Amnesty International Briefing

## TAIWAN (REPUBLIC OF CHINA)



# TAIWAN (REPUBLIC OF CHINA) IN OUTLINE

The nationalist (Kuomintang) government of the Republic of China retreated from mainland China to the island of Taiwan in 1949, establishing itself there with Taipei as its capital in December of that year. This government retains its original name as well as its claim to represent the whole of China. However, the Government of the People's Republic of China governs the whole of the mainland from the traditional capital, Peking, and its representatives were recognized by the United Nations in 1971 as entitled to represent China in all the organs of the United Nations, including the Security Council where China is one of the five permanent members.

The Republic of China (ROC) therefore now consists of the island of Taiwan (area 36,260 square kilometres), 320 kilometres from the coast of southeast China, and includes the nearby Pescadores islands and the islands of Kinmen (Quemoy) and Matsu (about 10 kilometres from the Chinese mainland). The capital is Taipei.

The population is over 17 million and apart from a very small minority of non-Chinese aboriginal inhabitants (approximately 260,000), is ethnically of Chinese origin. However, it is divided into several groups which have strong cultural and linguistic differences: about 13% Chinese mainlanders; about 86% Taiwanese, themselves divided into two sub-groups: over 73% Min-nan (originally from Fukien province); over 12% Hakka (originally mostly from Kwangtung province).

Among the indigenous Taiwanese, there are strong feelings that Taiwan should be considered independent, that martial law should come to an end and free elections be organized. Since 1949 the ROC has been ruled on the basis that the country is still

at war with the People's Republic of China. All constitutional guarantees of civil liberty have been abrogated by the provisions of the state of siege proclaimed on 19 May 1949.

Strategic and economic support by the United States of America (USA) has been of paramount importance to the ROC. Between 1951 and 1968, aid from the USA was used to improve communications and establish export industries. Economic development has been successful: the ROC has one of the highest annual growth rates in both Asia and the world. Its major trading partners are the USA and Japan. The Federal Republic of Germany is its most significant economic partner in Europe.

# Taiwan (Republic of China)

# I. Introduction

The following violations of human rights in the Republic of China are of particular concern to Amnesty International:

- (a) the arrest and detention of suspected political opponents on charges of sedition under the provisions of martial law drawn up after the state of siege was declared in 1949;
- the permanent abrogation under these laws of the civil rights provisions (b) of the 1946 constitution;
- (c) the holding of trials and appeal reviews by military tribunals and the inadequacy of basic legal safeguards;
- (d) torture and ill-treatment in some instances during interrogation;
- the use of the death penalty as punishment for certain criminal and political offences.

# 2. Political and Constitutional Context

Two major factors have had a bearing on political imprisonment in the Republic of China (ROC) since 1949. The first is the claim of the nationalist government established in Taiwan that it is the legitimate government of all China and therefore still at war with the People's Republic of China. On this basis a state of siege was declared in May 1949 and martial law imposed.

The second factor is that the local Taiwanese population, which differs culturally and linguistically from the Chinese mainlanders who arrived in 1949, has, since that time, been denied an equal share in the political affairs of the island. The majority of the indigenous Taiwanese elite has therefore become the repressed political opposition to the nationalist government.

The nationalist government retreated from mainland China to the island of Taiwan in 1949 and established the Republic of China there in December of that year.

For half a century, until the defeat of Japan in 1945, Taiwan had been under Japanese rule. Ideas of achieving autonomy began to develop among the Taiwanese population during that period. After the island was restored to China in 1945, becoming again a Chinese province, the Kuomintang (KMT), the Nationalist Party, created grovernment monopolies, arrested leading Taiwanese on the grounds that they had collaborated with the Japanese and, in February 1947, brutally supressed a revolt against its maladministration, thus alienating the local population.

The Chinese mainlanders who followed the KMT to Taiwan in 1949 now

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represent about 13% of the 17 million population of the ROC. Indigenous Taiwanese, themselves divided into different sub-groups, constitute the the remaining 86%.

The ROC Constitution is the one adopted in Nanking (on mainland China) by the National Assembly in December 1946. It guarantees fundamental human rights, such as:

Article 8: personal freedom;

Article 11: freedom of speech, teaching, writing and publication;
Article 10: freedom of residence and change of residence;
Article 12: freedom of correspondence;
Article 13: freedom of religion;
Article 14: freedom of assembly and association;
Article 16: freedom to petition.

