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## The Kuomintang Clamps Down Again *“Preparing for the elections” ?*

In mid-March 1989 the Kuomintang authorities in Taiwan clamped down again on the democratic opposition of the Democratic Progressive Party (DPP), and on persons and groups supportive of labor rights. Below is a summary of the main developments.

According to press reports in Taiwan, the new hardline approach was decided upon at a top-level meeting of secret police officials in the beginning of March 1989. The meeting — chaired by General Soong Hsin-lien, secretary-general of the National Security Bureau — decided to take “forceful action” against outspoken opposition leaders and against clergymen involved in social reform and labor rights activities.

***Taiwan Communiqué comment:*** *With these steps the authorities are continuing to abuse the legal system to inhibit the activities of the political opposition. These steps are obviously designed to prevent these men from participating — either as candidates or as speakers — in the elections which are due to take place in December 1989.*



**Assemblyman Huang Chao-hui  
arrested**

## *National Assemblyman arrested*

On 11 March 1989, police in the southern port city of Kaohsiung forcibly took Mr. Huang Chao-hui, a DPP member of the National Assembly, into custody after Mr. Huang had led a demonstration on 26 February 1989 to commemorate the “February 28 Incident” of 1947. In the 1947 incident — which has until now been whitewashed by the Kuomintang authorities — between 12,000 and 20,000 native Taiwanese were massacred by Chiang Kai-shek’s Nationalist Chinese troops.

Earlier, on 22 February 1989, Mr. Huang had been detained for five hours when he led a march to a police station in Kaohsiung to protest police brutality in the case of a man who died after torture during police interrogation (see report on page ...).

At about noon on March 11th, police went to Assemblyman Huang’s office in Kaohsiung and arrested him, along with several of his aides. The police claimed that he had disregarded a summons to appear in court in connection with the events of February 22nd, though no one at the office had any knowledge of an official effort to serve a summons to him.

On their way to the Kaohsiung District Court, Assemblyman Huang and his aides were again subjected to physical mistreatment by the police. At about 4:00 p.m., Assemblyman Huang told a crowd of some 1,000 supporters who had gathered at the court that he would continue to struggle for democracy. He was then taken to a remote detention center in Yen Chao, Kaohsiung County. On 20 March 1989, he and two others charged in the incident were allowed to post bail.

Mr. Huang is one of the few members of the National Assembly actually elected in Taiwan. The large majority of the Assembly’s members are permanent leftovers of the legislature brought over from mainland China in 1949 by Chiang Kai-shek. Mr. Huang is also an ordained Minister of the Presbyterian Church.

Mr. Huang has neither used nor advocated violence. He has strongly denied responsibility for the incident with which police authorities in Kaohsiung are now charging him (“jabbing the face of a policeman with incense and clubbing an officer with a steel rod”). The incident reportedly took place when two policemen who were “collecting evidence” (= spying) were caught up in the demonstration in Kaohsiung in commemoration of “February 28”. Huang acknowledges spraying the policemen’s car with red paint, but denies any involvement in the other actions.

## *Arrest warrant issued for leading DPP politicians*

In separate cases, the Kuomintang authorities have taken steps to arrest three other prominent opposition leaders:

On the night of 11 March 1989, eight plainclothes policemen forced their way into the house of Mr. Hsieh Ch'ang-t'ing, a leading DPP member of Taipei City Council, to take him into custody. Fortunately, Mr. Hsieh was not at home.

On 15 March 1989, the Taiwan authorities issued an arrest warrant for Mr. Hong Chi-chang, a DPP member of the National Assembly, who is currently in the United States at the invitation of the International Center for Development Policy in Washington, DC.

Both Messrs. Hsieh and Hong are members of the Central Standing Committee of the DPP. The authorities charge them with responsibility for clashes which occurred during two major demonstrations — on 12 June 1987 and 20 May 1988 respectively. In fact these demonstrations started out peacefully and the clashes which did occur were primarily caused by incitement by pro-government instigators (see *Taiwan Communiqué*, no. 31 for a description of the events of 12 June 1987 and *Communiqué*, no's 35 through 37 for information on the incident of 20 May 1988). Independent observers have confirmed that during the two incidents Messrs. Hsieh and Hong appealed for calm and could not in any way be held responsible for the confrontations.

Another person presently being prosecuted by the Taiwan authorities is Legislative Yuan-member Chu Kao-cheng — also known as Taiwan's "Rambo" for his wild antics both inside and outside the legislative chambers. The authorities are charging Mr. Chu with responsibility for an incident which took place at the Taipei suburb of Neihu on 29 March 1988. The incident occurred when — after a festive and peaceful demonstration in Taipei calling for **general** elections for **all** seats in the national legislative bodies — Mr. Chu led a group of demonstrators from southern Taiwan to the Neihu suburb.



**Mr. Hs'ieh Chang-t'ing**



**Mr. Hung Chi-chang**

There he intended to show the demonstrators through a compound housing old mainlander legislators. During the visit, he wanted to appeal to the old legislators to retire in order to pave the way for general elections.

