



# TAIWAN COMMUNIQUE

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## *Profile of a human rights lawyer*

### **Yao Chia-wen and 25 other political prisoners released**

On 20 January 1987, Taiwan's most prominent human rights lawyer, Mr. Yao Chia-wen, was released from prison. Together with him, 25 other political prisoners (imprisoned in separate cases) were granted parole. Mr. Yao was arrested after the "Kaohsiung Incident" of December 1979, and — together with seven other major opposition leaders — he was subsequently tried by a military tribunal. Mr. Yao was sentenced to 12 years imprisonment. At the time of his arrest, he served as legal counsel for **Formosa**, the opposition political journal, which was the driving force behind the movement for democratic reform in Taiwan.

After Mr. Yao's arrest, his wife Chou Ching-yü became Taiwan's foremost human rights advocate. In December 1980, she ran for a seat in the National Assembly and was elected with the highest number of votes — thereby vindicating her husband. Other relatives of "Kaohsiung" defendants, such as Mrs. Hsu Jung-shu and Mr. Huang T'ien-fu, also won their respective races for a seat in the Legislative Yuan. Chou Ching-yü subsequently set up CARE Center to assist political prisoners and their families, and started to publish **CARE magazine**, which became Taiwan's most well-known human rights publication.

Before he was imprisoned, Mr. Yao earned a high reputation as a human rights lawyer. He was a leading advocate for legal reform, and attempted to strengthen respect for human rights in Taiwan's legal system. He was the founder of a island-wide network of legal aid centers for the poor. In 1976 he waged a legal battle with the authorities after alleged fraud by the



**Mr. Yao Chia-wen**

Kuomintang led to the defeat of a prominent opposition leader, Mr. Kuo Yu-hsin in an election for the Legislative Yuan. Even though Mr. Yao lost the battle, his vigorous defense in court and his courage to speak out for justice earned him respect at home and abroad.

Mr. Yao's concern for the poor is rooted deeply in his family background: Born in 1938 into a poor farmer's family in Changhua, he grew up in a family of nine children. He used to go to school barefoot, as his family could not afford to buy him shoes. Once he had to borrow a pair of shoes from a more affluent classmate in order to represent his primary school in a county-wide speech contest.

At the age of 19, he began to support his family by working in the postal telecommunication bureau after graduating from a vocational high school. But his determination to become a lawyer never wavered. While working full-time at his day job, he studied at night to prepare for the university entrance examinations. In 1962, he passed the examination and was accepted by the prestigious College of Law of National Taiwan University. Even while attending college, he worked nights and weekends at his old job in the postal telecommunications bureau in order to support his family. The hectic schedule did not influence his academic performance: he graduated with top honors.

In 1972, a grant from the Asia Foundation enabled him to go to the University of Berkeley in California for training in legal aid services for the poor. After his return to Taiwan, he worked together with a group of young lawyers to set up legal aid centers.

Mr. Yao was initiated into politics in 1975 when he became the legal advisor to a prominent opposition politician, Mr. Kuo Yu-hsin, who ran for a seat in the Legislative Yuan. Mr. Kuo was the front runner in the campaign. But he was declared defeated by the KMT authorities late on the night of election after the ballots were counted.

Mr. Yao went to court on behalf of Mr. Kuo and asked the authorities to declare the election invalid on the ground of fraud. In court, Mr. Yao presented a staggering amount of evidence pointing to fraud and bribery by Mr. Kuo's KMT opponent. In the end he lost the battle, but won a moral victory. He later chronicled the court battle in a book called "Hu Lo Ping Yang". Mr. Kuo subsequently went into exile in the United States and died there from cancer in 1985.

In 1978, Mr. Yao took up the defense for Mr. Yu Teng-fa, a veteran politician from Kaohsiung, who was accused "of conspiring with a communist." The "communist" in this case was Mr. Wu Tai-an, a mentally unstable businessman, who — after five months of

confinement and interrogation — confessed to “having met communists officials” in Japan and returning to Taiwan to “wage an uprising.” Mr. Yu, an anti-KMT stalwart all his life, was clearly framed. Mr. Yao’s brilliant defense did not result in Mr. Yu’s acquittal. Mr. Yu was sentenced to eight years in prison and was released on medical parole after three years. Wu Tai-an was sentenced to death and executed soon afterwards.

Mr. Yao’s participation in opposition politics took an active turn after he defended Mr. Yu in court. In the summer of 1979, he became the legal counsel for Formosa magazine, which was published by two veteran opposition politicians, Huang Hsin-chieh and Kang Ning-hsiang. The magazine’s circulation reached 100,000 copies after only four issues. Rallies and meetings were held all over the island to educate the public about human rights and the need for democratic reform. Formosa was on its way to become an embryonic political party: this was not to the liking of the KMT authorities, and a harsh crackdown followed.

Until his arrest in the wake of the Kaohsiung Incident, lawyer Yao did much to try to modernize Taiwan’s legal system, and attempted to push for democratic reform from within the system. In the end, he was defeated by the very “legal system” which he had sought to improve: the KMT authorities could not tolerate his activist role in bringing about social and political change. Still, his imprisonment, and that of the other “Kaohsiung” defendants, attracted the attention of the outside world to the undemocratic nature of Taiwan’s political system, and thereby laid the foundation for far more fundamental changes.

The hardship of prison life has damaged his health and left its mark on his face. But his conviction for democratic reform remained firm. On February 8, 1987, appearing publicly in a Presbyterian Church service in Taipei, Mr. Yao said that participation in the political process is an inalienable right of the people, and indicated that he would continue his efforts for political change and the protection of human rights. He appealed for the release of all political prisoners.

## **The National Security Law debated** *Still very restrictive*

In our previous [Taiwan Communiqué](#) (no. 28, January 1987) we reported on the plans of the Taiwan authorities to lift the old martial law (in force since May 1949), but replace it with a new “National Security Law.” A draft of the new law was passed on 8 January 1987 by the Executive Yuan (Cabinet). It was subsequently submitted to the Legislative Yuan, which is expected to consider it sometime this Spring.