However the state of siege and martial law proclaimed by the Chinese Nationalist Garrison Command (commonly known as Taiwan Garrison Command) in May 1949 suspended all provisions for individual rights and freedoms guaranteed by the constitution. The state of siege was declared before the nationalist government retreated to Taiwan and is supposed to last as long as "communist rebellion" continues on the Chinese mainland.

No general elections have been held in the ROC since 1948. It is governed by a President, elected by the National Assembly, and five organs of state called *Yuans*. One of these, the Legislative *Yuan*, exercises legislative power. Most of its members are elderly deputies who were elected in 1948 on the mainland and who occupy their seats for life. Membership was slightly changed in the late 1960s when, for the first time, a small number of "supplementary seats" were created in order to make up for the inevitable decline in the number of life members. In 1969 the first "supplementary elections" were held for some 22 seats, whereas the other 340 seats of the Legislative *Yuan* remained occupied by life members, most of them Chinese mainlanders. The supplementary elections are to be held every three years. The last elections should have taken place on 23 December 1978, but they were "postponed" to an unspecified date after the USA announced that it was breaking diplomatic relations with the ROC. The most recent of these limited elections to the legislature therefore took place in December 1975.

Even these limited elections have been held in conditions which do not safeguard the right to freedom of expression. During the December 1975 election campaign, a local Taiwanese candidate, Pai Ya-tsan, was arrested shortly after he published a campaign document consisting of 29 questions addressed to the then Prime Minister, Chiang Ching-kuo. These questions touched on issues such as corruption, foreign policy and martial law-issues rarely discussed publicly in Taiwan. Shortly after his arrest, Pai was tried in secret and sentenced to life imprisonment. There are reports that opposition candidates receive warnings from local authorities if they make statements considered "contrary to the national policy". Thus elections appear to be entirely dominated by the KMT and independent candidates have little chance of campaigning freely. Sind leaders Before and lat It is The m advoca KMT a China. 3. Nu No off held in prisona elemen A la early 1 time. I 400 in that se Dur memor numbe and Ju 1976 t the nu includi detain but lit

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Since the death of President Chiang Kai-shek in April 1975, the KMT leadership has been assumed by his son Chiang Ching-kuo, who is also President. Before becoming President, he had been in charge of national defence and security and later Prime Minister.

It is hard to estimate the extent of Taiwanese nationalism as a political force. The main source of information on the subject is Taiwanese exiles, who usually advocate self-determination for Taiwan. They are opposed to the rule of the KMT as well as to the reunification of Taiwan with the People's Republic of China.

# 3. Number and Analysis of Political Prisoners

No official figure is available for the number of political prisoners currently held in the ROC. Government officials refuse to recognize the term "political prisoners" and admit only to the existence of imprisoned "rebels" or "seditious elements".

A large number of people disappeared and mass arrests took place during the early 1950s. However the number of political prisoners has fallen since that time. In 1975 sources close to the government admitted that there were about 400 individuals detained for political reasons. But Taiwanese exiles estimated that several thousand people were in prison on political grounds.

During the summer of 1975, a reduction of prisoners' sentences, declared in memory of the late President Chiang Kai-shek, resulted in the release of a number of political prisoners: 130 were reported to have been released in June and July 1975. However there have been fresh arrests since then. In December 1976 the Prime Minister stated during an address to the National Assembly that the number of people convicted of "sedition" and still in prison was 254, including 33 convicted in 1976. It is believed that several hundred are currently detained on political grounds, although the exact figure is not known. Amnesty International has on file the names of about 150 political prisoners, but little has been heard of many of them for several years. Most known political prisoners are either students, businessmen or local politicians. There are also several former government officials imprisoned as a result of internal political struggles. Arrests of workers are rare. Members of ethnic minorities have also been arrested on occasion. In general, political detainees can be divided into the following broad categories.

