chungli, about 25 km to the Southwest of Tucheng. When a crowd gathered at the gates of Jenai prison at eight a.m. to welcome him, they were told that Mr. Wei had left already. When Wei was informed that a large crowd was waiting for him at the prison gates, he quickly returned to the prison, where he was given a hero's welcome. He was cheered and carried on the shoulders of his supporters. Mr. Chiang Peng-chien, the chairman of the Democratic Progressive Party, and others gave speeches to welcome his return to freedom.



Mr. Wei and his wife

In Taoyuan — a town in between Tucheng and Chungli — the residents there also gave him an enthusiastic reception: fire-crackers exploded and dances were performed in the streets as Mr. Wei passed in a parade through the streets.

This was the third time that Mr. Wei was imprisoned on political charges: in 1964 — when he had just graduated from law school — he was arrested for helping professor Peng Ming-min draft a declaration which called on the ruling Kuomintang to abandon the fiction that it ruled all of China, and to establish a democratic government on Taiwan. He was released in 1968, but re-arrested in 1971 and tortured. The investigation dragged on for more than four years, because the secret police were unable to present convincing evidence to support their cooked-up charges. In 1975, he was sentenced to eight-and-a-half years imprisonment, but released soon afterwards under a general clemency.

Yen Ming-sheng, age 51, was arrested in May 1976 on charges of sedition, after he had run as an independent candidate for a seat in the Legislative Yuan. Mr. Yen was a vocal critic of the Kuomintang's policies. His election platform touched on many topics which were taboo in those days: lifting of martial law, the ban on new political parties, and self-determination. According to the official vote count, Mr. Yen "lost" the election, but there was significant evidence of fraud, and his supporters staged a protest demonstration — illegal under martial law. In May 1976, Mr. Yen joined a number of other opposition leaders in drafting and signing a proposal for the formation of an opposition party. A few days later — on May 31 1976 — he was arrested.

Huang Hsin-chieh, age 58. Mr. Huang is one of the most prominent leaders of Taiwan's opposition movement. Before his arrest — in the wake of the "Kaohsiung Incident" of December 10, 1979 — he was one of only two opposition members in the Legislative Yuan. In August 1975 he, together with Kang Ning-hsiang, launched Taiwan's first full-fledged opposition magazine — **Taiwan Political Review**. The magazine's publishing license was suspended after five issues.

In August 1979, Mr. Huang started to publish **Formosa Magazine**, which quickly became the opposition's main rallying point. Within a few months, the circulation of the publication reached 100,000 copies. On 10 December 1979, in commemoration of International Human Rights Day, the magazine's staff organized a torch parade in the southern port city of Kaohsiung. The demonstration ended in chaos after police released teargas into a peaceful crowd and pro-KMT instigators caused violence. Mr. Huang was arrested — together with dozens of other opposition leaders — and was sentenced to 14 years imprisonment. In July 1985, a prosecution witness against Mr. Huang recanted his testimony. The witness wrote a book in which he stated that his testimony was a fabrication by interrogators of the Investigation Bureau of the Ministry of Justice (see *Taiwan Communiqué* no. 22, pp. 1-4).

Chang Chun-hung, age 49, is one of the opposition's leading intellectuals (see *Taiwan Communiqué* no.24). He served as chief editor of both the **Taiwan Political Review** and **Formosa Magazine**. In 1977 he was elected to a seat in the Taiwan Provincial Assembly, where — together with several other leading Taiwanese — he laid the foundation for the present-day opposition party. After the "Kaohsiung Incident" he was sentenced to 12 years imprisonment.

Huang Hua, age 48, has spent more than 21 years in prison for his political beliefs (see *Taiwan Communiqué* no. 15 and 21). In 1975 he joined the **Taiwan Political Review** as a deputy editor. After the magazine had been closed down, Mr. Huang was arrested and was accused of using the **Taiwan Political Review** to “propagate rebellious thoughts.” In his articles in the **Review**, Mr. Huang had emphasized the need for political reform and an end to martial law.