Some 1,000 police officers in full riot gear prevented the procession of trucks and busses from entering the walled compound, but deputy police chief Wang Hua-chen initially allowed the demonstrators to drive around the compound. However, shortly afterwards, the police surrounded and closed in on the demonstration, resulting in a melee in which eight policemen and eight demonstrators were injured.

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## Irish priest expelled for supporting labor rights

A Roman Catholic priest has been expelled from Taiwan because of his support for social justice and labor rights. On 17 March 1989, father Neil Magill, age 41, of the Columban Fathers, went to the Taoyuan County Police Department to extend his visa, which was due to expire on March 22. The Department had telephoned him in the morning, saying that he could come to the office to apply for the extension.

*Father Neil Magill's expulsion is an ignorant action that has made the Taiwan authorities a laughingstock in the international community.*

*Bishop Paul Shan Kuo-shi*

However, at the police station, four agents of the National Police Administration pushed him into a waiting van and drove him directly to Taoyuan International Airport. In the van, there were a total of 8 policemen. They twisted his arms behind his back and kept him in this position all the way to the airport. Father Magill was not even allowed to collect his personal belongings or to say goodbye to his friends, but was dragged onto an airplane to Hong Kong.

Father Magill has lived and worked in Taiwan for approximately ten years, and speaks fluent Taiwanese. He was the founder and driving force behind the New Life Workers' Center in Taoyuan, which helps to educate workers on their rights and assists them in organizing unions. This is what he himself has said about his work:

*"Five years ago, after completing my study of the Taiwanese language, I rented a small apartment on the edge of a large industrial estate in Taoyuan. I wanted to get to know some of the workers there, build friendships with them, understand their working conditions and how they were being exploited, and share with them in their hopes, aspirations, frustrations and sufferings.*

*One year later, with the help of a core group of workers we opened the New Life Workers' Center in Taoyuan. Each year thousands of students leave their homes in the countryside to find work in the factories in the large cities. They find themselves uprooted from family and friends and feel lonely, isolated and exploited in their new environment. They suffer from low self-esteem and loss of dignity. Our center is a home away from home for these young workers, where they can find friendship and support.*

*The main thrust of the Center is to help workers to get to know their rights through educational programs so they can resist injustice, and to organize more efficiently so they can assume responsibility for their own lives. There are educational programs on labor law, labor insurance, contracts, wages, safety and health. Most important of all, there is trade union education on the formation of independent, democratic and responsible unions. As Pope John Paul II says in his encyclical **Laborem Exercens**: 'unions are a mouthpiece in the struggle for social justice and the just rights of the working people.'*

*Recent experience here in Taiwan shows us that workers who try to organize unions are fired. Two volunteer lawyers offer legal services to workers at the Center and represent them in Court. Experience also tells us that when normal means fail to settle disputes, the workers' last resort to attain their rights is strikes or public protests. We, at our Center, stand by the workers involved in labor/management disputes and try to inspire, motivate and influence them in view of a more just society open to God's Kingdom of love, justice and peace. Surely, Jesus thought of all the down-trodden of the earth when He said: '... insofar as you did this to one of the least of my sisters or brothers, you did this to me (Matth. 25: 31-46).'*



**Father Neil Magill**

Father Magill's deportation prompted strong protests from the Catholic Church in Taiwan and from a large number of workers' organizations. On 19 March 1989, five Catholic bishops called an unprecedented press conference in which Bishop Paul Shan Kuo-shi called the expulsion an "ignorant action" that has made the Taiwan authorities "a laughingstock in the international community." The Bishops issued a joint statement in which they demanded that father Magill be allowed to return to continue his work.

On 21 March 1989, some 100 persons representing 60 labor, human rights, religious and student groups gathered at the Vatican Embassy in Taipei. The Vatican is the only European "country" still maintaining formal diplomatic relations with the Kuomintang authorities. After singing hymns, displaying banners and passing leaflets to passersby, the group presented a petition addressed to Pope John Paul II, asking the Vatican to help seek the return of Father Magill to Taiwan.

At around the same time as father Magill's expulsion, another Roman Catholic clergyman, Jesuit father Jose Ellacuria, originally from Spain, was given notice that his visa was not being renewed for "violating his religious duty with his involvement in labor activities." Father Ellacuria has lived in Taiwan for 31 years. He set up a center in Taipei City for educating workers on their legal rights.

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## Commemorating "February 28" "2-28 Movement" Gains Momentum

Forty-two years ago, between 12,000 and 20,000 native Taiwanese, including many professionals, mayors, lawyers, doctors and university students lost their lives in the tragic "February 28 incident" of 1947. The incident has been a taboo subject in Taiwan for nearly four decades.

In 1987, opposition leaders broke the taboo by staging memorial services for the victims and demanded that the KMT authorities stop covering up the facts, and let the truth be known. They also demanded an apology from the KMT authorities, compensation for surviving relatives of the victims, a monument commemorating those who died, and that February 28 be declared a national "Peace Day."

This year, the Presbyterian Church and university students joined the opposition

Democratic Progressive Party in islandwide commemorations to mark the 42nd anniversary of the incident. In Taipei, memorial services were held at the Presbyterian Church and in front of the Lung-shan temple. In the evening, the Presbyterian Church organized an outdoor gathering in Shih-lin with the singing of psalms and folk songs and a performance of a short play about the 1947 incident. A peaceful and orderly candle-light march followed the evening gathering.

