



# TAIWAN COMMUNIQUÉ

Published by:

*International Committee for Human Rights in Taiwan*

**Taiwan** : 4Fl., 5 Ching-tao East Rd., TAIPEI, Taiwan

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

**Canada** : 3636 Steeles Avenue E., Suite 303A, MARKHAM, Ont. L3R 1K9

**U.S.A.** : P.O. Box 15182, CHEVY CHASE, MD 20825

**International edition, February 1989**

**Published 6 times a year**

**ISSN number: 1027-3999**

# 38

## The December 25th Incident

On 25 December 1988, ten National Assembly members of the democratic opposition party, DPP, were forcibly removed from the annual meeting of the Assembly just before President Lee Teng-hui was to speak. An eleventh member was overlooked by the police during the commotion. The eleven were protesting the presence of a large contingent of plainclothes policemen surrounding them.

The eleven had planned to display banners appealing for the release of political prisoners, an end to the Kuomintang's "Period of Communist Rebellion" (under which a number of repressive statutes remain in force), and demanding that the Kuomintang authorities formally apologize for the "February 28 Incident" of 1947, when between 12,000 and 20,000 native Taiwanese were massacred by Chiang Kai-shek's troops. The expulsion prevented the opposition members from expressing their concern about these issues, and about the lack of full democracy in Taiwan.



**DPP National Assembly members before the Assembly meeting, displaying a banner demanding "New Parliament, new President"**

While “December 25th” thus did not quite go as planned by the DPP, the subsequent events still mean a significant step forward in the opposition’s campaign to question the legitimacy of old mainlander representatives who have not had to run for election for the past 32 years. These “permanent” legislators constitute some 84 % of the membership in Taiwan’s national legislative bodies.

## *The Kuomintang’s annual comic opera show*

Every year on December 25th, an ever-decreasing number of members of the National Assembly congregate at Chungshan Hall in Taipei to commemorate “Constitution Day.” The Assembly has a largely ceremonial function: it meets only once a year to discuss worn-out topics such as “recovery of the mainland.” Its only other function is the election of the President, which takes place once every six years.

The Assembly mainly consists of elderly deputies elected in mainland China in 1947, who have remained in office to support the Kuomintang’s forlorn claim to represent **all** of China. These elderly legislators are dying off at an increasingly rapid rate, forcing the Kuomintang to consider “rejuvenating” the Assembly, as well as the other two national legislative bodies, the Legislative Yuan and Control Yuan.

According to the 1947 Constitution, there should be 3136 Assembly members, but only 2961 were elected in the 1947 elections. At the present time, the number of members stands at approximately 894, only 84 of them elected from Taiwan. The remainder are elderly deputies elected in mainland China in 1947 or appointed by the Kuomintang as “alternate delegates” from among the losers (!!!) in the 1947 elections.

Until December 1987, the annual meetings of the Assembly has always been sedate occasions at which lengthy speeches were recited — mainly recalling past glories about Chiang Kai-shek’s military campaigns in the 1920’s and 1930’s.

In December 1987, the gathering was different: the eleven DPP-members used the occasion to call for **general** elections of **all** members of the three legislative bodies. The event shocked the staid deputies and then-President Chiang Ching-kuo, who came to address the meeting (see *Taiwan Communiqué*, no. 33, pp. 10-12).

## *Illegal detention of Assembly-members*

Thus, this year the authorities were prepared, and positioned several dozen plain-clothes policemen in seats around the DPP Assembly members in order to prevent a

recurrence of last year's event. The presence of the policemen then prompted the DPP-members to protest, which in turn led to their expulsion from the meeting.

The ten Assembly-members were then detained by the police in two separate second-story rooms until President Lee finished his speech about 70 minutes later. During their detention, the ten Assembly-members attempted to get out of the rooms by smashing some windowpanes and climbing onto the balcony of the building, where they displayed a banner demanding that all parliamentary seats be opened for election. Policemen took the banner down and forced the opposition members back into the rooms.

The ten were released after the ceremony had ended. Later in the day, they attended a regular meeting of the National Assembly and demanded an apology from National Assembly secretary-general Irwine Ho for the expulsion. They argued that — as members of the Assembly — they had the right to express themselves during an Assembly meeting, and that the presence of the police and the expulsion was totally illegal.

The Kuomintang authorities responded with the excuse that the morning gathering had not been a meeting of the Assembly but a “rally” commemorating the 41st anniversary of the Constitution, and that the DPP-deputies therefore did not have immunity for their words and actions as in regular Assembly sessions.

The DPP Assembly-members also protested the actions of National Security Council secretary-general Chiang Wei-kuo — younger half-brother of late president Chiang Ching-kuo — who jumped up twice during the commotion in the morning meeting and shouted for the expulsion of the opposition legislators. The DPP-members argued that Chiang Wei-kuo — being only a guest at the meeting — had no right to interfere in the proceedings of the Assembly.

