



TAIWAN COMMUNIQUE

Published by:

International Committee for Human Rights in Taiwan

Europe : P.O. Box 91542, 2509 EC THE HAGUE, The Netherlands

Canada : P.O. Box 487, Station "A", VANCOUVER, B.C., V6C 2N3

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

: P.O. Box 15275, WASHINGTON, DC 20003-5275

International edition, February 1988

Published 6 times a year

ISSN number: 1027-3999

33

The end of the Chang Dynasty

A mixed legacy

The death of President Chiang Ching-kuo on 13 January 1988 left the Taiwanese people with mixed emotions. In the international press he is portrayed as the benign father-figure, who initiated democratic reforms — be it after sustained pressure from the native Taiwanese democratic opposition and the U.S. Congress.

However, to the Taiwanese people, he was the symbol of the domination of the Chinese mainlanders over the political system; the son of the authoritarian and repressive Chiang Kai-shek. In the 40's and 50's — when the defeated Chinese Nationalists arrived on the island — Chiang Jr. headed the Kuomintang's secret police, which was responsible for thousands of arrests and executions of native Taiwanese who protested the repression and corruption of the newly-arrived mainlander regime. And even in the late 70's and early 80's — when Chiang had succeeded his father as President — dozens of active members of the democratic opposition were imprisoned on political grounds.

Mr. Chiang's legacy is thus mixed. Much will depend on whether the political reforms finally initiated by him will be allowed to run their full course. If Taiwan achieves a fully democratic system within the next few years, then the balance may tip in Chiang's favor. His decision to go with the democratic tide that swept East Asia in the mid-1980's helped undo some of the wrongs brought over the people of Taiwan by his father's (and his own !) Kuomintang regime.

Major challenges ahead

Mr. Lee Teng-hui, a native Taiwanese who succeeded Mr. Chiang, faces major challenges. If his government is to gain more legitimacy, he must increase the momentum towards a more free and open Taiwan. Mr. Lee can do this by ensuring that a political system is developed which is 100 % representative of the people on Taiwan, and not only some 8.5 % as is the case at the present time. He must also ensure that the democratic opposition DPP — and other parties — can operate on an equal footing with the ruling Kuomintang party. For this it is necessary to retire the old legislators who were elected in 1947 on the mainland and who still constitute the large majority of the national legislative bodies (see article on page 10).

Just as importantly, President Lee must outmaneuver the old Kuomintang diehards in the military and secret services, who have grown accustomed to the perks and privileges of near absolute power. Stepping back will not be easy for these men, who constitute the most dangerous potential source of instability for Taiwan: as the recent liberalization policy has deprived them of much of their clout, they may strike back in order to regain some of their influence.

Two Independence advocates sentenced

Still no freedom of expression in Taipei

On 9 January 1988, yet another political trial was held in Taipei: on trial were Mr. Ts'ai Yu-chuan, a theologian in the Presbyterian Church, and Mr. Hsu Tsao-teh, a well-to-do businessman. Both are active members of the Taiwanese democratic opposition. A week later, on 16 January, the Taiwan authorities sentenced them to 11 and 10 years imprisonment respectively for advocating a free, democratic and independent Taiwan. Advocacy of independence is prohibited in Taiwan because the Kuomintang authorities still cling to their outdated claim to be the government of all of China. The London-based human rights organization Amnesty International has adopted the two as prisoners of conscience.

The two men had been arrested on 12 October 1987 (see Taiwan Communiqué no. 32, pp. 3-7) and were indicted by the Taiwan High Court on — ironically — 10 December 1987, International Human Rights Day. Ts'ai and Hsu were charged under the draconian National Security Law (NSL) — passed in July 1987 to replace the old Martial

Law — and under the “Statute for the Punishment of Sedition During the Communist Rebellion”, which dates back to 1949, when the Nationalists had just been defeated on the mainland. The NSL prohibits advocacy of “division of the national territory” (which in the view of the Kuomintang authorities still includes mainland China).

The charges stemmed from the inaugural meeting of the Formosa Political Prisoners’ Association on 30 August 1987, at which Mr. Hsu initiated a motion to include a clause favoring Taiwan independence in the association’s charter. Mr. Ts’ai, who chaired the meeting, opened a discussion on the issue, after which the motion was adopted by an overwhelming majority.

Yet another political trial

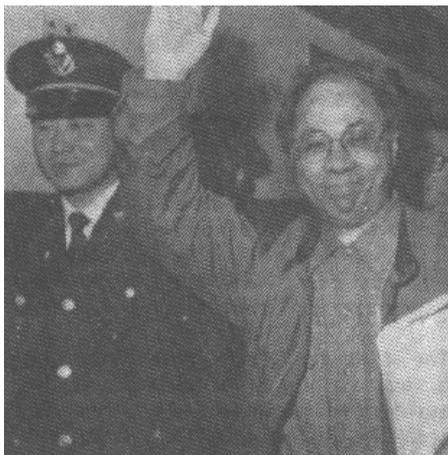
The trial on 9 January bore every semblance of a show-trial. It was evident that the authorities were simply going through the motions of a trial, and that the decision on the verdict had already been made.

Below we present a brief summary, based on an [Asia Watch](#) report by Ms. Jamie P. Horsley, who attended the trial as an observer.