The opposition Democratic Progressive Party held a memorial service in Keelung, a port city in northern Taiwan, which saw a large part of its population of the city massacred 42 years ago. DPP chairman, Mr. Huang Hsin-chieh led a march through the city. An evening rally lasting for more than four hours was the highlight.

## Peace Monument

A significant development this year was the initiative taken by the DPP members in Chia-yi to erect a peace monument to commemorate "February 28." The monument is to be erected at the site, which was previously occupied by a statue of Wu Feng, in front of the Chia-yi railway station. The statue of Wu Feng was torn down last December by aborigines, who complained that the legend about Wu Feng, a 19th century Ching Dynasty official, was an insult to their cultural heritage (see article on page 22-23).

The DPP members consulted the mayor of Chia-yi, Mrs. Chang Po-ya, an independent, and obtained her blessing for the monument. However, the governor of Taiwan, Chiu Chang-huang, reportedly put pressure on mayor Chang to veto the monument project.

On 28 February 1989, about three thousand people participated in a march through the city center of Chia-yi. The procession was two kilometers long. When the procession arrived at the square in front of the Chia-yi railway station, they found that the local Lions Club, the donors of the statue of Wu Feng, in a preemptive move, had put up their own logo at the site. More than 2,000 riot police stood guard to protect the logo.



**Peace Monument in Chia-yi  
in commemoration of "2-28"**

The demonstrators, demanding the removal of the Lions Club logo, and the riot police were locked in a standoff for more than two hours. The riot police withdrew after mayor Chang, in an effort to deflect the confrontation, appeared at the scene and declared that the logo of the Lions Club should be removed because it had not been approved by the city.

Standing at the site is now a temporary monument with inscription “peace memorial monument” in yellow on a green background outlined by the geographical form of Taiwan, a white dove sitting on top, and the numbers “228” in white on a green background at the base. The DPP has launched a fund-raising campaign to collect funds for the building of the monument.

## Students Discover History

Another significant development this year was the participation of several hundred students from National Taiwan University in the commemoration of the “February 28 incident” of 1947. Ten student organizations cosponsored the event.



**Ten student representatives on their way to the Presidential Palace to deliver petition regarding "2-28"**



Since the lifting of martial law, students of National Taiwan University (“Taita”), the most prestigious academic institution in Taiwan, have increasingly become involved in social and political issues. E.g. a sizable group participated in the farmers’ demonstration on 20 May 1988.

The commemoration began with a rally on campus on the night of 27 February 1989. The next day 10 student representatives, after attending a memorial service, marched from the campus to the presidential building to deliver a petition to president Lee Teng-hui. Due to a police barricade, only two students were allowed into the presidential building to deliver the petition to a lower-level official.

They also held a three-day seminar, and a photo exhibit of the incident. Students also burned textbooks of history and military education in protest against the KMT authorities’ decades-long practice of distorting facts and fabricating history.

A memorial service was also held for a former Dean of the College of Letters at *Taita*, Dr. Lin Mao-sheng. Dr. Lin was executed — along with many former students of *Taita* — by the Nationalist Chinese troops during the “February 28 incident” of 1947. He received a Ph.D. in Education from Columbia University in the 1920’s, and was a leading intellectual and advocate of democratization in the period immediately following World War II. Dr. Lin served as the dean of the College of Letters from 1945 until his death in March 1947. Dr. Lin’s daughter, Ms. Lin Yung-mei, returned from the United States to participate in the memorial service. Ms. Lin pointed out that the Kuomintang authorities had deleted her father’s name from the list of deans of *Taita*. She demanded that her father’s name be cleared.

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## Three “sensitive laws” bulldozed through

During January and February 1989, the Kuomintang authorities bulldozed three “sensitive laws” through the Legislative Yuan. The draft laws had been the subject of extensive wrangling during the previous months. Particularly the “retirement law” had been controversial (see *Taiwan Communiqué* no. 38, pp. 5-8). On the following pages you find an overview of the recent events and of the major restrictive provisions of the bills.

## *Retirement Law not Equal to Democratization*

On 26 January 1989, the Legislative Yuan finally passed the parliamentary reform bill providing for the voluntary retirement for members of the three national legislative bodies — the National Assembly, Legislative Yuan, and Control Yuan — who were elected on the Chinese mainland in 1947. The aging legislators have retained their “permanent” positions until the present day, because the Kuomintang authorities still cling to their pretense to be the legitimate government of mainland China.

The bill provides for a tax-exempt lump sum of NT\$ 3.74 mln. (approximately US\$ 135,000) for each old guard deputy retiring voluntarily. Although there are totally slightly over 1,000 “oldies” in the three legislative bodies, only two or three dozen are expected to retire in the near future. Many of the remaining ones are greedily holding out for retirement after July 1989, when there will be a general salary increase for civil servants, and the retirement fee will be raised to NT\$ 4.45 mln. (appr. US\$ 160,000).

Prior to its passage, the retirement law was subject to fierce debate within and outside the Legislative Yuan. The large majority of the old legislators themselves were strongly opposed to it, because they wanted to hang on to their “Fa Tung” (“legitimacy”) as representatives of China.