On Tuesday, 27 December 1988, DPP-members of the Legislative Yuan reiterated the protest, and demanded during a session of the Yuan that Chiang Wei-kuo be removed from his post as NSC secretary-general. On 30 December 1988 the Legislative Yuan agreed to an opposition demand that three Cabinet-members — the Ministers of Interior, Defense and Justice — be called before the legislature to answer interpellations on the December 25 Incident.

Another interesting aspect of the events on December 25 was that secretary-general Irwine Ho reportedly informed DPP Assembly-member Mrs. Yao Chou Ching-yü

before the meeting that President Lee Teng-hui was willing to meet with some of the DPP-deputies after the gathering, “if they behaved themselves.” Mrs. Chou said that the proposal was not acceptable because it was like “telling a child that they would be given candy if they behaved.” She added that the move appeared to be an attempt to create divisions within the DPP, because the invitation was only for “six or seven” DPP Assembly-members, while there were 11 members in DPP-caucus in the Assembly.

## *President Lee Refuses Opposition Petition*

While the DPP-members of the National Assembly were engaged inside Chungshan Hall, the DPP staged a large-scale outdoor demonstration at New Park in the center of Taipei, not far from Chungshan Hall. The main theme of the demonstration was the total restructuring of the three national level parliamentary bodies.

Ironically, the demonstration was organized by the newly-elected chairman of the DPP, Mr. Huang Hsin-chieh, and the new DPP secretary-general, former political prisoner Chang Ch•n-hung. Until recently, the two men had voiced their opposition against “street demonstrations” and had advocated “parliamentary procedures” to achieve the goal of greater democratization. Their involvement in the rally thus represents an about-face for the two.

The rally organizers planned to march with the crowd of several thousand from the New Park to Chungshan Hall to present one million signatures to President Lee Teng-hui. However, Taipei deputy police-chief Wang Hua-chen talked the organizers into taking a police van, leaving the crowd at New Park.

However, when Huang Hsin-chieh and 12 other DPP-officials arrived at Chungshan Hall in the police van, they were not received by President Lee, but by National Assembly deputy secretary-general Hsia Erh-kang. The normally staid Chang Ch•n-hung — who is generally considered to be somewhat accommodating towards the ruling Kuomintang — lost his composure and smashed his drinking glass on the floor, followed by the other DPP leaders.

The 13 walked out and returned to New Park, where they took turns addressing the crowd on their attempt to meet President Lee, and on the need to open all parliamentary seats up for election. Chang Ch•n-hung lashed out at the Kuomintang for its “failure to accept even the most moderate form of street protests.” Huang Hsin-chieh told the crowd that he had considered Lee a “liberal democrat” until that time, but that after this event he had to reassess his opinion of the President.

## *Recovering the mainland, tourist class*

On 23 December 1988, a couple of days before the incidents described above, DPP-members of the National Assembly pulled off another comical trick in order to ridicule the pretense of the Kuomintang to represent all of China: during a meeting of the “Planning Commission for the Recovery of Mainland China” they presented the elderly mainland-elected deputies with a model airplane marked with the Chinese characters “Flying to Nanking.” According to the Kuomintang, Nanking is still the official capital of their so-called “Republic of China”, and Taipei is only a “temporary capital.”

With tongue-in-cheek, DPP Assembly-member Wu Che-lang wished his mainland-elected colleagues a happy trip back to the Chinese mainland. The event caused a major melee in the Planning Commission. However, its chairman, elderly general Hsueh Yueh, continued to read from his prepared speech during most of the uproar.

---

## **Wrangling About Five "Sensitive" Laws**

During the past few months, the ruling Kuomintang and the DPP-opposition have been wrangling about proposals for five “sensitive” laws. The five laws are:

1. A parliamentary reform bill providing for voluntary retirement and a lump sum of NT\$ 3.7 million (approx. US\$ 132,000.—) to each of some 1,000 old members of the National Assembly, Legislative Yuan, and Control Yuan — elected on the Chinese mainland in 1947;
2. a draft revision of the Election and Recall Law;
3. a draft revision of laws governing civic organizations; this draft stipulates that new political parties should be registered with the Ministry of Interior. The DPP opposes this provision because it is in violation of the principle of freedom of association. At the present time the KMT authorities still formally regard the DPP as an “illegal” party, because it has “not registered.”

The draft also contains a clause that new parties should not “violate the Constitution, advocate Communism or division of the national territory.” The DPP is strongly opposed to this clause, because the Constitution is based on the outdated premise that the authorities in Taipei are still the legitimate rulers of all of mainland China. The

DPP considers this totally unrealistic and has urged a revision of the Constitution to account for new realities.