(a) Suspected advocates of the independence of Taiwan. Many people in this category were arrested in the late 1960s and early 1970s, either because they advocated independence for Taiwan-opposing both the rule of the KMT and re-unification with the People's Republic of China-or because they were suspected of supporting this idea. They included in particular the following groups:

 sixteen students and teachers arrested in August 1968 and tried a year later on charges of "advocating the forceful overthrow of the government and seizure of political power". They had allegedly formed a society called the "Taiwanese People's Happiness Party". All should now have been released but Amnesty International is still seeking confirmation that

six of them were released as sched

- a small group of students arrested members of a T'ung Chung Hui (U further information is available. C imprisonment and others to 15 ye and are not due for release until - at least 14 people accused of having (Society for Promoting the Unity to various terms of imprisonment paring to act to overthrow the gov but the best known prisoner in th 1976 (see Appendix 1). Many oth category.

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(c) Members of the ruling elite. In some of the security organs have been arrested in 1967 concerned the Bureau of Invest agents were sentenced to death or to lo "planning to overthrow the governmen arm of the central government, sharing with the Taiwan Garrison Command. T the result of rivalry between these two

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Ethnic or religious minorities. Reports about minorities in the ROC are arce and usually lack detail, since such information rarely reaches the main ties. However, there have been occasional reports of arrests of people living the remote mountainous regions of Taiwan-the so-called montagnards-when ey have refused to comply with regulations laid down by the ROC authorities. or example, a number of people were arrested in 1969 for allegedly participating a "Mountain Highland Youth Corps", an organization apparently designed to sert the rights of native hill-people living in Taiwan. They were charged with participating in a seditious group". In March 1976 several Jehovah's Witnesses om a mountain area on the southeast coast of Taiwan were arrested for fusing to perform military service.

# Legal Situation

# Legislation under which prisoners are held

he law in the ROC is deeply affected by the official assumption that the ountry is still at war with the People's Republic of China. The proclamation of le state of siege on 19 May 1949 automatically put into effect the whole body martial law promulgated by the nationalist government on 29 November 1934. he provisions of the state of siege abrogate all guarantees of civil liberties in the onstitution. They proscribe, in particular, public meetings, strikes, demonstraons or petitions and "spreading of rumours by letter, slogan or other means". olitical offences are dealt with under some articles of martial law and under ecial statutes and laws adopted later:

- the "Statute for the Punishment of Sedition" or "Rebellion" (adopted in 1949, amended in 1950 and 1958) which defines a "rebel" as any person "who plans to destroy the national policy, occupy the national territory or, by illegal means, to change the constitution or overthrow the government and who starts to undertake the above activities..." (Article II, section I). Section 3 of Article II also provides punishment for any person who "prepares to commit an offence specified" in section 1. Other articles of the Statute enlarge the scope of political offence by including any person who "participates in an organization or meeting of rebellion" (Article V), or who "makes propaganda beneficial to the rebels by written words, books or speeches" (Article VII);
- the "Statute for Denunciation and Suppression of Rebels" (introduced in 1950, amended in 1954) which makes it a crime not to denounce a person suspected of having committed some of the above offences and provides penalties for this ranging from one to 7 years' imprisonment; - the "Military Tribunal Law" (1956, amended 1959);
- the "Judicial Interpretation of the Council of Grand Justices" (1956) which permits the retroactive use of laws.

# Legal procedures

The judiciary. According to the constitution, the courts would normally under the Judicial Yuan (one of the five central organs of the state) but this is ow true only of the Supreme Court. Provincial and local courts now come under



the Ministry of Justice. The Supreme Court rarely makes pronouncements, and the real decisions are made in the lower courts which are not responsible to the Supreme Court. In the mid-1960s the Supreme Court ruled that the removal of the local courts from its supervisory jurisdiction was unconstitutional, but this ruling has been ignored by the government. In this context the independence of the judiciary is in serious doubt. Procurators are accountable to the judges, and judges are trained and appointed by the Ministry of Justice.

The lack of judicial independence illustrated by this system of accountability does not affect the cases of political detainees as, under martial law, all political cases are handled by various departments of the military.

Arrest and detention. The Taiwan Garrison Command is the main organ (b) that arrests and detains political offenders. In contravention of the constitutional provisions for habeas corpus such offenders can be held incommunicado for an indefinite period before trial.

During the interrogation period, which can last several months and sometimes more than a year, prisoners are required to write a comprehensive autobiography including details of their families and associates. There have been frequent allegations that prisoners are subjected to various forms of pressure, including ill-treatment and sometimes torture, during that period in order to make them sign a confession. The confession extracted from the prisoner is usually the main or sole evidence used for conviction. Prisoners are allowed to see a lawyer only after they have been formally indicted. Transcriptions of tapes made of their conversations with their lawyers are made available to the court.

