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The DPP Launches New Political Ideas

While the Kuomintang's worn-out rhetoric of "recovery of the mainland" was still drifting down from the KMT Party Congress at Yangmingshan mountain, the DPP launched some refreshingly new ideas. In a press conference on 12 July 1988, the DPP chairman, lawyer Yao Chia-wen, outlined proposals adopted recently by the DPP's Central Committee.

Mr. Yao emphasized in his statement that the primary goal of DPP is not simply to increase its political power by participating in elections, but to work towards a total restructuring of Taiwan's political system. The first step, he said, is to campaign for a fully democratic parliamentary system.

On 6 July 1988, the DPP Central Committee adopted a plan calling for a uni-cameral parliament to replace the present system — which was brought over by the Kuomintang from mainland China (and in which old "permanent representatives" elected on the mainland in 1947 still have a large majority). On page 2 we present more details of the proposal.

Relations with China on an equal basis

Mr. Yao also spoke at some length on Taiwan's position vis-a-vis China. He said: "The separation between China and Taiwan is a political reality. The DPP position is that the sovereignty of Taiwan does not belong to Communist China in any way, but to the people of Taiwan. This simple political reality should

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**The Sovereignty over
Taiwan belongs to its
people**

be recognized by all. We furthermore believe that in a democratic political system there should be a free and open debate on the issue of Taiwan's future. It should be possible to discuss the merits of all options, including independence." He continued: "The questions relating to the future of Taiwan, its international status and security are of great concern to the people of Taiwan. Both the DPP and KMT should encourage open and thorough discussion on these important questions."

He said that while the great majority of the people in Taiwan rejected Mr. Teng Hsiao-ping's proposal of "one-country, two systems", it should not be prohibited to discuss the topic, as the Kuomintang has been doing. Mr. Yao added that he himself considered the "one-country, two-systems" idea to be equivalent to imperialism. He emphasized, however, that the DPP was not against friendly relations with the PRC, but this relationship should be on an equal basis, and under two conditions:

1. No negotiations between Taiwan and China are to be held until Taiwan has a truly democratic political system, and a parliament elected fully by the people of Taiwan.
2. The future of Taiwan and its sovereignty should be decided by the people of Taiwan.

Towards a new uni-cameral parliament

As we reported in several earlier issues of Taiwan Communiqué, — only a small proportion of the national legislative bodies was elected by the people of Taiwan. During the past years, the democratic opposition increasingly voiced its criticism of this undemocratic structure and — through interpellations and street demonstrations — called for general elections for all seats of the legislature.

Now, the DPP has presented a specific proposal: on 6 July 1988, the DPP Central Committee adopted a plan, proposed by lawyer Chen Shui-pien, which calls for the present system to be replaced by a single uni-cameral legislature in which each representative is elected by 200,000 people. For the present population of Taiwan — 20 million — this would result in a legislature of 100 persons.

The DPP is also pushing for direct elections of the President. Under the present system the President is "elected" by the National Assembly, which at the present time still consists for more than 94 percent of assemblymen elected in China in 1947 or appointed since then from among "selected alternate" candidates who lost in the 1947 elections (see the graph on page 4).

KMT still discussing how to retire “permanent” legislators

In the meantime, the Kuomintang is still struggling with the question of retirement of the “permanent” legislators in Taiwan’s national legislative bodies. These old men, and some women, were elected in mainland China in 1947 and have been “frozen” in their seats since then. They remained there in order to keep alive the Kuomintang’s claim to legitimacy as government of China. Purportedly, these old legislators still represent China, and the Kuomintang still clings to the notion that no general elections can be held in China as long as the regime in Peking holds power.

In the beginning of February 1988 — just after Mr. Lee Teng-hui had become President and acting KMT-party chairman — the KMT’s Central Standing Committee approved a proposal to “rejuvenate” the legislative bodies by giving “handsome” pensions to aging representatives who retire voluntarily. However, since then only a handful of the “oldies” (their average age presently stands at approximately 80 years) have volunteered to retire. Many of the legislators cling to the trappings of their position or hold out for an even higher pension.