The trial was supposed to start at 9:30 a.m., on Saturday, 9 January 1988. However, it was delayed for approximately 40 minutes when Ts’ai’s relatives and supporters inside the courtroom rushed forward, pulled Ts’ai towards the audience section, and chained themselves together. They then sang hymns, clapped, and shouted “Ts’ai and Hsu are innocent.” After a little while the courtroom filled



Mr. Ts'ai Yu-chuan



Mr. Hsu Tsao-teh

with police, both the black-coated regular court police as well as the military-style green-uniformed “Thunderbolt Unit”. They took out Ts’ ai’s brother and several other supporters. Ts’ ai’s brother was beaten severely, suffering a wound above his left eyebrow.

During the morning and afternoon session, some 500 supporters staged a noisy demonstration outside the courtroom. They listened to speeches and sang songs, like “Taiwan, unite, unite, unite for freedom and democracy” to the tune of “Glory, Glory, hallelujah”, and other freedom songs.

When the trial finally got under- way, the courtroom was lined with several rows of policemen. An audience of some 100 supporters sat behind a section which contained approximately 50 media reporters. Six lawyers, led by a prominent human rights lawyer, Lee Sheng-hsiung, constituted the defense. After a brief statement by the prosecutor, the court heard a tape recording of the August 1987 meeting of the FPPA. After a lunch-break the session continued with a video-tape of the August meeting. The defense stated that the tapes had been cut, and that only the parts most unfavorable to the two defendants had been left, taking what had been said out of context.

Immediately after the tapes, the chief judge announced that the “investigation” phase of the trial was closed, and that they would proceed to the “debate” phase. This procedure was highly unusual, because according to standard legal procedures in Taiwan, the two phases normally take place on separate days. It became apparent that the authorities wanted to minimize publicity for the case, and wanted to have it over with as quickly as possible.

The lawyers protested strongly against this “snap-trial” procedure. They wanted to present evidence and call witnesses for the defense. Ts’ ai himself stood up and said that at the August meeting he had in fact objected to including a reference to the independence of Taiwan in the draft FPPA-charter; this passage had been deleted from the tapes. Hsu joined in and said that he had not even known about the meeting until the last minute, so that he couldn’t have “conspired” with Ts’ ai to include the proposal he made. It was a spur-of-the-moment idea. To accuse them of “conspiracy to commit seditious acts” was thus rather outrageous.

The chief judge denied requests by the defense lawyers to show the entire video-tape. The defense argued that only in this way, the various comments made by the defendants could be understood in their proper context. The protests were to no avail: the judge pressed on, and stated that there was no need for further evidence. He had “seen and heard enough.”

The trial then moved into the “debate” phase, in which the defendants and their lawyers were allowed to state their arguments, but could not present new evidence. Mr. Hsu spoke first. His prepared statement took approximately one-and-a-half hours. He spoke in Taiwanese. Mr. Ts’ai followed with an eloquent discourse on the Taiwan independence issue, also in Taiwanese. His speech lasted two-and-a-half hours.

The fact that both defendants spoke Taiwanese was quite significant: it was a signal of protest against the attempts by the Kuomintang authorities to make Mandarin — a dialect originating from the Peking area — a national language in Taiwan. Since the judges did not understand the Taiwanese language, a court-appointed interpreter had started to translate the defendants’ statements during the morning session, but had done such a bad job that the audience started to boo him, and the defense lawyers complained about its inaccuracy. During the afternoon no attempt was made to interpret for them, so one wonders whether the judges understood much of what was being said.

The afternoon session lasted until approximately 7:10 p.m. Instead of finishing the session for that day, the judge announced a brief recess and stated that the trial would resume at 7:20 p.m. Virtually all reporters and most of the audience had gone by that time. Only the lawyers, some relatives and close supporters, and the Asia Watch observer remained.

When the trial resumed at 7:25 p.m., the lawyers made their arguments. They emphasized that the defendants had simply expressed their political opinion, and had not “conspired” or used any illegal means. Although there was some overlap, each lawyer approached the charges from slightly different angles. One lawyer accused the judges of having already made their decision, and said he had never seen such spiritless judges. Indeed, during the evening session, two of the judges were nodding off to sleep at times, giving the distinct impression that they were just going through the motions of a trial, and that the verdict had already been decided.

The observer for the American human rights organization Asia Watch reported that the judges showed a distinct lack of interest in the arguments. The observer left with the strong impression that the judges were not really listening and simply did not care. Only one judge took any notes. None asked any substantive questions. Two of the three judges were nodding off to sleep from time to time by the last three hours of the trial, while the defense lawyers were making their arguments. No verbatim transcript of the trial was made.

The lawyers completed their presentations at around 11:15 p.m., after which the defendants were called forward to make their closing statements. Ts'ai was able to make his statement, but Hsu was so exhausted that he collapsed after about 5 minutes. He requested medicine for his heart condition, so that he would regain his strength and be able to make his statement. The judge refused permission, declared that Mr. Hsu "declined to give his closing statement", and proclaimed that the trial was over and that the verdict would be handed down a week later, on 16 January 1988.

Protests against trial and verdict continue

Two days after the trial, the six defense lawyers requested a retrial on the grounds that the court did not conduct a full investigation of the evidence, and that the trial proceedings did not comply with the law. The lawyers presented a total of seven points on which the High Court violated the basic rights of the defendants to a fair trial. I the beginning of February, the lawyers submitted an appeal to Supreme Court.

In the meantime, widespread expressions of support for the two men were evident around the island: on 11 January, the DPP opposition party staged a demonstration on the occasion of "Justice Day". The gathering was attended by some 1,000 opposition members, who expressed their anger at the lack of judicial independence. According to opposition sources, more than 50 DPP-members have been prosecuted in 14 separate legal cases since the foundation of the DPP in September 1986. The meeting also expressed its support for Ts'ai and Hsu. Some 1,000 riot troops cordoned off the roads towards the Presidential Building to prevent the protesters from reaching the building. Similar demonstrations were held in Taichung and other cities around the island.