When President Chiang Ching-kuo announced on 7 October 1986, in an interview with Mrs. Katharine Graham — Chairman of the Board of the Washington Post — that martial law would be lifted, he indicated that the major difference between the old martial law and the new legislation would be that civilians would not be tried in military courts anymore. However, when a draft of the new law became public just before Christmas, it became clear that the freedoms laid down in the Constitution would still be highly restricted: Article 2 of the new law states that public assembly and association must be “in support of the government’s anti-communist policy, and must not advocate separatist ideology.”

Leaders of the newly-formed Democratic Progressive Party are particularly opposed to the “anti-separatist” clause in the new law. They emphasize that it is a political concept and not a clearly defined legal term, and fear that it may become a catch-all clause, under which the KMT-authorities will prosecute those who advocate self-determination. The DPP emphasizes that the people on Taiwan have the right to determine the future status of the island, and should have the freedom to voice a preference for a free and democratic Taiwan, separate from China. DPP-leaders say that the KMT’s anachronistic “recover the mainland” policy, and its insistence that it is the rightful government of all of China, have pushed Taiwan into diplomatic isolation in the international arena.

Article 9 of the new law is also strongly opposed by the DPP: while it stipulates that civilians who were tried in military court are to be transferred to the jurisdiction of civil courts, it contains the provision that civilians whose cases have been closed may not file for appeal in civil courts. This article is far more restrictive than the original martial law, which stated (Article 10) that, once martial law had been lifted, all persons who had been tried under martial law regulations could appeal their cases. This point is particularly important for a number of well-known opposition politicians and journalists, who are presently still serving long jail sentences. The present wording of the new national security law would make it impossible for them to appeal. Under the formulation of the old martial law, they would be able to appeal as soon as the martial law is lifted.

## *Chills in the “Taipei Spring”*

Although the lifting of martial law heralds the arrival of a “Taipei Spring”, the chill has not been completely dispelled, since many restrictive laws still remain on the books. Two examples are the “Statute for the Punishment of the Rebellion” (enacted in 1949) and the “Publications Law.” The Statute has been one of the main “legal” instruments used by the authorities to stifle dissenting voices. The “Publications Law” provides the

authorities with a means to continue their harsh press censorship. Furthermore, it is even becoming apparent that the Taiwan authorities are presently strengthening many restrictive provisions which exist outside the national security legislation. Below are several examples:

— On 5 February 1987, the Executive Yuan passed a “Social Order Maintenance Law” and submitted it to the Legislative Yuan for consideration. If passed, the new law would require prior government approval for groups which want to submit petitions to the government. If groups petition the government without prior approval and refuse police orders to disperse, they will be subject to imprisonment or fines. The new law would also empower police to summon “offenders” for questioning and force them to report for questioning if they ignore the summons.



**Kuomintang driver to DPP passenger:  
"Don't be nervous! I'm just taking a  
roundabout way to democracy."**

— On 22 February 1987, the Interior Ministry approved a revised “Statute for the Formation of Civic Organizations during the Period of Communist Rebellion.” The Taiwan authorities have stated that this revision needs to be passed before they will formally lift the ban on new political parties.

— The draft of the revised Statute gives the Ministry of Interior sweeping powers to refuse registration or to disband new political parties, if the party platform fails to “uphold the Constitution, the policy of anti-Communism or advocate secessionism.”

Penalties for failure to register, or to dissolve a party within a certain grace period, include a prison term of up to two years for the chairman of an unsanctioned political party or a fine of up to NT\$60,000 (approximately US\$ 1,700). If the revised Statute is enacted, this provision would apply to the newly-formed Democratic Progressive Party and its chairman, Mr. Chiang Peng-chien. The new party has until now not registered, because the Kuomintang itself has never registered.

— On 25 February 1987, Justice Minister Shih Chi-yang announced that he had submitted proposals to the Executive Yuan to revise the Criminal Code, “to toughen the penalty for seditious activities.” He said that harsher punishment would be meted

out for “crimes of attempting to topple the government in connivance with outside forces, spreading propaganda aimed at creating internal unrest, and circulating false information leading to external disputes.”

Both the Criminal Code revisions and the revised Statute for the Formation of Civic organizations will, after approval by the Executive Yuan, be submitted to the Legislative Yuan for consideration. Their passage is assured, since the Kuomintang has an overwhelming majority because of its “permanent” mainland seats.

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## Democracy (not) at work

### *Vote buying dominates Control Yuan elections*

On 10 January 1987, “elections” took place in Taiwan for 22 seats in the Control Yuan. This is Taiwan’s highest administrative supervisory watch-dog body, which has the power of impeachment. In our previous *Taiwan Communiqué* (no. 28, January 1987) we already reported on the make-up of the Control Yuan, on the peculiar new election mechanism (plural votes), and on the extensive vote-buying. We also outlined the reasons why the newly-formed DPP-party wanted to boycott these elections.

Not unexpectedly, the Kuomintang “won”, but the voting — by the members of the Provincial Assembly at Taichung, and by the members of the City Councils in Taipei and Kaohsiung — took place amid large demonstrations against the vote-buying and against the new voting procedures. However, the whole episode also caused a rift within the DPP, because several members did not heed the boycott call by the DPP-leadership. Three members even ran for a seat in the Control Yuan, obviously without party-endorsement. One of them was elected. Below, you find a brief overview.

The results of these “controlled elections” are given on the table on the next page.

Behind these dry statistics, there are a number of interesting background stories:

— All candidates nominated by the Kuomintang-party were elected, except one: in Kaohsiung, incumbent KMT Control Yuan-member Lee, age 60, lost. He was reportedly one of the very few well-respected KMT-members of the Control Yuan. He was not tainted by corruption, did not buy votes...and lost.

