

EXTERNAL

AI Index: ASA 38/04/96

10 April 1996

Further information on UA 76/95 (ASA 38/02/95, 23 March 1995) and follow-ups (ASA 38/03/95, 20 April; ASA 38/04/95, 25 May; ASA 38/05/95, 8 June; ASA 38/06/95, 1 September) - Death penalty / Legal concern / Fear of imminent execution

TAIWAN (REPUBLIC OF CHINA) Su Chien-ho
Liu Ping-lang
Chuang Lin-hsung

Su Chien-ho, Liu Ping-lang and Chuang Lin-hsung remain under sentence of death, despite widespread concern that they were convicted unfairly, on the basis of confessions extracted under torture. In early April 1996 the prisoners' lawyers urged Taiwan's Prosecutor General to make a fourth special appeal on the men's behalf.

The three men were sentenced to death in February 1995 on charges of robbery, rape and murder. They are widely believed to have been tortured during police interrogation and forced to sign "confessions" which were then used to convict them.

The injustice of this case provoked a massive response in Taiwan. The Prosecutor General made three special appeals on behalf of the three men, all of which were rejected. Those who expressed concern about the case included parliamentarians, lawyers, academics, human rights activists and government officials.

President Lee Teng-hui is reported to have received over 200,000 written appeals from people in Taiwan, expressing concern about the convictions and calling for clemency. President Lee Teng-hui has the constitutional right to commute death sentences but he appears to do so rarely.

Members of the Urgent Action Network throughout the world have also sent many thousands of appeals on this case. No reply has been received from President Lee Teng-hui, but the Director of the Department of Prosecution Affairs of the Ministry of Justice replied to many participants, referring to the Prosecutor General's three special appeals and the possibility of a retrial. He said "*if all these efforts fail, the Ministry of Justice cannot but carry out the verdict in accordance with the law*". Amnesty International believes that the Ministry of Justice has a responsibility to ensure that prisoners are able to exercise their fundamental rights, in accordance with international standards.

The response also cited a 1993 public opinion poll to justify continued use of the death penalty. However, experience from other countries has shown that public opinion on the death penalty is often based on an incomplete understanding of the relevant facts. If the public were given more information about the cruelty surrounding the death penalty in Taiwan and the real possibility of a miscarriage of justice, they may choose to support abolition.

The death penalty is in force in Taiwan for a wide range of offences. Sixteen prisoners were executed in 1995.

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

- expressing continued concern at the death sentences imposed on Su Chien-ho, Liu Ping-lang and Chuang Lin-hsung after they were reportedly tortured and tried unfairly;
- urging President Lee Teng-hui to exercise his constitutional power to commute the death sentences imposed on Su Chien-ho, Liu Ping-lang and Chuang Lin-hsung;
- urging the authorities to order an independent investigation into reports that the three men were tortured during interrogation and convicted unfairly;
- expressing opposition to the death penalty in all cases and seeking its abolition in law.

APPEALS TO:

1) President Lee Teng-hui

Office of the President
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 or 314 0746

Salutation: Dear President Lee

2) Ma Ying-jeou, Minister of Justice

Ministry of Justice
130 Chunching South Road, Sec 1
Taipei, Taiwan
Republic of China

Telegrams: Minister Ma Ying-jeou, Taipei, Taiwan

Faxes: +886 2 381 1528 or 389 6759

Salutation: Dear Minister Ma

3) President, Judicial Yuan

124 Chungking Road, Sec 1
Taipei, Taiwan
Republic of China

Telegrams: President Judicial Yuan, Taipei, Taiwan

Faxes: +886 2 389 8923

Salutation: Dear Sir

COPIES TO:

Ministry of Foreign Affairs

2 Chiehshou Road, Sec 2
Taipei, Taiwan
Republic of China

Faxes: +886 2 311 9574 or 314 4972

Taiwan Association for Human Rights

9F, No 3, Lane 25, Sec 3
Hsingsheng S Road
Taipei, Taiwan
Republic of China

and to diplomatic representatives of Taiwan (or official representatives) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 May 1996.