The democratic opposition of the DPP is strongly opposed to the bill because of the “voluntary” character of the retirement: it contends that the old legislators have totally lost their legitimacy because they have not stood for election for more than forty years, and should thus be **compelled to retire, effective immediately**. The DPP and its supporters also argued against the retirement payment of NT\$ 3.74 mln., saying that the regular pension of the legislators is more than sufficient and that the extra payment is thus a waste of tax-payers’ money.

During the second half of January 1989, the DPP opposition utilized a broad variety of parliamentary — and some less-parliamentary — tactics to attempt to prevent the passage of the bill with the generous provisions described above. At the same time, major protest demonstrations were held outside the Legislative Yuan building to demand the immediate resignation of the mainland legislators, but to no avail: on 26 January, the KMT-controlled Legislative Yuan passed the measure, and on 3 February it was promulgated into law by President Lee Teng-hui.

Right after the passage of the retirement bill, the Central Standing Committee of the Kuomintang approved a proposal by the National Security Council to increase the

number of Taiwan-elected seats in the three legislative bodies in phases. As we reported earlier (see “The NSC proposes piece-meal democracy”, in Taiwan Communiqué, no. 36, pp. 4-7) the KMT authorities are attempting to minimize public debate on these proposals by bypassing the Legislative Yuan and letting the NSC work out the proposals.

Interestingly, the proposals apparently do not include the earlier provision that — after all “senior legislators” have retired (or passed away) — seats representing mainland China be created and allocated to the political parties according to the percentage of votes they win in an election in Taiwan. Hopefully, the Kuomintang realized how ridiculous this idea would be.

*Taiwan Communiqué comment: while these combined moves are steps in the right direction, they fall far short of a real breakthrough towards full democracy: in this piece-meal scenario it will still take until 1996 or the year 2000 before Taiwan will have a legislature that is fully elected by the people on the island. The retirement law and the NSC proposal therefore still do not equal true democratization.*

## ***Ban on Opposition Parties Ended***

On 20 January 1989, just a few days before passage of the retirement bill, the Legislative Yuan passed the **Civic Organizations Law** which formally allows new parties to be set up, and thus ends the Kuomintang’s ban on opposition parties. The new measure was promulgated into law by President Lee Teng-hui on 30 January 1989.

While making it possible for the democratic opposition of the DPP (and other potential parties) to function as a political party, the new law still contains a number of restrictive provisions:

- \* parties should “not violate the Constitution, advocate Communism, or division of the national territory.” This provision is particularly restrictive, because the Constitution still adheres to the outdated premise that the KMT authorities are the rightful rulers of mainland China. Questioning this pipe dream — and advocacy of a new and democratic Taiwan (= “division of the national territory” in the Kuomintang’s parlance) — is thus still not allowed.
- \* Founders of a new party must “report” to the authorities within six months of the foundation of a new party, or face a fine and/or imprisonment. Fortunately, the earlier provision that new parties must “register with” the authorities (whereby the

authorities could delay or reject the application) has been weakened down to a simple reporting procedure.

- \* The new law officially provides for “equal access” by political parties to the news media, in particular radio and television. However, history shows that the KMT and its repressive agencies such as the military and secret police have great inventiveness when it comes to hindering or preventing the opposition from reaching the broader public through the government-controlled electronic media.

It thus remains to be seen how this new law works in practice. The Hong Kong-based *Far Eastern Economic Review* has concluded that “...equal access is unlikely as the KMT either owns or otherwise controls most of Taiwan’s electronic media and many publications” (FEER, 16 February 1989, p. 24).

## ***Election and Recall Law Amended***

The third “sensitive” law under discussion in January/February 1989 was a revision of the **Election and Recall Law**, which governs the conduct of elections. The revision sets rules for campaign donations and also provides for rezoning of the election districts in Taiwan: there will be more districts, while each district will be smaller in size. The Amendment was passed by the Legislative Yuan on 26 January 1989, and promulgated by President Lee Teng-hui on 3 February.

The democratic opposition of the DPP still has major objections to this law in its present form:

- \* It still bars former political prisoners — some 1,000 in number — from running for public office. Many prominent opposition figures have served time in jail on political charges and have been deprived of their civil rights, thus preventing them from standing in elections or even from practicing their professions.
- \* Rezoning the present eight election districts into 25 smaller districts will make it possible for the Kuomintang to manipulate the elections even further. The DPP has argued in favor of a proportional system by which the number of seats allocated to a party is directly proportional to its percentage of the vote.
- \* The Central Election Commission (CEC), which supervises the elections, is heavily controlled by the Kuomintang. The Commission is loaded with Kuomintang-faithful and does not count a single DPP-member.

- \* The time period by which changes in the boundaries of electoral districts have to be announced (by the Central Election Commission !) has been reduced to half a year before the elections. This makes it possible for the KMT to changes boundaries just prior to elections, thereby throwing the opposition off balance.
- \* The Governor of Taiwan and the mayors of the two major cities, Taipei and Kaohsiung, are still not elected by popular vote, but are appointed. The DPP has pushed for direct elections for these offices.
- \* The system of elections for the Control Yuan is complex and still prone to vote-buying: the Control Yuan members are not elected by popular vote, but through an indirect system by the members of the Taiwan Provincial Assembly and the Taipei and Kaohsiung City Councils. This system led to large-scale vote buying during the previous Control Yuan elections (see Taiwan Communiqué, no. 28, pp. 9-11).