— Also in Kaohsiung, one KMT-member who was not endorsed by the party won: his name is Wang Yu-chen, a brother of former Kaohsiung-major Wang Yu-yun. The former mayor is reported to have close ties with Kaohsiung's underworld.

ELECTED BY: PARTY AFFILIATION:	Taipei City Council		Kaohsiung City Council		Provincial Assembly	
	Candi- dates	Elec- ted	Candi- dates	Elec- ted	Candi- dates	Elec- ted
Nominated by KMT	3	3	3	2	9	9
Not party-endorsed	6	--	1	1	17	3
Sub-total KMT	9	3	4	3	26	12
Democr. Progressive	1	1	1	--	1	--
Young China Party	3	1	--	--	--	--
Non-affiliated	4	--	3	2	6	--
TOTAL	17	5	8	5	33	12

— The only DPP-member who won was incumbent Control Yuan-member Ms. Lin Chun-tzu, age 43. She received a total of eight votes from eight DPP-members of the Taipei City Council who did not heed the DPP-boycott.

— The two other DPP-members who participated — but lost — are Mrs. Huang Yu-chiao in the Provincial Assembly, and Mrs. Hung Chao-mei in Kaohsiung.

— The one Young China Party-member elected in Taipei, and the two “non-affiliated” who won in Kaohsiung are generally considered to be “friends of the (Kuomintang) party.” Their election — with strong support from the Kuomintang — had the purpose of giving the elections the *appearance* of a democratic exercise.

## ***Rampant vote-buying and fraud***

Even before the election took place, rumors were circulating that bribes involving millions of Taiwan dollars were exchanging hands, as candidates tried to secure votes from the members of the Provincial Assembly and the Taipei and Kaohsiung City Councils. The **Independence Evening Post** reported that nine out of the 12 candidates elected by the Taiwan Provincial Assembly (all KMT-members) offered cash gifts totaling NT\$295 million (approx. U.S.\$ 8.5 mln.) to win votes. Sixty eligible voters in the Provincial Assembly received an average of NT\$5 million (U.S.\$ 140,000) each. Some candidates, including defeated contenders, spent at least NT\$15 million each,

most shelled out around NT\$30 million and desperate underdogs spent between NT\$50 to 60 mln.

The rampant vote buying severely damaged the reputation of the embattled Control Yuan. It already lacked credibility because during the past years it had hardly shown any activity. Supposedly a watchdog, it had become known as a “sleeping dog.” DPP-member Dr. You Ch’ing was one of the very few members who initiated investigations into mismanagement and corruption, particularly in state-owned companies such as China Shipbuilding Co. However, time and again, the investigations were sidetracked by KMT-members who felt that airing such dirty linen was “not advisable.”

Dr. You Ch’ing and other leading DPP-members have stated that if the Control Yuan — as the nation’s highest watchdog organ — were to fulfill its proper functions, its members should have unimpeachable qualifications to investigate corruption of government officials and to initiate impeachment proceedings. They doubt that members who bought their way into the Control Yuan would be able to play an effective role as whistle-blowers.

## *The DPP divided*

In protest against the unfair new voting rules, and against the vote buying, the Central Committee of the new DPP-party told its members in the Provincial Assembly and the Taipei and Kaohsiung City Councils to boycott the Control Yuan elections. However, the large bribes handed out by some candidates made participation in the voting sheer irresistible for quite a number of DPP-members. There were also others who argued that the DPP should make use of all opportunities to let its voice be heard, and that it should thus be represented in the Control Yuan.

On the day of the election, more than 1000 DPP-supporters also demonstrated in front of the Taiwan Provincial Assembly and Kaohsiung City Council to protest the corruption and the rigged election process. The protesters displayed banners that read “Boycott the election,” and “This is not the year of the pig.” The word “pig” is commonly used in Taiwan to refer to elected public officials suspected of accepting bribes.

In the end, the DPP-Central Advisory Committee (which is in charge of party discipline) decided to suspend the membership-rights of six members — who had participated in the election or cast votes — for periods ranging from two to three years. It also decided to reprimand eight other members for participating in the vote. Several of the disciplined members announced their intention to withdraw from the party.



## *The dual nationality issue*

On 10 February 1987, three Control Yuan members from the United States, appointed by President Chiang Ching-kuo, did not join the formal inauguration. They were given a secret swearing-in ceremony in the afternoon, because the three have U.S. citizenship. This special arrangement was deemed necessary in order to save the three U.S. citizens from the embarrassment of pledging loyalty to the “Republic of China” in the formal inauguration, which was open to the public.

On 16 February 1987, two outspoken opposition figures who were recently released after their respective prison terms, former KMT- Legislative Yuan member Lei Yu-chi and former City Councilmember Chen Shu-pien, submitted a petition to the Control Yuan, asking it to prohibit parliamentarians from holding dual citizenship. The two pointed out that the law in Taiwan stipulates that government officials and representatives of the Legislative Yuan, National Assembly and Control Yuan cannot hold foreign citizenship. The Kuomintang authorities have turned a blind eye to violations of this law, and have allowed KMT-legislators to hold dual nationality. According to press reports in Taiwan, some 25 members of the Legislative Yuan — among whom former track star Chi Cheng — hold U.S. citizenship.

## *Chaos in the Legislative Yuan*

The issue of dual nationality came to a boil again in the Legislative Yuan on 23 February, when the newly-elected members of the Legislative Yuan were to be sworn in. Before the ceremony started, DPP-legislator Chang Chun-hsiung raised this issue, and demanded that the credentials committee conduct a formal review of all legislators’ credentials to determine how many have dual nationality. He suggested that any legislator with foreign nationality should be disqualified.

A melee followed when several legislators fought for the control of the microphone, while others hooted and booed. Order was restored when the national anthem was played and the swearing-in ceremony took place. The 13 DPP members did not participate in the ceremony, and will be sworn in later.