Huang Hua (L), Chang Chün-hung (R), and Chang's wife Hsü Jung-shu (Center)

Ms. Yu Su-chen, age 46, was arrested in October 1978 in connection with the Wu Tai-an case. Ms. Yu was the common-law wife of Wu Tai-an, a prosecution witness against Mr. Yu Teng-fa, the former Kaohsiung County Magistrate, who is a prominent local politician in Kaohsiung.

Ms. Yu was arrested in the beginning of 1979 and accused of “sedition.” In April 1979 she was sentenced to 15 years imprisonment. Mr. Wu Tai-an himself — who was mentally unstable — was sentenced to death in spite of (or perhaps because of) his cooperation with the authorities. He was executed soon after the trial.

Chou Wen-lung. A mainlander from Hupei Province in mainland China. He was arrested for making pro-Communist propaganda, and was serving a three years' sentence.

Lin Cheng-chieh sentenced to additional prison term

On 3 July 1987, Mr. LIN Cheng-chieh, the former publisher of Ch'ien Chin magazine and DPP-member of the Taipei City Council, was sentenced by Taipei District Court to an additional prison term of one year. Mr. Lin is currently already serving a prison term totaling two years and two months in connection with two earlier political charges (see *Taiwan Communiqué* no. 27, pp. 19-22 and no. 30, p. 19).

The latest sentence stems from libel charges filed by Mr. Li Ao, a writer who used to be known for his sharp and biting criticism of the Kuomintang authorities, but who — in recent years — turned egocentric and preoccupied himself more with publishing magazines with sexy covers and with criticizing others in the opposition. When Mr.

Wu Hsiang-hui, a former chief-editor of Progress criticized Li Ao for this in a series of articles entitled “Li Ao is dead”, Mr. Li filed libel charges against Mr. Wu and against Mr. Lin Cheng-chieh, who as publisher of Progress was also held responsible. The Kuomintang authorities made clever use of this squabble, and had the Court slap another sentence on Mr. Lin, who has been one of the most effective coordinators of opposition activities. Mr. Wu was also sentenced to one-year imprisonment.

The staff of Progress reacted strongly to the new sentence of Mr. Lin. Mr. Tsai Shih-yuan, a DPP-member of the National Assembly who is also president of Progress, announced that public meetings will be organized to protest Mr. Lin’s imprisonment. Mr. Lin’s wife, Ms. Yang Tzu-chun, who is a folksinger and a politician in her own right, has announced she will file an appeal against her husband’s sentence.

Another death in police custody

In a previous prison report (*Taiwan Communiqué* no. 27, pp. 15-16), we reported on several deaths in police custody. One of those was the case of Mr. CHEN Kai-chieh, age 19, who died after his arrest on 14 August 1986. Mr. Chen’s parents had strong reasons to believe that their son had been tortured to death: his body was covered with wounds and bruises. The parents expressed their anger by leading a protest demonstration in front of the Hsichih police office in Taipei. Subsequent reports from Taiwan indicate that the police were harassing Mr. Chen’s family for raising this issue.

In a separate case, the recent death of a prisoner in a prison in Taitung has raised further questions about the frequent practice of torture in Taiwan’s prisons. Mr. CHEN Chin-hao, age 38, from Chungli in Taoyuan County, was arrested in 1984 during the “clean sweep” anti-hoodlum campaign. He was transferred to Tai-yuan prison in Taitung at the end of May. On 7 July 1987, his family was informed by the prison authorities via the telephone that he had died “of heart failure”.

Contrary to the claim of prison officials, the coroner’s report said that Chen’s death was caused by assault with a blunt object against the back of his head. Deep-cut wounds were found on the temple and the back of his head. His family accused the prison guards of torturing Chen to death.