4. a draft “organic law” of the Taiwan Provincial Government, stipulating that the appointment of the Governor of Taiwan by the Executive Yuan (Cabinet) requires the approval of the Taiwan Provincial Assembly. The DPP opposes this provision, and has argued in favor of direct elections of the Governor;
5. a draft bill providing for “self-government” of the Taiwan Provincial Assembly; one of the provisions of this bill give the Speaker of the Assembly to power to expel “troublemaking assembly members” from the floor — a measure clearly designed to inhibit the activities of the DPP-opposition in the Assembly.

## *How to retire “permanent” legislators*

Of the five proposals, the first one has generated the most heated debate. Many of the old mainlander legislators are adamantly opposed to it, because they consider themselves the sole remaining legitimate representatives of mainland China, and thus do not want to give up their positions. Only a few of the “permanent” representatives have indicated they are willing to retire.

The opposition DPP is also strongly against the proposal, because they believe that retirement of the old mainlander representatives is long overdue, and that they should thus be compelled to retire. The DPP also oppose the generous lump sum payment as being a waste of taxpayers money. They argue that the regular pension of the old legislators is more than sufficient.

The DPP also strongly opposes plans by the ruling Kuomintang to set up a system of “mainland representation” to replace the old legislators. The Kuomintang is reportedly making plans to create new permanent seats representing mainland China, and allocating these to the political parties (in Taiwan !!) on the basis of the percentage of votes they win in the Taiwan elections. The DPP opposition argues that this is in violation of the basic principles of democracy, and have spoken in favor of **immediate** and **full** reelection of all seats in the three legislative bodies.

The draft parliamentary reform bill was approved by the Executive Yuan (Cabinet) on 17 November 1988, and forwarded to the Legislative Yuan on 22 November. There the DPP initiated a filibuster during the general interpellations of the present parliamen-

tary session, in protest against the Kuomintang's plans to steamroller the bills through the Legislative Yuan.

The general interpellations continued through November 29th, when KMT members of the Legislative Yuan agreed to shelve the fourth and fifth bill — regarding the “Provincial Government and Provincial Assembly” — and agreed to have the debate on the parliamentary reform bill televised. However, chaos erupted on December 2nd, when acting Speaker Liu Kuo-tsai decided to send the three remaining bills to Committee without a debate on the floor of the Legislative Yuan, thus depriving the DPP-legislators from an opportunity to express their opposition to the bills.

The December 6 session of the Legislative Yuan again erupted into a melee, with Kuomintang and DPP members wrestling for microphones and shouting insults at each other. However, on December 9th, an agreement was reached, in which the KMT agreed to shelve the fourth and fifth bill pending an interpretation of the Constitution by the “Council of Grand Justices”, and the DPP agreed that the parliamentary reform bill be sent to Committee after a full debate.

## *Two old warriors step out*

In mid-December 1988 the debates on the controversial bills were overshadowed by the resignation of two old legislative warriors, one on the Kuomintang side, and one on the DPP-side:

On 20 December, speaker of the Legislative Yuan Nieh Wen-ya, age 84, formally resigned as speaker and member of the Legislative Yuan, thus becoming the first member of the Legislative Yuan to retire voluntarily. Mr. Nieh — who was already on a two months' leave — had already submitted his resignation three times earlier, but each time President Lee had convinced him to stay on. Mr. Nieh has become known as a moderate because of his willingness to have contacts with the DPP opposition.

Mr. Nieh is still a member of the Kuomintang's policy-making Central Standing Committee. On 27 December it was announced in Taipei that President Lee Teng-hui had appointed Mr. Nieh to the position of “senior advisor to the President”, a largely honorary position. Mr. Nieh is married to Finance Minister Shirley Kuo.

Just a day before Mr. Nieh's resignation, the only “permanent” Legislative Yuan member of the DPP, Mr. Fei Hsi-ping, age 77, resigned in a huff — from the DPP. Mr. Fei had earlier agreed to set an example for his old Kuomintang-colleagues by retiring

from the Legislative Yuan. However, he had attached three conditions to the retirement: First, the DPP should formally acknowledge the contributions of mainland-elected legislators, “without whom Taiwan would have been plunged into military rule.” Secondly, Fei wanted the opposition to accept the principle of reserved seats for representatives from mainland China. Thirdly, Fei wanted the opposition to agree to the parliamentary reform bill granting handsome pensions to old legislators retiring voluntarily.

While the DPP would be willing to express acknowledgement for Fei’s personal contribution to the cause of democratization in Taiwan, the other two conditions were totally unacceptable. Thus, on 19 December, the DPP Central Standing Committee decided by an overwhelming majority to reject Fei’s conditions. Even Mr. Lin Cheng-chieh — himself also a mainlander — strongly disagreed with Fei. Mr. Fei then decided in a huff to resign from the DPP. According to press reports in Taiwan, Mr. Fei now has changed his mind about retiring from the Legislative Yuan, and plans to retain his position as a Yuan member.