On the following day, 24 February 1987 (the first formal meeting of the new legislature), DPP legislators raised several other issues which caused a major amount of commotion. DPP-members questioned the qualifications of President Mr. Nieh

Wen-ya to chair the meeting, because his term expired on January 31 at the end of the previous legislative session. DPP legislators also suggested that the term of the Prime Minister should coincide with the three-year term of the Legislative Yuan, instead of the existing system whereby the Prime Minister is appointed by the President to an open-ended term. When DPP-member Chu Kao-cheng — an outspoken and somewhat hot-blooded newly-elected legislator — went up to the rostrum to tell Prime Minister Yu Kuo-hwa to stop addressing the Legislative Yuan, he was set upon by two KMT-legislators. A wrestling match of about ten minutes followed.

*Taiwan Communiqué comment: while we agree with the positions taken by the DPP-members on these issues, we do suggest that it might be easier to achieve the set goals if the issues are raised in a slightly more professional, and less provocative, manner.*

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## State Department Human Rights Report 1986

### *Political development lags in “One party authoritarian system”*

by Marc J. Cohen

On February 19, 1987, the United States Department of State released its annual report on human rights. As in the past, the section on Taiwan is quite comprehensive and detailed, and in general, it provides a telling indictment of the Kuomintang government’s failure to uphold internationally recognized human rights.

On the other hand, the report contains several important errors and omissions. Also, in several instances, it tends to tone down discussion of unquestionable, serious violations of the human rights standards that the Taiwan government has pledged to uphold.

According to the report, “Taiwan’s polity is...an essentially one-party authoritarian system.” Political power is vested primarily in a set of un-elected institutions: “the Presidency, the Executive Yuan, the military and security apparatus, and the KMT Central Standing Committee.” Although native Taiwanese “now constitute more than 80 percent of the population,” these key institutions of power remain under the control of a “small and aging leadership group ... whose members came to Taiwan from the China mainland after World War II.”

The document goes on to catalog the KMT's violations of basic civil and political liberties. As it notes, "political evolution has occurred on Taiwan, but it has not kept pace with economic development." The "expanding, prosperous, and educated middle class displays a growing willingness to pressure the authorities about human rights issues." Nevertheless, "opposition activity is restricted," notable through martial law, which permits the suspension of constitutionally guaranteed rights and freedoms.

The State Department makes reference to the Taiwan authorities' promise to lift martial law in the near future. However, the proposed national security legislation which will replace the emergency decrees "is expected to continue some of the martial law restrictions on civil liberties."

Various sections of the report focus on violations of the right to a fair trial by an impartial court and other assaults on the integrity of the person, as well as limits on freedom of expression, assembly, association, religion, and movement. Also discussed are denials of labor rights and the problems of the Malayo-Polynesian Aborigines.

The Department mentions a recent step backwards for civil liberties on Taiwan. In September 1986, the government restricted the purchase of tele-facsimile (fax) machines. These have provided dissenters with an effective means of circumventing controls on communication.

The report makes a number of erroneous statements. For example, it claims that although the newly formed Democratic Progressive Party (DPP) "is technically illegal, the authorities have taken no action against it." In fact, the government has charged the entire DPP Central Standing Committee with instigating the November 30, 1986 violence at Chiang Kai-shek International airport (see Taiwan Communiqué, No. 28), despite considerable evidence that government security agents provoked the unrest.

The State Department also says, "In recent years, there have been no substantiated reports of person being abducted or secretly arrested by the security services." In fact, in late 1984, the security services essentially abducted Mr. Wu Cheng-ming (see *Taiwan Communiqué* no.18, pp. 9-10), holding him incommunicado and eventually jailing him without trial. The Department did not explore the implications of Mr. Wu's case in either its 1985 or 1986 studies.

The Department also studiously avoids any discussion of the wide use of the death penalty in Taiwan, even for relatively minor offenses, which would in most other

countries draw a prison sentence of only a few years. The reason for the State Department's silence is rather obvious: in the United States itself the death penalty is still widely applied. A recent Amnesty International report termed the use of the death penalty in the United States "... arbitrary and racially biased" and in clear violation of international treaties signed by the U.S. government.

As for the use of the death penalty in Taiwan: statistics available to *Taiwan Communiqué* show that during 1986 at least 24 persons were sentenced to death by District Courts, an increase of 10 over the previous year. A total of 4 executions are known to have been carried out.

The report states, as it has for several years running, "The daily life of a person not actively engaged in politics is subject only to minor interference by the authorities." While to some extent this is a question of interpretation, the statement ignores a number of burden- some restrictions that affect even the apolitical.

For example, all residents of Taiwan must carry identity cards similar to those required in South Africa and the Soviet Union. These documents arbitrarily classify people according to their "place of origin," and help to perpetuate social divisiveness. The papers identify many Taiwan-born children and grandchildren of refugees from mainland China as coming from places they have never seen. In addition, restrictions on internal travel create special problems for Aborigines from the mountains, who cannot return once they migrate to lowland areas to seek employment. Many observers might also characterize the 15 months' military service required of all males as considerable interference with their daily life. Finally the statement ignores the heavy dose of official propaganda to which all students are subject.

The report further argues, "membership in the KMT ... is a matter of free choice." Strictly speaking, this may be the case, but in many professions, notably education, it is virtually impossible to obtain promotions without joining the ruling party.

In discussing press censorship, the State Department reproduces a statement contained in the reports of the past several years: "Although the limits of acceptable criticism are not clear-cut, opposition publishers generally know when an issue of their magazine is courting a ban...Publishers sometimes have been willing to run risks in order to test the limits and boost sales." As *Taiwan Communiqué* has noted, since at least May 1985 the government has issued blanket banning orders against most opposition periodicals, based not on specific content but simply on association with the opposition.

Therefore, merely to publish courts a ban. Moreover, as the report itself goes on to note, this blanket censorship has all but eliminated the supposed financial rewards of challenging the censors.

