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State Prosecutor General Huang Shyh-ming
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Dear Prosecutor General

OPEN LETTER ON CONFIRMATION OF THE DEATH SENTENCE FOR CHIOU HO-SHUN

I write to express my deep concern over the Supreme Court's recent confirmation of the death sentence for Chiou Ho-shun and to urge your office to seek an extraordinary appeal in his case.

In public statements, Amnesty International has urged the Taiwanese authorities to halt the execution of Chiou Ho-shun and order a retrial with fair proceedings in line with international standards.

The legal proceedings in Chiou Ho-shun's case violated fair trial principles as laid out in the International Covenant on Civil and Political Rights, which Taiwan has signed and ratified. The Covenant also absolutely prohibits torture and the use in trial of any confessions extracted through torture. But in this case, in addition to failures to observe due process, police have used torture to extract confessions that were used to convict the defendants.

Chiou Ho-shun was first sentenced to death in 1989 in connection with the murder of Ko Hung Yu-lan and the kidnapping of Lu Cheng. He was one of 12 defendants the police reportedly held incommunicado for four months, during which time they were subjected to torture and confessed to kidnapping and killing Lu. They also confessed to another unsolved crime that occurred in November 1987, the murder and dismemberment of a female insurance agent, Ko Hung Yu-lan. The defendants later retracted their confessions saying they had been tortured.

In 1994, two prosecutors and ten police officers were convicted of using torture to obtain confessions from defendants while handling the kidnapping case of Lu Cheng. The defendants' confessions were not excluded as court evidence, however. Instead, only those sections of the tapes with clear evidence of torture were excluded. In 2003, police revealed that Hu Kuan-pao, a death row inmate sentenced for a series of kidnappings, confessed to the Lu murder just before his execution. His claim was not investigated.

Amnesty International commends Taiwan for having abolished the mandatory death penalty in 2006 and for reducing the number of capital crimes. Amnesty International opposes the death penalty in all cases and without exception as the ultimate cruel, inhuman and degrading punishment. We call on Taiwan to declare a moratorium on executions as a step toward abolition. That is why we are disappointed that executions have continued. Taiwan should make good on its promises to end this abhorrent practice and follow the global trend toward abolition.

In light of the many defects of justice in this case, and in line with the global trend toward abolition of the death penalty, we ask you to seek an extraordinary appeal in this case and to seek the proper carriage of justice.

I look forward to your speedy attention to this case. Please do not hesitate to contact me if you have any comments or questions.

Yours very truly

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Director, Asia-Pacific Programme

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