Conduct of trials. Most trials of political defendants are held in camera by (c) military courts. Military prosecutors and judges are appointed by the security organ which arrested and investigated the defendant. Courts martial presume the guilt of political defendants. The choice of defence lawyers is limited: those allowed to plead in military courts have to be registered with the Ministry of National Defence and this registration is often denied to independent lawyers on various pretexts. In practice, the right to defence is severely limited in military courts.

A few "open" trials to which a selected audience was invited have taken place in the past few years (see Yu Teng-fa's case, page 13). Such trials, however, do not guarantee the right to defence any more than do those held in camera. The "Judicial Interpretation of the Council of Grand Justice" of 1956 removed the limitation on the court's right to hear a prosecution. This meant that political offences could be tried 20 years after they were committed. Furthermore, although criminal law in the ROC prohibits retroactive prosecutions, political defendants are tried under an independent system of judicial rules that permits prosecution for acts declared criminal after their commission.

Release process. Releases are generally conditional: most detainees must sign a statement of loyalty to the constitution and laws of the ROC and find one or two guarantors of their future good behaviour. The system of release on parole does not apply to political offenders, who must serve the full term of their sentences. In some very rare cases there have been early releases, but strict surveillance has been imposed, as well as restriction of freedom of movement,

residence, employment and association. An amnesty (the first since 1949) was announced in October 1971 but affected only criminal prisoners. The second amnesty, proclaimed after the death of President Chiang Kai-shek in April 1975, included for the first time political prisoners and took the form of a reduction of prisoners' sentences. As a result, a large number of prisoners were released, including about 130 political detainees. The position of released prisoners is often precarious: it is difficult for them to find employment and they are kept under surveillance. Contacts with foreigners and journalists are watched in particular and released prisoners are likely to be visited by security agents and warned if such contacts are too frequent.

After arrest, political detainees are usually held for interrogation in the Taiwan Garrison Command Detention Center. Unofficial buildings in Taipei are reportedly used by the security organs for interrogation, during which prisoners are held incommunicado under extremely stringent conditions. Several prisons are known to be used mainly for political prisoners, in particular:

Other prisons are also known to have held political prisoners. These include Taichung prison, Taiyuan prison, Hsiao-liu-ch'iu Island camp (an island to the southwest of Taiwan) and Orchid Island camp (southeast of Taiwan), the two last being for both political and criminal prisoners. However, Amnesty International has little recent information about these prisons.

During the period of interrogation, political prisoners are held in solitary

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# 5. Location of Detention Centers and Prisons

- Ching Mei prison, in Taipei, which is under the Taiwan Garrison Command. The prison has several solitary confinement cells. It was known to hold slightly fewer than 300 prisoners several years ago. Its present prisoner population is unknown;
- the military prison of *Hsintien*, known as An Kang, some 20 kilometres outside Taipei. It is controlled by the Ministry of National Defence and reportedly is used for both military and civilian political prisoners;
- the Taiwan Experimental Institute for Production Education, near Taipei, known as Pan Chiao. It is mainly used for women prisoners and young political prisoners sent there for "reform". Long-term detainees also are sometimes sent to Pan Chiao for the last few months of their term of imprisonment;
- Green Island (Lü Tao), a prison camp on an island off the southeast coast of Taiwan. It is mainly used for prisoners sentenced to life or long-term imprisonment. The camp housed about 200 prisoners until 1975 when it is believed that about half were released. There are thought to be still over 100 imprisoned on Green Island. Because of its location and reputation, Green Island is the most isolated and dreaded prison in the ROC.

# 6. Conditions of Detention

confinement and are not permitted to see their lawyers or families. They are denied books, pens and paper, except in order to write confessions. After conviction they may be visited by relatives once a week, but this right is occasionally denied during the first months of imprisonment. In some cases the period of isolation has been much longer. Mail is strictly controlled. Visits by relatives are especially difficult if the detainees are imprisoned far away from home. This particularly affects prisoners sent to Green Island.