The report omits some important human rights information, most notably a discussion of how the government will retain many repressive powers even after it lifts martial law. For example, the laws governing censorship and “sedition” exist outside the emergency decrees.

In addition, in discussing political prisoners, the report outlines the releases of several prisoners in 1986, and notes the force feeding of Mr. Shih Ming-teh, who attempted to resume his 1985 hunger strike. However, the State Department makes no mention of the denial of adequate medical treatment to Mr. Cheng Ming-chung or Mr. Yang Chin-hai (see *Taiwan Communiqué* no. 25, pp. 13-14). It also fails to discuss the continued detention of writer/editor Huang Hua for supposedly violating a parole he received in connection with a 20 year old political case, even though he has already served a decade in prison for the “crime” of advocating non-violence to achieve democracy.

Similarly, the report states, “Physical invasion of the home without a warrant, while not common, does occur occasionally.” In discussing this problem, the report ignores the government’s concerted campaign of harassment against Ms. Hsu Jung-shu, an opposition legislator, whose home and offices have been the subject of repeated raids in which the officials lacked any search warrants. Nor does the discussion mention the related problem of raids — again without search warrants — on offices of other opposition magazines.

The report does discuss surveillance of Taiwan citizens residing over- seas and the denial of re-entry permission to some such people. However, it does not note the many clear cases of harassment and intimidation against overseas people by Taiwan government agents or well- known cases of punitive denials of re-entry permits to overseas critics. The U.S. Congress and media have devoted considerable attention to some of the cases.

Another problem with the report is its tendency to soft-pedal certain human rights violations. For example, it states that “individual members of the police and security forces have resorted at times to physical violence in interrogating suspects,” even though the “law specifically prohibits the use of torture.” However, police brutality against suspects in both political and ordinary criminal cases is quite common, and in numerous instances in the past year the police have used violence against peaceful protesters who were not subsequently charged with violating the law.

The report also claims that political prisoners are generally well treated, since the military prisons in which they are held are less crowded than the ordinary prisons, and they “have work and recreation opportunities.” This ignores severe problems of isolation, lack of medical attention, surveillance, and forced “re-education.”

According to the State Department, Taiwan’s “authorities have at times threatened” the newspapers with “strong action when coverage of sensitive events displeased them.” In fact, as is well known, the government has gone so far as to suspend publication of certain newspapers, notable the Min Chung Daily News in 1985. The State Department has severely criticized other governments which shut newspapers, e.g., those of Paraguay and Nicaragua.

In its section on the use of libel suits to jail opposition journalists, the report merely says, “The defendants and their supporters argue that the court judgment against them were politically motivated.” The State Department has ample evidence that this is not simply an argument, but clearly the fact of the matter. For instance, the Department is aware of a thorough study by the North American Taiwanese Professors’ Association of the facts in the best-known of the libel cases, that against executives of Neo-Formosa Weekly magazine (see Taiwan Communiqué no. 26, pp. 17-19). This study unquestionably proves that the case had no legal merit.

***Taiwan Communiqué comment:*** *Despite some weaknesses, the 1986 human rights report provides a good overview of the current issues on Taiwan, and also exposes the fundamentally undemocratic nature of the current political structure. It is ironic, as the State Department has noted for several years running, that Taiwan has far outstripped many neighboring countries and even some highly developed nations in its economic and social development.*

*It is ripe for democracy, and its people showed their eagerness for political change in last year’s elections. Maintaining the present restrictions on civil and political rights serves no “national security” purpose. Hastening the pace of democratization is a far better way to defend Taiwan from the military threat posed by the Chinese Communists.*

# Commemorating February 28

## *The “February 28 Incident” of 1947*

February 28, 1987 marked the 40th anniversary of an incident in 1947, which started when a woman was beaten up by police for peddling cigarettes without a license. The incident prompted island-wide demonstrations against corruption and repression by officials and soldiers of the newly-arrived KMT government. The Chinese Nationalists had begun to come over to the island from mainland China at the end of World War II in 1945. Initially the Taiwanese, who had been under Japanese rule since 1895, welcomed their “brothers” from the mainland. However, the mainlanders considered the island to be occupied area, and plun-



An artist's portrayal of the February 28 Incident

dered it for what they could. The mainland officials and soldiers turned out to be not only corrupt but also highly repressive.

When the demonstrations erupted throughout the island, the Chinese Nationalist governor Chen Yi pretended to enter into negotiations with leading figures in the native Taiwanese community. However, in the meantime Chiang Kai-shek's armies moved a large military force from the mainland to the island: in the following weeks between 12,000 and 20,000 Taiwanese were executed, many of them prominent figures, such as lawyers, doctors, writers, and mayors. Thus the native Taiwanese lost a whole generation of leaders. The most authoritative account of this tragic event, **Formosa Betrayed**, was written by George Kerr, an American diplomat at the U.S. Consulate in Taipei. In the decade that followed, the Nationalists continued a witch-hunt in the name of purging “Communist sympathizers.”

The incident is one of the main causes for the continuing tension between Taiwanese and mainlanders on the island. Many Taiwanese lost friends or relatives in the incident or in the purges that followed. However, the authorities have covered-up the matter, and for the past 40 years, the incident has remained a taboo subject. During the past years, several opposition magazines, such as **Sheng Ken** and **Progress** which attempted to publish accounts of the incident — even from official documents and reports — became the target of police crackdowns.

This year, human rights and religious groups renewed their efforts to hold public discussion on the incident. In commemoration of the 40th anniversary, a committee consisting of more than 30 organizations including the newly formed DPP-party, the Taiwan Association for Human Rights, and the Taiwan Presbyterian Church, initiated a campaign to have February 28 declared an official “peace day”.

Starting on February 14, the committee held a series of public meetings and seminars to call on the KMT authorities to open up the case and let the facts be known. “Only when mistakes are rectified”, victims are identified and their families are compensated, can the process of reconciliation begin” said a statement issued by the DPP. The committee is also planning for a memorial library to collect and display documents and books related to the incident.

