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Taiwan: Trial of the Hsichih Trio -- Miscarriage of justice

Today, Liu Bing-lang, Su Chien-ho and Chuang Lin-hsun, commonly known as the Hsichih Trio, will return to court for their tenth trial in the same murder case. According to Amnesty International, this case is a miscarriage of justice which has exposed flaws in the Taiwanese justice system. The case against the three is based almost entirely on their confessions - confessions that were allegedly extracted through torture. A full and impartial investigation of these allegations must take place before any criminal trial can proceed.

The three men were acquitted by the Taiwanese High Court in January 2003, but in August 2003 the Supreme Court overturned that verdict, and ordered the case to be returned to the High Court yet again. The three men had already spent more than seven years on death row, before their successful appeal in January 2003. If found guilty in this new trial, they will again face the death penalty, even though after twelve years of investigation and nine trials in the District, High and Supreme Courts, the Supreme Court's August 2003 judgment commented that "there is much room for debate" on many issues related to the case.

A large amount of physical evidence, including blood and finger prints, was found at the scene of the crime, but none of it has ever been linked to Liu Bing-lang, Su Chien-ho or Chuang Lin-hsun. The confessions of the three differ on key points such as the timing of the offence, the kind of murder weapons used, and the motive for the crime.

The allegations of torture and apparent lack of material evidence, coupled with extensive irregularities in the investigative process, including unlawful detentions and an illegal search, give grave cause for concern that there has been a miscarriage of justice in this case.

Amnesty International urges the Taiwanese authorities to consider the men's severe emotional distress, caused by many years on death row, and the shock of returning to court yet again after finally winning their freedom at the High Court in January. The High Court should handle the new trial as sensitively and efficiently as possible.

Amnesty International opposes the use of the death penalty in all cases, as the ultimate cruel and inhuman punishment, and asks the Taiwanese authorities to commute all death sentences. Amnesty International also reminds the Taiwanese authorities of President Chen Shui-bian's recent promise to abolish the death penalty.

Taiwan's justice system has seen many improvements since the early 1990s, when the

investigative irregularities and alleged torture of this case took place. New legislation, with stronger safeguards against the use of evidence obtained through torture, has been put in place. Amnesty International believes though, that this case demonstrates that the reforms are incomplete, and flaws remain in the Taiwanese justice system. Amnesty International calls on the Taiwanese authorities to demonstrate their commitment to international human rights standards, and fully investigate allegations of torture. A speedy and impartial resolution to this case will clearly demonstrate a break with the past, and signal the firm establishment of justice and the rule of law on the island of Taiwan. Continued prevarication is morally and legally unacceptable.

Background

On the night of 23-24 March 1991 Yeh In-lan and her husband Wu Ming-han were stabbed to death at their home in the town of Hsichih. Five months later, on 13 August 1991, police traced a fingerprint left at the scene of the crime to a marine named Wang Wen-hsiao. Wang Wen-hsiao was taken into custody on 13 August 1991, and confessed to the police immediately. More than 36 hours after he had been taken into custody Wang Wen-hsiao added new information to his confession, and implicated his brother, Wang Wen-chung, and his brother's three classmates, whom he could not name. Wang Wen-chung was detained soon after, by police without an arrest warrant, and was allegedly tortured. He named his three classmates as Liu Bing-lang, Su Chien-ho and Chuang Lin-hsun. Wang Wen-chung served two years in prison for his alleged role as an accomplice in the crime. After his release he retracted his evidence and stated publicly that the police had forced him to implicate his classmates. Wang Wen-hsiao was executed for his part in the murders on 11 January 1992.

The Hsichih trio have described their alleged torture in great detail. "(Police) put a thick yellow book against my chest and hammered me on the chest", Liu Bing-Lan has said, "and they then hung me upside down and started pouring water and urine into my mouth."

Liu Bing-lan, Su Chien-ho and Chuang Lin-hsun all describe being beaten and having water or urine forced into their mouths. Su Chien-ho and Chuan Lin-hsun also claim to have been subjected to electric shocks to their genitals, and in Su Chien-ho's case police allegedly smeared a concentrated chemical on the wounds on his genitals caused by the electric shocks.

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