The following conditions seem to prevail in prisons where convicted prisoners are held:

- food is reported to be adequate although deficient in protein;
- with little equipment or medicines; - sick prisoners have to wait until they have become extremely ill before they
- are taken to a military hospital; - prisoners with tuberculosis are often not separated from other convicts;
- there is a daily exercise period, the length of which varies from prison to prison;
- families are allowed to send money to prisoners who may use it to buy paper and extra food;
- there is generally a prison library with a controlled and limited choice of books;

- some political prisoners, however, have been subjected to much more severe conditions, such as being held in solitary confinement for several years in damp cells with their hands or feet shackled, receiving no medical treatment and not being allowed visits or reading material. The prison camp on Green Island was particularly notorious in the 1950s as a place where inmates received harsh treatment and where torture and executions were carried out. Following international concern about this there seems to have been a gradual easing of the situation. Little information is available about current conditions of detention for political prisoners on Green Island, but many are reported to suffer as a result of isolation.

# 7. Allegations of Torture

Little information reaches the outside world about the treatment of political prisoners in the ROC, especially about the period of interrogation, during which prisoners are held incommunicado for several weeks or months. After indiciment, communications and correspondence between the prisoner and his or her family or lawyer are authorized but strictly controlled and can be forbidden at any time by the authorities. For a long time after the arrest, therefore, it is difficult to know in detail how the detainee has been treated.

There have been persistent allegations that torture or ill-treatment takes place during interrogation and it is not unusual for prisoners to claim during their trials that confessions (often the sole evidence for conviction) have been extracted from them by force. Various forms of pressure, including physical torture, are said to be used by the security organs to make prisoners "confess".

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- prisoners who are doctors or dentists may treat fellow-prisoners, but

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The evidence suggests that most ill-treatment occurs while prisoners are being held by the security organs (ie before conviction) rather than when they are serving their sentences. According to some reports, various buildings in Taipei which are not officially identified are used for interrogation of suspects. During the past few years Amnesty International has continued to receive allegations of torture (see Appendix I). Among the forms of psychological and physical pressure which have

allegedly been used to obtain "confessions" are solitary confinement, round-theclock interrogation, denial of sleep, extraction of nails, electric shocks and severe beatings. In one case it was reported that gasoline had been poured into the prisoner's nostrils during interrogation in 1971, causing swelling, numbness of the arms, rashes, insomnia, vomiting and excretion of blood.

# 8. Death Penalty

Under the state of siege the following offences are punishable by death:

- circulating rumours and "beguiling" the public;
- inciting to rebellion or public riot;
- disrupting the money market;
- theft or robbery with violence;
- strikes by workers or traders which disturb public order;
- encouraging students to strike or publicly inciting others to comit crimes; - destroying traffic or communications facilities, or stealing equipment thereof;
- disrupting the supply of water, electricity or gas;
- causing fire or flood or endangering public safety;

- possessing arms, ammunition or explosives without permission. In addition, under the "Statute for the Punishment of Sedition", "treason" and certain acts of "sedition" are punishable by mandatory death penalty; giving assistance to a "seditious person" and "inciting strikes" may also be punishable by death (minimum penalty: 10 years' imprisonment). Although executions of political opponents were numerous in the 1950s and 1960s, there seem to have been very few executions of political prisoners since the mid-1970s. In May 1979, however, an alleged "communist agent" named Wu Chun-fa (alias Wu Tai-an) was executed after being convicted of "subversion". Death sentences for ordinary crimes are relatively common-several cases

are reported every year. At the end of 1975, the government decided that, temporarily, cases involving crimes of violence (murder, rape and armed robbery) should be tried by military courts and not, as previously, by civilian

Appeals go to the court of the Ministry of National Defence but the ministry hardly ever reverses a judgment. Executions are carried out by firing squad.

# 9. Action by Amnesty International

a) Amnesty International has been working for the release of individual

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prisoners of conscience in the ROC since the mid-1960s. The organization's adoption groups have constantly expressed concern about the situation of political prisoners in Taiwan and have appealed for the unconditional release of all people imprisoned for the non-violent exercise of fundamental human rights. In October 1979 adoption groups were active on the cases of over 100 political prisoners.

b) In May 1975 an Amnesty International representative visited Taiwan for high-level talks with the government after a commutation of prisoners' sentences had been announced in memory of President Chiang Kai-shek. The delegate was able to discuss at length with government officials the proposed commutation, the question of political imprisonment and a few prisoners' cases. Following the visit, Amnesty International sent a number of recommendations to the government, welcomed the act of clemency and urged the authorities to implement it unconditionally. In July 1975, when the Commutation Act came into force, more than 100 political prisoners were released and others had their sentences reduced by a third.