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## Chinese repression in Tibet

During a few brief days in the beginning of March 1989, the world watched a rerun of the tragic events of October 1987 and March and December 1988 in Tibet: courageous Tibetans, monks and commoners alike went into the streets of Lhasa to protest Chinese repression and to push for independence of their Tibetan homeland — free from Chinese imperialism and colonialism by Peking.

*These events are also a clear indication to the people of Taiwan what would be waiting them if they give in to the "peaceful reunification" overtures from Peking.*

*Taiwan Communiqué*

In spite of international protests, the Chinese authorities did as they wished, expelled foreigners from Lhasa, and clamped down with guns on the unarmed Tibetans.

The most recent events in Lhasa follow short on the heels of a report to the United Nations Commission on Human Rights in Geneva, in which a prominent Dutch legal expert, professor P.H. Kooijmans, reported on the extensive of torture of Tibetan monks by Chinese police in Lhasa.

***Taiwan Communiqué comment:** these sad events in Tibet show the outside world that the authorities in Peking still have much to learn about human rights and democracy. These events are also a clear indication to the people of Taiwan what would be waiting them if they give in to the “peaceful reunification” overtures from Peking. The promises made to the people of Tibet when the country was annexed in 1950 sound suspiciously similar to the “one country, two systems” promises made now to the people of Hong Kong and Taiwan.*

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# **Report from Washington**

## ***Taiwanese send open letter to President Bush***

On 15 February 1989, on the eve of Mr. Bush’s departure to Japan and Peking, a number of prominent members of the Taiwanese community in the United States wrote him an open letter. Below is the full text of the letter:

*Dear Mr. President,*

*When you visit the People’s Republic of China (PRC) later this month, Chinese leaders are bound to talk to you about the “Taiwan question.” The Beijing authorities insist that the island is part of their sovereign territory, and refuse to rule out the use of force to make good on this claim. They want the U.S. to press the Taipei authorities to enter into “reunification” negotiations.*

*We urge you not to make any concessions to the PRC on Taiwan’s international status. Four previous administrations have progressively weakened U.S. support for the right of Taiwan’s people to decide that question for themselves.*

*Ever since President Nixon made his historic to China in 1972, the U.S. government has left the future of Taiwan up to the “Chinese” on both sides of the Taiwan Strait; for its part, the U.S. merely hopes that this process will come about by peaceful means.*

*We insist in contrast, that the sovereignty over Taiwan belongs to the people who live on the island, and to no one else. If the people on Taiwan wish, of their free will, to affiliate by some means with another country, that is of course their right. However, the community of nations should make it clear to the government of the PRC that it will oppose any effort to coerce the people of Taiwan into “reunification” with the PRC.*

*At present, the people on Taiwan are increasingly demanding the right to decide their future for themselves. In November and December last year, tens of thousands of people all over the island joined in rallies for a “new country, new parliament, and new system of government.” Neither the PRC nor the U.S. can afford to ignore these demands.*

*We strongly encourage you to state explicitly to the Beijing authorities that the U.S. government supports the right of the people on Taiwan to self-determination. In essence, this was U.S. policy prior to President Nixon’s trip to China and the issuance of the “Shanghai Communiqué.” Successive administrations have all “acknowledged” the PRC’s claim that “Taiwan is a part of China.” The Reagan Administration went so far as to agree to Beijing’s demands that the U.S. gradually reduce and eventually end its sales of defensive arms to Taiwan. According to U.S. law — the Taiwan Relations Act of 1979 — these sales are supposed to be based on Taiwan’s needs, not the demands of a nation that threatens to annex the island by force.*

*We insist..... that the sovereignty over Taiwan belongs to the people who live on the island, and to no one else.*

***Dr. David W. Tsai, President, Center  
for Taiwan International Relations***

*Furthermore, unless and until the people of Taiwan enjoy a genuinely democratic form of government, it is not possible for them to determine freely the status of the territory in which they live. As the U.S. State Department has stated in its most recent report on human rights in Taiwan, “[C]itizens do not have the ability to change their government.” Therefore, your administration should also, through the appropriate channels, forcefully communicate to the authorities on Taiwan U.S. support for immediate establishment on the island of a form of government based on the consent of Taiwan’s people.*

*China needs U.S. capital, technology, and diplomatic support as much as the U.S. needs China’s markets and friendship. Moreover, improving U.S. — Soviet relations have made the idea of “playing the China card” against the USSR obsolete. Therefore, there is no need for the U.S. to defer to the PRC on the issue of Taiwan’s future.*

*In any event, the U.S. has no right to trade away the rights of the people on Taiwan. While we strongly support friendly and mutually beneficial relations between the U.S. and China, we believe that the U.S. must not pursue those relations at the expense of the 20 million people who live on the “Beautiful Island.”*

*Sincerely,*

*David W. Tsai, President CTIR*

## The State Department Human Rights report 1988

*By Marc J. Cohen*

The U.S. State Department's report on human rights in Taiwan in 1988 is, like past years' reports, quite comprehensive, and it generally provides a relatively accurate picture of both human rights abuses and the unjust, authoritarian political structure of the ruling Kuomintang that leads to human rights violations. The authors have clearly been responsive to criticism of the 1987 report by *Taiwan Communiqué* and others.