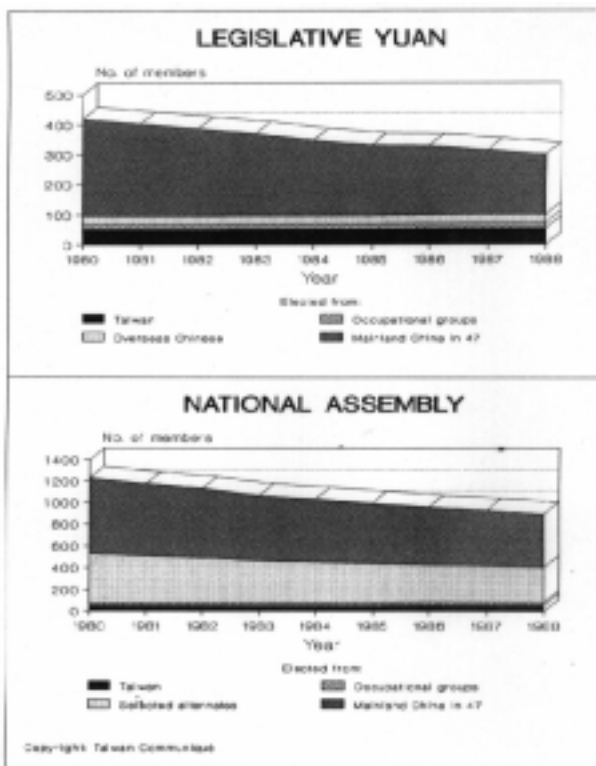
This prompted heated demonstrations by equally old mainlander veterans — who also came over from the mainland with Chiang Kai-shek, but who have had to scrape by on a meager income. The old veterans were particularly enraged by the fact that the legislators were basically being paid for doing nothing, while the retired veterans had to work hard as taxi drivers or operating foodstalls. The veterans were also angered by the fact that the Kuomintang authorities had given them worthless “land deeds”, giving the veterans ownership rights to pieces of land in mainland China, “once China has been recovered.”

In the meantime, the Kuomintang attempted to figure out how to proceed with the plans to restructure the legislature. The Interior Ministry drafted a bill, but — in a highly peculiar move — the KMT caucus in the Legislative Yuan decided at the end of March 1988 not to consider the bill and instead let the National Security Council review the bill.

According to press reports in Taiwan, this move had a “legal basis” in the “Temporary Provisions to the Constitution during the Mobilization Period against Communist Rebellion”, one of the archaic laws passed by the Kuomintang in the 1940’s when it

was losing the civil war on the mainland. It is most likely that the Kuomintang wanted to avoid a major debate on the issue in the Legislative Yuan, where the opposition DPP would certainly focus the debate on the lack of democracy on the island. Thus, since the end of March, the National Security Council has been brooding on the issue. Reportedly, many within the Kuomintang are still holding out for some sort of mainland China representation.

As is shown by the above graphs, the legislature is gradually becoming gradually more democratic as the old mainland legislators die out, but if there is no structural change as proposed by the DPP, it will be the second half of the 1990's before Taiwan has a truly democratic legislature.



The Kuomintang Party Congress

A mixed bag of old and new

Between 7 and 14 July 1988, the Kuomintang party held its 13th Party Congress at the Yangmingshan resort outside Taipei. The result was a mixed bag: on the one hand there was a surprising openness, while on the other hand, many of the old worn-out views and old stuffiness remained. Below, we present a brief report and analysis.

During the first day of the congress, President Lee Teng-hui and Prime Minister Yu Kuo-hua excelled in old rhetoric about “recovery of the mainland” and “reunification of China under the Three People’s Principles.” Prime Minister Yu even had the audacity to state that his heart was on the mainland. Only the secretary-general of the KMT-party, Mr. Lee Huan displayed some dynamism and talked extensively about political reform and increasing democratization.

Lee Teng-hui (s)elected as Party Chairman

The election of Mr. Lee Teng-hui as party chairman — which took place on the second day — provided an unexpected display of acrimonious debate. Mr. Lee had been acting chairman since January 1988, when Chiang Ching-kuo died. The conservative old guard preferred a mainlander to be party chairman, but could not muster enough support to stop Mr. Lee’s nomination. The progressive “young Turks”, on the other hand, favored Mr. Lee’s nomination, but proposed that there would be a secret ballot instead of the usual acclamation. When the vote finally took place, at least eight of the “young turks” remained seated to express their disagreement with the rubber-stamp procedure.

The second day also saw the appearance of Chiang Kai-shek’s 90-years’ old widow, Soong May-ling. She mainly recalled her memories of the Kuomintang’s first party congress in 1924.

Between July 8th and 12th, there were endless reports from a large variety of government and party officials. Many of the discussions still focused on the KMT’s old obsession: “how to recover the mainland.” In one ludicrous proposal by 34 aging senior KMT officials, it was suggested that US\$ 10 billion would be offered to the PRC for economic development, “if the Peking leaders renounce Communism.” Below you see some of the headlines displayed in the pro-government press.

Another anachronistic topic was whether the Kuomintang should retain its “revolutionary” nature (a reference to the 1911 revolution against the Manchu dynasty). A number of younger party members and scholars had urged that the party redefine itself as a “democratic” party, since in a democratic society “revolution” is no longer needed.



However, the octogenarian diehards stuck to their position, and thus the Kuomintang still calls itself revolutionary. In a tongue-in-cheek move, the opposition DPP held a rally on 7 July in the Taipei Municipal Stadium, urging the KMT to give up its “revolutionary” nature, and compete on an equal footing with other parties.