There was some hope in the opposition camp that after the death of President Chiang Ching-kuo on 13 January, the Kuomintang authorities would postpone the sentencing in order to avoid the flaring of tempers during the period of mourning. However, on 16 January, the authorities sentenced Ts'ai and Hsu to 11 and 10 years imprisonment respectively.

On Monday, 25 January, the Standing Executive Committee of the Dpp therefore decided to launch a campaign in support of Ts'ai and Hsu. DPP National Assembly members planned to request an audience with President Lee Teng-hui to ask clemency for the two, while simultaneously contacts would be made with the U.S. Congress and State Department to seek assistance in gaining freedom for the two.

On 6 February, the DPP joined the Presbyterian Church in organizing a candlelight prayer meeting at a Presbyterian Church at Chinan Road in Taipei in support of Ts'ai and Hsu. At the rally, DPP-chairman Yao Chia-wen and Presbyterian Church General-Secretary Kao Chun-ming (themselves former political prisoners) expressed their concern about the lack of freedom of speech in Taiwan, and particularly about the ban on discussion of the Taiwan independence issue.

In the meantime, a considerable number of politicians and human rights groups in the United States and Europe expressed concern about the arrest and detention of the two men. In mid-February, some 30 members of the U.S. Congress wrote to President Lee Teng-hui, urging him to release Ts'ai and Hsu. From October 1987 through January 1988, the London-based human rights organization Amnesty International initiated several urgent action appeals on behalf of the two, while in January 1988, several notable European politicians — such as the vice- chairman of the Foreign Affairs Committee in the European Parliament,

Mr. Michael Hindley — wrote to the Taiwan authorities to express their concern. In the Netherlands, a Labour Party member of the parliament (Tweede Kamer) tabled questions about freedom of expression in Taiwan, while the chairman of the right-of-center Liberal Party (VVD), Mr. Joris Voorhoeve, stated that he attaches high importance to human rights in Taiwan.

The case of Ts'ai and Hsu also received widespread attention in the international press. On 18 January, the New York Times gave the case wide coverage in an article titled "Independent Taiwan, risky idea may be gaining", while the Washington Post discussed the matter in an article by Daniel Southerland on 26 December 1987 ("Taiwan's ruling party eases grip on politics"). The widely-respected Far Eastern Economic Review discussed the issue in an article titled "Softly, softly push" (4 February 1988, p. 16).

Major Political Murders Remain "Unsolved"

Several major political murders in Taiwan, all of people associated with the democratic opposition, still remain unsolved. The Kuomintang authorities say that the perpetrators "cannot be found." However, there is significant evidence that those who committed these crimes can be found among the members of the secret police (Taiwan Garrison

Command and the Investigation Bureau of the Ministry of Justice), and of the right-wing extremist “patriotic anticommunist” groups which act in close collaboration with the secret police. Below we present some background information on these cases:

Taiwan Communiqué believes it is high time that the international community — and particularly the Reagan Administration — brings pressure to bear on the Kuomintang authorities so that justice is finally done and those responsible for these terrorist acts are prosecuted. By remaining silent about these atrocities, the Reagan Administration gives the impression of condoning the cover-up by the Taiwan authorities.

The murder of Mr. Lin Yi-hsiung’s family. On 28 February 1980, the mother and two daughters of Provincial Assemblyman Lin Yi-hsiung were murdered in their home in Taipei. Two-and-a-half months earlier, on 13 December 1979, Mr. Lin and more than 150 other “non-party” leaders and members were arrested by the authorities after the now well-known “Kaohsiung Incident.” Many of them were held incommunicado for more than two months; during this time most of them — among whom Mr. Lin — were interrogated for days at a time and beaten severely. On 26 February 1980, Mr. Lin and seven other detained Taiwanese leaders were told that on the next day they would be allowed to see their relatives. Mr. Lin was warned by his interrogators not to tell his family about the “treatment” he had received during 42 days of interrogation, or else “unfavorable” things could happen to his relatives (see the New York Times, 26 March 1980).

On 27 February 1980, Mr. Lin’s wife and mother visited him. His mother asked him repeatedly: “Have you been tortured?” He responded: “Don’t ask me such questions; you know what kind of things happen here.” The next day at around noon time his mother and seven-years’ old twin-daughters were stabbed to death in their home. A third daughter was seriously wounded. The house had been under constant police surveillance since Mr. Lin’s arrest in mid-December 1979. However, the police declared that they hadn’t seen anybody enter the house, and until now, February 1988, the authorities say that the perpetrators of this terrorist act “cannot be found.”

Mr. Lin (born on August 24, 1941), was elected as a “tangwai” (outside-the-party) candidate in 1977. He is a lawyer by profession. He was an effective legislator, well liked by his constituency, but not so well-liked by many government officials because he was a vocal critic of corruption in high places and of the repressive practices by the secret police agencies.

He became a key figure in the “non-party” movement, a loose coalition of mainly native-Taiwanese politicians who laid the foundation for the present-day opposition

movement. In the summer of 1979 he joined Formosa magazine, which quickly became a rallying-point for those advocating greater freedom and democracy in Taiwan.

After his imprisonment following the “Kaohsiung Incident”, Mr. Lin and seven other opposition leaders went on trial in March 1980 for “attempting to overthrow the government” and “inciting a riot.” The prosecutor charged that Mr. Lin had “incited the crowd to attack the police” at the Kaohsiung rally. The tape recordings of the Kaohsiung incident proved this contention to be utterly false. However, the military court refused to hear the tapes and decided that Mr. Lin’s confession (extracted under torture) was “sufficient evidence” and sentenced him to twelve years imprisonment.