On February 28 itself, the DPP organized two memorial meetings, one in Taipei and one in Kaohsiung. More than 10,000 people attended the meeting in Taipei, which was held at the Yung Le Primary School, near the spot where in 1947 the woman was beaten up by police for peddling cigarettes without a license. Many prominent DPP-leaders spoke at the rally: Chiang Peng-chien, Hsieh Chang-t’ing, K’ang Ning-hsiang, Dr. You Ch’ing, and lawyer Li Shing-hsiung. They called on the Kuomintang authorities to give a full account of the 1947 incident, and to compensate surviving families of victims, and to release all political prisoners.

Lawyer Yao Chia-wen, a political prisoner who was recently released (see article on p. 1), also spoke at the rally. He said that it is necessary to commemorate 2-28, because the people of Taiwan don’t want to see this historical tragedy repeat itself. At the meeting, Mr. Yao and another speaker who was recently released from prison, Mr. Chen Shui-pien, both announced their intention to join the DPP-party.



## *The Shanghai Communiqué*

A second reason for commemorating the date “February 28” is that on this day in 1972 the United States and the PRC signed the Shanghai Communiqué. While this paved the way for an improvement of the relations between the United States and the PRC — and thus for a welcome reduction of tension between the two nations — the Shanghai Communiqué also contained an unpleasant surprise for the Taiwanese people: it stated that the United States “acknowledged the PRC position” that it (the PRC) considers Taiwan to be a province of China.

While the phrasing of the Communiqué left the door open for the United States to formulate — in due time — its own position on the matter, the standard U.S. view became that the future of Taiwan must be resolved “by the Chinese on both sides of the Taiwan Straits themselves.” Fortunately a number of prominent U.S. senators (such as the present chairman of the Senate Foreign Relations Committee, Mr. Claiborne Pell, Edward M. Kennedy, and ranking Republican David Durenberger) and Congressmen (such as Democrat Stephen Solarz and Republican Jim Leach) discovered the basic flaw in the Shanghai Communiqué: it does not take account of the views of the Taiwanese themselves.

Since 1983 these senators and congressmen have pushed for a U.S. policy supportive of human rights and democracy in Taiwan. Taiwan Communiqué comment: these are the basic ingredients for a truly fair and free process of determining Taiwan’s future. We encourage the Reagan administration to embrace such a policy.

## *The murder of Lin Yi-hsiung’s mother and daughters*

A third reason for commemorating “February 28” is that on this day in 1980, the mother and two daughters of Provincial Assembly-man Lin Yi-hsiung were murdered in their home in Taipei.

On 13 December 1979, Mr. Lin and more than 150 other “non-party” leaders and members were arrested by the authorities after the now well-known “Kaohsiung Incident.” Many of them were held incommunicado for more than two months. On 26 February 1980, Mr. Lin and seven other detained Taiwanese leaders were told that on the next day they would be allowed to see their relatives. Mr. Lin was warned by his interrogators not to tell his family about the “treatment” he had received during 42 days of interrogation, or else “unfavorable” things could happen to his relatives (see the **New York Times**, 26 March 1980).

On 27 February 1980, Mr. Lin's wife and mother visited him. His mother asked him repeatedly: "Have you been tortured?" He responded: "Don't ask me such questions; you know what kind of things happen here." The next day at around noontime his mother and seven-year old twin-daughters were stabbed to death in their home. A third daughter was seriously wounded. The house had been under police surveillance since Mr. Lin's arrest in mid-December 1979. However, the police declared that they hadn't seen anybody enter the house, and *until now, March 1987, the authorities say that the perpetrators of this terrorist act "cannot be found."*

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## Prison Report

### *Opposition magazine officials released*

On 10 February 1987 three Neo Formosa magazine officials, who were imprisoned in July 1986, were released following completion of their prison terms. The three are:

— Mr. Huang T'ien-fu, publisher of Neo-Formosa and former member of the Legislative Yuan,

— Mr. Chen Shui-pien, director of the magazine and former member of the Taipei City Council,

— Mr. Li Yi-yang, editor of the magazine

On 30 May 1986, the High Court in Taiwan had rejected an appeal by the three against an earlier sentence by a lower court on charges of libeling the strongly pro-KMT dean of the College of Philosophy of Tunghai University, Mr. Fung Hu-hsiang. In the beginning of June 1986, the sentencing prompted large demonstrations in support of the three (see *Taiwan Communiqué* no. 26, pp. 17-19).

On 24 January 1987, Mr. Cheng Nan-jung, the outspoken publisher of **Min Chu Tien Ti**, an opposition magazine, was released following a decision of the Taiwan High Court to reduce his original prison sentence of one-and-a-half years to eight months. The suspension on his civil rights has been reduced from three years to one year. As Mr. Cheng had spent eight months minus eight days in jail, he was released after his wife posted bail of NT\$ 50,000.

Mr. Cheng was jailed in June 1986 for supposedly violating the Election and Recall Law by publishing an article which libeled another member of the opposition (see *Taiwan Communiqué* no. 26, pp. 19-20). He received a sentence of 18 months; the harshness of the sentence raised suspicions that the “legal” action against Cheng was a political reprisal against him for organizing the 19 May 1986 demonstrations against martial law.

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## Freedom of the Press ?

### *Censorship in 1986: Orwell would be proud*

Since it has been increasingly difficult to obtain accurate statistics on press censorship in Taiwan, we have not been able to present our usual, detailed reports. However, we will attempt to give a general overview of the main trends during the past year. The most important tendency was highlighted by the U.S. State Department, which stated in its recently-published human rights report:

“Censorship of opposition periodicals intensified in 1986. In 1985 about 75 percent of all issues were banned. *In 1986 virtually every issue of opposition magazines was banned and forced underground.*” [emphasis added]

Thus, the Taiwan Garrison Command continued its policy of blanket banning and confiscation of opposition magazines, by and large irrespective of the contents of the individual issues concerned. Requests by the editors or publishers for reasons for the bannings or confiscations went unanswered. This policy of mostly blanket bannings and confiscations started in the “Chung Hsing” campaign, which went into full swing in May 1985 (see *Taiwan Communiqué* no. 20, pp. 12-13), and received considerable attention in the international press at that time. However, since then, the international news media have largely remained silent on the issue.