In the meantime, the KMT-party congress continued. Most participants didn't pay much attention to the speeches, but were busy lobbying for a seat on the 180-seat Central Committee. In a move towards a bit more openness, the party had decided that the members of the Central Committee would be “elected” by the congress from two lists, one proposed by Mr. Lee Teng-hui, and another list nominated by the congress itself. In the past, the party congress simply gave a rubber-stamp approval to the candidates nominated by Mr. Chiang Ching-kuo.

The results of the Central Committee elections gave some hope that the young reformers within the party had made a breakthrough: Mr. Lee Huan, the reform-minded KMT secretary-general came in first position, while others who had advocated more openness also ended high on the list. Many of the party conservatives nominated by Mr. Lee Teng-hui ended up in unexpectedly low positions. The conservative Prime Minister Yu Kuo-hwa finished a humiliating 35th — meaning a certain end to his political career. In a face-saving gesture, he will probably stay on for another six months.

The “winds of change” euphoria — which briefly blew through Taiwan when the results of the Central Committee elections became known — made way for a certain disappointment, when on 14 July Mr. Lee Teng-hui announced his list for the 31-member Central Standing Committee (CSC), the major decision-making body in the party. While there were 12 new faces in the CSC (including — for the first time — a woman, Ms. Shirley Kuo), Mr. Lee had totally disregarded the results of the Central Committee elections, and had retained a number of octogenarians in the primary positions. Among them, former vice-president Shieh Tung-min (81), and Legislative Yuan president Nieh Wen-ya (83).

The CSC also still includes several military men: Chief of staff Hau Pei-tsun, Defense minister Cheng Wei-yuan, and general Hsu Li-nung, chairman of the Vocational Assistance Commission for retired Servicemen. In the 180-member of the KMT Central Committee itself, there are some 21 members of the military, and even a secret police officer: Mr. Weng Wen-wei of the Bureau of Investigation.

Cabinet reshuffle

A few days after the Party Congress, the Taiwan authorities did indeed announce the formation of a new cabinet. While there were some surprises, such as the appointment of the first woman cabinet-member, Finance Minister Shirley Kuo, and the appointment of native Taiwanese in two positions previously reserved for mainlanders, even pro-government publications such as the China Post described the reshuffle as “old wine in old bottles.” In any case: Mr. Yu Kuo-hwa stayed on as Prime-Minister (for the time being, anyway).

The “May 20th 1988” Incident

Demonstration of farmers ends in confrontation

On Friday, 20 May 1988, a major demonstration by Taiwanese farmers against the agricultural policies of the Kuomintang authorities ended in chaos after riot troops used force to disperse the crowds. More than 100 persons were reportedly injured, eight of them seriously. More than 100 persons were arrested, 93 were subsequently indicted.

The demonstration — attended by some 4,000 farmers — started at Sun Yat Sen Memorial Hall in Taipei at around noontime. In the early afternoon the gathering proceeded peacefully and was in a festive mood, moving towards the Legislative Yuan building to the music of Ravel’s “Bolero.”

The farmers carried banners and placards, and issued a formal statement expressing their concerns about seven agricultural issues, ranging from a comprehensive insurance plan, prices of fertilizers and grain, the tight government control over farmer’s unions, water utilization, and regulations concerning agricultural development and land registration.

At around 2:30 p.m., after the crowd had arrived at the Legislative Yuan, the gathering suddenly and unexpectedly erupted into violence when the police “Thunderbolt Unit” arrested two demonstrators after a disagreement broke out over the use of the restrooms inside the Legislative Yuan.



Farmers on the March

The crowd later moved towards the central Headquarters of the Kuomintang Party, where they were stopped by some 600 riot police with barbed wire fences and water cannons. Later in the afternoon and during the evening the disorder spread through the center of the city. Confrontations occurred at the headquarters of the National Police Administration, the building of the Executive Yuan (Cabinet), and the

Chengchung police station on Chunghsiao West Road. During the 18-hour confrontation, which began in the early afternoon and ended at 6:00 a.m. the next morning, the excessive use of force by police in dispersing the demonstrators contributed to the escalation of violence.

Especially after 8 p.m., when the farmers gathered outside the Chengchung Police Station to demand the release of farmers who were arrested earlier in the day, the police began to use indiscriminate and excessive force, and beat everyone in sight — even some not connected with the demonstration. Several reporters who were at the scene to cover the event were severely injured after being beaten and kicked by the police. A reporter from the Independence Morning Post suffered a broken nose and a forehead wound, which required four stitches.

One of Taiwan's most prominent human rights lawyers, Mr. Li Sheng-hsiung, who is the president of the Taiwan Association for Human Rights (T.A.H.R.) suffered numerous bruises and a cracked toe after being assaulted by five plainclothes policemen inside the Chengchung Police station. Mr. Li had gone to the police station to offer legal assistance to the people who were being detained there.