Right after the murders took place Mr. Lin was released for a number of weeks. During this time he wrote an account of his interrogation, titled “My Detention”, which was published in the summer 1980 issue of SPEAHR- head, the Bulletin of the Society for the Protection of East Asians’ Human Rights (SPEAHR, P.O. Box 1212, New York, 10025).

In December 1983, Mr. Lin’s wife Fang Su-min was elected as a member of the Legislative Yuan, in what was widely interpreted as a signal of support among the people of Taiwan for the Lin family and an implicit criticism of the authorities for not prosecuting those responsible for the murder. On 15 August 1984, Mr. Lin became the first one of the “Kaohsiung Eight” to be released. Since then he has devoted himself to study and research.

Professor Chen Wen-cheng’s case still open. In the early morning of 3 July 1981, the body of professor Chen Wen-cheng was found on the campus of National Taiwan University in Taipei. The body had thirteen broken ribs, a broken spine and numerous other internal and external injuries, which had clearly been inflicted by beatings (see “It was murder” in Taiwan Communiqué no. 5, and “Carnegie-Mellon University Report on Chen Wen-cheng’s death” in Taiwan Communiqué no. 9, pp. 16 -19).

At the time, professor Chen (age 31) - brilliant young statistics scholar at Carnegie-Mellon University in Pittsburgh - was visiting Taiwan with his wife and a young child. Just prior to his death, professor Chen had been questioned by the Taiwan Garrison Command about his political activities in the United States. The first interrogation (on 30 June 1981) lasted approximately two hours. At the second round (on 2 July) he was reportedly questioned for approximately 13 hours. He wasn’t seen again after the second interrogation.

After the case received wide international attention, the Kuomintang authorities stated that it had been “either suicide or accident.” The evidence suggested otherwise. Among the unexplained injuries were four puncture wounds in the kidneys, more than 20 needle marks in the left elbow and extensive bleeding under the finger nails; all clear signs that he was tortured before his death.

However, in spite of the wide international attention for the case in the foreign press, and the strong efforts by the U.S. Congress and by Carnegie-Mellon University President Richard M. Cyert to get to the bottom of the case, the Kuomintang authorities were able to delay any further investigation and thus cover-up the matter. The international press finally lost interest and devoted its attention to other developments. The U.S. government — which is normally so vocal in condemning terrorism — remained silent.

Taiwan Communiqué hereby wishes to appeal to the international community — and particularly, the Reagan Administration — to exert renewed pressure on the Taiwan authorities to open the investigation in these two cases so that those responsible for these crimes are finally brought to justice.

Towards a fully democratic system

During the past few months, the DPP put increasing pressure on the Kuomintang authorities to take effective steps to move towards fully democratic elections for all seats in the three national-level legislative bodies. The DPP’s major trump card was a large demonstration which took place on 25 December 1987 — during the annual meeting of the National Assembly. During the meeting itself, the Assembly’s 11 DPP-legislators had a surprise up their sleeves for their elderly colleagues. Below, we give a short report on the events of that day.

A staid National Assembly shaken up

Taiwan’s staid National Assembly is a largely ceremonial body: it meets only once a year, on 25 December, to commemorate “Constitution Day.” Until December 1987 it had always been a sedate occasion at which lengthy speeches were recited — mainly recalling past glories from the 1920’s and 30’s — and extensive discourses were given on the worn-out topic of “recovery of the mainland.” The only other National Assembly function is the election of the President, which takes place once every six years.

However, this time “Constitution Day” was different in an unprecedented bold move, eleven Taiwan-elected DPP members of the Assembly used the occasion — in the presence of former president Chiang Ching-kuo — to call for general elections of all members of the three branches of parliament. The action of the 11 DPP-members clearly shocked the some 640 elderly members of the National Assembly present at the ceremony. It was the first time they were confronted with such “radical” ideas as general elections, a blasphemy in their ears !!



DPP members protesting in the National Assembly

The DPP-members took advantage of the rare occasion when president Chiang came to address the ceremony to present their case. The demonstration took place in Chungshan Hall, the official building of the National Assembly, which is located in the center of Taipei. The DPP-members made their first move when president Chiang appeared on the platform to address the Assembly. The eleven stood up and shouted “General elections for the parliament” a number of times. A few minutes later — while the secretary-general of the Assembly was reading the president’s speech — the DPP-members stood up again and rolled out a banner calling for general elections, and donned green vests with white characters bearing the same message as the banner.

After president Chiang departed, some of the DPP-members displayed smaller banners calling for the elderly mainland legislators to retire (some 450 of the mainland representatives are in their seventies, 275 in their eighties, while some 40 are even in their nineties

11), while others with banners in hand walked up and down the aisles. The protest continued through a speech by Premier Yu Kuo-hua. Scuffles broke out when several KMT members attempted to rip the banners from the hands of DPP members.

In a parallel demonstration outside the Chung-shan Hall, a crowd estimated to be close to 20,000 congregated on the streets facing the Assembly building. In the early morning of 25 December, some 15,000 riot police had cordoned off the area and the nearby Presidential Palace and many intersections leading to the Chung-shan Hall with barbed-wire barricade.

The crowd waved banners and shouted “we want general elections of the parliament”, while leaders of the DPP delivered speeches from the top of a van, criticizing the elderly legislators who had not faced reelection for 40 years. The demonstration took place in a festive atmosphere, with the beating of drums and gongs and a lion-dance troop. The gathering ended peacefully without any incident.