In spite of the harsh censorship, 1986 also had its “up” periods for the opposition press: while in the beginning of the year there were only about half a dozen magazines operating (jointly publishing some 18 issues per month), in the period March through July three magazines which had collapsed in the second half of 1985 started to publish again, but on a monthly, instead of a weekly basis: Mr. Lin Cheng-chieh’s **Ch’ien Chin**, Mr. Chiu Yi-jen’s **Hsin Ch’ao Liu**, and Mr. Chou Po-lun’s **Hsin Lu Hsien**. In addition, five new magazines started publishing during this period:

— **Tzu Yu Taiwan**, a weekly edited by former **Ti Yi Hsien** editor Wu Hsiang-hui. However, the magazine collapsed again in October. The driving force behind this magazine was Dr. You Ching, who was subsequently elected to the Legislative Yuan in December 1986.

— **Hsin Kuan Tien**, a weekly edited by Mr. Chen Shih-chieh. This magazine is closely associated with lawyer Chen Shui-pien, who was recently released after serving eight months in prison in the Neo-Formosa libel case.

— **Tzu Yu T'ien Ti**, edited by Mr. Liu Hui-yun, who is closely associated with Mr. Li Ao.

— Two magazines in Central and Southern Taiwan: **Hsin Tai** in Kaohsiung and **Ling Hsien** in Taichung. These two are apparently the first two major publication efforts by the opposition outside Taipei.

However, as soon as these magazines appeared, they also became the targets of the censorship activities of the Garrison Command: thus, in the middle of 1986, virtually every issue published by the opposition press (a combined monthly total of approximately 40 issues) was banned and/or confiscated. As we reported earlier, the TGC took especially harsh measures against two well-know moderate magazines: Mrs. Hsu Jung-shu's **Shen Ken** and Mr. K'ang Ning-hsiang's **The Eighties**. See *Taiwan Communiqué* no.'s 25 and 26 for our reports on the respective confiscations and suspensions. Mrs. Hsu's magazine collapsed in mid-1986. Mr. K'ang's magazine was able to continue in September/October with a few more issues under the name The Asian but by the end of 1986 Mr. K'ang announced that after eight years as one of Taiwan's foremost opposition magazines — **The Eighties** was being closed permanently.



Cover of one of the last issues of "The Asian"

At least three other magazines also closed during 1986: **Ti Yi Hsien**, **Tzu Yu Taiwan**, and **Cheng Chih Chia**. Thus, at the end of 1986 there were four or five weekly

publications and four nominally monthly publications left (the latter publishing quite irregularly). These magazines published a combined monthly total of approximately 25 issues.

According to the statistics presently available, the 15 *tangwai* magazines which were in existence at any time during the year, published a total of 286 issues. Of these, 246 issues were officially banned but many copies of the remaining ones were also frequently confiscated at newsstands or distribution centers, making the effective banning/- confiscation rate close to 100 %. In total, some 1.07 mln. copies were reportedly confiscated, causing a financial loss to the magazines of approximately NT\$ 64 mln. (US\$ 1.83 mln.). During the year, seven titles were suspended by the Garrison Command, one of them [Mr. K'ang Ning-hsiang's **Nuan Liu**] permanently.

Besides the abovementioned *tangwai* magazines, there are a number of magazines which — although not associated with the opposition — are sometimes critical of the Kuomintang authorities. They are openly sold in the newsstands, and are banned or confiscated occasionally. The main titles in this category are:

— **Hsin Huo**, edited by a Mr. K'eng Jung-shui

— **Lei Sheng**, published by Mr. Lei Yu-chi, a mainlander who served as a KMT-member of the Legislative Yuan from 1980 to 1983, when he grew disenchanted with the KMT. He was not nominated in the 1983 elections. He ran as a non-affiliated candidate and lost. He subsequently served one year in jail for exposing bribery within the Kuomintang party.

— **Ch'ien Ch'iu p'ing-lun** and the **Wan Shui p'ing-lun** series published by Mr. Li Ao.

In total during 1986, nine out of some 140 issues published by these magazines were banned, and approximately 50,000 copies confiscated.

	1980	1981	1982	1983	1984	1985	1986
Total no. of Actions	16	19	27	33	211	275	302
Confiscations/bannings	9	13	23	26	176	260	295
Suspensions	7	6	4	7	35	15	7

Comparing the above statistics with those of earlier years, one clearly sees the further increase in the number of confiscations and bannings. The number of suspensions decreased — apparently because it was shown not to be a very effective method of censorship: the magazines either ignored suspension orders and published “special issues” of their magazines, or simply used — as their “spare tire” — another title for which they had obtained a license:

The Taiwan authorities often argue that the increase in the number of confiscations and bannings is due to the fact that more magazines are being published. This may have been the case with the leap in censorship from 1983 to 1984, but from 1984 on, the total number of issues published has remained more or less the same (aside from a significant dip during the period September — December 1985). This means that the Kuomintang authorities have severely *intensified* censorship, from near 70 % in 1984 and the beginning of 1985, via 90 % from May 1985 through the beginning of 1986, to close to 100 % in mid-1986.

*Taiwan Communiqué comment:* This virtual complete press censorship in Taiwan receives little attention in the international press, which is usually rather vigilant when it comes to defending press freedom. But in the case of Taiwan it has remained almost totally silent — except for a wave of articles during the three months after the “Chung Hsing” campaign initially went into effect in May 1985 and the disclosure of “thought police” activities in Taiwan.

In its enthusiasm over the formation of the DPP-party and over the possibility that martial law will be lifted, the Western press has overlooked the increasing press censorship, and the Garrison Command has been able to continue its dark practices outside the glare of international attention.