DPP-legislator Chu Kao-cheng, who had gone to the Chengchung police station to mediate, was assaulted at around 3:00 a.m. just outside the the police station. According to the eye-witness account of a reporter from the Independence Morning Post, Ms. Lin Mei-na, who had accompanied Mr. Chu to the police station, Mr. Chu was first slapped in the face after he tried to stop a policeman from kicking an injured demonstrator, who was being taken into custody. Then he was encircled by a group of policemen. They beat him with their batons and fists, and kicked him with their boots. Other policemen, who watched the beating, cheered their colleagues on from the sidelines. Ms. Lin, who tried to intervene, was pushed to the ground and hit repeatedly with police batons.

The most violent confrontation occurred just after midnight, at around 1:35 a.m., when more than 2,000 riot police, armed with shields and wooden clubs, charged into a crowd of demonstrators near the train station. More than 40 students attempted to prevent the confrontation by positioning themselves on the ground between the police and the crowd, shouting “peace, peace.” However, the riot police charged into them and beat them up, trampling and kicking them.



Riot troops attacking sitting students

Many of the wounded demonstrators who were arrested, were beaten and kicked again after they had been taken into custody.

The opposition Democratic Progressive Party DPP reported that there was considerable evidence indicating that some of the confrontations and incidences of violence were caused by instigators associated with the secret police and Kuomintang hardliners. A foreign observer who was at the scene of the demonstration during the afternoon of May 20th also told Taiwan Communiqué , that local reporters identified a number of the persons who were particularly active in throwing stones at the police as being plainclothes policemen.

These elements presumably might want to use the incident in an attempt to slow down the process of democratic reforms. In fact, three days after the incident a recommendation was made to President Lee Teng-hui to issue an emergency decree to suspend freedom of assembly. Fortunately, the recommendation was not accepted.

The Aftermath: *Protesters prosecuted*

On 16 June 1988, the Taipei district prosecutor's office indicted 93 persons in connection with the May 20 incident. They were accused of "violating" the Assembly and Demonstration Law, and of "committing the crimes of obstruction of official duty, and obstruction of freedom".

Surprisingly, a member of the right-wing patriotic front, Mr. Men Chien-chiu, was also charged — with attempted murder — because he rammed his car into a group of riot police, in an apparent attempt to create chaos. Twenty-two of the 93 defendants were later released on bail, including Mr. Lin Chu-shui, the editor of the DPP newspaper, the Democratic Progressive News. Fourteen persons were set free because of insufficient evidence for prosecution.

Four key members of the Yunlin Farmers' Association, Messrs. Lin Kuo-hua, Li Chiang-hai, Chiu Hung-yung and Chen Chin-sung, were accused of “plotting” the incident. The indictment charged that they had planned “not to follow the time schedule and route of the march ... with the intention to cause conflict with the police.” They were also accused of “instigating the crowd to attack policemen.”

One woman, Ms. Hsiao Yu-chen, was also indicted as “conspirator” of the incident. Ms. Hsiao is a well-known member of DPP who was sympathetic with the farmers' cause. On the morning of May 20th, she was invited to join the demonstration as deputy commander. She played an active part in the speechmaking during the gathering.



Farmers' leader Lin and daughter, still in Prison

A conspiracy on the rocks ?

Predictably, the prosecutor concluded that the May 20 incident was a “conspiracy.” The main “evidence” for this was that stones — which were thrown at the riot troops — had been hidden in a truck filled with cabbages. The prosecution's key witness, the driver of the truck, reportedly confessed that he picked up the load of stones at the request of the demonstration's organizers from a cemetery near his home in Yunlin on the early morning of 20 May 1988, and drove it to Taipei.

Chiu's confession bears every semblance that he was coerced. Further evidence uncovered by the defense lawyers of the Taiwan Association for Human Rights (TAHR), who paid a visit to Yunlin on 2 July 1988, support this conclusion: Chiu's confession was challenged by his own wife, who told reporters and TAHR lawyers that her husband did not go out during the night of 19 May 1988, because he had been at home asleep.

Mr. Chiu's wife also told the TAHR lawyers and reporters that since her husband was taken into custody, the chief of Erlun police station has delivered various amounts of "living expenses" to her. So far she has received a total of NT\$ 15,000 (approximately US\$ 535,—).

Another interesting development is that right after Mr. Chiu's "confession", the local authorities went to great length to make the cemetery accessible: lights were installed and a bridge was built across a gutter giving access to the cemetery. Presumably, this was done to make Chiu's testimony more credible: without the bridge, Chiu would have had to jump over the gutter to pick up the rocks.

Professors call for a fair trial

On 17 June 1988, nearly two hundred professors from various universities and institutions in Taiwan published a joint statement calling on the KMT authorities to ensure a fair trial for the defendants of May 20 incident. They urged the authorities to prosecute all those who broke the law during the incident, including police officers who used unnecessary violence against demonstrators and innocent bystanders.

The professors appealed to the judiciary to handle the May 20 incident fairly and advised the judges against "making false charges and deciding the case on political considerations." (Taiwan Communiqué, comment: this is a clear reference to the lack of independence of the court system, and the influence the Kuomintang still has on the judiciary). The professors added: "If social justice is not protected and judiciary fairness is not allowed, we will use all our influence and pursue supporting action to insure the protection of the people's rights and perpetuate democracy and the rule of law."