*Taiwan Communiqué comment: it is regrettable that Mr. Fei was so shortsighted to attach conditions to his retirement. It made his departure from politics highly controversial. If — instead — he had decided to step aside gracefully, he would still be held in high esteem for his pioneering role as a courageous advocate of a more democratic political system in Taiwan.*

---

## Major Political Murders Remain “Unsolved”

In the beginning of December 1988, the chief of police in Taipei, Mr. Liao Chao-hsiang, announced that he had ordered the reopening of investigations into major criminal cases which remain “unsolved.” Specifically mentioned were the murder of mother and twin-daughters of opposition leader Lin Yi-hsiung on 28 February 1980, and the death of Professor Chen Wen-cheng in July 1981.

*Taiwan Communiqué comment: if the Taiwan authorities are indeed sincere in attempting to solve these cases, they would move swiftly to apprehend those who committed these murders. As we indicated in our earlier reports: there is significant*



*evidence that those who are responsible for 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 the right-wing extremist “patriotic anti-communist” groups which act in close collaboration with the secret police.*

*In view of the lackadaisical attitude among the Taiwan authorities with regard to these cases, and the fact that the respective “investigations” have dragged on for more than seven years, it is apparent that powerful elements within the government in Taipei continue to attempt to cover up the murders.*

*The Taiwan authorities should realize that this dark blot on their reputation can only be removed if there is indeed a full and open investigation into these murders. Justice should be done and those responsible for these terrorist acts — no matter how high up they are in the hierarchy — should be brought to trial.*

Below we present a summary of information on both cases (see also *Taiwan Communiqué*, no. 33, pp. 7-9).

## ***The murder of Mr. Lin Yi-hsiung’s family***

On 28 February 1980, the mother and 7-years’ old twin-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 had been 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 several 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 the 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 noontime his mother and 7-years’ old twin-daughters were stabbed to death in their home. A third



**Mr. Lin Yi-hsiung and his family**

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 had not seen anybody enter the house, and until now, February 1989, the authorities say that the perpetrators of this terrorist act "cannot be found."

Mr. Lin (born on 24 August 1941) was elected as a "tangwai" (outside-the-party) member of the Taiwan Provincial Assembly 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 Kuomintang government officials, because he was a vocal critic of corruption in high places and of the repressive practices of 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 Democratic Progressive Party. 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 arrest following the “Kaohsiung Incident”, Mr. Lin and seven other prominent opposition leaders went on trial in March 1980 on charges of “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. Tape recordings of the Kaohsiung Incident proved this contention to be **utterly false**, but 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 of 1980 issue of *SPEAHRhead*, the bulletin of the Society for the Protection of East Asians’ Human Rights (SPEAHR, P.O. Box 1212, New York, NY 10025).

In December 1983, Mr. Lin’s wife, Fang Su-ming, was elected as a member of the Legislative Yuan, in what was widely interpreted as a signal of broad 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 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 hours of 3 July 1981, the body of professor Chen Wen-cheng was found next to a building at National Taiwan University in Taipei. The body had thirteen broken ribs, a broken spine and numerous other internal and external injuries, which had apparently 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) — a 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.

After the case received wide international attention, the Kuomintang authorities tried to suggest that it was “either suicide or accident.” The evidence proved otherwise: an

American forensic pathologist, Dr. Cyril Wecht — who traveled to Taiwan together with a colleague of Dr. Chen to investigate the case — concluded that Dr. Chen was a victim of homicide, and that his death was caused by being dropped from an upper floor of the fire escape while unconscious (see “Murder in Taiwan”, *American Journal of Forensic Medicine and Pathology*, June 1985).



**Dr. Chen, his wife Su-jen, and their son Eric, just before their journey to Taiwan**

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 Reagan Administration — which is generally so vocal in condemning terrorism — remained silent.

---

## Human Rights Activist Honored

### *Mrs. Kiyoko Miyake, a lifelong dedication*

On 10 December 1988, in a ceremony in New York City, Mrs. Kiyoko Miyake was awarded the second annual human rights award by the U.S.-based Formosan Association for Human Rights (F.A.H.R.). Mrs. Kiyoko received the award for her lifelong dedication to the cause of human rights in Taiwan.

In the 1960's, she did pioneering work, collecting information about the many hundreds of political prisoners who were languishing in prison at that time, and providing support for the families of the imprisoned men. She became interested in human rights in Taiwan during a visit to the island in 1963. She continued her work on the island until 1966, when she was declared *persona non grata* and was forced to return to Japan. After that she was one of the key persons in a Japan-based group, monitoring the Taiwan human rights situation.