Despite the improvements, the report contains a number of critical omissions and inaccuracies. Below we discuss the most important ones:

**Political murders:** the State Department correctly notes that in 1988 there were no reports of killings for political reasons, but — in a most serious omission — the report neglects to mention that four political murders in previous years remain “unsolved.” The Kuomintang authorities contend that the murderers “cannot be found”, although there are clear indications of involvement of the secret police and right-wing extremist groups (see “Major political murders remain unsolved” in *Taiwan Communiqué* no. 38, pp. 8 - 12).

**Civil and political rights:** the report also fails to discuss restrictions on the civil and political rights of ex-prisoners who were previously convicted of sedition for their peaceful political advocacy of democracy and human rights. These restrictions prohibit several major opposition figures — including the current and immediate past chairmen of the DPP — from returning to their profession, or from seeking elective office.

**Freedom of the press:** the discussion of freedom of the press is also a weak part of the report. It accurately notes that the government has lifted limits on the number of licensed newspapers, that many new dailies have in fact opened, and that the range of tolerated discussion has significantly broadened. However, it does not make it clear that the government's continued requirement that all publications obtain licenses and limits on the length of newspapers and the frequency of magazines egregiously violate freedom of expression. Newspapers cannot obtain licenses unless they own their own presses; this serves primarily to prevent the cash-poor DPP from opening a daily paper. Moreover, the authorities still have broad discretion to deny and suspend licenses.

The report's conclusion that “in practice, outright censorship of newspapers and magazines appear to have ended” is simply not supported by the evidence, as the



information on press freedom in *Taiwan Communiqué*, no. 38 demonstrates. Magazines which discussed such taboo topics as Taiwan independence or the role of the military in politics faced continued censorship in 1988. A prime example is Mr. Cheng Nan-jung's *Freedom Era Weekly*, which had twelve successive publishing licenses suspended during the year. The authorities also continued to use libel suits to jail opposition journalists, and even added sedition charges as a new tool in their censorship kit (see also *Taiwan Communiqué* no. 38, p. 18).

**Freedom of assembly:** the report also fails to mention critical restrictions on freedom of assembly. It correctly notes that the Assembly and Demonstration Law bans demonstrations which "violate the Constitution or advocate communism or independence." However, it neglects to discuss the law's provisions making the organizers of a demonstration responsible for the disorderly conduct of any of the participants. As is shown by the most recent events (see "The KMT clamps down again" on pp. 1-4) the authorities are using this provision to bring charges against major opposition leaders.

**Freedom of movement:** the report discusses restrictions on freedom of movement at great length. However, it tends to minimize the denial of entry permission to persons engaged in activities in support of human rights and democracy in Taiwan; these restrictions affect several hundred Taiwanese living in the United States, Canada and Europe as well as a number of American and Dutch citizens (including the full editorial staff of *Taiwan Communiqué*!).

As in previous years, the report tends to minimize the problem of forced exiling of Taiwan citizens who reside abroad. One such person, Dr. Adie Lin, a resident of California and a former President of the U.S.-based **Formosan Association for Human Rights**, was denied permission to take a teaching position at Tainan Theological College and Seminary in 1987-1988. The authorities have repeatedly slandered Dr. Lin by insinuating that he is a "terrorist", without offering any evidence to support this utterly absurd charge.

**Independence of judiciary:** as in the past, the report's discussion of the denial of fair trial does not cite cases that illustrate the lack of judicial independence and due process. In 1988, judges presiding over the trial of persons arrested during the May 20th farmers' rights demonstration (see *Taiwan Communiqué*, no. 35 and 36) and of Cheung Ki-lok (see *Communiqué*, no. 37, pp. 15-16) refused to consider exculpatory evidence, and accepted apparently perjured prosecution testimony.

**Invasion of privacy:** finally, and curiously, the report fails to mention the August 29, 1988 arrest of Dr. Hong Chi-chang, a prominent DPP National Assemblyman, during which police broke into his home and forcibly dragged him into custody (see *Communiqué* no. 36, pp.7-9). This incident, about which the State Department received extensive information, graphically illustrates the report's contention that "oppositionists do experience invasion of privacy."

*Taiwan Communiqué* comment: we are pleased that the latest report at least attempts to present a full picture of the situation in Taiwan, and commend its authors. However, we would be even more pleased if the State Department and the American Institute in Taiwan would now follow this up by issuing forceful, public statements in support of democracy and human rights in Taiwan when events on the island require this. All too often the U.S. government under Messrs. Reagan and Bush appear meek and wishy-washy when it comes to open support for human rights in the countries of East Asia.