c) In September 1975, an Amnesty International delegate again visited Taiwan to observe a politically significant appeal hearing involving eight prisoners. There were fears that a heavier sentence would be passed on them because of prosecution demands. The delegate was not allowed into the courtroom, to which only one private lawyer had access. However, the defendants had their sentences reduced, which meant that they then had less than two years to serve in prison after the date of the appeal hearing.

d) An Amnesty International delegate went to the ROC in March 1979 for the trial of Yu Teng-fa, an elderly Taiwanese politician who has been adopted by the organization as a prisoner of conscience (see Appendix II).

e) Amnesty International has repeatedly urged the government to give proper medical attention to prisoners in need of urgent or specialized treatment – often denied to political prisoners whose health is deteriorating as a result of illtreatment during interrogation. Appeals were made in the past for prisoners such as Hsieh Ts'ung-min, who was released in 1977; he was reported to be in very poor health during the final years of his imprisonment after being held for a long period in solitary confinement and undertaking several hunger strikes. More recent appeals were made for Yang Chin-hai, Tai Yin-wu and Tseng Cheng-chin who were reported to be suffering from various ailments due to ill-treatment (see Appendix I).

f) Amnesty International urges the ROC to implement the human rights provisions guaranteed in its constitution and to conduct trials openly, in accordance with internationally recognized norms of judicial procedure. Amnesty International opposes torture and the death penalty in all circumstances. It also urges the ROC to release all prisoners of conscience and, on humanitarian grounds, all political prisoners who have now been held for 20 years or more.

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**Prisoner profiles** Pai Ya-tsan, a Taiwanese in his middle 30s was arrested on 23 October 1975 after publishing a leaflet for his campaign in the elections to the Legislative Yuan scheduled for December 1975. The leaflet consisted of 29 questions to the Prime Minister about the government's home and foreign policy and included an appeal for the abolition of martial law and the release of all political prisoners in the ROC. Upon his arrest Pai Ya-tsen was held incommunicado. In early 1976 Amnesty International learned that he had been tried in camera by a military court in November 1975 and sentenced to life imprisonment. He was charged with "plotting to overthrow the government" and "inciting the people to armed rebellion" by distributing "highly inflammatory political tracts and monographs". Pai Ya-tsen is imprisoned on Green Island. Huang Hua, a former political prisoner who, after his release in July 1975, became associate editor of the Taiwan Political Review, was re-arrested one year later and sentenced to 10 years' imprisonment in October 1976 for involvement in "seditious activities". At the time of his re-arrest Huang Hua was 37 and had already spent eight years in prison. During his 1976 trial, he was charged with "propagating rebellious thoughts" through his articles in the review and attempting to "instigate armed rebellion". Amnesty International has received no evidence that he had been engaged in violent or criminal activities during the few months he spent out of prison from 1975 to 1976.

Yen Ming-sheng, a 41-year-old candidate in the 1975 elections to the Legislative Yuan, was arrested in May 1976 together with eight other people on charges of "attempting to overthrow the government" and planning economic "sabotage". They were tried by a military court in July 1976, but no convincing evidence of their alleged involvement in violent activities was produced. Yen Ming-sheng was sentenced to 12 years' imprisonment. According to opposition sources, these arrests were made to intimidate members of the opposition who were planning to hold a national political conference in November 1976.

Yang Chin-hai, a 44-year-old businessman arrested at the same time as Yen Mingsheng, was sentenced to life imprisonment at their trial in July 1976. Yang Chinhai claimed during the trial that he had been tortured during investigation in order to extract a confession from him. He was subsequently reported to be suffering from pains in the chest and abdomen, but little has been heard of him or Yen Ming-sheng in the past year. Both are serving their sentences on Green Island.

# APPENDIX I

Tai Yin-wu, a 66-year-old teacher from Miaoli (southwest of Taipei), was sentenced to 5 years' imprisonment in July 1977, on charges of "attempting to overthrow the government" and "treachery". More than 10 people had been arrested in 1976 in connection with Tai's case. Tai Yin-wu, a Chinese mainlander

who came to Taiwan in the late 1940s, was accused of having joined the Communist Party in 1929 in mainland China and of meeting an alleged "onetime communist" in Hong Kong in 1963 to discuss underground activities in Taiwan. No convincing evidence was presented at the trial, and the prisoner's conviction was based on the statements of several of those accused with him in the trial and on his own "confession" which is said to have been extracted from him under torture during interrogation.