The professors also urged the authorities to reexamine agricultural policies, which they said had failed to protect the interests of the farmers.

In a related development, from July 6 through 11th, some 200 representatives from human rights organizations, the DPP, and the Presbyterian Church in Taiwan held a six-day sit-in in front of the Legislative Yuan in protest against the continued detention and the mistreatment in prison of the participants in the May 20 demonstration. Police brutality goes unpunished.

Police brutality goes unpunished

As we reported on page 9, a considerable amount of violence during the evening of May 20 was caused by police beatings of both demonstrators as well as students, reporters and innocent bystanders. The most publicized case was the police beating of legislator Chu Kao-cheng in front of the Cheng Chung Police Station. Eye-witness accounts of this were published in newspapers and magazines. Press photographs showed that a military policeman, a Mr. Wang Wei-chun, led the attack. Mr. Chu had to be hospitalized for several days for treatment of his injuries.

On May 23, the Chief of Taipei District Prosecutor's Office, Liu Chin-yi, began an investigation into the misconduct of policemen who used violence against demonstrators before and after they were arrested. However, not much can be expected from this investigation: the prosecutor simply requested the Taipei Police Bureau to conduct its own internal inquiry !

The prosecution also showed a distinct double standard: in the case against the 93 demonstrators, the prosecutor made extensive use of evidence from video tapes and photographs. However, in the case against the policemen accused of beating up legislator Chu, the prosecutor has been reluctant in using evidence readily available from press photographs and eye-witness account, and has relied only on the one-sided testimony by the policemen themselves.

Protesters go on trial

On 18 July 1988, the first session of the trial against the participants accused of instigating violence at the May 20 incident took place. A total of 38 defendants were heard. They were defended by a team of 17 lawyers, brought together by the Taiwan Association for Human Rights. Several of the lawyers are prominent DPP-members: former DPP-chairman Chiang Peng-chien, TAHR-president Li Sheng-hsiung (who himself was beaten up at a police station during the May 20 Incident) and lawyer Chen Shui-pien.

During the session it became clear that several policemen who were called to testify against the defendants, had received some highly improper assistance: defense lawyer Chen Shui-pien caught them with large envelopes, containing photographs and the confessions of defendants in their possession. The envelopes also contained instructions from superiors on how to testify.

When faced with Mr. Chen's accusation that they were cheating, three policemen tried to get out of the courtroom. However, they were blocked by spectators, and Mr. Shang Chieh-mei, the chief of the DPP Taipei branch, wrested the envelope away from policeman Hung Yu-sheng and handed it to one of the defense lawyers.

After discovering what the envelope — which bore the official markings of the Taipei Police Bureau — contained, the defense lawyers protested strongly against the fact that the policemen had been given information about the defendants to enable them to give “credible” testimony.

Judge Yang Feng-ching ignored the request by the defense lawyers that policeman Hung be taken into custody. The lawyers then walked out in protest against the procedures and against the fabrication of evidence by the police. In the afternoon they gave a press conference, outlining the major irregularities of the trial. In the meantime, the trial itself continued.

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Report from Washington

By *Marc J. Cohen*

U.S. Congress stresses need for full democracy

Just a few days after the May 20 farmers' demonstration, the U.S. House of Representatives' Subcommittee on Asian and Pacific Affairs held a hearing on political developments in Taiwan since the death of President Chiang Ching-kuo.

The Subcommittee chairman, Congressman Stephen J. Solarz (Democrat, New York), opened the hearing by noting that “much has changed in Taiwan over the past few years. Martial law has been lifted, opposition political parties are now tolerated, and political expression is quite free Yet new and difficult steps must be taken before a fully democratic system is established ...” In particular, he said, Taiwan's voters have no say in the selection of many important public officials, including the vast majority of the legislators, the Governor of “Taiwan Province,” and the Mayors of the two largest cities, Taipei and Kaohsiung.

Solarz noted that the ruling Kuomintang is considering establishing a more representative system of government, but, he added, “based on the approach which the KMT is considering, it appears that it will be 1992 before the great majority of the members of the Legislative Yuan are chosen by the people on Taiwan through free and fair elections. And it will be at least eight years before a National Assembly elected by the people on Taiwan will choose a president.”

Regarding the May 20 Incident, Solarz said, “I am grateful, and a little surprised, that no lives were lost in the eighteen hour melee ...” He added, “Certainly, outbreaks of violence are a matter of concern, for violence is an unacceptable instrument of political struggle in a free society — either excessive violence by the authorities or violence by the opponents of the regime.” However, Solarz, went on to say, the demonstration was the 1,477th rally since the end of martial law in July 1987, and most of these gatherings have been peaceful and orderly. Thus, he concluded, “[T]he overwhelming majority of the people of Taiwan are ready for democracy and are capable of exercising their freedoms responsibly.”