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## Asia Watch reports on human rights violations

On 7 February 1989, the Washington director of **Asia Watch**, Mr. Eric Schwartz, testified to the House of Representatives Appropriations Subcommittee on Foreign Operations regarding human rights in 14 countries in Asia. His testimony contained an analysis of the situation in Taiwan, and included inter alia a discussion of the first major political trial in Taiwan after the end of martial law: the sentencing of Reverend Ts'ai Yu-ch'üan and Mr. Hsu Tsao-teh on charges of advocating Taiwan independence. Mr. Schwartz concluded his testimony with the following remarks:

*The State Department and AIT have been nearly silent on human rights issues in Taiwan over the past year and, in particular, have avoided expressions of concern on imprisonment of independence advocates. According to one senior State Department official interviewed by Asia Watch, this is at least partly due to U.S. desire to avoid offending the Government of the PRC, which regards Taiwan as an integral part of China and has reserved the right to use force against a declaration of Taiwan independence.*

*Asia Watch takes no position on the sovereignty question, but we do uphold the right of individuals to express support for Taiwan independence. The Administration should do the same. By their continual silence on these kinds of prosecutions, U.S. officials (as well as unofficial U.S. representatives at AIT) suggest that the Administration will speak up for the right of free expression only when U.S. officials support the policies being advocated. This undermines the integrity and the credibility of the U.S. commitment to opposing human rights abuses wherever they occur.*

# Prison report

## *Death Penalty: 22 executions in 1988*

As we reported in several recent issues of *Taiwan Communiqué*, there has been a sharp rise in the handing down of death sentences by the Court system in Taiwan (see “A wave of death penalties” in *Communiqué* no. 36). The chilling results of the new policy by the Taiwan authorities became known in mid-February: 22 executions in 1988.

The number of executions is the highest since 1976, when 27 persons were executed. During the past years, the number of actual executions had remained at a level of less than ten persons per year. However, there had been many more death sentences handed down in lower courts, resulting a death row which amounted in the estimate of Amnesty International to a total of some 150 persons. According to the Ministry of Justice, the present increase in the number of executions indicated “deteriorating social order.”

*Taiwan Communiqué* comment: *the strong increase in the rate of violent crimes in Taiwan shows the failure of the use of the death penalty by the authorities as a deterrent to crime. The Taiwan authorities should attempt to fight violent crime by setting the right example: much of the increase in crime is due to the widespread corruption and to the politicizing of both the police and judiciary by the KMT party. In Taiwan, the police and the judicial system are not independent instruments in the maintenance of order and dispensing of justice, but biased instruments of repression and self-interest and -preservation.*

*We also wish to point out that the increasing violence is also in part due to the widening gap between the rich and the poor in Taiwan. The social fabric of the society is deteriorating under the onslaught of greed and desire for “quick wealth” which go hand in hand with the economic policies promoted by the KMT.*

## *Assemblyman beaten for protest against torture*

On Wednesday, 22 February 1989, Mr. Huang Chao-hui, a DPP-member of the National Assembly, was detained by police at the Ling Ya Police Station in Kaohsiung for five hours and beaten during his detention. Mr. Huang had gone to the police station in Kaohsiung at the request of the relatives of a person who had died at the station during interrogation by the police.

Prior to his detention, Mr. Huang had led a demonstration in protest against police brutality. When the marchers arrived at the Ling Ya Station, the police chief

announced that the protesters were “violating the law” and ordered Mr. Huang and his younger brother arrested. Inside the station, the two men were manhandled by police and beaten. They were only released when several thousand DPP members and supporters converged upon the police station to protest the detention of the two.

The widespread use of torture by Taiwan’s police agencies during interrogation, often resulting in the death of the detainees, has been a continuing problem for many years. Taiwan Communiqué, has documented the death of some 20 cases of death in police custody since the beginning of 1986. In 1988 alone, eight persons are known to have died due to mistreatment by the police or prison authorities.

Taiwan Communiqué, appeals to the Taiwan authorities to ensure that police and prison authorities immediately end these practices. We also urge the authorities to prosecute those responsible for these illegal acts.

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## Freedom of the Press ?

### *Press Censorship on the Increase again*

During the past few weeks there have been increasing signs that the Taiwan authorities are again tightening the controls on the press. In mid-February State Minister Shen Chun-shan proposed to the Executive Yuan (Cabinet) that the Government Information Office make a list of publications and reporters who make “inaccurate reports.” Minister Shen stated that each month the GIO should publish the names of the “offenders.”

Shen also stated that his proposal was directed especially at publications which publish “inaccurate reports” about government policies and administration and statements by government leaders. He said that many local news reports are “speculative.”

Apparently, the Cabinet has not approved the proposals yet, but — according to Mr. Shen himself — many Cabinet officials voiced support for the proposal. On 23 February, GIO Director Shaw Yu-ming said his office was “studying” the proposal.

***Taiwan Communiqué comment:*** *it is highly ironic that Mr. Shen wants to give the responsibility of keeping track of “inaccurate reporting” to the GIO: the office is at the core of the government’s propaganda network and is responsible for much of the one-sided reporting in Taiwan. It only presents the glossy pro-government side of the news, and has severely distorted or just simply ignored the opposition’s side of the story.*

## *Suspensions and bannings continue*

In the meantime, suspensions and bannings of several opposition publications continued: in mid-February 1989, the Taiwan authorities ordered *The Movement* magazine, which resumed publication on 21 January 1989 after two years of absence, to suspend its publication for one year.