## *Ms. Chen Chü Meets German Federal President*

The third person to be honored in December for human rights work in Taiwan was Ms. Chen Chü, the Director of the Taipei-based Taiwan Association for Human Rights (T.A.H.R.). Ms. Chen was among five human rights workers from around the world invited to West Germany by President Von Weizsäcker on the occasion of International Human Rights Day.

Ms. Chen was one of the “Kaohsiung Eight” opposition leaders. She served more than six years in prison of a twelve years’ sentence. She was bureau chief of the Kaohsiung office of Formosa-magazine, when on 10 December 1979 the magazine organized a Human Rights Day rally, which ended in chaos after police used teargas against the peaceful crowd and pro-government instigators incited violence.

Since her release on 4 February 1986, she has been a tireless advocate of human rights, serving as the director of the T.A.H.R. since mid-1986. During her meeting with President Von Weizsäcker, Ms. Chen discussed with him her concerns about human rights in Taiwan and the desire of the Taiwanese people for a fully free and democratic Taiwan.



**Ms. Chen Chü**

## *Lawyer Lee Sheng-hsiung: spreading the word*

On 8 December 1988, lawyer Lee Sheng-hsiung and 34 other human rights monitors from around the world were honored at a meeting at the New York City Bar, organized by the U.S.-based **Human Rights Watch**. The organization — the umbrella group for Helsinki Watch, Americas Watch, Asia Watch, and Africa Watch and Middle East

Watch committees — sponsored the event to focus attention on human rights around the world on the occasion of the 40th anniversary of the Universal Declaration of Human Rights, and to celebrate its own tenth anniversary.

For the past decade, Mr. Lee has been a prominent advocate of human rights in Taiwan. In March/April 1980 he was a member of the defense team which courageously defended the “Kaohsiung Eight” opposition leaders, who were charged with “sedition” in Military Court after the December 1979 Human Rights Day rally in the southern city of Kaohsiung. These Kaohsiung Incident trials — which followed reports of torture of the detainees and resulted in the imprisonment of most major opposition figures for peaceful expression of political opinions — focused world attention on the repression of human rights and the lack of democracy in Taiwan.

More recently, Mr. Lee served as a defense lawyer for those charged in connection with disturbances that took place during the May 20th 1988 farmers’ demonstration in Taipei. Mr. Lee was beaten up by plainclothes policemen when he tried to see detainees being held at a local police station on the night of May 20th (see *Taiwan Communiqué*, no. 35, pp. 8-14).

Mr. Lee is the President of the Taiwan Association for Human Rights and a member of the Legal Committee of the Taiwan Presbyterian Church. He also served as Vice-President of the February 28 Peace Day Association, which initiated a campaign to have February 28 declared an official “peace day” in commemoration of the between 12,000 and 20,000 Taiwanese who were executed by Chiang Kai-shek’s troops in 1947 following the “February 28 Incident” (see *Taiwan Communiqué*, no. 29, pp. 13-16).

---

## Prison Report

### *T.A.H.R. Issues Human Rights Report*

In the beginning of December 1988, the Taipei-based Taiwan Association for Human Rights (T.A.H.R.) issued its annual human rights report. Since its founding in 1984, the Association has developed into the major Taiwan-based organization dedicated to human rights in Taiwan.

The report covers the period from November 1987 to November 1988. In its introduction, T.A.H.R. said that 1988 was a year of increasing political and social



awareness in Taiwan. The year had seen several major demonstrations organized by the opposition DPP to demand general elections for all seats in the parliament, and to speed up the process of democratic reform. Socially, laborers, farmers, war veterans, environmental and women's groups are becoming increasingly aware of their rights and are taking to the streets to gain public support.

T.A.H.R. concludes that, in spite of the lifting of martial law in July 1987, there are still many human rights violations in Taiwan. Below follows a brief summary of the main cases:

**Eight deaths in police custody.** Police misconduct in arbitrary arrest and the use of torture against suspects during interrogation were on the rise. The report documents 50 such cases, including eight cases of persons who died due to mistreatment and/or torture in police custody.

**Human rights abuses in prisons.** These are reported by families of prisoners to occur frequently. The prison disturbances in November and December 1987 in both Yen Wan (in Taitung) and Green Island prisons caught attention of the public and the media. Eight inmates died in a fire on Green Island. The disturbances were sparked, among other reasons, by mistreatment of prisoners.

**Abuse in the military.** This remains a dark corner for human rights monitors because of its inaccessibility. There were three reports of death of soldiers under unexplained circumstances. Their families believed that the cause of the death was torture.

**56 death sentences.** The authorities in Taiwan are resorting increasingly to the use of death sentences in their attempts to curb the rising crime rate in Taiwan. The report listed 56 persons who were sentenced to death in District Courts, or whose sentences were confirmed in the High Court or Supreme Court; eight persons were executed.