## *Presbyterian Church publications harassed*

**Warned to stop publishing.** In early December 1986, the editor of the Chinese-language **Taiwan Church News** received a warning from the Taiwan provincial government to cease publishing a new supplemental magazine named **Oah Lo**. The warning was issued through the Tainan City government. The Church filed an appeal against the ruling, and the supplemental magazine has been distributed without the name on its masthead.

The monthly **Oah Lo** started in November 1986. It focused on social issues such as the environment and the potential impact of the new National Security Legislation. It was

also aimed at a more secular audience than the weekly mother-paper. Articles were written in plain, easy-to-understand language, and initial response to the new publication had been encouraging.

**Taiwan Church News Confiscated.** In the morning of 20 February 1987, agents of the Taiwan Garrison Command raided the Tainan office of the **Taiwan Church News**. They confiscated every copy of a special issue in commemoration of the February 28 incident of 1947. The Taiwan Presbyterian Church has appealed to the authorities to respect the freedom of speech and the freedom of religion and to return the confiscated copies.

The weekly **Taiwan Church News** is the official publication of the Presbyterian Church in Taiwan. It started publishing in the 1880's and is thus the oldest church newspaper in Asia. It was the first regular newspaper published in Taiwan. During the past years it has become increasingly vocal in urging the Kuomintang authorities to respect human rights and to move towards a democratic political system.

### *Prime Minister Announces Lifting of Newspaper Ban*

On 5 February 1987, Premier Yu Kuo-hwa announced that he had instructed the Government Information Office to begin reviewing regulations governing daily newspapers. Observers in Taiwan are optimistic that this new move could lead to the opening of new daily newspapers, and the expansion of the current 12-page limit. Critics cautioned that the KMT authorities, which have kept a tight control of the press in Taiwan, are not about to give the press a free rein.

The newspaper ban has been enforced for nearly 40 years. In 1951, the Kuomintang authorities suspended issuing licenses for new newspapers and limited the existing 31 newspapers to eight pages per issue. The reasons given at the time were that Taiwan had been "saturated" with newspapers and magazines, and that the use of paper should be economized. In 1974 the limit on the number of pages was raised to 12.

Opposition leaders have argued that the ban on new licenses effectively denied the political opposition access to a newspaper of their own. Of the 31 existing newspapers, seven are owned by the government and three by the ruling KMT, five are joint ventures between private owners and either the government or the Kuomintang. Of the 16 "private" newspapers, only one or two are more or less independent, the remaining ones are owned by senior KMT party leaders.

The KMT authorities also keep a tight rein on radio and the three television stations. Mr. Chiang Peng-chien, chairman of the opposition DPP, pointed out that opposition candidates often receive minimal or biased coverage by the government-controlled television stations during election campaign. He called on the government to relax the control on airwaves and to issue new licenses for radio and television stations.

In anticipation of the lifting of the to start a new weekly newspaper, the DPP to start a new weekly newspaper, titled **Min Chin Pao**, on 16 February 1987. However, on the evening before, the Taiwan Garrison confiscated several thousand copies of the first issue, "because it was not registered."

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## Notes

### *Center for fisherman established*

Taiwan has a good-sized fishing fleet, which roams the oceans of the world in search of fish. The extent of the fleet's reach was highlighted last year when a Taiwanese fishing trawler was fired upon, hit and sunk by the Argentine navy off the Falkland Islands. Taiwanese fishing boats are also frequently fishing off of the African coast or near the Indian subcontinent. Life at sea is quite dangerous. Often, the boats are not up to modern standards, lacking basic navigation and life-saving equipment. During the past 10 years, some 3,000 men died or were reported missing at sea.



All too often the crews are not familiar enough with the territorial limits imposed by the various countries on fishing by boats from other nations. Thus, in quite a number of countries such as India, Malaysia, Indonesia and even the Philippines, fishermen from Taiwan have been arrested and imprisoned for fishing within the territorial waters of those countries. As of August 1986, over 200 fishermen were being detained in various countries.



In most cases, the fishing boats are owned by large fishing companies, who hire crews from among the local poor fishermen — particularly in Kaohsiung. Many of them are from among Taiwan's aboriginal groups who have enjoyed less education and have thus less opportunity to find a regular job on shore. It is estimated that between 70 and 80 percent of the fishermen are aborigines.

When the crew of a boat is arrested, the captain — a regular employee of the fishing company — can usually buy his way out. However, the rest of the crew is left imprisoned until a fine is paid. In most cases, however, the large fishing companies find it more convenient — and less costly — to simply forget about the crew and its boat. As the Kuomintang authorities have no formal diplomatic relations with any of these countries, they also do not have the political leverage to get the prisoners out.

In order to try to help the families of the imprisoned fishermen, and also to attempt to achieve better job security for them through educational training, legal services etc., the Presbyterian Church in Taiwan last year set up a Fishermen Service Center. The address is: Second Floor, No. 8, 30th Lane, Ta-kuan Road, Chi-Chin District, Kaohsiung, Taiwan 80501. Tel. (07) 571-2270.

### *A Note to our readers:*

**Washington DC edition.** We have the pleasure to announce that, starting from this issue, Taiwan Communiqué has a separate edition for Washington DC. This will result in a faster delivery to our readers there, and we hope that it will broaden the circle of Communiqué readers in the DC area. The operations in Washington will be coordinated by Dr. Marc J. Cohen at the **Asia Resource Center**, who will also be our correspondent in the DC area. Dr. Cohen can be reached at tel. (202) 547-1114. The address of the Center is:

P.O. Box 15275  
Washington DC 20003  
U.S.A.

**Increase in subscription rates.** An increase in printing costs makes it necessary to raise the subscription rates. We hope that you will show understanding for this step. This is the first increase in our rates since Taiwan Communiqué started publishing in December 1980. We appreciate your continuing support for our publication.