The banning order from the Information Bureau of Taipei City government stated that two articles in the first issue of the magazine advocated “separatist sentiment” and emphasized “Taiwan independence.” The two articles are titled “Grasp the historical juncture to rewrite Taiwan history”, and “Independence is the ultimate truth, good and beauty for the Taiwanese.” The publisher of the magazine vowed to continue publishing, and on 5 March 1989, the second issue appeared on schedule.

The *Movement* magazine is published by a group of former writers and editors associated with *tangwai* magazines, known as the Hsin Chao-liu faction of the opposition DPP-party. The publisher is Mr. Chiu Yi-jen, the former deputy general-secretary of the DPP. The chief editorial writer is Mr. Lin Chu-shui, a well-known writer and commentator.

In the meantime, Mr. Cheng Nan-jung, the publisher of *Freedom Era Weekly*, is still holed up in his office. As we reported in our previous *Communiqué* (no. 38, pp. 17-18), Mr. Cheng is facing possible charges of “sedition”, because in mid-December 1988 his magazine published the text of a draft for a Constitution of a new and independent Taiwan.

Mr. Cheng’s magazine is the most censored publication in Taiwan: during 1988 a total of twelve successive titles of his magazine were suspended for one year. Since the beginning of 1989, four different titles of *Freedom Era* have been suspended, once in January, three times in February. However, under his “spare tire” tactic, Mr. Cheng has 17 titles registered, so until now he has been able to continue publishing. Since the end of martial law in July 1987, 22 successive titles of *Freedom Era* have been suspended for a year, while 16 individual issues have been banned. According to Mr. Cheng, several thousand copies of the magazine have been confiscated at newsstands.

## *TV coverage on the KMT’s leash*

In a separate development, the Kuomintang’s Cultural Affairs Department — which has had a heavy hand in press censorship in the past — on 24 February 1989 issued instructions to the three TV stations in Taiwan on how to cover several current “sensitive issues.” According to the instructions, the TV stations should:

1. refrain from broadcasting footage of President Bush's visit to Peking;
2. play down reports on labor protests and strikes;
3. play down news on this year's commemorations of the "February 28" incident of 1947;
4. minimize coverage of sex-related and violent crimes;
5. use sketches of criminal suspects instead of photographs;

While the fourth and fifth "instruction" are understandable and generally accepted, the first three are clearly political. It should be realized that it is not difficult for the Kuomintang to issue such instructions, since the TV stations are in no way independent: The China Television Company's CTV is owned and operated by the KMT itself, the Chinese Television System's CTS is owned and operated by the military, while the Taiwan television Enterprise's TTV is run by the so-called "Taiwan Provincial Government."

The news of the instructions caused a storm of protest in Taiwan's less-controlled written press and from the side of academic faculty at universities. Still, the instructions were closely observed: the three TV stations obediently read only oral reports about Mr. Bush's visit to Peking and totally refrained from broadcasting any news about the many "February 28" commemorative gatherings which took place around the island (see pp. 6-8).

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## Notes

### *Protests in Chiayi against Wu Feng legend*

In the morning of 31 December 1988, some 20 aborigines and a number of sympathizers staged a demonstration in front of the Chiayi train station. The subject of their protest was a bronze statue of Wu Feng, a local magistrate who — according to the official version of the legend — sacrificed himself some 220 years ago to convince headhunting aborigines to stop headhunting. However, aborigines contend that the story is untrue and demeaning to the aborigines. They say that Wu Feng was the son of an unscrupulous merchant known for his corruption and repression of the natives.

The December 31 demonstration ended in a melee in which the bronze statue was toppled and scuffles broke out when some 100 police tried to arrest the protesters: the police finally gave up when bystanders formed a human wall around those who pulled Wu Feng from his bronze horse.

However, the matter did not end there: on 7 January 1989 four of the men were charged with “endangering public safety, damaging public property, interfering in police duties, and violating the assembly and demonstration law.” The four included Reverend Lin Tzung-cheng (39), a minister in the Presbyterian Church and Mr. Yu Chin-jen (27) — also known under his aborigine name Kawasu — a leading member of the Tsao tribe.



**Presbyterian clergymen demonstrating in support of aborigines**

Reverend Lin is a prominent member of the Presbyterian Church: he is the Director of the Tainan University Student Service Center, a member of the Board of Tainan Theological College, and serves as chairperson of both the Tainan Presbytery’s Taskforce for Aborigine Care and Taiwan Urban Rural Mission Association.

Three of the four men were detained on 11 February 1989 when they appeared at the first hearing on the case at the Chiayi District Court. The fourth man, Mr. Kawasu, was still in a hospital recovering from wounds incurred at the hands of police during the incident. The three were released again on 16 February.

During the following two weeks, several demonstrations were held in support of the four men. One of the gatherings attracted some 700 participants, many of them tribal members of the Bunun, Ami and Tsao tribes. Dozens of colorfully dressed aborigine girls led the way, dancing tribal dances and singing songs of the three tribes. The procession triggered warm applause from several hundred bystanders, but at the District Court the police ordered the marchers to disperse. However, some 30 Presbyterian ministers who also participated in the procession held their ground for more than an hour.