The Kuomintang finally budes

In the beginning of 1988, the steady DPP-pressure was finally starting to show some results. During the first week of January — just before President Chiang’s death — there were several reports in the press in Taiwan that the Kuomintang was planning to increase the number of representatives elected in Taiwan and to push for the gradual retirement of the elderly legislators. A task force of 12 members of the 31-member KMT Central Standing Committee had been “studying the issue” since mid-1986 — until now without concrete results.

The death of President Chiang fortunately did not slow down the momentum: on 3 February 1988, the KMT’s Central Standing Committee — chaired by newly-elected acting chairman Lee Teng-hui — decided to approve a proposal to “rejuvenate” the legislative bodies by giving “handsome” pensions — reportedly either a lump sum of NT\$ 3.27 mln. (approximately equivalent to US\$ 115,000) or a monthly allowance of NT\$ 45,000 monthly (equivalent to US\$ 1,600) — to aging representatives who agree to retire voluntarily.

Whether the legislators will agree to retire remains to be seen. Press reports from Taiwan immediately after the announcement indicated that the majority of the Legislative and Control Yuan members were willing to retire, but approximately half of the elderly National Assembly members responded that they would not be willing to step aside.

The 1987 State Department Human Rights Report *Human rights abuses through rosy colored glasses*

Report from Washington by Marc J. Cohen

The U.S. State Department's report on human rights on Taiwan for 1987 is one of the most disappointing in recent years. At a time when the KMT regime is jailing peaceful critics merely for expressing their political views, the report speaks of "an atmosphere of political liberalization" and "a step toward political pluralism." It fails to assess the human rights impact of the new National Security Law, and generally presents problems in a flabby, apologetic tone. It also repeats erroneous statements contained in previous reports.

On the positive side, as in the past, the report is comprehensive and does offer an accurate overall picture of Taiwan's political structure: "Taiwan's polity is still dominated by the Nationalist Party (KMT or Kuomintang) in a highly authoritarian system ... "

However, the report ignores the ways in which the National Security Law preserves many of the regime's martial law powers to restrict political and civil rights. Government and KMT legislative proposals regarding publication, associations, and demonstrations have all reiterated the Security Law's "three principles," requiring explicit support for the Constitution, and forbidding advocacy of Taiwan Independence.

The report also concedes that there are "significant restrictions on the right of Taiwan's citizens to change their government." In fact, this right simply does not exist on Taiwan as long as the overwhelming majority of the seats in parliament are not subject to election.

In making repeated reference to the KMT regime's 1987 decision to permit Taiwan residents of mainland origin to visit relatives in China, the State Department speaks of "a major development." The reunification of families divided for over 40 years is, of course, gratifying, but this change affects only a small percentage of Taiwan's public. The report's effusive praise overwhelms its timid, off-hand criticism of the far more important travel restriction imposed by the Kuomintang authorities, namely, their refusal on political grounds to permit overseas Taiwanese to return home. While several prominent overseas Taiwanese were allowed to return to their homeland in

1987, the KMT authorities refused visa's to many active Taiwanese-Americans (see the following article), among whom Dr. Adie Lin, a leading human rights advocate residing in the United States. Dr. Lin had wanted to accept a teaching position at the Tainan Theological College.

Similarly, the report praises the regime for putting an end to its longtime practice of court-martialing civilians, but fails to square its praise with a subsequent observation "Informed observers characterize the judiciary as not fully independent..." The FPPA case, noted elsewhere in this issue, demonstrates that this change makes little practical difference for Taiwanese facing political charges.

As in previous years, the report observes "Taiwan law specifically prohibits the use of torture. There are credible reports, however, that individual members of the police or security forces resort at times to physical violence and torture in interrogating suspects" [emphasis added]. Over the past several years, the Department has received reports from numerous sources, including Taiwan Communiqué, that such practices are common, and perhaps even systematic. Nor do there appear to be adequate judicial remedies for such abuses.

In discussing political prisoners, the report favorably notes that many detainees were released in 1987, but that some 30 remained incarcerated. None of them were named, nor is it noted that several are held solely for the peaceful expression of dissenting views, or for the "crime" of trading directly with the mainland.

The Taiwan Relations Act of 1979, which governs relations between the people of the United States and the people of Taiwan in the absence of formal diplomatic ties, asserts: "The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States." Thus, the Department of State has a clear responsibility to speak out forcefully and publicly against human rights abuses on the "Beautiful Island," even if this makes the already complex problem of U.S. — Taiwan relations still more complicated. The current U.S. policy, as exemplified in this human rights report and the lack of a response to the recent FPPA kangaroo court proceedings, represents a regrettable failure to comply with this legal mandate.

Overseas Taiwanese still blacklisted

Many overseas-Taiwanese, particularly in the United States and Canada, have been blacklisted by the Kuomintang authorities for their activities in support of democracy

and human rights in Taiwan. This fact has been known for a long time within the overseas Taiwanese community, but was recently acknowledged for the first time by a Taiwan government official. Recently Mr. Chien Fu, the head of CCNAA (Coordination Council for North American Affairs), the unofficial representation of the KMT authorities in the United States, confirmed that a blacklist with 100 names of Taiwanese-Americans exists. Mr. Chien called it a "reference list."