The ranking minority party member of the Subcommittee, Congressman Jim Leach (Republican, Iowa) also gave a brief opening statement commending “the reform initiatives of president Chiang, which occurred later in his administration.” Leach continued, “But I think before we commend leaders too extraordinarily, we also ought to realize that they came exclusively because some people without authority, without power and at some risk pressed for some of these reforms and the reforms that have occurred have to date been somewhat modest. And Taiwan still is a non-democratic state.”

The three witnesses at the hearing basically agreed with the tone set by the two Congressmen. The first, Political Science professor Michael Kau, of Brown University, noted that the main issues in Taiwan’s politics at present are not only the undemocratic nature of the political institutions, but the excessive influence of the KMT over the state, and Taiwan’s growing international isolation.

The next witness, Mrs. Maysing Yang, President of the Taiwanese Association of America, argued that in spite of the strong aspirations of Taiwan’s people for a democratic form of government, the KMT has not really democratized, but only “liberalized, creating a Taiwanese version of Russia’s glasnost.” According to Mrs. Yang, the KMT has found that “a police state running out of fear is like an armored car running out of gas.”

Mrs. Yang listed what she viewed as essential elements for genuine democracy in Taiwan: guarantees of individual rights, including freedom of expression, due process of law, and freedom of association; the right to self-determination; free and fair elections; and the right to travel. Mrs. Yang noted an advertisement in that day's Washington Post, demanding that the Taiwan authorities permit overseas Taiwanese to return to their homeland.

The final witness was Ms. Nadine Strossen, a Professor at the New York University Law School, representing the human rights organization Asia Watch. In 1987, Professor Strossen, who is also the General Counsel of the American Civil Liberties Union, made two visits to Taiwan. The human rights concerns she discussed included:

- continuing political trials, conducted under repressive laws like the “Statute for the punishment of Sedition,” by judges who lack independence, but rather are subject to the strong influence of the KMT;
- the replacement of martial law with new laws like the National Security Law that “perpetuate some of the very same human rights deprivations which existed under martial law;”
- punishment of peaceful advocacy of political change, such as calls for Taiwan independence; and
- the continued holding of political prisoners and restrictions on the civil rights of released prisoners.

Professor Strossen called on the Subcommittee to keep up its efforts to encourage the Taiwan authorities to end their violations of internationally recognized human rights. She also urged the Subcommittee to press the Reagan Administration to condemn publicly the Taiwan government's trial of Formosan Political Prisoners' Association (FPPA) leaders Ts'ai Yu-ch'uan and Hsu Tsao-teh for peacefully advocating independence. Significantly, two days after the hearing, the American Institute in Taiwan, the unofficial U.S. representative office in Taipei, sent an observer to the retrial of the two FPPA leaders; the Institute had neglected to send an observer to the first trial in January.

Washington Rally for Democracy in Taiwan

On Friday, 10 June 1988, a coalition of 14 Taiwanese-American organizations held a rally in front of the U.S. Capitol in Washington D.C. to protest the excessive use of force by the police in Taiwan during the May 20th demonstration in Taipei, and to call for the establishment of a fully democratic political system on the island.

A number of prominent U.S. Senators and Congressmen attended the rally. Among them, Senators Edward M. Kennedy (Dem. — Mass), Claiborne Pell (Dem — Rhode Island, the chairman of the Senate Foreign Relations Committee), and Congressmen Stephen J. Solarz (Dem — NY) and Matthew Martinez (Dem. — California), who both spoke.



Taiwanese Rally on Capitol Hill

Particularly Senator Kennedy focused on the structural lack of democracy in Taiwan's political system:

“The remnants of the KMT leadership that fled the mainland in 1949 continue to shut out participation by the majority of the population. The vast majority of the leadership is a carry-over from that regime whose average age is 80. Those members of the central legislative bodies elected by the people still comprise a meager portion of those bodies.

This imbalance will not be solved by voluntary retirement and retirement pay-offs. It can only be solved by all member of the national legislative bodies standing for election by the people of Taiwan. Only then will Taiwan's next president be elected democratically in 1990.

Basic civil and political rights continue to be curtailed in Taiwan. Although martial law is a thing of the past, other laws, such as the “National Security law” and the “Assembly and Street March Law”, restrict freedom of assembly and association and of peaceful political expression. Individuals continue to be arrested for peaceful

expression of their political views and Taiwanese citizens continue to be barred from returning to Taiwan because of their political beliefs.

Restrictions on the press and curtailed access to the media by the opposition continue. The right to forms labor unions and to strike remain restricted The KMT also needs to address the lack of independence in its judiciary and to expand the review of military convictions by civilian courts to include those cases that have been fully tried and appealed.

Let all the people of Taiwan know that the American people stand with them in their efforts to achieve a genuine democracy. The dawn of democracy is bringing a new day to Taiwan, and on that day, the Taiwanese people will all rejoice together in true peace and in real freedom.”