---

## *Supreme Court upholds “sedition” sentences*

On 25 November 1988, the Supreme Court in Taiwan rejected the appeals by two prominent opposition members, who were arrested in October 1987 on charges of advocating Taiwan independence. The two men, theologian Tsai Yu-ch'üan and businessman Hsu Tsao-teh, were sentenced in January 1988 to respectively eleven years and seven years imprisonment. On 27 August 1988, the Taiwan High Court



**Demonstration in Taipei for the release of  
Tsai Yu-ch'üan and Hsu Tsao-teh**

upheld the convictions, but reduced the sentences to seven years and four months for Tsai and four years and eight months for Hsu. These sentences have thus now become final.

The London-based human rights organization **Amnesty International** has appealed to the Taiwan authorities to release Tsai and Hsu immediately and unconditionally. Amnesty has concluded that the two men were arrested for the peaceful expression of their political views, and has adopted them as prisoners of conscience.

***Taiwan Communiqué comment:** the sentencing of Messrs. Tsai and Hsu will continue to tarnish the image of the Kuomintang authorities. It shows that — in spite of the lifting of martial law — there still is no full freedom of expression in Taiwan. In fact, the two men were sentenced under the new National Security Law, which replaced martial law in July 1987. If the authorities in Taipei want to improve their international image, they should release the two men immediately and unconditionally.*



## ***Retrial for Hong Kong businessman***

In the beginning of January 1989, press reports in Taiwan indicated that the Supreme Court in Taipei had ordered a retrial in the case of Hong Kong businessman Cheung Ki-loh, who was sentenced to three years and four months imprisonment in October 1988 (see Taiwan Communiqué, no. 37, pp. 15-16).

Mr. Cheung had been arrested in January 1988 while on a business trip to Taiwan and was tried on charges of being a member of a “seditious” group and of trying to “overthrow the government through illegal means” while he was a student in Taiwan from 1977 through 1981. Two prominent human rights organizations, Amnesty International and Asia Watch, have said that the charges against Mr. Cheung were unsubstantiated, and that it appeared that Mr. Cheung was being punished because of his peaceful political activities.

---

## **Freedom of the Press ?**

### ***Three opposition journalists sentenced***

On 10 December 1988, the Taipei District Court sentenced an opposition journalist to seven months imprisonment on charges of “libel.” Mr. Chen Wei-tu, age 25, former chief editor of the *Democratic Progressive Weekly*, had written in an article that Colonel Yu Kuan-sheng had used his position in the military police to get a part-time job as a personal body guard for a big-time stock player. The publisher of the *Democratic Progressive Weekly* (not to be confused with the DPP’s *Democratic Progressive News*), Mr. Wu Hsiang-hui, was sentenced to seven months imprisonment in the same case.

On 9 December 1988, Mr. Chen was also indicted in a separate case: together with a student, Mr. Chen Chung-yi, age 27, he was charged under the Sedition Act with “spreading rumors” about Military Chief of Staff Hau Pei-tsun. In the beginning of October 1988, Mr. Chen allegedly wrote a pamphlet in which he stated that General Hau was planning a *coup d’etat* during the October 10 celebrations of “National Day.” Mr. Chen Wei-tu was arrested in the case in mid-November, and was held *incommunicado* until December 30th, when he appeared in Taipei District Court. If convicted under the Sedition Act, he would receive a prison sentence of seven years.

In a third case, General Wen Ha-hsiung, commander-in-chief of the Combined Service Forces, formally brought a libel suit against Mr. Cheng Nan-jung, founder and chief-editor of *Freedom Era Weekly*. In articles in his magazine on 13, 20 and 27 August 1988, Mr. Cheng had published allegations that General Wen had received kickbacks when he headed a team in charge of military purchases in the United States. The articles stated that General Wen had been known as “Mr. ten-percent” while he was stationed in Washington DC.

Mr. Cheng Nan-jung’s magazine is still the most censored publication in Taiwan: from December 1987 through November 1988, 11 successive titles of *Freedom Era Weekly* were suspended for one year. However, under a “spare tire” tactic, Mr. Cheng has 17 titles registered, so until now he has been able to continue publishing.

## *Prosecuted for publishing a new Constitution*

In a separate development, Mr. Cheng Nan-jung was called in for questioning on 5 January 1989 by the Investigation Bureau of the Ministry of Justice, because in mid-December 1988 his magazine had published the text of a draft for a new Constitution. The document had been drafted by a group of overseas Taiwanese scholars headed by professor Hsu Shi-kai from Japan, and contained proposals for the structure of the political system in Taiwan under a new, democratic government.