Tseng Cheng-chin, a 55-year-old clock dealer, was arrested in December 1976 for alleged "communist connections" and sentenced to 12 years' imprisonment and confiscation of all his property by a military court in July 1977. The 12year term was later reduced to 8 years on appeal, but a second appeal was denied in 1978. According to information received by Amnesty International, Tseng Cheng-chin was neither associated with, nor even sympathetic towards, the "communist party". He is reported to suffer from severe back pains due to ill-treatment during interrogation.

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Amnesty International sent a delegate to the ROC to attend the trial, which took place on 9 March 1979. Despite the earlier announcement by the Taiwan Garrison Command that the trial would be open, the delegate was prevented from entering the courtroom for most of the proceedings. According to the delegate and other sources, the defendants, their families and lawyers, as well as a selected audience attended the trial which was held by military court and lasted about five hours. The only witnesses present were Wu Chun-fa and his mistress (who was tried with Wu in January 1979). None of the other witnesses

# APPENDIX II

Yu Teng-fa's case Yu Teng-fa, a 77-year-old prominent opposition politician and his son, Yu Juiyen, were arrested on 21 January 1979 in Kaohsiung by agents of the Bureau of Investigation. According to an official statement, they were suspected of connections with an alleged "communist agent", Wu Chun-fa (alias Wu Tai-an), arrested in August or September 1978. (The date of his arrest has not been officially disclosed.)

However, according to opposition sources, Yu Teng-fa's arrest was in fact

an attempt by the authorities to intimidate the opposition to the ruling party, the KMT. The opposition had planned to hold a meeting on 1 February 1979 at Yu's home in Kaohsiung in response to the postponement of the elections to the Legislative Yuan in December 1978. Yu Teng-fa, a former magistrate of Kaohsiung, is said to have been involved in the preparation of this meeting (which, in view of his arrest, did not take place). The alleged "agent", Wu Chun-fa, was brought to trial on 24 January 1979 together with four other people accused of being part of his "conspiracy" to "overthrow the government by illegal means". According to the prosecution, Wu was planning to provoke uprisings in various cities and to this end had formed a "Revolutionary Committee of the Free Republic of Taiwan". Wu was further alleged to have acted on orders from the Embassy of the People's Republic of China in Tokyo. Altogether 12 people had been arrested in autumn 1978 for alleged involvement in Wu's conspiracy, but only four of them were brought to trial with Wu in January. According to the opposition, Wu's trial was held almost immediately after Yu Teng-fa's arrest in order to provide evidence against Yu. However, the trial showed on the contrary that Yu had not been involved in any subversive activities. At the trial, Wu Chun-fa admitted that he had met Yu Teng-fa only once and that Yu had refused to be part of his alleged "Revolutionary Committee".

At the beginning of March 1979, the Taiwan Garrison Command announced that Yu Teng-fa and his son Yu Jui-yen had been indicted and would shortly be brought to an "open" trial; Yu Teng-fa for "failing to report a communist agent" and "making propaganda beneficial to the communists"; Yu Jui-yen on the first of these charges only. Both the nature of the charges and other information received by Amnesty International about this case indicated that Yu and his son were in fact being detained because of Yu Teng-fa's political activities and beliefs.

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who, according to the prosecution, had testified against Yu Teng-fa were brought to the court despite the defence's request that they should be. The only evidence against Yu Teng-fa on the first charge consisted of Wu Chun-fa's own "confession" that he was a "communist agent" (there have been allegations that he was in fact an agent provocateur for the KMT). The evidence for the second charge was based on witnesses' testimonies that Yu Teng-fa had circulated copies of articles in a well-established Japanese newspaper, the Asahi Shimbum.

Although the trial apparently ended on 9 March, the verdict was not reached until 16 April 1979. The sentences were announced on 16 April by a spokesman of the Taiwan Garrison Command, after a brief session in camera of the military court. Yu Teng-fa was sentenced to 8 years' imprisonment and his son was given a 2-year suspended sentence (Yu Jui-yen had been released on bail on 9 March due to ill-health). Twelve people were also sentenced to terms ranging from 8 years' to life imprisonment in connection with Wu Chun-fa's case. Wu himself was sentenced to death and executed at the end of May despite international appeals for commutation of the sentence.