According to statistics compiled by the Taiwanese Association of America and the Washington-based Formosan Association for Public Affairs (FAPA), the number of people on the blacklist is in reality close to 1,000. The blacklisted overseas Taiwanese are victims of a network of KMT-informants on university campuses and in the Taiwanese community. Their names appear on the list because they have been active in various Taiwanese organizations, have participated in anti-KMT demonstrations, or simply have attended social gatherings of the local chapters of the Taiwanese Association of America.

The penalty one receives for being on the blacklist is the denial of visa by the CCNAA to return to Taiwan to visit ones' family. During a recent visit to the Taiwanese communities in several major U.S. cities, such as Los Angeles, San Francisco, Dallas, Houston and New York, Taiwan Communiqué editors learned that in each of these cities many Taiwanese-Americans have been denied visa to go home to see their ailing parents, or to attend the funerals of parents or grandparents. Many also complained about delaying tactics used by CCNAA-staff, who give the standard answer that their applications have been sent back to Taipei for approval and have not been returned. After months of waiting many Taiwanese simply give up.

Many Taiwanese-Americans also complain of the complacency by United States officials, who have been timid at best. Neither the State Department nor the American Institute in Taiwan (the unofficial agency representing U.S. interests vis-a-vis Taiwan) have been willing to speak out openly against this violation of basic human rights.

It is also ironic that the KMT authorities have lifted the ban on travel to the mainland on humanitarian grounds and allow mainlanders to travel to Communist China for family reunions, but continue to restrict native Taiwanese who advocate a free and democratic Taiwan to return to their homeland.

Prison Report

Pai Ya-ts'an's health deteriorating

At the end of 1987, several reports from Green Island Prison indicated that the health of a prominent political prisoner, Mr. Pai Ya-ts'an was deteriorating. Mr. Pai had been arrested in October 1975, when he was a candidate for a seat in the Legislative Yuan. Mr. Pai was charged with "attempting to stir seditious feeling" and sentenced to life imprisonment after a secret trial in military court.

Mr. Pails "crime" ? During the 1975 election campaign, he published a list of 29 questions, addressed to Chiang Ching-kuo (who was Prime Minister at the time), asking Mr. Chiang questions related to a wide range of issues, ranging from foreign policy to Mr. Chiang's inheritance from his father. He also requested Mr. Chiang to lift martial law, to release political prisoners, to establish a national health insurance system, and to set up a social welfare system (for further information on Mr. Pai, see Taiwan Communiqué no. 22, pp. 15-18).

When martial law was lifted in July 1987, Mr. Pails sentence was reduced to 15 years, and he was transferred to the civilian prison at Green Island. However, his request to be transferred to a prison on Taiwan itself — so it would be easier for his relatives to visit him — was rejected. According to the recent reports, Mr. Pai was having severe bouts of depression as a result of the long imprisonment. Visitors who met him in late 1987 stated that his hair had grown very long, and that he looked unkempt.

Lin Cheng-chieh released

On Monday, 8 February 1988, Mr. Lin Cheng-chieh, well-known member of the opposition, was released on parole. Mr. Lin, a former member of the Taipei City Council and publisher of Progress magazine, was arrested in September 1986 and sentenced to a total of three years and two months imprisonment on two different "libel" charges (see Taiwan Communiqué's no. 27, pp. 19-22, no. 30, p. 19 and no. 31, pp. 20-21).

Prior to his imprisonment Mr. Lin had played a key role in setting up the Public Policy Research Association (PPRA), the 1984-86 precursor of the present-day DPP-party. Right after his release, Mr. Lin announced that he would join the DPP, and take an active role in politics again. He urged the authorities to allow elections for all seats of the legislature.

List of Remaining Political Prisoners

In Taiwan Communiqué no. 31 we reported very briefly on the partial amnesty for political prisoners, which accompanied the lifting of martial law on 14 July 1987. Approximately seventy cases, who had originally been sentenced on "sedition" charges in military courts, were transferred from the jurisdiction of the military authorities to the civilian authorities. A number of these people were excluded from the amnesty. Below, we present:

1. A list of eight persons whose sentences were not reduced at the time of the lifting of martial law, and — if available — some background on their cases. Except where indicated otherwise, these people remain imprisoned on Green Island.
2. A list of 22 persons whose sentences were reduced to half of their original sentences. Except where indicated otherwise, these people remain imprisoned on Green Island. However, they were transferred to the civilian prison on the island, where — ironically — the conditions are worse than in the military prison.

This adds up to 30 persons. No information is available on the other 40 persons whose cases were transferred from the jurisdiction of military courts to civil court. In addition to these 70 people, there are a number of people who were imprisoned on political charges in civil courts. During the past few years the authorities have increasingly used "libel" and minor infractions of laws such as the Election and Recall Law to imprison members of the opposition. In the next issue of Taiwan Communiqué we will present an overview of these cases.

Persons whose sentences were not reduced at the time of lifting of martial law:

NAME	AGE FROM BIRTHDATE	SENTENCE & DATE OF ARREST, CHARGE & OTHER DATA.
1. SHIH Ming-teh (施明德)	45 Kaohsiung	Life. Most prominent opposition leader remaining in prison. Kaohsiung incident of 10 December '79. Imprisoned in Taipei.
2. WANG Hsin-nan (王幸男)	46 Tainan 1941	Life. Taiwanese businessman from the U.S. Arrested Jan. 1977. Accused of sending letter-bomb to then vice-president Hsieh.
3. LIN Jung-hsiao (林榮峻)	58 Pingtung 1930	Life. Arrested in 78/79. Wu Tai-an case. Term later reduced to 15 years.
4. HOU Teh-fu (侯德富)	? Mainland	15 Leftist. Arrested in May 1976.

