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Taiwan: Justice delayed in “Hsichih Trio” case

While the Supreme Court considers an appeal against the “not guilty verdict” in the cases of Liu Bing-lang, Su Chien-ho and Chuang Lin-hsun, collectively known as the “Hsichih Trio”, Amnesty International urges the Taiwanese authorities to promptly address flaws in this judicial proceeding, including allegations of torture and immediately establish a moratorium on the use of the death penalty as a first step towards its abolition.

Amnesty International is deeply concerned with the prolonged death penalty trials of the “Hsichih Trio.” The defendants have been repeatedly tried at different levels of the Taiwanese court system for nearly two decades based primarily on the evidence of their alleged forced “confessions”.

Amnesty International urges the Supreme Court to investigate the defendants’ allegations that police tortured them to extract confessions, which were not thoroughly examined prior to the sentencing of the men by the Taiwanese High Court during the 11th retrial in June 2007. Taiwan’s own Criminal Procedure Law, revised in 2003, clearly states that confessions cannot serve as the sole basis of evidence of guilt and prohibits the use of evidence extracted through torture in courts. In fact, the Supreme Court had overruled an earlier sentence of death citing that the evidence presented was contradictory to the facts, and the High Court failed to carry out a thorough investigation.

On the 13th retrial held on 12 November 2010, the High Court ruled that Liu Bing-lang, Su Chien-ho and Chuang Lin-hsun were not guilty of the robbery and murder of a couple. In reaching the conclusion, the High Court adopted the opinions of forensic expert witness Henry Lee, who published a forensic examination report in July 2009 that questioned the physical evidence, which was apparently insufficient to prove that the defendants were guilty.

Amnesty International also urges the Taiwan government to immediately take concrete steps to fulfill its long stated goal of abolition of the death penalty. 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. The worldwide trend toward the abolition of the death penalty is unmistakable. As of today, more than two-thirds of the countries have abolished the death penalty in law or practice. Although 58 countries retained the death penalty in 2009, most did not use it.

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, implicating his brother, Wang Wen-chung, and three of his brother’s 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 three defendants have gone through 13 trials and retrials and three extraordinary appeals in the past 20 years. The first death sentence was handed down by the District Court in February 1992 and the High Court upheld it. However, the Supreme Court later ruled that the case needed to be retried because physical evidence used by the High Court was insufficient, unclear or contradictory. The High Court sentenced the three men to death once again during the second trial, but the death sentences were again rejected by the Supreme Court and the case returned for retrial. In October 1994 the High Court imposed death sentences against the "Hsichih Trio" for the third time, which were upheld by the Supreme Court in February 1995.

The defendants, however, lodged appeals against the death sentences as they had been primarily based on their alleged forced "confessions without further investigations by the courts. High Court judges began to consider physical evidence in the retrials held after 2000. In 2008, the High Court asked a forensic expert, Henry Lee, to do a crime scene reconstruction. Dr. Lee's report, released in 2009, suggested that no more than one person could have committed the murders.

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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