
Amnesty International

TAIWAN (REPUBLIC OF CHINA)

Three men face execution after unfair trial

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Three men facing execution in Taiwan may have been wrongly convicted on the basis of confessions extracted under torture. Su Chien-ho, Liu Ping-lang and Chuang Lin-hsiung face execution in the near future, in spite of appeals for clemency from lawyers, parliamentarians, activists, journalists and officials in Taiwan and from Amnesty International members throughout the world. On 12 December 1995 the organization's Secretary General, Pierre Sané, wrote to President Lee Teng-hui urging him to use his constitutional powers to commute the death sentences.

Su Chien-ho, Liu Ping-lang and Chuang Lin-hsiung were sentenced to death for the robbery, rape and murder of two people in March 1991. Their appeals were rejected amidst widespread concern that they were sentenced after having been tortured and forced to sign "confessions". The three men were arrested on 15 August 1991 by officers of the Hsichi Police Department, having been implicated by the confession of a fourth prisoner. They were held for at least 24 hours by the police during which time they claim to have been forced to drink water, urine and pepper juice; tied up; beaten; and forced to sign "confessions". They were then transferred to Shilin Detention Centre for further investigation by the prosecution. The record of new detainees' health at Shilin Detention Centre apparently states that when they arrived at the detention centre Chuang Lin-hsiung had scars on his head and Su Chien-ho had swollen hands and a bruised right knee.

On 4 October 1991 the three men were charged. They denied the charges against them but were found guilty by Shilin District Court and sentenced to death. The sentences were finalized by the Supreme Court on 9 February 1995. According to reports, the three men were convicted largely on the basis of their own confessions; their claims of torture do

not appear to have been the subject of an independent investigation. After conviction they made a formal complaint of torture.

Prosecutor General Chen Han made three special appeals to the Supreme Court on behalf of the three prisoners. In March 1995 Chen Han is reported to have said "I do not wish to influence the court ruling or say the defendants are innocent, but there should be more evidence to support the death sentence". His final appeal was rejected in August 1995, at which point he decided not to make any further appeal.

In June 1995 a member of the Control Yuan¹ publicly expressed his concern that the three men had been tortured during police interrogation. In early September the Control Yuan is reported to have written to the Minister of Justice urging him to suspend the executions.

In May 1995 Minister of Justice Ma Ying-jeou ordered a review of the cases and urged the Prosecutor General to make another appeal on behalf of the three men. In July, however, the Minister of Justice is reported to have said that his government would not be influenced by public opinion. In Taiwan, once a death sentence has been finalized, execution is carried out upon the order of the Minister of Justice, placing him in a powerful position.

In August 1995 Shilin District Prosecutors Office decided not to bring charges against four police officers who are said to have tortured the three prisoners and extracted false confessions from them. This decision appears to have been based on the results of an internal investigation.

In written replies to many Amnesty International members, the Director of the Department of Prosecution Affairs of the Ministry of Justice said *"We appreciate your concern about these three death [row] prisoners. Prosecutor General Chen Han has filed three extraordinary appeals to the Supreme Court to review the case, based on certain irregularities in the admission of evidence. Unfortunately the third petition of extraordinary appeal was rejected by the Supreme Court half a month ago. While Prosecutor General Chen is studying the possibility of making a fourth try, he also referred the case to the Taiwan High Court to explore the possibility of a retrial. If all these efforts fail, the Ministry of Justice cannot but carry out the verdict in accordance with the law"*. No responses were received from President Lee Teng-hui.

Amnesty International is concerned at the government's apparent unwillingness to take decisive action to investigate the reported human rights violations in this case. It has called on the Ministry of Justice to order an independent investigation into reports that the men were tortured and convicted unfairly and has called on President Lee Teng-hui to use his constitutional powers to commute the death sentences. Amnesty International seeks an end to torture and ill-treatment. It opposes the death penalty in all cases, considering it to be a violation of the right to life and the ultimate form of cruel and inhuman treatment.

¹The Control Yuan is an official body mandated to oversee the work of government departments in Taiwan.

In his letter to President Lee Teng-hui, Amnesty International's Secretary General pointed out that the right to protection from torture, the right to a fair trial and the rights to life are enshrined in international human rights standards. Amnesty International believes that the Government of Taiwan is failing to implement human rights standards which have been agreed upon and adopted by the international community.

Since their conviction in February 1995, Su Chien-ho, Liu Ping-lang and Chuang Lin-hsiung have lived with the constant fear of execution. They are said to have converted to Buddhism in an attempt to find peace of mind .

The death penalty is in force in Taiwan for wide range of offences. At least 15 people were executed during 1994; statistics for executions in 1995 were unavailable at the time of writing. Prisoners under sentence of death are held with their feet permanently shackled, to prevent escape. Execution is normally carried out by shooting. In 1994 the government made public the results of a public opinion poll on the retention of the death penalty. The poll showed that a majority of respondents, while supporting the death penalty, did not believe that its increased use in previous years had improved public order. Most of those interviewed supported a temporary suspension of all executions, pending further studies.

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