NAME	AGE	FROM	SENTENCE & DATE OF ARREST. CHARGE & OTHER DATA.
5. CHANG Hua-min (張化民)	60	Shanhsi	10 Arrested Sept 4, 1979. Writer and former journalist for the <u>United Daily News</u> . Favored talks with China.
6. WANG Ching-hsiung (王鏡雄)	52+	Shantung	10 Professor at Chinese Culture University. First arrested in 1972 for writing letters to CCK suggesting peaceful solution. Re-arrested in March 1981 and sentenced to 7 years imprisonment. In Hualien prison hospital.
7. LIN Chia-t'ien (林家田)	37 1950	Chiayi	7 In 1979 sentenced to reform. educ. in Jen Ai. Escaped twice. On March 4, 1980 sentenced to 7 years for "propaganda for the communists."
8. HSU Chao-hung (徐肇宏)	46		6 Businessman, arrested in March 1985 for attempting to form an opposition party, and for having a namecard with "Taiwan Democratic Party" on it.
<u>Persons whose sentences were reduced at the time of the lifting of martial law.</u>			
9. PAI Ya-ts'an (白雅燦)	42	Changhua	Life. Reduced to 15 years in July 1987. Politician; Candidate in '75 elections. Arrested Oct. 1975.
10. KUO Yueh-wen (郭越文)	?		Life. Reduced to 15 years in July 1987.
11. TAI Hua-kuang (戴華光)	37 1951	Hopei	Life. Arrested on Nov. 1 1977. Sentence reduced to 15 years. "People's Liberation Front" case.

NAME	AGE	FROM	SENTENCE & DATE OF ARREST, CHARGE & OTHER DATA.
12. CHENG Chen-t'ung (鄭貞通)	27	Kwantung	14 Arrested June 26, 1981 Defected to Taiwan. Charged with working for the PRC. Sentence reduced to 7 years.
13. LIO Shui-yu (羅穗雨)	?		12 Arrested in May 1982. Sentence reduced to 6 years.
14. TA Fei (達飛)	?		12 Arrested in August 1982. Sentence reduced to 6 years.
15. YEN Cheng-hui (顏正惠)	?		12 Arrested in Sept. 1983 on charges of trading with the PRC. Sentence reduced to 6 years.
16. KUO Hsiang-hsing (郭祥興)	?		12 Arrested in Sept 1983 on charges of trading with the PRC.
17. CHUANG An-tien (莊安田)	?		12 Arrested in March 1984. Sentence reduced to 6 years. Charged with smuggling with China.
18. CHEN Kuo-hsun (陳國勳)	?		12 Arrested May 1985. Sentence reduced to 6 years. Charged with trading with China.
19. HUANG Shih-keng (黃世梗)	?		10 Arrested October 1983. Sentence reduced to 5 years.
20. CHENG Wen-wang (曾德旺)	?		10 Arrested March 1984. Sentence reduced to 5 years. Charged with smuggling with China.
21. SHAO Chu-hwa (邵翠華)	?		10 Date of arrest not known. Sentence reduced to 5 years.
22. YEN Jui-chi (顏瑞琪)	?		6 Arrested October 1984. Sentence reduced to 3 years. Released in October 1987.
23. NIEN Chao-nan (念昭南)	?		6 Arrested May 1985. Sentence reduce to 3 years. Charged with trading with China.

NAME	AGE	FROM	SENTENCE & DATE OF ARREST, CHARGE & OTHER DATA.	
<u>Held in Taipei prison.</u>				
24. CHIU Ching-yuan (丘景元)	35	Kwantung	12	Arrested in Sept. 1986. Sentence reduced to 6 years. Charged with spying for China.
25. HSTAO Fu-nieh ()	41	Kwantung	12	Arrested in January 1986. Sentence reduced to 6 years.
26. HUANG Chun-jung (黃俊榮)	52 ?		6	Arrested in Sept. 1985. Sentence reduced to 3 years. Charged with trading with China.
27. YUAN Lu-ching (苑陸鍾)	36	Taiwan	5	Arrested Sept. 1985. Sentence reduced to 2½ years.
28. CHEN Chien-wei (陳建維)	41	Taiwan	5	Arrested in June 1985. Sentence reduced to 2½ years.
29. HO Yi-chang (何益昌)	38	Taiwan	5	Arrested in Sept. 1985 on charges of trading with the PRC. Sentence reduced to 2½ years.
30. WU Lien-piao (吳連標)	32	Taiwan	5	Arrested in Sept. 1985. Sentence reduced to 2½ - years.

Note: at the time this issue of Taiwan Communiqué was going to press, reports from Taiwan indicated that the authorities were considering a general amnesty, which would take effect 100 days after the death of President Chiang Ching-kuo, thus on 25 April 1988. At this time it is not known whether any or all of the prisoners mentioned in the lists below would be included in this amnesty.

Major Prison Disturbance at Taitung

On 27 November 1987, a disturbance broke out in the Yen-wan Military Detention Center, located about seven kilometers northwest of the city of Taitung, on the Southeast coast of Taiwan. The penitentiary houses more than 1,000 inmates, most of whom were arrested in the "anti-hoodlum clean sweep" campaign which started in November 1984, and who were simply imprisoned without trial. In total more than 4,000 persons are presently still reported to be held without trial at military-run "reformatories" around the island.

Some 300 of the detainees at Yen-wan joined the protest in an attempt to gain outside attention for their plight. They occupied the prison compound, climbed onto the roofs of buildings and waved banners made from underwear and bed sheets, on which they had written “give us back our freedom”, and “we are falsely arrested.” Singing and shouts of “freedom” could be heard outside the wall of the prison compound. They spoke through loudspeakers asking for support from the local residents and urged the press to report their plight to the public. The disturbance continued through November 29.