Dr. Hsu, who is President of the World United Formosans for Independence (WUFI), wrote in the introduction that the draft was originally written in 1975 at the request of the Japan branch of WUFI, which was then submitted to the organization’s central committee. It was originally written in Japanese, which was later translated into Chinese. He rewrote it in mid-1988.



**Mr. Cheng Nan-jung**

The proposal for a new Constitution consists of eight chapters, namely, preamble, citizens’ rights and obligations, the presidency, the parliament, the cabinet, the courts, local autonomy and amendments.

The preamble states that the Constitution is written for a free and democratic Taiwan, where the sovereignty belongs to the people. It specifies that the four language groups — Malay-Polynesian, Min-nan Taiwanese, Hakka and Mandarin — will be on equal footing, and that the territory will be restricted to Taiwan and the island groups immediately surrounding it.

Mr. Cheng is likely to face prosecution under infamous “Statute of the Punishment of Sedition.” He will face charges of either “an intent to change the national Constitution” or “making propaganda for seditious organizations by means of printed words, pictorial illustrations and speeches.”

## *Press Freedom Still Constrained*

While since the end of martial law in July 1987 the formal restrictions on the written press have been significantly relaxed, the Kuomintang authorities still attempt to inhibit opposition publications and expressions of criticism on radio and television. A number of recent examples:

On 8 July 1988, a well-known radio program was discontinued after the broadcaster, Mr. Wu Le-tien criticized the government’s handling of the May 20th, 1988 incident.

At the end of October 1988, there was another case of restriction on press freedom: the publishing license of the monthly magazine Taiwan Culture was suspended for one year by the Information Bureau of the Kaohsiung City government, for disseminating “separatist sentiment” in three articles in the tenth issue. On 19 November 1988, the publisher of the magazine, Mr. Ke Chi-hua, a former political prisoner, Mr. Li Ching-hsiung, president of TAHR Kaohsiung branch and Dr. Chen Yong-shing, former president of TAHR, staged a sit-down in front of the building of the Kaohsiung City Government to protest the suspension of the magazine.

On 10 November 1988, the human rights magazine published by the Taiwan Association for Human Rights was reprimanded for publishing articles commenting on the May 20 incident in issue No. 5.

Also in November 1988, the Government Information Office (GIO) delayed the granting of a publishing license for Taiwan first opposition daily newspaper for a month because it considered the name “too sensitive.” The applicant, DPP Legislative Yuan member K’ang Ning-hsiang, wanted to use the name “Capital Daily.” The GIO

contended that the publication could not use this name “because Nanking in mainland China is the capital of the country, and allowing a newspaper to operate in Taipei under the name “Capital” would give the wrong impression that Taiwan is an independent country with Taipei as its capital” (!!!!).

## *Opposition magazines on microfiche*

As we reported extensively in earlier issues of *Taiwan Communiqué*, during the late 1970’s and early 1980’s the Kuomintang authorities conducted heavy press censorship, and frequently banned, confiscated and suspended magazines published by the budding opposition movement.

Most of the magazines were published by relatives or friends of opposition leaders imprisoned after the Kaohsiung Incident of December 1979. This incident initially received little international attention, but was later recognized to have been a turning point in Taiwan’s history: it galvanized the native Taiwanese on the island as well as abroad into political opposition against the mainlander-dominated Kuomintang regime.

Since little is known outside Taiwan about either the events surrounding the Kaohsiung Incident, and the developments following it in the subsequent years, the Europe-based Inter Documentation Company — which specializes in publishing collections of rare documents — decided to publish a collection of the magazines on microfiche. Since the secret police in Taiwan confiscated so many issues of the magazines, it took considerable effort and time before the collection was complete enough for publication.

The resulting collection covers the most important magazines published in Taiwan during the period 1975 through December 1985 and contains some 1,000 magazine issues. It constitutes an indispensable source for Chinese-reading scholars and students of political developments in Taiwan, and is highly recommended for institutes and libraries which specialize in studies of East Asia. The collection costs SwFr. 5,450 and may be ordered from:

Inter Documentation Company  
P.O. Box 11205  
2301 EE LEIDEN The Netherlands

# Notes

## *Hakka Language Protest*

On 28 December 1988, nearly 10,000 demonstrators from Taiwan's Hakka minority group staged a peaceful protest in Taipei to demand "language equality," and appealed to the authorities to implement bilingual education. The demonstration, organized by the "Hakka Rights Promotion Association", drew support from some 35 Hakka language and cultural societies from Taiwan and the United States.

The Hakka comprises about 14 percent of Taiwan's 20 million population. They are concentrated in the eastern part of Taiwan such as Taoyuan, Hsin-chu and Miao-li counties, and in Kaosung and Pingtung counties in the south.

Wearing traditional Hakka costumes and carrying placards, which read "restore the Hakka language", they marched for nearly three hours from Sun Tat-sen Memorial Hall to the Legislative Yuan. A petition was delivered to the acting Legislative Yuan president Liu Kuo-tsai, who is a Hakka himself.



