

EXTERNAL

AI Index: ASA 38/05/96

23 April 1996

Further information (3) on EXTRA 01/96 (ASA 38/01/96, 8 January 1996) and follow-up (ASA 38/02/96 of 16 January 1996 and ASA 38/03/96 of 19 March 1996) - Death Penalty / Legal Concern / Medical Concern

TAIWAN (REPUBLIC OF CHINA) Liu Chi-hsun (m), aged 29

Liu Chi-hsun has exhausted all appeals and could be executed at any time. Two applications for a retrial were rejected by Taiwan's High Court, in February and March 1996. On 29 February he applied once again for a retrial, and is awaiting the result. In January the Minister of Justice expressed concern about the case and asked the Prosecutor General to make a special appeal on behalf of Liu Chi-hsun. The Prosecutor General, however, did not do so.

Liu Chi-hsun, a county council member from Yunlin district in central Taiwan, was sentenced to death on charges of murder. However, he claims that he is innocent and was convicted on the basis of confessions extracted from himself and his co-defendants under torture. He is said to be in poor health and is also held in permanent foot shackles.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate form of cruel and inhuman treatment. It is also concerned at reports that prisoners in Taiwan have been sentenced to death on the basis of confessions extracted under torture. It considers that the permanent shackling of prisoners under sentence of death amounts to an arbitrary additional punishment and constitutes cruel, inhuman or degrading treatment.

The death penalty has been the subject of recent public debate in Taiwan due to the cases of three other men who attracted massive support because of evidence that they were sentenced to death on the basis of confessions extracted under torture. Su Chien-ho, Liu Ping-lang and Chuang Lin-hsiung remain under sentence of death.

In recent replies to letters from the Urgent Action network, a Ministry of Justice official said *"If no reason for retrial or extraordinary appeal is found to exist, the Ministry of Justice cannot but carry out the execution in accordance with the law"*. Amnesty International believes, however, that the authorities should order an independent inquiry into reports that Liu Chi-hsun was tortured and unfairly tried. It also calls on the President of the Republic to exercise his constitutional power to commute the death sentence imposed in Liu Chi-hsun.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, your own language or Chinese or in your own language:

- urging President Lee Teng-hui to exercise his constitutional power to commute the death sentence imposed on Liu Chi-hsun;
- urging the authorities to order an independent inquiry into reports that Liu Chi-hsun was tortured and tried unfairly;
- expressing opposition to the death penalty in all cases and seeking its abolition in law;
- expressing opposition to the permanent shackling of prisoners under sentence of death.

APPEALS TO:

1) President Lee Teng-hui

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Chiehshou Hall
122 Chungking S. Road, Sec 1
Taipei, Taiwan
Republic of China

Telegrams: President Lee Teng-hui, Taipei, Taiwan

Faxes: + 886 2 311 9574

Salutation: Dear President Lee

2) Ma Ying-jeou, Minister of Justice

Ministry of Justice
130 Chunching South Road, Sec 1
Taipei, Taiwan
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Telegrams: Minister Ma Ying-jeou, Taipei, Taiwan

Faxes: +886 2 381 1528 or 389 6759

Salutation: Dear Minister Ma

3) Mr Shih Chi-yang, President, Judicial Yuan

124 Chungking Road, Sec 1
Taipei, Taiwan
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Telegrams: President Judicial Yuan, Taipei, Taiwan

Faxes: +886 2 389 8923

Salutation: Dear Mr Shih

COPIES TO:

Ministry of Foreign Affairs

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Taiwan Association for Human Rights

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and to official or unofficial representatives of Taiwan (Republic of China) in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 June 1996.