The detainees argued that they had been imprisoned without trial for more than three years, and that they should be released now because martial law had been lifted. The men are being held under the “Statute Governing Hoodlums During the Period of Communist Rebellion” — which was passed in 1985 after they had been arrested (see Taiwan Communiqué no. 21, p. 8). The Statute stipulates “reformatory education” of up to three years for persons arrested as hoodlums.

The protest was crushed in the early morning of November 30, when more than 1,000 riot-control troops swooped into the prison compound, arresting all the inmates who were involved in the protest. In the afternoon, 80 inmates were flown to the Green Island reformatory for interrogation.

Meanwhile, news of the prison riots made headlines in Taiwan. Press attention encouraged families of the inmates arrested in the “Clean Sweep” operation to speak out on human rights abuses. They told of false arrests and widespread mistreatment of inmates, including beatings, electric shock and force-feeding with water mixed with hot chili pepper.

On December 8, more than 100 relatives of the inmates went to the Legislative Yuan to submit an appeal, in which they requested the authorities to respect the basic human rights of the inmates by stopping the use of torture, by lifting the ban on family visits and by letting the inmates know when they will be released.

Eight Deaths at Green Island Prison

On 1 December 1987, another major disturbance broke out on Green Island. Eight detainees died in a fire at the island’s military prison, while several dozens were injured, some seriously. The Taiwan Garrison Command, which controls the facility, claimed that the unrest began on 29 November 1987 when a group of inmates was

“caught gambling and refused guards’ orders to stop.” The inmates then supposedly locked themselves in a cell and set blankets in the room on fire, and were asphyxiated by the resulting smoke.

However, subsequent reports indicate that something quite different happened: like their colleagues in Taitung, the detainees had similarly been protesting their continued detention without trial and mistreatment and torture by the prison guards. The deaths and injuries occurred when the guards attempted to subdue the protest.



"Reporting Prohibited"

There were other indications of a cover-up by the Garrison Command: immediately after

the news of the death of the eight inmates became known, the TGC sealed off all the roads leading to the reformatory. For the first 10 days, all requests for a visit to the scene of the fire were rejected. Even the pro-government Chinese Association for Human Rights and a delegation of Kuomintang-legislators were denied access to the scene of fire, and were barred from talking to inmates who survived the fire.

Finally, on 14 December 1987, a delegation consisting of five members of the Control Yuan went to Green Island and was allowed to inspect the site of the fire and talk to some 20 inmates. The story they heard was quite different from the one presented by the Taiwan Garrison Command: several detainees said that the fire started after riot-control troops broke into the bedroom where inmates were gathering to protest the mistreatment and their continued detention without trial. Others stated that some inmates were shot and killed by the riot-control troops and that their bodies were burned in order to destroy the evidence (of bullet wounds). The commander of the Green Island Penitentiary, Mr. Chang Po-cheng, admitted during an investigation-hearing by the Control Yuan on 23 December 1987, that the riot-control troops had fired shots, but he denied that the eight inmates had already been shot dead before the fire took place.

Since then, relatives of the eight dead detainees have agreed to accept a compensation of NT\$900,000 (US\$32,000) from the TGC exchange for not pressing charges in court.

Under pressure from the military, the enthusiasm of the members of a special committee appointed by the Control Yuan to investigate the events at the Green Island Reformatory also fizzled and has until now failed to produce a report.

Two More Detainees Tortured to Death

In several earlier Taiwan Communiqué's we reported on the widespread use of torture by Taiwan's police agencies during interrogation, often resulting in death of the detainees (see "Torture common in Taiwan's prisons", TC no. 26, p. 14; "Six more deaths in police custody", TC no. 27, p. 15-16; and "Another death in police custody", in TC no. 31, pp. 21-22). In November and December 1987, two more cases came to light. Below, we give a brief summary of these two cases:

Hardening of the arteries? In the evening of 23 November 1987, Mr. Liu Hung-fei, age 35, was arrested in Taoyuan in connection with a murder of a woman in Kuishan Village in Taoyuan County. Thirteen hours later, just after midnight on 25 November, Mr. Liu died. The coroner stated that Liu had died of "hardening of the arteries", but Liu's relatives accused the police of using electric shocks and water torture. Police subsequently stated that Liu had died after seeing pictures of the murdered victim. Liu's relatives substantiated their accusations with testimony of two employees of Liu's credit information service, who had been detained for half a day, and who stated that police interrogators had beaten them, treated them with electric shocks, and forced water into their noses.

Head against the wall? On 30 October 1987, Mr. Chen Wen-tsung, age 34, was arrested in Taitung on accusation of wife-beating, and was brought to the Taitung Penitentiary for interrogation. On 1 November, at 5:30 p.m., Mr. Chen died at a local hospital. Penitentiary officials told Mr. Chen's family that he had been drunk, and had "caused his own death by beating his head against the wall."

However, four other detainees — who were released in the beginning of December — testified that they had seen Chen being shackled and tied to a stretcher and beaten mercilessly by a prison supervisor and two wardens. The prison officials took turns beating Chen's soles and chest with a fire hose and a police club. One of them kicked the victim's head until the officer's shoe flew off. One of the detainees said: "they (the prison officials) beat him so hard that they were out of breath, but no one stopped. They stomped on him and used water torture until Chen was shocked into unconsciousness." The four former detainees also mentioned that the prison supervisor, a man named Tsai, warned them to "watch their tongue" after their release.