**Hakka's on the march for language rights**

The petition chided the KMT authorities for banning the Hakka language in education, broadcasting programs and cultural activities. As a result the language is facing extinction as younger Hakka can no longer speak their mother tongue.

They appealed to the authorities to implement bilingual education, so that pupils in primary schools can learn their mother tongue as well as the official Mandarin (a dialect originating from around Peking), and to allow Hakka language programs on television.

At present, 90 percent of the television programs broadcast by the three television stations are in Mandarin, while the remaining 10 percent are in the Taiwanese (“Minnan”) language, which is spoken by some 70% of the population in Taiwan.

The demonstration, the first ever organized by the Hakka, is a significant development in the social movement in Taiwan, where laborers, farmers, war veterans, aboriginal and women’s groups have increasingly taken to the streets to demand their rights.

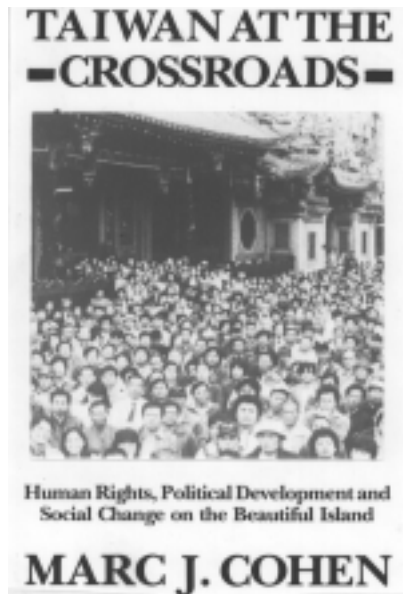
After 40 years of discrimination because of the Kuomintang policy of imposing Mandarin as the sole official language, the other language groups — the Taiwanese, Hakka, and aborigines – are demanding fair and equal treatment. These groups particularly consider the Kuomintang policy of maintaining Mandarin as the sole language for instruction in schools as oppressive and insensitive, and have demanded respect and recognition for the culture heritage of the other language groups.

---

## Marc J. Cohen: “*Taiwan at the Crossroads*”

In the previous issue of our *Taiwan Communiqué*, we already announced the publication of this book. As indicated, this book is an indispensable source of up-to-date information for scholars and students of political, economic and social developments in Taiwan. It describes the remarkable grass-roots activism of the native Taiwanese democratic opposition, which led to the dramatic political changes which took place since 1986.

The picture on the cover was taken during the December 1986 elections at a large rally for National Assembly member Mrs. Yao Chou Ching-yü at Lungshan Temple in Taipei. The faces of the people very expressively symbolize the people of Taiwan at the crossroads, anxiously looking forward to a brighter, more democratic future.



The price of the book is slightly higher than was previously announced in our *Communiqué*: it is now available at US\$ 10.95 per copy (plus postage) from:

**Asia Resource Center,** P.O. Box 15275, Washington, DC 20003 U.S.A.

### ***Center for Taiwan International Relations established***

On 15 December 1988, the Center for Taiwan International Relations (C.T.I.R.) was established in Washington, DC. The Center will function as a think tank for issues relating to democracy in, and the future of, Taiwan.

C.T.I.R. takes as its point of departure the belief that the sovereignty over Taiwan (including the Pescadores) belongs to the 20 million people who live on the island, and to no ones else. It insists that the ultimate resolution of Taiwan's international status is up to the collective will of the residents of the island. They may decide to establish an independent nation of Taiwan, as many people on Taiwan today advocate, or to enter into some form of association with other nations. The crucial issue is that the people on Taiwan must have the right to exercise their will freely.

No government constituted without the consent of Taiwan's people has any valid claim to sovereignty over Taiwan or any right to characterize the future of Taiwan as its "internal affair." In particular, the government of the People's Republic of China, which most nations recognize as the legitimate ruler of China, has no basis for attempting to prevent the people on Taiwan from freely exercising their rights. At the same time, C.T.I.R. believes that the international community has an obligation to uphold the right of Taiwan's people to decide their future for themselves.

In the context of these views, C.T.I.R. will conduct research, sponsor seminars, and issue publications on the subject of the status and role of Taiwan in international relations. It seeks to develop expertise among the people of Taiwan in the field of international relations; to establish a dialogue with governments and non-governmental organizations, especially in the Third World; and to facilitate contact between social, civic, human rights, environmental, and cultural organizations on Taiwan and their counterparts worldwide.

Dr. David W. Tsai is the President of C.T.I.R., and Dr. Marc J. Cohen is its Executive Director. The address of the Center is:

C.T.I.R., 731 Eighth Street S.E.

Washington, DC 20003

tel. (202) 543-6287

---

---