Two opposition members of Taiwan’s parliament, Legislator Chu Kao-cheng and National Assembly-member Hung Chi-chang, also attended the gathering. Both men had been present at the May 20th demonstration in Taipei (see article on page 8).

Particularly the highly-respected Dr. Hung — who also serves as the head of the psychiatry department at Mackay Hospital in Taipei — had tried to cool the situation, and had tried to prevent clashes. However, in an ironic twist, police officials in Taipei said in mid-June that Hung should be prosecuted for “instigating a riot.” Chief prosecutor in Taipei indicated in mid-June that he planned to summon Hung for questioning.

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Further Hearings in the FPPA Case

In our previous Taiwan Communiqué, we already reported that on 25 April 1988, the Supreme Court in Taiwan referred the case of the two imprisoned Taiwan independence advocates, theologian Ts’ai Yu-Ch’üan and businessman Hsu Tsao-teh, back to the Hight Court. The Supreme Court ordered the review because of “flaws in the court procedure” during the first trial on 16 January 1988. Obviously the high international attention for this case — and the general perception that the first trial was more like a show-trial — forced the Taiwan authorities to review the case.

The “appearance” of a fair trial

On 28 May 1988, the first retrial session took place. In contrast to the first trial in January, the judge bent over backward to keep up the appearance of a fair trial. He was even courteous and friendly when he posed questions to the defendants. As during the January trial, the defendants spoke only Taiwanese. This time, the court interpreter took pains to accurately translate what was being said.

When the trial began at 9:30 a.m. Mr. Ts'ai Yu-ch'üan started with a strong complaint against the dismal conditions under which they are being held imprisoned. He specified the lack of ventilation, the lack of protection against mosquitos, the meager food allowance (NT\$ 18, which is approximately equivalent to 60 US cents), and the unsanitary drinking water. The judge cut short his speech, asking him to put it in writing.

The prosecutor continued by reiterating the key points in the indictment: Messrs. Ts'ai and Hsu had “conspired” to advocated Taiwan independence during the inaugural meeting of Formosa Political Prisoners Association on 30 August 1987, in an attempt to “divide the national territory.” The prosecutor also charged that Mr. Ts'ai subsequently tried to raise funds for this cause during a gathering later on during the same day.

In response, Mr. Ts'ai said that as chairman of the meeting, he had merely called for a vote on the proposal made by Mr. Hsu Tsao-teh that a clause advocating Taiwan independence should be included into the association's charter. As the proposal was passed with an overwhelming majority, he did not even have any chance to express his own preference.

Then Mr. Hsu Tsao-teh spoke. He argued that he had made the proposal to include a clause that “Taiwan should be independent” because he felt strongly that Taiwan should not be a part of Communist China. He said that the PRC was pushing Taiwan further into international isolation and that this threatened Taiwan's free and democratic existence in the long run.

The trial ended at around 11:20 a.m. with a prayer led by Rev. Kao Chun-ming, the former General Secretary of the Presbyterian Church in Taiwan. International human rights organizations such as Amnesty International, Asia Watch sent observers to the trial. The informal U.S. representative office in Taipei, the American Institute in Taiwan (AIT) also sent an observer.

Secret video recorders in the ceiling

The second session of the retrial was held on 25 June 1988. In a striking departure from the procedure followed in the January trial (when no defense witnesses were allowed to speak) the judge called on 11 witnesses to testify on behalf of the defendants.

Two witnesses testified that Mr. Hsu did not know about the FPPA meeting until they telephoned him and invited him to come to the meeting the next day, and Mr. Hsu did not even know what was written in the charter of FPPA until he got a copy a few minutes before the meeting.

Other witnesses also testified that Mr. Ts'ai, as chairman of the inaugural meeting did not express his preference for the revised clause of "Taiwan Independence." He actually admonished the members to take serious consideration before they cast their vote.

At around 10:50 a.m., when the testimonies of the witnesses had just been completed, the trial was suddenly cut short after defense lawyers discovered that the trial proceeding were being video-taped secretly by four video cameras hidden in the ceiling. Defense lawyers Chen Shui-pien and Li Sheng-hsiung protested that the secret video taping violated the principle of an open trial. The case should not be tried by "another eye" from behind the scenes. They said this would influence the independent judgement of the judge, and demanded that the machines be removed immediately. They also pointed out that video taping of the trial proceeding should be done openly, not secretly.

Not knowing how to handle the matter — the judge declared the session adjourned. At the time this Taiwan Communiqué was going to press, we learned that a further investigative hearing was being planned for 30 July 1988.

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Prison report

Investigation into prison disturbances fizzles out

In Taiwan Communiqué no. 33 (pp. 20 - 23) we reported on the two major prison disturbances which took place at the end of November 1987 — respectively at Yen-wan Military Detention Center near Taitung, and at the Green Island Military Prison. At Green Island eight persons died when guards reportedly opened fire at prisoners who were protesting their detention without trial and against torture by the prison guards. As we indicated in our previous report, there were signs of a major cover-up by the secret police, the Taiwan Garrison Command, which administrates the facility.