Relatives and Mr. Hsu Kuo-tai, a DPP legislator from Taoyuan, saw Chen’s battered body. They pointed out that in addition to the wounds on his head, his chest and abdomen were also covered with wounds. There were three deep-cut wounds on his

arm. His right shoulder and right ear were lacerated. Upon questioning by Chen's family, the prison officials said that he died of heat stroke during a strenuous outdoor military exercise. But they could not explain how the wounds were inflicted.

Later, the prison officials changed their story again: they said that the cause of Chen's death was that he tried to commit suicide by banging his head against the wall and died on the way to the hospital. His family said that he had no reason to commit suicide as he was about to be released after three years in prison. The family has rejected an offer of compromise from the Garrison Command and demanded to know the full circumstances surrounding his death.

Taiwan press reported on August 15, 1987 that Chen's family was also angered about the coroner's delay in issuing the results of an autopsy, which was performed on July 22, 1987. Chen's family has filed charges in court against the two prison guards who were suspected of torturing Chen to death.

Freedom of the Press ?

New magazines start up in 1987

In *Taiwan Communiqué* no. 29 we presented details of the continued harsh censorship-campaign by the Taiwan Garrison Command, which went into full swing in May 1985, and lasted all through 1986. Although in mid-1986 the number of opposition magazines being published actually rose to approximately a dozen, by the end of the year there were only four or five weekly publications and three nominally monthly publications left (the latter publishing quite irregularly). These magazines published a monthly total of just over 20 issues, but the virtually blanket bannings and confiscations by the Garrison Command and its associated groups made it difficult for the magazines to survive.

In the first half of 1987 the press censorship continued in full force. Even the official publication of the DPP, the **Min Chin Pao** and the **Taiwan Church News**, the official publication of the Presbyterian Church, were confiscated. However, in a typical "cat-and-mouse" game, most magazines were able to get at least some copies of each issue to their readers. At this time we don't have a full statistical overview of censorship yet, but we will publish it as soon as it becomes available.

Still, in the first few months of 1987, as the winds of political change in Taiwan were picking up, a number of new magazines started to appear — apparently in anticipation of a relaxation of press censorship. Several of these were published by editors and writers of magazines that had disappeared in 1986. Some of the new titles are:

— The Journalist, published by former The Eighties editor Antonio Chiang. This weekly magazine started in mid-March, and presents itself as a neutral publication — neither associated with the opposition nor with the ruling KMT.

— The Nineties Weekly which is the successor of Spot News Weekly, published in Taichung. The Nineties No. 1 of March 28, 1987 is listed as Ling Hsien No. 58. Its publisher is Mr. Su Ming-ta. Supervisor: Yen Chin-fu, a DPP member of Taipei City Council.

— New Taiwan Magazine, a bi-monthly, based in Kaohsiung. Its publisher is Wu Yu-huei. This magazine can be classified as “mainstream” DPP-opposition.

— Democratic Progressive Weekly, published by Mr. Wu Hsiang-hui, previously associated with Ti Yi Hsien and Tzu Yu Taiwan. This magazine should not be confused with the Democratic Progressive Newspaper, the official DPP newspaper.

— South Magazine, a new monthly magazine, which is more a cultural magazine than a political journal. It is published by a group of young Taiwanese writers.

At this time it is still too early to say whether the lifting of martial law and the introduction of the new National Security Law will mean a real improvement for press freedom on the island. The first reports from Taiwan indicate that during the first few weeks following July 14th, most opposition magazines were able to distribute their magazines without the usual hindrance, harassment, bannings and confiscations by the security agencies. However, in an ominous sign, the authorities said on 13 July 1987 that the implementing rules of the Publication Law had been revised, requiring publications to abide by the three “principles” outlined in Article 2 of the National Security Law (see pages 1 and 2).

Taiwan Communiqué comments: let us hope that the lifting of martial law indeed brings a permanent improvement and not just a temporary cosmetic brush of fresh air.