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@Amendment of Article 100 of the Criminal Code

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Amnesty International is urging the Government in Taiwan to amend Article 100 of the Criminal Code which provides for imprisonment of between seven years and life for people convicted of activities aiming to "destroy the organization of the State, seize State territory, by illegal means change the Constitution or overthrow the Government". It is concerned that this provision was used in 1991 to imprison people for their peaceful advocacy of an independent Taiwan state.

On 2 March 1992 a cabinet committee announced that Article 100 of the Criminal Code would be amended and the committee leader, Vice Premier Shih Chi-yang is reported to have said "non-violent acts will no longer be considered seditious". Amnesty International has written to the the authorities in Taiwan to urge the speedy amendment of the law in such a way that it guarantees freedom of expression and association in conformity with international human rights standards.

Article 100 of the Criminal Codes states that:

"1. A person who commits an overt act with intent to destroy the organization of the State, seize State territory, by illegal means change the Constitution, or overthrow the Government shall be punished with imprisonment for not less than seven years; a ringleader shall be punished with imprisonment for life.

2. A person who prepares or conspires to commit an offence specified in the preceding paragraph shall be punished with imprisonment for not less than six months and not more than five years."

During 1991 at least a dozen people were arrested and charged under Article 100 of the Criminal Code for activities supporting the creation of an independent Taiwan state and for rejecting the government's goal of reunification with China. Some of them are prisoners of conscience, imprisoned for their peaceful political activities.

In May five people were arrested for their alleged membership of the banned Tokyo-based Association for an Independent Taiwan. One week after their arrest the Legislative Yuan (parliament) abolished the Statute for the Punishment of Sedition under which they had been arrested and they were charged instead under Article 100 of the Criminal Code. In December three of them were sentenced to prison terms ranging from 18 months to two years. Amnesty International is seeking further information about these prisoners but has expressed concern to the government that they may have been detained for the non-violent exercise of their rights to freedom of expression and association. The arrests in May provoked mass protests in Taiwan and led to the establishment of the 100 Mobilization Committee to seek the repeal of Article 100 of the Criminal Code. In October 1991 the 100 Mobilization Committee organized mass street protests.

Between August and December 1991 members of the World United Formosans for Independence (WUFI) were arrested charged under Article 100 of the Criminal Code. They included Kuo Pei-hung, Lee Ying-yuan and Wang Kang-lu, leading members of the organization's United States chapter who secretly entered Taiwan. They had retained their Republic of China nationality but had been denied permission to return to Taiwan. WUFI's aims include the establishment of an independent Taiwan state, recognition of human rights and various economic, social, educational and cultural reforms. A statement of the Central Committee of the Headquarters of WUFI issued on 1 January 1990 stated that the organization was "willing to exhaust all avenues to seek a peaceful solution to Taiwan's future". Amnesty International is concerned that the three are detained because of their activities to promote the creation of an independent Taiwan and for exercising their right to return to their own country. It has adopted them as prisoners of conscience and is calling for their immediate and unconditional release.

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