The petition for an appeal hearing by Yu Teng-fa's lawyers was still pending in October 1979. Whether or not the appeal is granted, the main witness in this case (Wu Chun-fa) has now been executed and no cross-examination can therefore be carried out.

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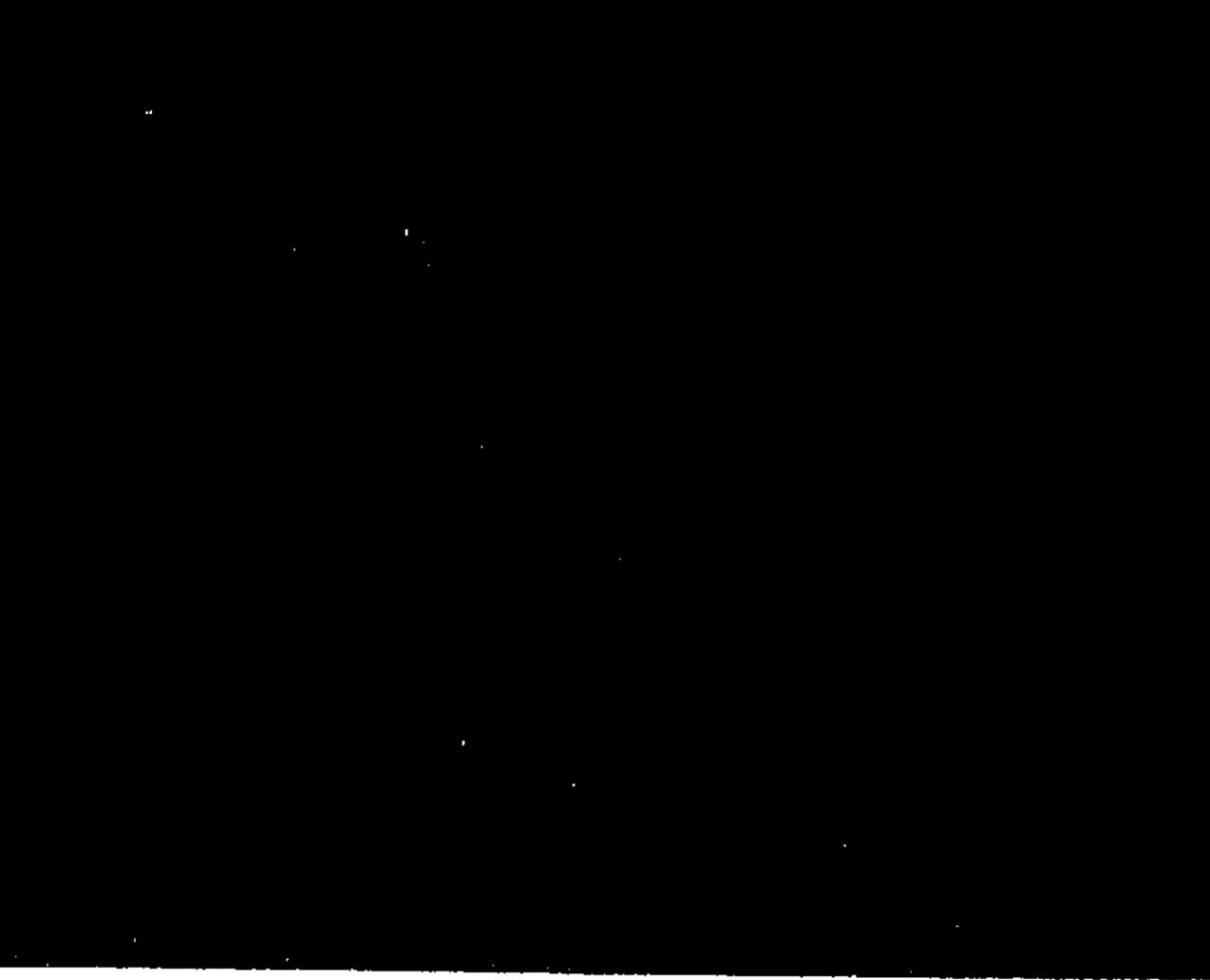
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