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# £TAIWAN

## @DEATH BY EXECUTION TAKES 34 HOURS

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On 16 April 1991 a death row prisoner, Huang Chia-ching, was executed. According to a report published in the China Post on 17 April, Huang Chia-ching had been taken to hospital after the execution as he had expressed the wish to donate his organs. However on arrival doctors found he was not dead. The Justice Ministry ordered a second attempt at execution to take place 34 hours after the first. He was declared dead shortly thereafter. Amnesty International is opposed to the death penalty, considering it to be a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment and has called on the government of Taiwan to cease all executions. It considers the manner in which Huang Chia-ching was executed to be a particularly striking example of the intrinsically cruel, inhuman and degrading nature of the death penalty.

In October 1990 the Justice Ministry approved a proposal made by a group of doctors that prisoners be shot in the head if they expressed a desire to donate their organs for transplantation. The World Medical Association had earlier sought the views of the Chinese (Taiwanese) Medical Association on this proposal, which replied that it was "in general not in favour of this proposal".

Huang Chia-ching had expressed a wish to donate his organs and was therefore shot in the head instead of the heart. In such cases a doctor appointed by the National Health Administration, together with a coroner, must declare the prisoner to be brain dead before

the body is taken to a hospital and organs removed. Once the body arrives in the hospital, doctors must again certify that the person is dead before the organs can be removed. Vice Minister of Justice Lin Hsi-hu is reported to have said that if doctors or coroners cannot pronounce the donor brain dead 16 hours after he is executed, he should be shot again. He also said that hospitals would not be held legally responsible for malpractice if they gave up trying to save the lives of death row prisoners.

Shortly after he was executed on 16 April, Huang Chia-ching was certified to be brain dead and was taken to the Veterans General Hospital in Taipei. However, according to press statements, doctors at the hospital declared that although Huang Chia-ching was not conscious his heart was still beating and he was placed in an intensive care unit. Organ donors may only be declared brain dead when they are in a coma and cannot breathe by themselves for 12 hours. Thirty-four hours after his execution the Justice Ministry ordered that a second bullet be fired into Huang Chia-ching's head and he was transported from the hospital to the execution ground to be shot in the head a second time. The hospital was subsequently unable to use his organs due to delays in transporting the corpse to hospital.

Following the incident the Ministry of Justice is reported to have proposed a draft law which would enable prison authorities to use alternative methods of execution.

According to the [China Post](#) article, in January of this year another potential organ donor on death row was subjected to a second attempt at execution because his body was seen twitching after the coroner had declared him to be brain dead.

In May 1988 Amnesty International expressed concern to the authorities in Taiwan about the execution of Wu Hsin-hua, who was reported to have died one hour after his execution. When he was found to be breathing after four shots had been fired into his heart his medical records were reviewed and it was discovered that his heart was tilted to the right. A fifth and fatal shot was then fired. In answer to an inquiry about the incident the Chinese Association for Human Rights said that the execution had conformed to regulations concerning executions and that the execution had only lasted 20 minutes.

Amnesty International has on many occasions expressed its concern to the Government of Taiwan about the high level of executions. Seventy-two people are reported to have been executed in Taiwan in 1990.

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