Initially a number of members of the Control Yuan showed an interest in investigating the cases: they visited Green Island and Taitung, and discovered a number of contradictions in the information presented by the TGC. However, in mid-May it seemed the investigation had fizzled out: it was reported in the press in Taiwan that the special committee appointed by the Control Yuan would only question the TGC officers involved in the two incidents, and that the Defense Ministry would “handle its own disciplinary punishment.” In the parlance of the Taiwan authorities this means that they will simply be moved to a less conspicuous position.

In the Control Yuan committee, impeachment procedures had been proposed against four of the TGC officers. However, in mid-May these were quietly dropped “through coordination by the departments concerned.”

Incriminating evidence against prison guards

However, in a sinister twist of justice, the prosecutor of the Taitung District Court indicted 12 inmates, who were accused of “masterminding” the Green Island disturbance and setting fire to the prison cells.

On 13 July 1988, during a hearing held at Taitung District Court, the 12 defendants charged that the riot troops had killed the eight inmates and then tried to cover it up by making it look like they died in the fire.

The defendants testified that some of the deceased inmates were already out of the cellblock when the fire broke out. The dead men were later found inside the burned cellblock, without any clothing. However, in spite of the lack of clothing, the body hair

was not singed. The defendants then produced blood-stained clothing of one the eight inmates, which they said was buried by the soldiers near the prison. They requested the court to send an investigator to Green Island to examine this evidence.

During the five-hour long emotional testimony, the 12 defendants often broke down and wept and asked the court to uphold justice. Their testimony also gave a glimpse to the dark life of Taiwan's prisons: They told the court that during the internal investigation, they were tortured. They were blind-folded and forced to lie face down with hands handcuffed on their backs. They they were kicked and trampled upon by the guards. Some said their hands were handcuffed on their backs for more than 20 hours, and not given food for two days.

Mr. Huang Ting-chin, who was accused of being the "chief mastermind", displayed in court his two deformed hands, where fingers are missing and denied that he plotted the disturbance or set fire to the bedding. He also asked why the court was in such a hurry to close the case by holding only one open hearing, and why the court refused to investigate new evidence. Then, in an outburst of emotion and rage, he banged his head against the table to protest the unfairness of the trial. In spite of the evidence provided by the defendants, the prosecutor decided not to conduct a further investigation. On 20 July 1988, the defendants were sentenced to prison terms ranging from four to 15 years.

Three more deaths in Police Custody

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. Below is an overview of the cases which have been publicized in the press in Taiwan during the past two years. We also present information on three more cases, which recently came to our attention.

As we indicated before, we believe this is only the tip of an iceberg: most cases are easily covered-up by the regular and secret police. Relatives of the victims are silenced through a combination of bribes and threats, while the judicial system is not sufficiently independent to provide for the proper checks and balances.

We also believe that before 1986, torture in Taiwan's prison was even more common than it is now. The only reason that the outside world heard about the cases listed below is that the families and the press were not as easily intimidated by the secret police as before.

NAME	DATE	For more details see:
1. Wang Yin-hsien	May 1982	
2. Huang Yi-fung	Dec 1985	<u>Communiqué</u> no. 26
3. Huang Nan-hsing	18 April 1986	
4. Hung Mao-chun	12 May 1986	
5. Chang Tsung-jung	June 1986	
6. Hsu Cheng-sheng	24 July 1986	
7. Chen Chien-sheng	29 July 1986	<u>Communiqué</u> no. 27
8. Chen Kai-chieh	14 Aug. 1986	
9. Li-su Chu-yang	20 Aug. 1986	
10. Li Chun-hsun	Aug. 1986	
11. Chen Chin-hao	7 July 1987	<u>Communiqué</u> no. 31
12. Chen Wen-tsung	30 Oct. 1987	<u>Communiqué</u> no. 33
13. Liu Hung-fei	25 Nov. 1987	

We recently learned of three more cases. Below we present a brief description of each case:

14. Mr. Kao Hsu-tai. According to the prison authorities at Taipei Prison, Mr. Kao suddenly died in May 1987 "of a chronic disease." However, several fellow prisoners, who were later released, stated that Mr. Kao to death by prison guards.

15. Mr. Chiang Fu-hsiung. On 9 June 1987, Mr. Chiang died just after he had been taken into custody in a Pingtung County police station. The autopsy by a coroner showed he died of massive bleeding in the skull. Mr. Chiang's father subsequently brought a lawsuit against the police for ill-treatment of his son.

16. In Mid-May 1988, the press in Taiwan reported that an inmate at Yen-wan Reformatory, near Taitung, was tortured to death by prison guards. The case finally prompted at least some action by the TGC commander, General Chen Shou-shan, who dispatched "psychological consultants" to four military penitentiaries. The consultants "took over discipline and night duties" at the penitentiaries.